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503-588-6173

DECISION OF THE HAERINGS OFFICER

CONDITIONAL USE CASE NO.: CU26-02

APPLICATION NO.: 25-124869-PLN

NOTICE OF DECISION DATE: March 19, 2026

REQUEST: A Conditional Use Permit for a Short-Term Rental within an existing two-bedroom single-family dwelling located on property zoned RS (Single-Family Residential) and located at 930 Winter Street NE (Marion County Assessor's Map and Tax Lot Number: 073W23CB / 7900).

APPLICANT: HEATHER FEENEY

LOCATION: 930 WINTER ST NE

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

FINDINGS: The findings are in the attached Decision dated March 19, 2026.

DECISION: The **Hearings Officer APPROVED** Conditional Use Case No. CU26-02 subject to the following conditions of approval:

Condition 1: The maximum number of occupants in the short-term rental shall not exceed four 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 or the applicants shall obtain the approval of a Class 2 Adjustment under SRC 250.005(a)(1)(B).

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net



The rights granted by the attached decision must be exercised, or an extension granted, by April 15, 2028, or this approval shall be null and void.

Application Deemed Complete:	<u>January 26, 2026</u>
Public Hearing Date:	<u>February 25, 2026</u>
Notice of Decision Mailing Date:	<u>March 19, 2026</u>
Decision Effective Date:	<u>April 15, 2026</u>
State Mandate Date:	<u>May 26, 2026</u>

Case Manager: Caroline DeBruine, cdebruine@cityofsalem.net, (503) 540-2326

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., April 3, 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission 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>

**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 930 WINTER STREET NE
(MARION COUNTY ASSESSOR'S MAP AND TAX)
LOT NUMBER 073W23CB / 7900)

CU26-02

FINDINGS OF FACT, CONCLUSIONS,
AND DECISION

DATE AND PLACE OF HEARING:

On February 25, 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:

Staff: Caroline DeBruine, Planner I
Neighborhood Association: Grant Neighborhood Association
Proponents: David and Heather Feeney
Opponents: None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

An application for a conditional use permit for a short-term rental was accepted for processing on December 19, 2025, and was deemed complete on January 26, 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 25, 2026, regarding the applicant's request for conditional use permit approval of a short-term rental. During the hearing, Caroline DeBruine 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 Grant Neighborhood Association, the record was held open until close of business on March 4, 2026 and the record was subsequently held open until March 18, 2026.

The Hearing Notice was provided on February 3, 2026, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing

was February 25, 2026. The property was posted on February 13, 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 930 Winter Street 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: RS (Single–Family Residential).

South: RS (Single–Family Residential).

West: Across Winter Street NE, RS (Single–Family Residential).

East: RS (Single–Family Residential).

2. Site Analysis

Finding 1: The subject property at 930 Winter Street Ne is 5,000 square feet in size, with frontage on Winter Street NE. The property is improved with a 667 square foot, two–bedroom, single–story home; which is operated as a cottage by the applicants. The cottage has no garage and does not possess vehicular access. The applicants own and reside in the property adjacent to the cottage.

Finding 2: The City of Salem does not require a minimum amount of off–street parking for any use, though there are maximum off–street parking amounts per Table 806–1 in SRC 806.015(a). Short–term rentals are allowed a maximum of 1.5 off–street parking spaces per guest room; therefore, for the two–bedroom dwelling, a maximum number of three off–street parking spaces are allowed. There appears to be adequate parking along Winter Street NE and the applicants would obtain parking permits to allow guests to park in the street.

Finding 3: The subject property abuts Winter Street NE along its western boundary and an alley along its eastern boundary. No vehicular access to the property is provided.

Winter Street NE is designated as a local street under the Salem Transportation (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 Winter Street NE is approximately 73 feet, which conforms to the minimum right-of-way width requirements established in Salem Revised Code (SRC) Chapter 803.025. Alleys require a minimum right-of-way width of 10 feet. The existing right-of-way width for the alley abutting the property to the east is approximately 10 feet, which conforms to the minimum right-of-way width requirements established in Salem Revised Code (SRC) Chapter 803.025.

