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503-588-6173

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE CASE NO.: CU25-10

APPLICATION NO.: 25-121289-PLN

NOTICE OF DECISION DATE: DECEMBER 22, 2025

REQUEST: A Conditional Use Permit for a Short-Term Rental within an existing three-bedroom single-family dwelling located on property zoned RS (Single-Family Residential) and located at 3130 Eagle Ray Court NW (Polk County Assessors Map and Tax Lot Number: 073W19DD / 2400).

APPLICANT: Linh Tran and Bong Dang

LOCATION: 3130 Eagel Ray CT NW

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

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

DECISION: The Hearings Officer **APPROVED** Conditional Use Case No. CU25-10 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: The Short-Term Rental shall not generate noise beyond the property between the hours of 10pm and 8am.

Condition 5: The bicycle parking spaces provided for the Short-Term Rental use shall be developed in conformance with the applicable bicycle parking development standards included under SRC 806.060 prior to the issuance of a Short-Term Rental License.

The rights granted by the attached decision must be exercised, or an extension granted, by January 13, 2028, or this approval shall be null and void.

Application Deemed Complete:	November 19, 2025
Public Hearing Date:	December 17, 2025
Notice of Decision Mailing Date:	December 22, 2025
Decision Effective Date:	January 13, 2026
State Mandate Date:	March 25, 2026

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

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., January 6, 2026. 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>

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

AN APPLICATION FOR A CONDITIONAL USE)	
PERMIT TO ALLOW A SHORT-TERM RENTAL)	CU25-10
WITHIN AN EXISTING SINGLE-FAMILY)	
DWELLING ON PROPERTY ZONED RS)	
LOCATED AT 3130 EAGLE RAY COURT NW)	
(MARION COUNTY ASSESSOR'S MAP AND TAX)	FINDINGS OF FACT, CONCLUSIONS,
LOT NUMBER 073W19DD / 2400)	AND DECISION

DATE AND PLACE OF HEARING:

On December 17, 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:

Staff: Caroline DeBruine, Planner I

Neighborhood Association: West Salem Neighborhood Association

Proponents: Linh Tran and Bong Dang

Opponents: None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on December 17, 2025, 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 be entered into the record, and the Hearings Officer granted the request. The application for a conditional use permit was accepted for processing on October 17, 2025, and was deemed complete on November 19, 2025. The 120-day State mandated deadline is March 25, 2025.

The Hearing Notice was provided on November 26, 2025, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was December 17, 2025. The property was posted on December 6, 2025, 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 3130 Eagle Ray Creek Court 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 Eagle Ray Court NW, RS (Single-Family Residential).

South: Across Eola Drive NW, RS (Single-Family Residential).

West: RS (Single-Family Residential).

East: RS (Single-Family Residential).

2. Site Analysis

Finding 1: The subject property at 3130 Eagle Ray Creek Court NW is approximately 0.16 acres (6,959 square feet) in size, with frontage on Eagle Ray Creek Court NW. The property is improved with a 1,674 square foot, three-bedroom, single-story home with a 528 square foot attached two-car garage. The dwelling has a paved driveway connecting to Eagle Ray Creek Court NW.

Finding 2: 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.

Eagle Ray Court NW is designated as a cul-de-sac under the Salem Transportation (TSP), which requires a minimum right-of-way width of 50 feet, or a 25-foot half-width right-of-way. Eola Drive NW is designated as Minor Arterial under the Salem Transportation System Plan (TSP), which requires a minimum right-of-way width of 72 feet. The existing right-of-way width for Eagle Ray Court NW is 50 feet, which conforms to the minimum right-of-way width requirements established in Salem Revised Code (SRC) Chapter 803.025. The existing right-of-way width for Eola Drive NW is 72 feet, which conforms to the minimum right-of-way width requirements established in Salem Revised Code (SRC) Chapter 803.025.

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).

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.

Finding 6: Based upon the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there is a mapped landslide hazard area on the subject property.

3. Neighborhood and Citizen Comments

Finding 7: 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 October 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 or from neighbors (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.

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 8: The subject property at 3130 Eagle Ray Creek Court 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 9: 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 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 10: 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: The bicycle parking spaces provided for the short-term rental use shall be developed in conformance with the applicable bicycle parking development standards included under SRC 806.060 prior to the issuance of a short-term rental license.

