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503-588-6173*

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE CASE NO.: CU25-08

APPLICATION NO.: 25-113032-PLN

NOTICE OF DECISION DATE: October 22, 2025

SUMMARY: A Conditional Use Permit for a short-term rental within an existing single-family dwelling.

REQUEST: A Conditional Use Permit for a short-term rental within an existing single-family dwelling located on property zoned RS (Single-Family Residential) and located at 1120 Morningside Street SE (Marion County Assessors Map and Tax Lot Number: 083W03AD / 1000).

APPLICANT: Molly Edwards

LOCATION: 1120 Morningside St SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use

FINDINGS: The findings are in the attached Decision dated October 22, 2025.

DECISION: The **Hearings Officer APPROVED** Conditional Use Case No. CU25-08 subject to the following conditions of approval:

- Condition 1:** The maximum number of guests in the short-term rental shall not exceed six persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of guests.
- 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 that generates noise shall be limited to 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.

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net



The rights granted by the attached decision must be exercised, or an extension granted, by November 11, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>September 16, 2025</u>
Public Hearing Date:	<u>October 8, 2025</u>
Notice of Decision Mailing Date:	<u>October 22, 2025</u>
Decision Effective Date:	<u>November 11, 2025</u>
State Mandate Date:	<u>January 14, 2026</u>

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

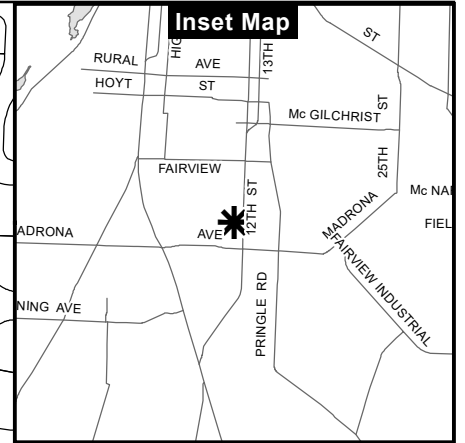
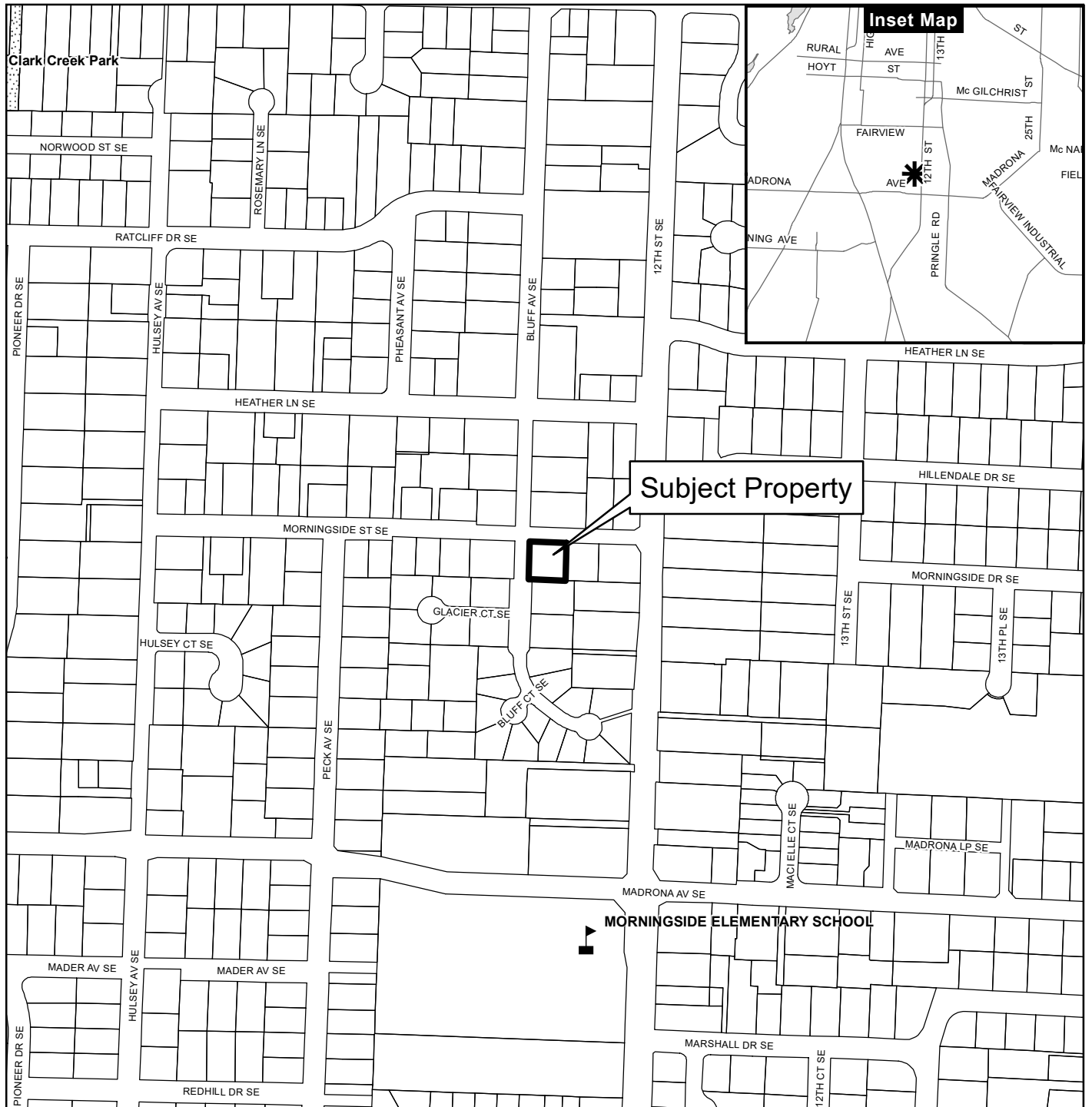
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at planning@cityofsalem.net, no later than 5:00 p.m., November 5, 2025. 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(s) 240. 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>

