

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net



Si necesita ayuda para comprender esta información, por favor llame

503-588-6173

REVISED DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE CASE NO.: CU26-01

APPLICATION NO.: 25-122746-PLN

NOTICE OF DECISION DATE: ~~March 11, 2026~~ March 12, 2026

REQUEST: A Conditional Use Permit for a short-term rental for an existing four-bedroom home located on a property zoned RS (Single Family Residential) and located 2494 Crestbrook Drive NW (Tax Lot Number: 073W20BD / 2400)."

APPLICANT: JOEY JORDAN

LOCATION: 2494 CRESTBROOK DR NW, SALEM OR 97304

CRITERIA: Salem Revised Code (SRC) Chapter 240.005(d)

FINDINGS: The findings are in the attached Decision dated ~~March 11, 2026~~
March 12, 2026.

DECISION: The **Hearings Officer APPROVED** Conditional Use Case No. CU26-01 subject to the following conditions of approval:

- Condition 1:** The maximum number of occupants in the short-term rental shall not exceed ~~six~~ eight persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants.
- Condition 2:** The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.
- Condition 3:** Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, such as events, parties, gatherings, luncheons, banquets, weddings, meetings, fundraising, or commercial or advertising activities are prohibited.
- Condition 4:** Use of the short-term rental shall not generate noise beyond the property between the hours between 10 pm to 8 am.
- Condition 5:** Four bicycle parking spaces shall be provided for the short-term rental use and shall be developed in conformance with the applicable bicycle parking development standards included under SRC 806.060.
- Condition 6:** The garage shall be available for parking at all times.

The rights granted by the attached decision must be exercised, or an extension granted, by ~~March 11, 2028~~ March 12, 2026 or this approval shall be null and void.

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| Application Deemed Complete: | <u>January 16, 2026</u> |
| Notice of Decision Mailing Date: | <u>March 11, 2026</u> <u>March 12, 2026</u> |
| Decision Effective Date: | <u>April 14, 2026</u> <u>March 30, 2026</u> |
| State Mandate Date: | <u>May 16, 2026</u> |

Case Manager: Abigail Pedersen, apedersen@cityofsalem.net, (503) 540-2309

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at planning@cityofsalem.net, no later than 5:00 p.m., ~~March 26, 2026~~ March 27, 2026. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 240.005(d). The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, 440 Church St SE, Salem, during regular business hours.

<http://www.cityofsalem.net/planning>

REVISED CITY OF SALEM
BEFORE THE HEARINGS OFFICER

| | | |
|---|---|---|
| AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A SHORT-TERM RENTAL WITHIN AN EXISTING SINGLE-FAMILY DWELLING ON PROPERTY ZONED RS LOCATED AT 2494 CRESTBROOK DRIVE NW (MARION COUNTY ASSESSOR'S MAP AND TAX LOT NUMBER 073W20BD / 2400) | }) }) }) }) }) }) }) | CU26-01 FINDINGS OF FACT, CONCLUSIONS, AND DECISION |
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DATE AND PLACE OF HEARING:

On February 11, 2026, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at the Community Room, Salem Police Department, 333 Division Street NE, Salem, Oregon.

APPEARANCES:

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|----------------------------------|---|
| <u>Staff:</u> | Abigail Pedersen, Planner I |
| <u>Neighborhood Association:</u> | Steve Anderson, West Salem Neighborhood Association |
| <u>Proponents:</u> | Joseph Jordan, Chantha Phothirath |
| <u>Opponents:</u> | Trina and Corryn Horsey |

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

An application for a conditional use permit for a short-term rental was accepted for processing on November 7, 2025, and was deemed complete on January 16, 2026. The 120-day State mandated deadline is May 26, 2026.

The City of Salem held a duly authorized and noticed public hearing on February 11, 2026, regarding the applicant's request for conditional use permit approval of a short-term rental. During the hearing, Abigail Pedersen requested that the staff report and associated files be entered into the record, and the Hearings Officer granted the request. At the request of the West Salem Neighborhood Association, the record was held open until close of business on March 4, 2026.

The Hearing Notice was provided on January 16, 2026, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing

was February 11, 2026. The property was posted on February 2, 2026, consistent with the requirements of SRC 300.620(b)(3) for a Type III application.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is “Single Family Residential.” The subject property is within the Urban Growth Boundary and the Urban Service Area. It has a site address of 2494 Crestbrook Drive NW, Salem, Oregon.

