

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY PLANNING AND DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: APPEAL OF HEARING OFFICER'S DECISION APPROVING CONDITIONAL USE CASE NO. CU26-01 FOR PROPERTY LOCATED AT 2494 CRESTBROOK DRIVE NW

ISSUE

Should the Planning Commission affirm, modify, remand, or reverse the Hearing Officer's approval of Conditional Use Case No. CU26-01 to establish a short-term rental within an existing single-family dwelling.

The subject property is 11,002 square feet in size, zoned RS (Single Family Residential), and located at 2494 Crestbrook Drive NW (Marion County Assessor's Map and Tax Lot numbers: 073W20BD/2400).

RECOMMENDATION

AFFIRM the Hearing Officer's decision approving Conditional Use Review Case No. CU26-01.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 25-122746.

BACKGROUND

The subject property is located at 2494 Crestbrook Drive NW. A vicinity map showing the subject property is included as **Attachment A**. The existing site plan is included as **Attachment B**.

On March 11, 2026, the Hearing Officer issued a decision approving the Conditional Use subject to conditions of approval. A timely notice of appeal of the decision was filed by persons with standing to appeal on March 25, 2026. The City Council at their regularly scheduled meeting on March 23, 2026, was notified of the notice of appeal

and did not elect to review the decision; therefore, the review authority will be the Planning Commission.

FACTS AND FINDINGS

Procedural Findings

1. On November 7, 2025, an application for a Conditional Use Case No. CU26-01 for a short-term rental within an existing four-bedroom home at 2494 Crestbrook Drive NW. The application was deemed complete for processing on January 16, 2026. On January 16, 2026, notice to surrounding property owners was mailed pursuant to Salem Revised Code, and signs were posted on January 31, 2026, pursuant to Salem Revised Code.
2. A Supplemental Staff Report was provided on February 4, 2026, addressing comments provided prior to the public hearing.
3. On February 11, 2026, a public hearing before the City of Salem Hearing Officer was held wherein the hearing was closed, and the record was left open until March 18, 2026, at 5:00 p.m. for anyone to provide additional written testimony; until February 25, 2026, at 5:00 p.m. for rebuttal testimony; and until March 4, 2026, at 5:00 p.m. for the applicant's final written rebuttal.
4. On February 25, 2026, an open record memo, including staff supplement facts and findings in response to testimony provide during the hearing and open record period. The applicant did not provide a final rebuttal.
5. On March 11, 2026, the Hearings Officer issued a decision approving the application, subject to conditions of approval. A revised decision to fix an error in the conditions was sent out on March 12, 2026 (**Attachment C**).
6. On March 25, 2026, appeal was filed by the applicant (**Attachment D**) and on March 30, 2026, appeal was filed by the West Salem Neighborhood Association (WSNA) (**Attachment E**).
7. On April 8, 2026, notice of appeal hearing was sent to the applicant, property owners, the neighborhood association, individuals who submitted testimony for the record, and all others entitled to notice pursuant to Salem Revised Code (SRC) requirements. The subject property is not part of a Homeowner's Association (HOA).
8. Notice of the appeal hearing was posted on the subject property on April 17, 2026. The appeal public hearing before the Planning Commission is scheduled for April 28, 2026. The applicant provided a 30-day extension to the state-mandated deadline for a final local decision which is now set for June 12, 2026. Appeal procedures are specified in SRC 300.1040.

9. The Planning Commission may affirm, modify, or reverse the decision, or may remand the matter to the Hearing Officer for further action.

Appeal

A timely and jurisdictional notice of appeal of the Hearing Officer's decision was filed by the applicant (**Attachment D**) and an additional appeal was filed by the West Salem Neighborhood Association (**Attachment E**). A summary of the issues raised in both appeals, followed by staff response is provided below:

1. ***The Applicant requested that the condition that the requires the garage to be available for guest parking be altered: The applicant requested that condition 6 which requires the garage be available for guests for parking at all times be changed to a condition limiting guests to a total of two vehicles and requiring all guests park on the driveway. The applicant finds the current condition to be imprecise in its aims to reduce impact on on-street parking and difficult to enforce.***

Staff Response: In response to concerns that were provided by the neighbors during the Hearings Officer meeting about the impact of parking on Crestbrook Drive NW, which is a dead-end street, the Hearings Officer's Decision (**Attachment C**) imposed Condition 6 which states:

Condition 6: The garage shall be available for parking at all times.

The Applicant has raised objections to this condition and is requesting an alternative that would limit guest parking to two vehicles, with all guests required to park on the driveway.

As of April 2023, the City of Salem does not have minimum off-street parking requirements for any land uses. Given this absence of off-street parking mandates, planning staff does not recommend conditions that necessitate off-street parking. However, the Hearings Officer retains the authority to impose conditions deemed necessary to satisfy the approval criteria of the Conditional Use Permit.

The intent of Condition 6 is to address the parking concerns raised by neighbors during the hearing, thereby ensuring that the proposal aligns with Criterion 3 of the Conditional Use Permit. This criterion requires that the proposed use be reasonably compatible with and have minimal impact on the livability and appropriate development of surrounding properties.

Planning staff believe the existing Condition 6 and the altered condition as proposed by the applicant to be similar in terms of the impact intended by the Hearings Officer of reducing on-street parking. The Planning Commission has authority to alter or maintain any condition as they see fit. The following alternate condition could replace Condition 6:

Condition: Guest parking shall be limited to two vehicles. All guest vehicles shall

be parked on the driveway of the subject property.