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 are no mapped landslide hazard areas on the subject property.

3. Neighborhood and Citizen Comments

Finding 8: The subject property is located within the Grant 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). The Neighborhood Association commented that requiring a bicycle pad for a residential use did not make any sense and could damage the root system of existing conifers.

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 subject property is not located within a homeowner’s association.

4. City Department and Public Agency Comments

The Development Services Division 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 if structural changes are proposed.

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 930 Winter Street NE, 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 applicants 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 address the number of people staying in the dwelling, a condition of approval below limits the number of adults able to stay at one time, which would minimize impacts and function similar to other single-family dwellings in the area. Additionally, restrictions on quiet hours and prohibitions on parties or other events which would be incompatible with the area are listed as conditions of approval. Lastly, to minimize the impacts of the owner

not living on-site a local representative is required to be listed on the license 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.

The short-term rental has no driveway or garage and no parking is allowed in the alley behind the rental. Guest parking will occur on Winter Street NE. The applicants obtain parking permits for the guests.

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 four 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: Section 806.045(1) of the Salem Revised Code states that bicycle parking shall be provided for each proposed new use or activity. Table 806-9 provides that 4 bicycle parking spaces are required for short-term commercial lodging, with 75 percent of spaces allowed as long-term. SRC 806.060(b) requires that bicycle parking areas have direct and accessible access to the public right-of-way and that it is free of encumbrances such as stairs. The cottage's access to Winter Street NE is via a pathway that ends in a four-step concrete stairway adjacent to the sidewalk along the street.

The Neighborhood Association supported the approval of the conditional use permit but strongly voiced opposition to the condition requiring Chapter 806 bicycle parking space regulations. The Association argues that the requirement for the bicycle parking space requirements creates an unreasonable hardship or practical difficulty. The subject property is landscaped and vegetation is established to counter erosion. The placement of the bike parking space would require substantial excavation to build the required 4-foot access aisle that either replaces or avoids the cement stairs. The aisle would have to be constructed on the south side of an existing

walkway, with the elimination of an existing tree, due to water and gas lines on the north side of the walkway. The cost of constructing the bicycle parking and access is estimated to be in excess of \$18,000.

Testimony of from the President of the Neighborhood Association suggested that the downtown neighborhood was subject to crime. He pointed to the fact that Salem’s bike share program called Ride Salem was terminated due to thefts and damages to bicycles. He also noted that the City of Salem Bicycle Guidelines suggest that bicycle racks may not be appropriate for small uses such as single-family residences and duplexes. The applicants have suggested that an outdoor bike parking space would jeopardize the property of guests staying at the cottage and create liability issues for them. They point out that they currently provide a portable bike rack inside the cottage that has proven to be adequate for the needs of guests. As evidence of their concern for theft, the applicants point to three vehicle break-ins, theft of various items from their property, and vandalism to a bird bath and watering system.

SRC Chapter 806 does not provide for exceptions to its bicycle parking standards and regardless of the applicant’s and the Neighborhood Association’s well thought-out reasoning against the inclusion of staff’s proposed Condition 5, the Hearings Official has no authority to override the explicit requirement of SRC 806.045(1). However, SRC 250.005(a)(1)(B) provides that numerical development standards of the UDC may be decreased by more than 20 percent through a Class 2 Adjustment.

Again, the Hearings Official has no authority to determine whether the approval criterion for a Class 2 Adjustment have been met as no such application has been made nor has evidence been presented in support of those criterion. The best that can be done, as recommended by staff, is to modify the staff report’s original version of that condition to reflect the option for the applicants to obtain the adjustment. Therefore, the following condition of approval is appropriate:

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 or the applicant shall obtain the approval of a Class 2 Adjustment under SRC 250.005(a)(1)(B).

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: The public comments received expressed opposition to the proposed condition of four bicycle parking spaces and those comments have been addressed above.