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 11: No public comments were received that expressed concerns about the proposal. 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.

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. At the moment, the surrounding neighborhood is occupied largely by owner-occupied residences. The applicants have about one year’s experience with managing short-term rentals and rely upon a commercial rating system in selecting renters. They have a close relationship with an individual who lives adjacent to the proposed short-term rental and who will report tenant behavior that might not be compatible with the existing neighborhood. Finally, the short-term rental is served by a commercial waste disposal company and is subject to regular yard maintenance. 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 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 3130 Eagle Ray Creek Court NW, subject to the following conditions of approval:

- Condition 1:** The maximum number of occupants 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 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.
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the property between the hours between 10 pm to 8 am.

Condition 5: The bicycle parking spaces provided for the short-term rental use shall be developed in conformance with the applicable bicycle parking development standards included under SRC 806.060 prior to the issuance of a short-term rental license.

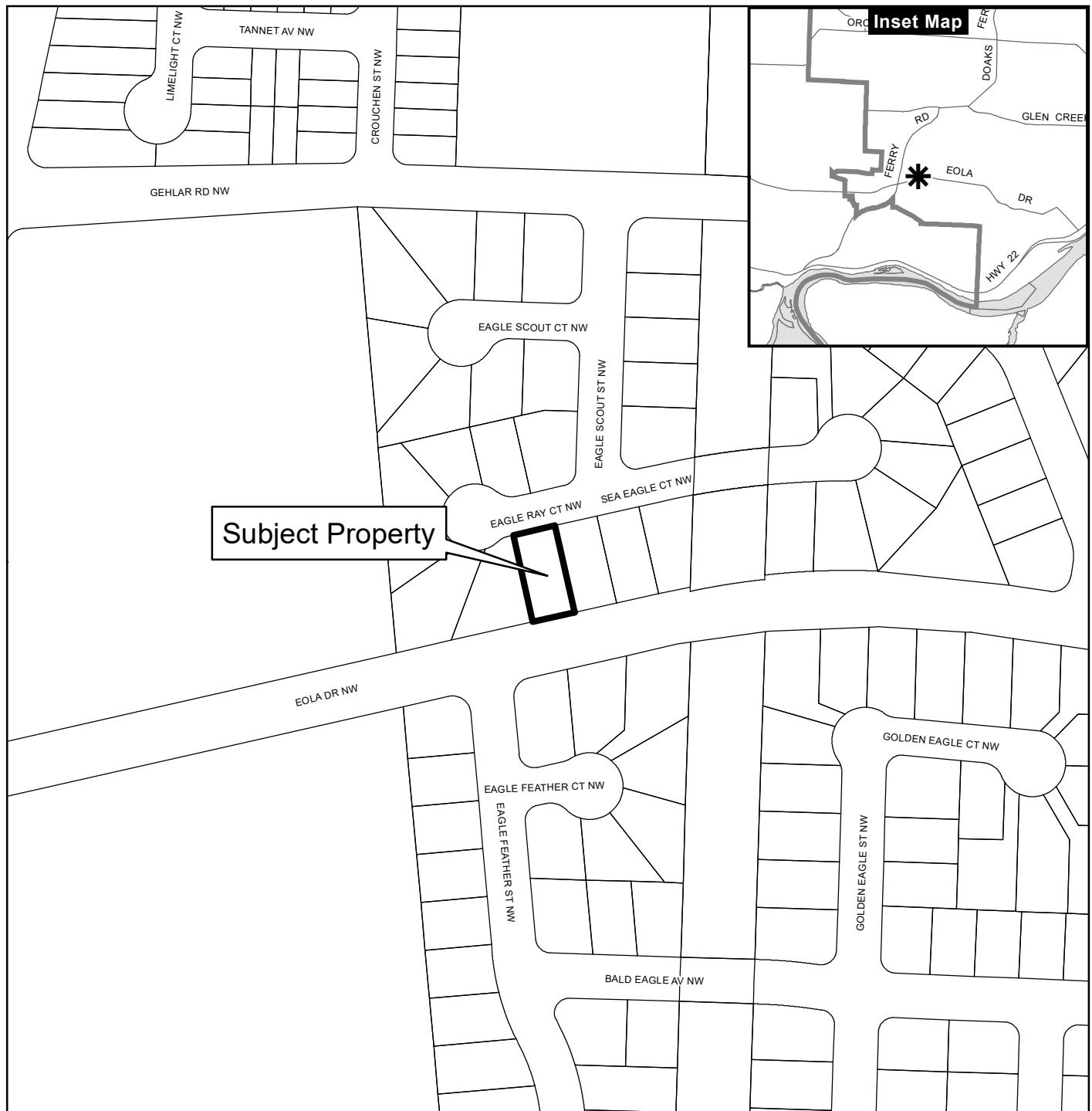
DATED: December 22, 2025

A handwritten signature in cursive ink that reads "Gary Darnielle".