2. Zoning and Surrounding Land Uses

The subject property is zoned RS (Single–Family Residential). The zoning and uses of the surrounding properties include:

North: Across Crestbrook Drive NW, RS (Single–Family Residential).

South: RS (Single–Family Residential).

West: RS (Single–Family Residential).

East: RS (Single–Family Residential).

2. Site Analysis

Finding 1: The subject property at 2494 Crestbrook Drive NW is 11,002 square feet in size, with frontage on Crestbrook Drive NW. The property is improved with a 2,009 square foot, four–bedroom, single–story home with a 528 square foot attached two–car garage. The dwelling has a paved driveway connecting to Crestbrook Drive NW; a cul–de–sac that fronts nine properties. The driveway on the subject property is steep. One of the properties fronting the cul–de–sac houses a group home.

Finding 2: The applicant previously operated the dwelling on the subject property as an Airbnb without obtaining a business permit from the City. During this period, which was for about three years, the neighbors observed that the ‘guests’ occasionally had parties that extended early into the morning and that an objectional level of noise was heard often heard after 10:00 p.m. The neighbors also noted that there were times that the number of vehicles owned by the guests created parking problems on Crestbrook Drive NW and that there were times when guests appeared to be smoking marijuana in the front yard.

The applicants manage the subject property themselves and have three cameras installed to monitor the subject property; one covering the backyard and two covering the front yard.

Finding 3: The subject property is a double frontage lot; abutting Eagle Ray Court NW along its northern boundary and Eola Drive NW along its southern boundary. Vehicular access to the property is provided via an existing driveway onto Eagle Ray Court NW.

The subject property is a corner lot that abuts Crestbrook Drive NW. Vehicular access to the property is provided via an existing driveway onto Crestbrook Drive NW. Crestbrook Drive NW are designated as local streets under the Salem Transportation System Plan (TSP), which requires a minimum right-of-way width of 60 feet, or a 30-foot half-width right-of-way. The existing right-of-way width for Morningside Street SE is 60 feet, and along Crestbrook Drive NW the existing right-of-way is 60 feet, which does conform to the minimum right-of-way width requirements established in Salem Revised Code (SRC) Chapter 803.025. Pursuant to SRC 800.040, when the required public street right-of-way along the frontage of a property is not met, a special setback applies along the property's street frontage to reserve land for the eventual widening of the street without creating nonconforming structures. Because the right-of-way is 60 feet the property is not subject to a special setback (SRC 800.040(b)).

Finding 4: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage trees, significant Trees, trees and native vegetation in riparian corridors, and trees on lots and parcels 20,000 square feet or greater. No trees have been identified for removal by the applicant as part of this conditional use permit. Any removal of trees from the property must comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

Finding 5: The Salem-Keizer Local Wetland Inventory (LWI) shows that there are no hydric soils and/or linear wetland area(s) mapped on the property.

Finding 6: The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

Finding 7: Based upon the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there is a mapped 5-point landslide hazard area on the subject property. SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. The applicant's proposal utilizes an existing structure and does not disturb any portion of a mapped landslide hazard area; therefore, a geological assessment is not required.

3. Neighborhood and Citizen Comments

Finding 8: The subject property is located within the West Salem Neighborhood Association. Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On November 6, 2025, the applicant contacted the neighborhood association, meeting the

requirements of SRC 300.310(b)(1 and (c). Pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), notice was provided to surrounding addresses, property owners, and tenants within 250 feet of the subject property.

The Neighborhood Association provided written comments and gave oral comments at the hearing. The Association requested two conditions be placed upon the decision. The first condition was a requirement to limit the conditional use to the current ownership. In support of this request, the Association cited a previous decision by the Hearings Official in CU25–05 where a condition similar to that which is requested was contained in that decision.

In retrospect, the Hearings Official believes the proposed condition, and by implication the condition imposed in the CU25–05 decision, was contrary to provisions of the Salem Revised Code and therefore unenforceable. The Neighborhood Association argues that the first phrase of SRC 240.005(e) allows the Hearings Official to limit the application of the conditional use permit to the current applicant. SRC 240.005(e) states that “[U]nless otherwise provided in the decision granting the conditional use permit, conditional use permits shall run with the land.” Under the proposed condition, the conditional use would terminate with the lease or sale of the subject property. However, SRC Section 300.820 addresses conditions of approval and specifically prohibits the Review Authority from imposing any permanent condition that would limit the use of property to one particular owner, tenant or business. As a general rule of construction, where two statutes address the same subject matter, the more restrictive statute will prevail. In the present case, the explicit prohibition regarding ownership in SRC 300.820(2) is preemptive.