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 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. There are no other factors present that would cause one to draw a different conclusion.

All operators of a short-term rental 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.

The short-term rental license process has requirements that also increase compatibility and reduce the impact on the livability of the surrounding properties. The license process per SRC 30.1105 requires the operator to designate a local representative which shall deal with any immediate issues with the rental. In the present case, the applicants live next to the short-term rental and can respond in a timely manner to address complaints regarding renters of that facility. The applicants have operated the short-term rental as an Airbnb since 2023 without any adverse impact to the surrounding neighborhood. This is consistent with their relying upon the Airbnb rating system in determining their choice of guests. Additional safeguards consist of the fact that the applicant’s contact information is provided to the neighborhood association when the license is approved and upon yearly renewal of the license and is publicly available on the City’s website.

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. The surrounding neighborhood is occupied largely by owner-occupied residences. Given the experience of the applicants in managing a short-term rental, there is a high likelihood that any adverse impacts from the use of the proposed short-term rental will be minor and will be swiftly cured by the applicants.

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 930 Winter Street NE, subject to the following conditions of approval:

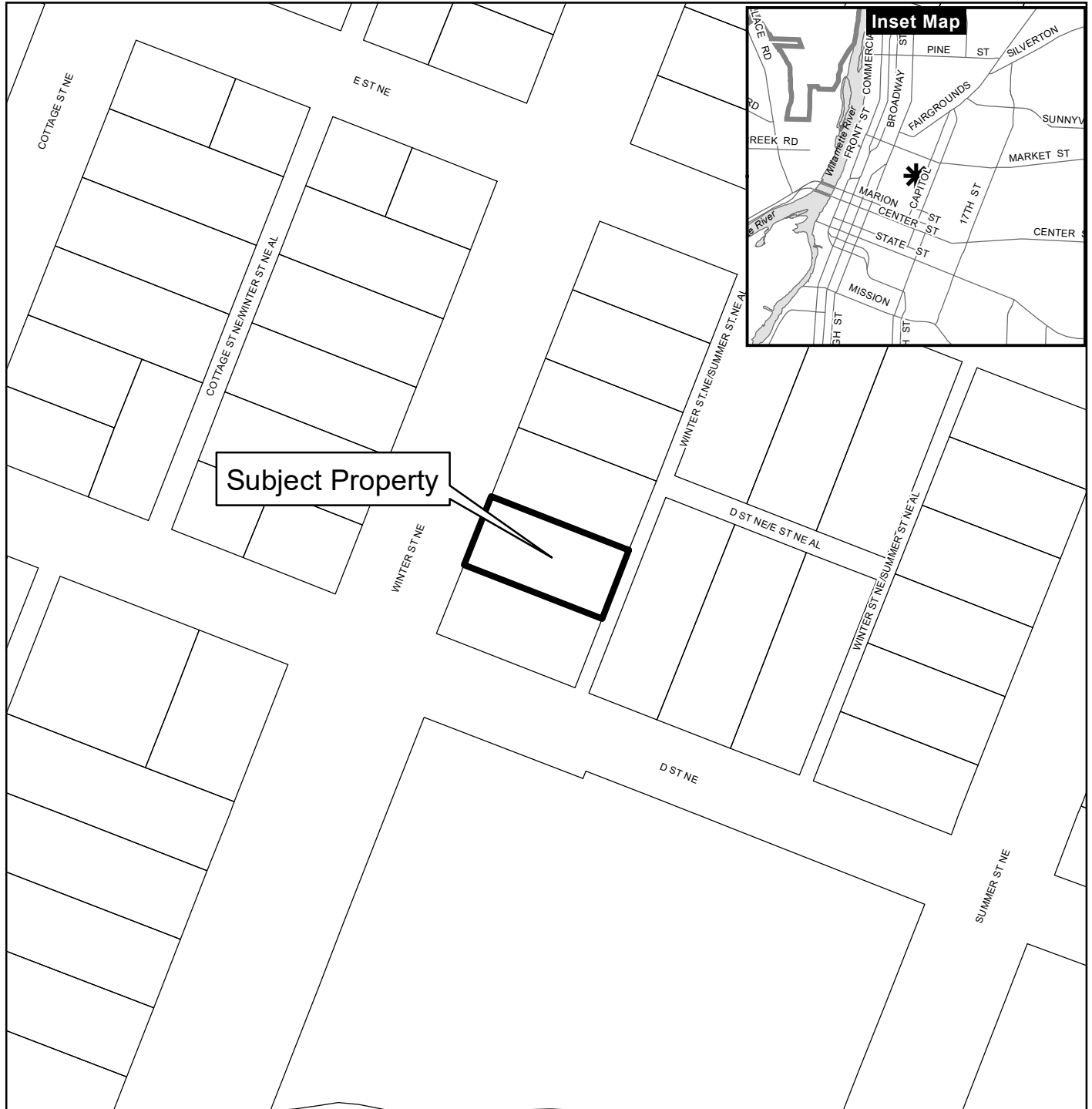
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DATED: March 19, 2026