Gary Darnielle, Hearings Officer

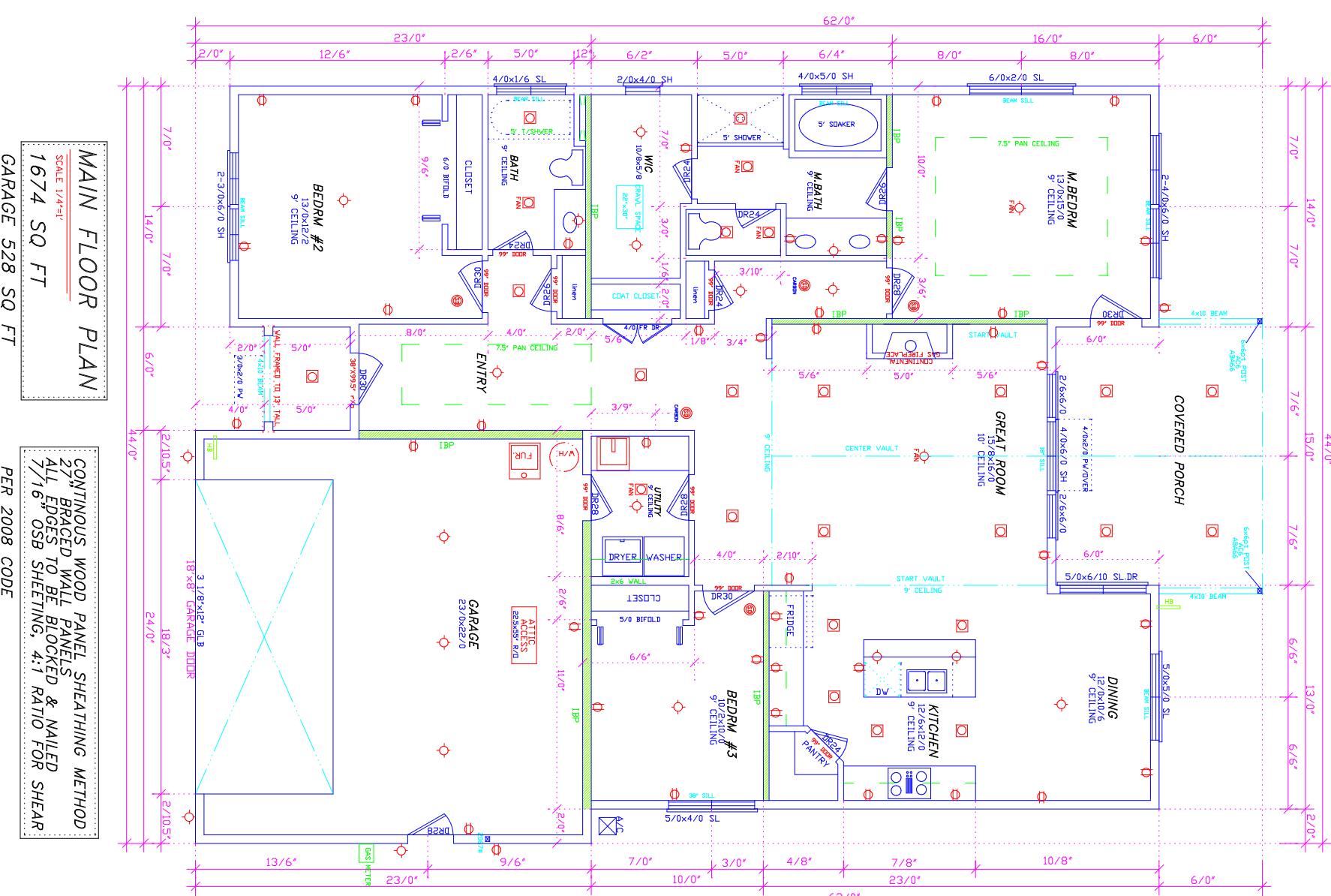
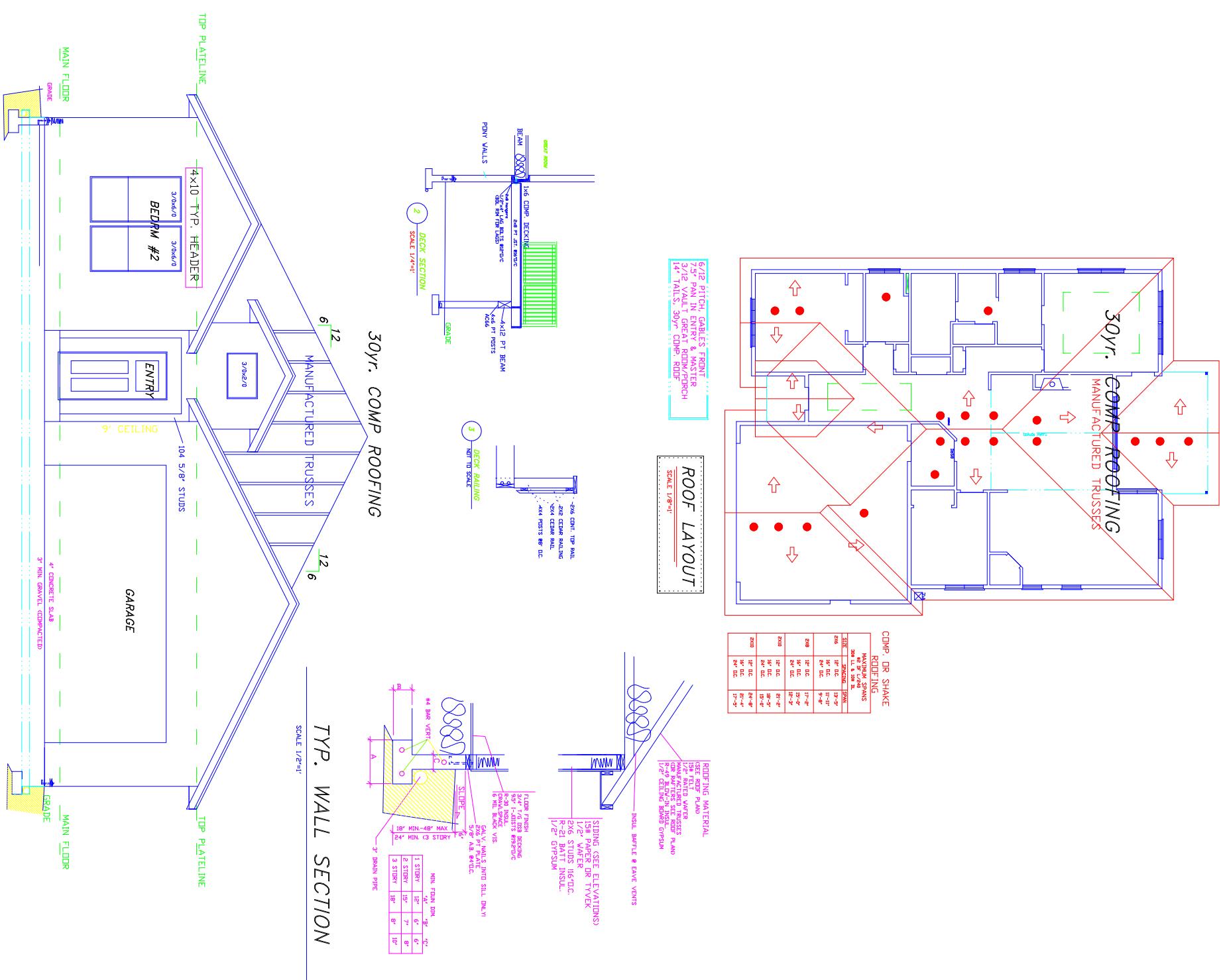
Vicinity Map

3130 Eagle Ray Court NW



Legend

Taxlots	Outside Salem City Limits	Parks
Urban Growth Boundary	Historic District	Schools
City Limits		
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FOR L&B TRAN/COMFORT HOMES LLC PLAN #1674
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ANDRE MAKARENKO
DESIGNER
(503)409-2282
PHONE
7/11/2018