I agree with the Association that the degree to which an applicant might comply with the approval criterion in SRC 240.005(d)(3) is largely dependent upon the experience and management style of the particular applicant. However, the City has correctly pointed out that the annual licensing review under SRC 30.1000 of the short-term rental provides a safeguard against any long-term violation of the conditions of approval or tenant behavior that would be incompatible with the neighborhood. As noted above, the license is granted on an annual basis and may be suspended or revoked during the renewal process. The license is not transferable to other persons and the applicable neighborhood association must be notified during the renewal process.

In summary, the Hearings Official must trust that the information provided regarding a proposed short-term rental accurately forecasts the likelihood that the business will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. The Hearings Official must also trust that the annual licensing process will identify applicants who do not meet this standard and their licenses will be suspended or revoked.

The second condition requested by the Association is to have the conditional use recorded with the deed to the subject property. It is hard to see the necessity of this

condition as the primary purpose of such a recording is to advise a prospective purchaser of the conditional use permit. The existence of conditional use status is not a burden on the property but rather a potential benefit. If a prospective purchaser was to apply for a Conditional Use Permit to operate a short-term rental the City would inform them that they would not need such a permit as the property already was so designated. If the purchaser did not wish to operate the property as a short-term rental then the deed notice serves no useful purpose to that individual.

The subject property is not located within a homeowner's association.

4. City Department and Public Agency Comments

The Public Works Department reviewed the proposal and indicated no concerns.

The Salem Building and Safety Division reviewed the proposal and indicated that it had no concerns. However, it was pointed out that required building permits should be obtained.

5. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1 (SRC 240.005(d)(1): *The proposed use is allowed as a conditional use in the zone.*

Finding 9: The subject property at 2494 Crestbrook Drive NW, Salem, Oregon is zoned RS (Single-Family Residential), which requires a conditional use permit for short-term rentals per Table 511-1 in SRC 511.005(a).

Conclusion: As short-term rentals are allowed in the RS zone as a conditional use, the Hearings Officer concludes that the proposal meets this criterion.

Criterion 2 (SRC 240.005(d)(2): *The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.*

Finding 10: The applicant is requesting a conditional use permit for a short-term rental. The term "short-term rental" is defined by SRC 111.001 as a type of short-term rental which is operated as an accessory use to a household living use where a resident family rents guest rooms within their dwelling unit, or a guest house if applicable, when they are present as hosts, or rents their entire dwelling unit, including a guest house if applicable, during periods of time when they are away, to overnight guests on a daily or

weekly basis for periods of less than 30 consecutive days. A short-term rental differs from an accessory short-term rental in that it is not a residential use where individuals reside on the property as their primary place of living while in the latter a resident family is present or normally resides in the dwelling. The proposed use is a short-term rental because there is no resident family present. The applicant will be managing the rental as required by the license standards for short-term rentals under SRC 30.1105(b) and will be the primary point of contact for neighbors, respond to any issues that arise, and ensure the property is maintained.

To ensure the proposed short-term rental operates in a manner that will not impact the immediate neighborhood, the following conditions of approval are recommended, which are derived from the standards applicable to non-hosted accessory short-term rentals under SRC 700.006:

- Condition 1:** The maximum number of occupants in the short-term rental shall not exceed ~~six~~ eight persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants.
- Condition 2:** The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.
- Condition 3:** Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, such as events, parties, gatherings, luncheons, banquets, weddings, meetings, fundraising, or commercial or advertising activities are prohibited.
- Condition 4:** Use of the short-term rental shall not generate noise beyond the property between the hours between 10 pm to 8 am.

Finding 11: To ensure that adequate bicycle parking is provided to serve proposed uses, SRC 806.055 establishes minimum bicycle parking requirements. Pursuant to Table 806-9 in SRC 806.055, the minimum off-street bicycle parking for short-term rentals is the greater of four spaces or one space per 50 rooms, with 75 percent of spaces allowed as long-term. As the proposed short-term rental includes four guestrooms, the minimum required bicycle parking for the use is four spaces. To ensure that the bicycle parking spaces provided conform to the applicable standards of SRC Chapter 806, and that a minimum of one bicycle parking space meets the short-term bicycle parking standards, the following condition of approval is recommended:

- Condition 5:** Four bicycle parking spaces shall be provided for the short-term rental use and shall be developed in conformance with the applicable bicycle parking development standards included under SRC 806.060.