Gary Darnielle, Hearings Officer

Vicinity Map 930 Winter Street NE



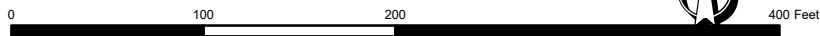
Subject Property

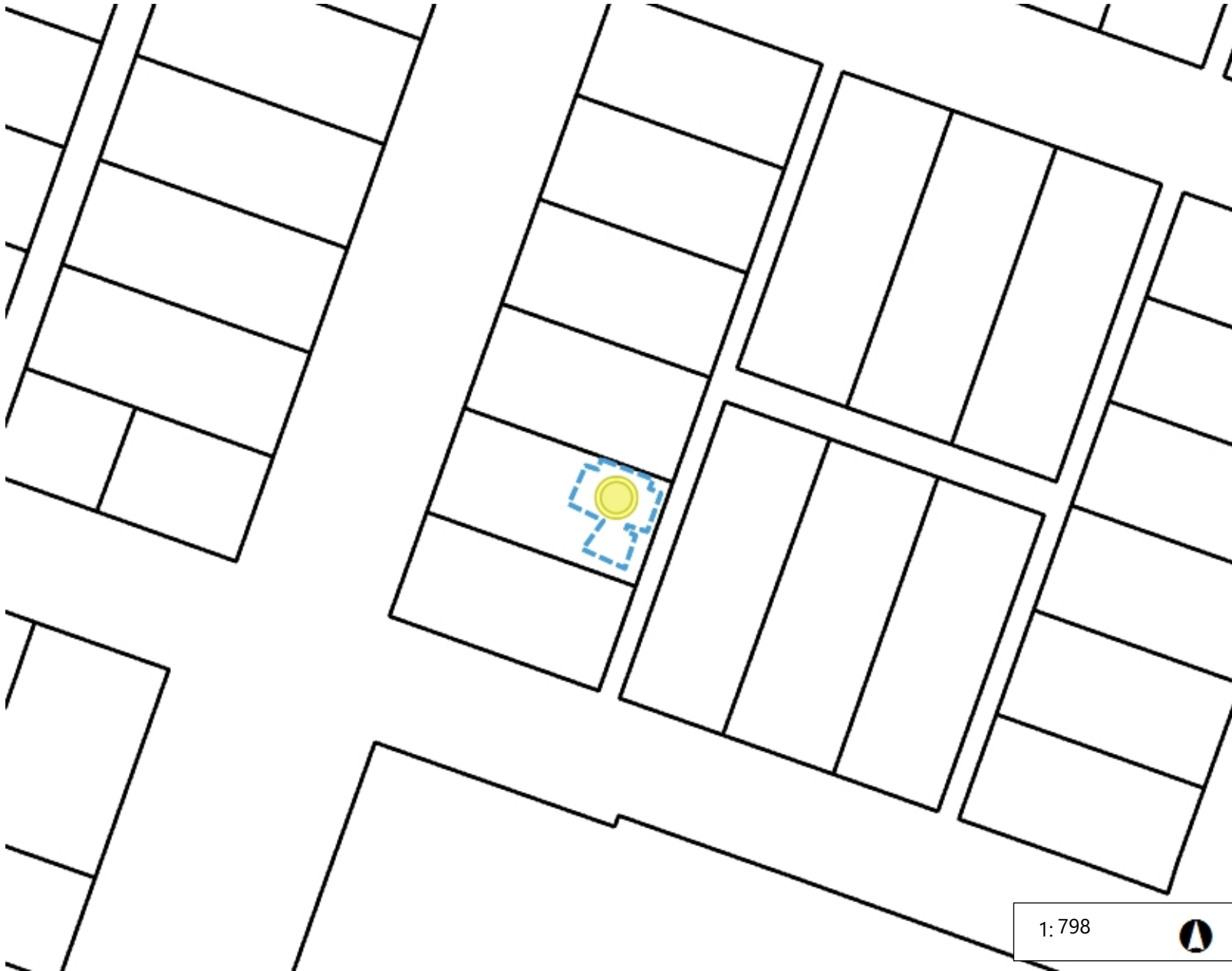
Legend

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





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Legend

-  City Limits