Vicinity Map

1120 Morningside Street SE



Legend

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

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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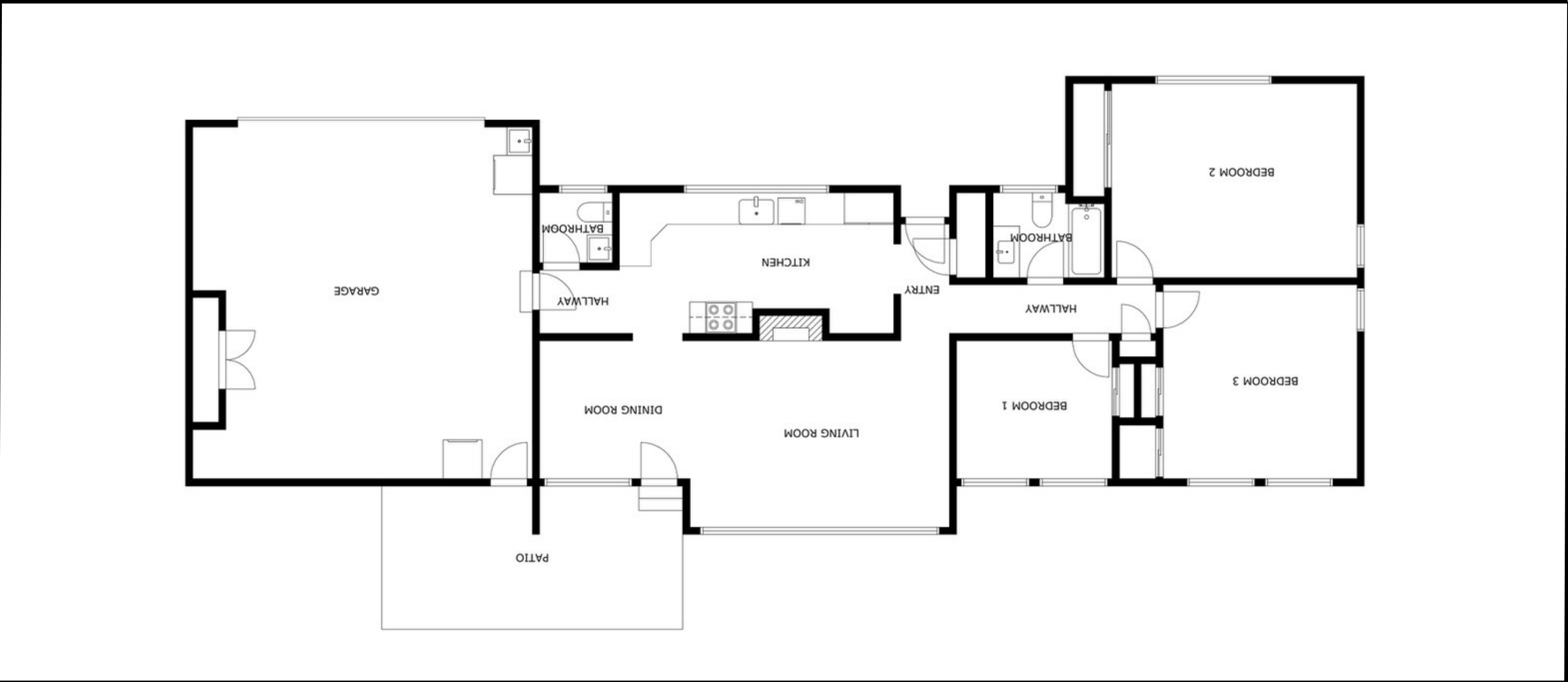
1120 Morningside St SE
Site Plan

Morningside St SE

121'

Bluff Av SE

123'



123'

121'

**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 1120 MORNINGSIDE STREET SE, SALEM, OREGON (MARION COUNTY ASSESSOR'S MAP AND TAX LOT NUMBER 083W03AD / 1000)	} CU25-08 } FINDINGS OF FACT, CONCLUSIONS, AND DECISION
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DATE AND PLACE OF HEARING:

On October 8, 2025, 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:

<u>Staff:</u>	Abigail Pedersen, Planner I
<u>Neighborhood Association:</u>	Morningside Neighborhood Association
<u>Proponents:</u>	Molly Edwards
<u>Opponents:</u>	None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on October 8, 2025, 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 be entered into the record, and the Hearings Officer granted the request. The application for a conditional use permit was accepted for processing on June 24, 2025, and was deemed complete on September 16, 2025. The 120-day State mandated deadline is March 15, 2026.