Conclusion: This criterion has been met as the reasonably likely adverse impacts of the proposed short-term rental on the immediate neighborhood are minimized through the recommended conditions of approval, conformance with the applicable licensing requirements for short-term rentals included under SRC Chapter 30, and the experience of the applicant in managing properties.

Criterion 3 (SRC 240.005(d)(3): *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

Finding 12: Short-term rentals are similar to a normal residential use in that they provide a place where living and sleeping accommodations are provided. Conditions of approval that limit the number of bookings and guests, provide noise restrictions, and that limit the use of the short-term rental to residential-related uses work are intended to ensure that the proposed use of the subject property will be reasonably compatible and have a minimal impact on the livability or appropriate development of surrounding properties. However, the effectiveness of the conditions are determined by the applicant's ability and willingness to implement them.

The applicant operated the dwelling on the subject property as an Airbnb for several years before being advised by the City that the short-term rental use required conditional use permit approval. Trina and Lorryn Horsey, neighbors who live two houses from the subject property, testified to the adverse impacts on the neighborhood from the Airbnb operated by the applicants on the subject property. Concern included loud noise after 10:00 p.m., parties lasting into the early morning, parking problems, and the use of marijuana in the front yard of the dwelling. The Horsey's pointed out how fragile parking is within the Crestbrook Drive NW cul-de-sac; with employees and guests of a nearby group home often parking on the street.

Noise beyond 10:00 p.m. and activities identified in Condition of Approval 3 can be addressed if the applicant is able to adequately monitor the short-term rental guests. The applicant's representative has acknowledged problems pertaining to the Airbnb mentioned by the Horseys and has indicated that those guests had their rental cancelled and that the on-site camera system was re-positioned to better observe the front yard of the subject property. The applicant's representative has warranted that the business does not allow recreational vehicles and that guests are limited to four vehicles. Parking issues in the cul-de-sac can be addressed by the following condition that requires the garage to be kept available for parking and that requires all parking to occur in the garage or on the driveway.

Condition 6: The garage shall be available for parking at all times and all guest vehicles shall park in the garage and/or on the driveway.

During the hearing, staff explained that operators of short-term rentals are required to obtain a short-term rental license per SRC 30.010. To obtain the short-term rental license, the operator is required to meet the licensing standards of SRC 30.1105 and must renew

the license by the end of each calendar year. The licensing requirements are designed to ensure that short-term and accessory short-term rentals have minimal impacts to surrounding uses and residents, in addition to complying with any applicable conditions of approval where a conditional use permit is required. As conditional use approvals “run with the land” and are tied to the property rather than the applicant, the licensing requirements help standardize the operation of a short-term rental even if the licensed operator differs from the property owner or applicant for any conditional use approvals. Staff also noted that neighbors may report problems to planning staff or make comments on the City website that is associated with the licensing of short-term rentals. While individual neighbors are not noticed of the licensing renewal process, applicable neighborhood associations are. In addition, the applicant has warranted that neighbors in the cul-de-sac have been given his contact number in the event of problems caused by a short-term rental.

Whether the proposed conditional use will likely not have adverse impacts on the neighborhood is largely determined by the ability and willingness of an applicant to abide by the conditions established in this decision and their resolution to monitor the subject property closely enough to ensure that it and its use are compatible with the surrounding neighborhood. In the present case, the applicant, through his representative, has acknowledged past problems and has tightened guest rules. The applicant relies upon Airbnb’s rating system for guests and has warranted that his short-term rental will be rented only to guests with the highest ranking. Also reassuring is the fact that those testifying in opposition to the proposed short-term rental understand the process for lodging a complaint in with the city regarding the licensing of the use and, in addition, have the contact number of the applicant.

Based upon the fact that in addition to the conditions of approval, the applicant understands the concerns of the neighbors, has adjusted and tightened his guest rules, and that the neighbors have a direct line of communication to the applicant and the City licensing process, I believe that the proposed short-term rental will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Conclusion: The Hearings Officer concludes that the proposal meets this criterion.

DECISION

Based upon the Record presented and Facts and Findings herein, the Hearings Officer **APPROVES** the application for a conditional use to allow a short-term rental on the property located at 2494 Crestbrook Drive NW, subject to the following conditions of approval:

Condition 1: The maximum number of occupants in the short-term rental shall not exceed ~~six~~ eight persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants.