-  Taxlots

1:798



0.03 0 0.01 0.03 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Salem, Oregon

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Notes

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Exhibit A

First floor
[Area: 848 ft²]

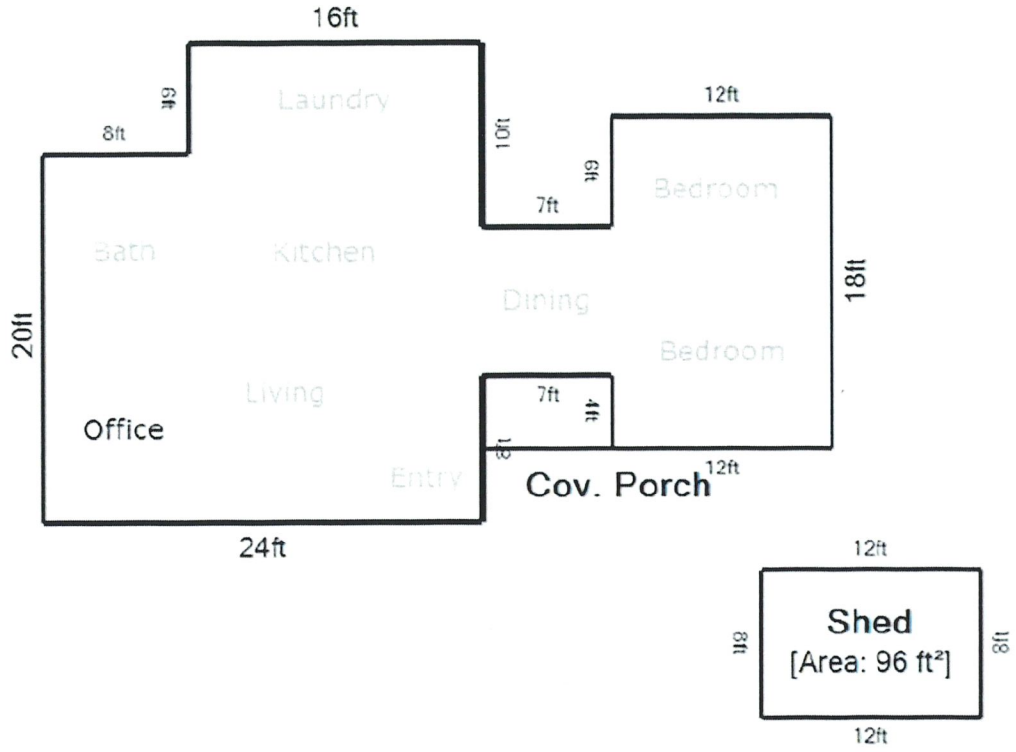


Exhibit B