The Hearing Notice was provided on September 18, 2025, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was October 8, 2025. The property was posted on September 28, 2025, consistent with the requirements of SRC 300.620(b)(3) for a Type III application.

The hearing was held as scheduled on October 8, 2025. Only staff and the hearings official were present. The hearings official left the record open until October 15, 2025 to allow the applicant to answer a series of questions regarding compliance with the approval criteria.

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 1120 Morningside Street SE, 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 Morningside Street SE, RS (Single-Family Residential).

South: RS (Single-Family Residential).

West: RS (Single-Family Residential).

East: Across Bluff Avenue S, RS (Single-Family Residential).

2. Site Analysis

Finding 1: The subject property has an address of 1120 Morningside Street SE and is approximately 0.24 acres (10,403 square feet) in size, with frontage on Bluff Avenue SE and Morningside Street SE. The property is improved with a 1,248 square foot, three-bedroom, single-story home with a 494 square foot attached two-car garage. The dwelling has a paved driveway connecting to Morningside Street SE.

Finding 2: The subject property is a corner lot that abuts Morningside Street SE along its northern boundary and Bluff Avenue SE along its western boundary. Vehicular access to the property is provided via an existing driveway onto Morningside Street SE.

Both Morningside Street SE and Bluff Avenue SE are designated as Local Streets under the Salem Transportation System Plan (TSP), which require 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 40 feet, and along Bluff Avenue SE the existing right-of-way is 40 feet, which does not 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. Along Morningside Street SE and Bluff Avenue SE, the property is subject to a special setback equal to 30-feet from the centerline of the rights-of-way adjacent to the property (SRC 800.040(b)).

As the right-of-way of Morningside Street SE and Bluff Avenue SE do not currently meet the minimum required 60-foot width required under SRC 802.025, a special setback of 10 feet applies along both the property's Morningside Street SE and Bluff Avenue SE Street frontages. No new structures are allowed within the special setback area—other than those allowed under SRC 800.040(d)—and any other setbacks required elsewhere under the City's development code apply in addition to and are measured from the special setback line.

Finding 3: 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). The application does not propose the removal of any trees.

Finding 4: 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 5: 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. The Hearings Official agrees.

Finding 6: 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

The subject property is located within the Morningside Neighborhood Association. Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On August 19, 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. No comments were received from the Neighborhood Association. As of the date of the completion of the staff report, no comments were received from the public.

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 building permits would be required if the applicant was converting non-habitable space to habitable space or making other alterations to the dwelling.

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 7: The subject property at 1120 Morningside Street SE 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 8: 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.

Adverse impacts to a neighborhood from a short-term rental can be caused by the creation of parking issues, poor property management, and poor supervision of renters. In the present case, the applicant has over four years experience with short-term rentals, investigates the ratings of potential renters and has demonstrated that she enforces the rental rules. It is not likely that the short-term rental will cause parking or traffic problems on adjacent streets as the driveway and garage of the rental can accommodate four vehicles.

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

- Condition 1:** The maximum number of guests in the short-term rental shall not exceed six persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of guests.
- 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 that generates noise shall be limited to the hours between 10 pm to 8 am.

Finding 9: 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 three 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 property management practices of the applicant.

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 10: The subject property is located in a relatively homogeneous residential neighborhood contains a mixture of owner-occupied and rental dwellings. The owner-occupied residents are a mixture of working and retired families. Most of the properties are well maintained, which is a large factor in determining the livability of the neighborhood. A use that comports with this standard would normally be compatible with the neighborhood. The applicant has managed the short-term rental for four years and screens prospective renters. Further, she has employed licensed contractors when yard work is necessary and monitors the rental through contact with neighbors and participation in the neighborhood watch program. Based upon the applicant's experience managing a short-term rental and the conditions of approval that have been imposed, it is logical to conclude that the proposed short-term rental will be reasonably compatible and have minimal impact on the livability or appropriate development of surrounding properties.

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 1120 Morningside Street SE, subject to the following conditions of approval:

- Condition 1:** The maximum number of guests in the short-term rental shall not exceed six persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of guests.
- 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 that generates noise shall be limited to 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.

DATED: October 22, 2025

A handwritten signature in cursive script, appearing to read "Gary Darnielle", written in dark ink on a light background.

Gary Darnielle, Hearings Officer