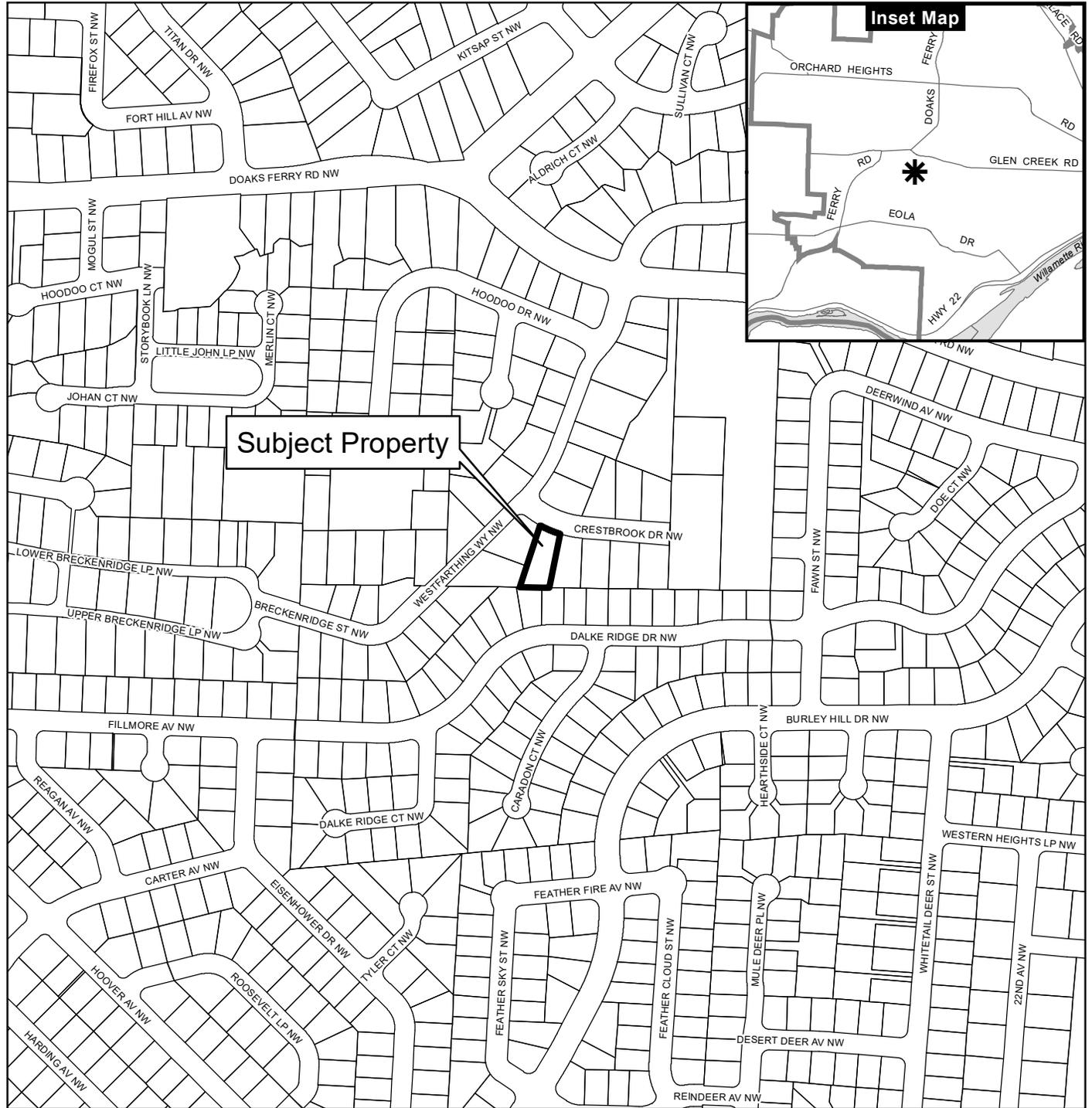
- Condition 2:** The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.
- Condition 3:** Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, such as events, parties, gatherings, luncheons, banquets, weddings, meetings, fundraising, or commercial or advertising activities are prohibited.
- Condition 4:** Use of the short-term rental shall not generate noise beyond the property between the hours between 10 pm to 8 am.
- Condition 5:** Four bicycle parking spaces shall be provided for the short-term rental use and shall be developed in conformance with the applicable bicycle parking development standards included under SRC 806.060.
- Condition 6:** The garage shall be available for parking at all times.

DATED: March 9, 2026



Gary Darnielle, Hearings Officer

Vicinity Map 2494 Crestbrook Drive NW



Legend

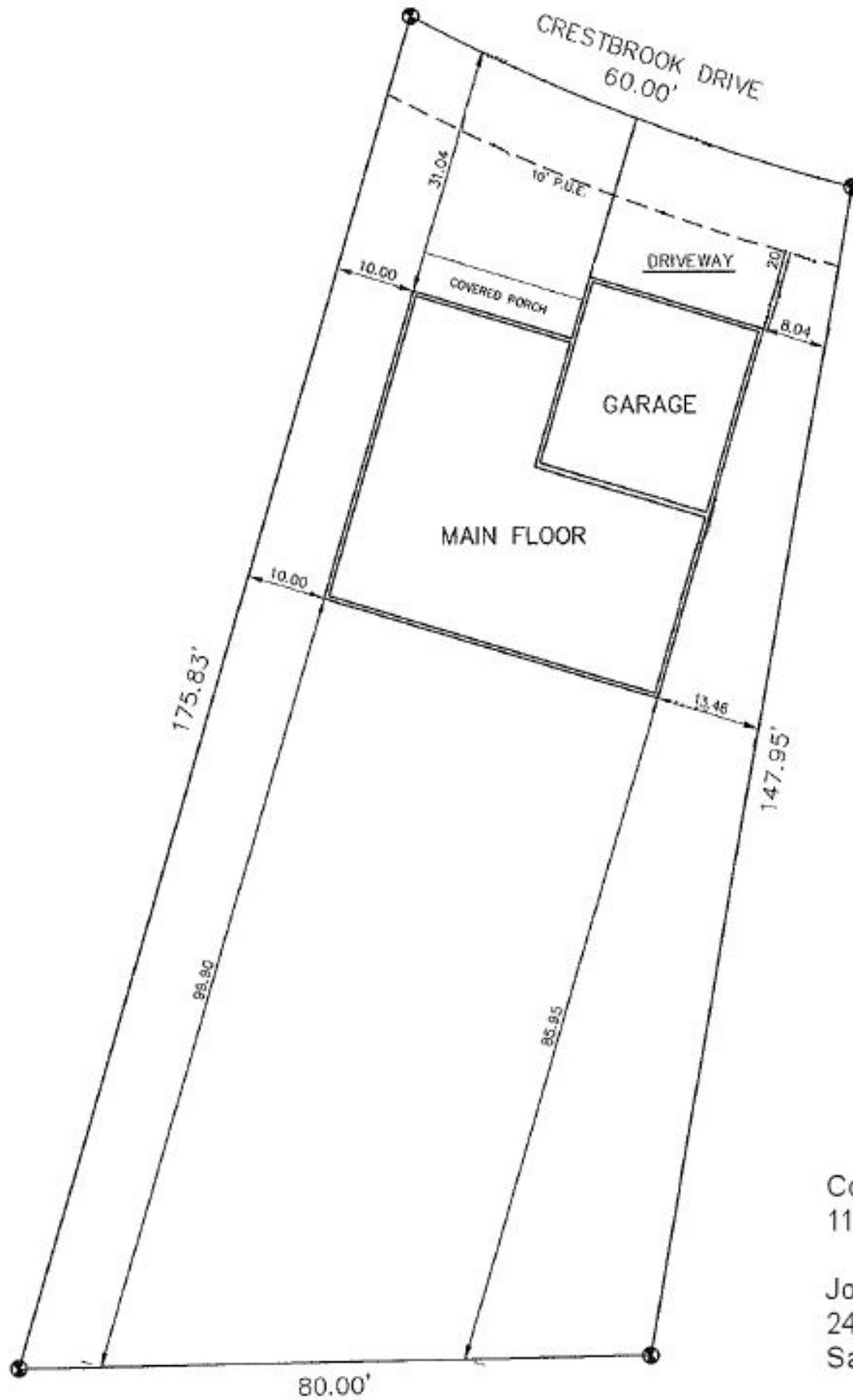
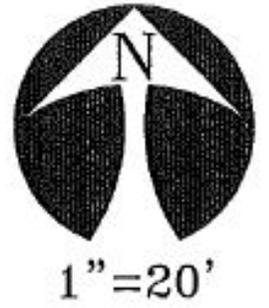
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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Site Plan

Attachment B



Conditional Use Permit
11/6/2025

Joseph Jordan
2494 Crestbrook Dr NW
Salem, Oregon 97304