- 2. Requested additional condition of approval restricting transfer of the Conditional Use Permit.** The West Salem Neighborhood Association requested that the Hearing Officer place an additional condition of approval providing for its termination upon the sale or lease of the property. The Neighborhood Association indicated that the condition of approval was necessary to meet the requirements for the purpose of a conditional use permit, as provided under SRC 240.001, to minimize the negative impacts on uses in the surrounding area. The Neighborhood Association explained that requiring the conditional use permit to terminate upon the sale or lease of the property was necessary to minimize the potential for any negative impacts from a future unknown owner, and that placement of such a condition on a previous conditional use permit approval for property at 925 Terrace Drive NW (*Case No. CU25-05*) had set a precedence for such a condition being included in a decision under SRC 240.005(e).

The requested additional condition of approval was ultimately not placed on the conditional use permit by the Hearings Officer. The appeal filed by the Neighborhood Association indicates, in summary, that the Hearings Officer's decision included incomplete findings in response to the arguments made by the Neighborhood Association in their public testimony and that a condition of approval terminating the conditional use permit upon the sale or lease of the property is allowed under the code and warranted in this case.

Staff Response: In the February 25, 2026, supplemental staff report provided to the Hearings Officer during the open record period for the case (**Attachment F**), staff indicated that placing a condition of approval on the conditional use permit providing for its termination upon the sale or lease of the property would violate the requirements of SRC 300.820(a)(2) which require that:

The Review Authority shall not impose any permanent condition which would limit use of the subject property to one particular owner, tenant, or business. Permanent conditions may limit the subject property as to use but shall not be so restrictive that other occupants who might devote the property to the same or substantially similar use would be unable to reasonably comply with the conditions.

Staff explained that such a condition would mean that a new owner or tenant would be required to obtain a new conditional use permit to operate the same use as the previous owner and therefore result in a permanent condition which would limit the use of the subject property to one particular owner, tenant, or business, which is in conflict with SRC 300.820(a)(2).

In addition to the provisions of SRC 300.820(a)(2), SRC 240.005(e) establishes provisions specific to the transfer of Conditional Use Permits. SRC 240.005(e) provides:

Unless otherwise provided in the decision granting the conditional use permit, conditional use permits shall run with the land.

Upon further review of the limitations placed on conditions of approval under SRC 300.820(a)(2) as they relate to the provisions of SRC 240.005(e) for the transfer of conditional use permits, SRC 110.080 (*Rules of construction*), and the generally accepted principles of statutory construction as recognized by the Oregon Courts, establish the framework for interpreting these provisions in this case. In particular, the following provisions of SRC 110.080 are relevant:

SRC 110.080(d): Where there are several provisions relating to the same subject, a construction shall be given where, if possible, all provisions will be given effect.

In this case, both SRC 300.820(a)(2) and SRC 240.005(e) establish provisions relating to a similar subject, the effect of a condition of approval as it relates to the use of the land. Under the rules of statutory construction, every word and clause should be given effect under the assumption that no language is meaningless; if there are conflicting provisions, the first attempt is to harmonize the provisions to give each provision effect; and if conflicting provisions are irreconcilable, the specific rule controls the general.

In the case of a conditional use permit, or any other land use approval that generally runs with the land except as otherwise provided in the decision granting the approval (*such as a variance or adjustment*), the review authority is allowed to prescribe to what extent the approval runs with the land. A condition of approval limiting the validity of a conditional use permit to the applicant/owner that applied for the permit is authorized under SRC 240.005(e) and such a condition does not conflict with the provisions of SRC 300.820(a)(2) because:

1. The condition of approval isn't a permanent condition on the use of the land that limits it to just one particular, owner, tenant, or business but rather a condition that restricts the validity of the conditional use permit approval to the entity that applied for it. The property can still be used for any other use that's allowed in the zone and any future owner of the property has the ability, if they choose, to conduct the same use if they apply for and receive separate conditional use permit approval.
2. The condition of approval is similarly not a permanent condition that limits the use of the property but is instead a condition that limits the validity of the conditional use permit approval as it applies to the property. This is because a condition of approval that specifies that a conditional use permit is only valid for the current applicant/owner doesn't preclude the property from being used for that same use by any other future owner. It rather just provides that the permit is only valid for that applicant/owner and any future applicant/owner must receive a separate conditional use permit approval.

SRC 240.005(e) applies specifically to conditional use permits and allows the review authority to prescribe whether the approval runs with the land; and a condition of approval limiting the validity of the conditional use permit to the current applicant/owner is one means to achieve this purpose. If SRC 240.005(e) were viewed to be in conflict with SRC 300.820(a)(2), the more specific provisions of SRC 240.005(e) applicable to conditional use permits would govern over the more general provisions applicable to all land use applications under SRC 300. However, it should be noted that both provisions favor having the authorization apply to future owners.

Based upon SRC 110.080(d), a condition of approval may be established by the review authority under SRC 240.005(e) without violating the provisions of SRC 300.820(a)(2).

SRC 110.080(h): In making interpretations, great weight shall be given to prior interpretations of the same or any related provision.

The regulations applicable to accessory short-term rentals and short-term rentals were established in the code in 2017. Short-term rentals, where the operator of the rental does not live in the dwelling unit, were allowed as a conditional use in RS (Single Family Residential) and RA (Residential Agriculture) zones due to concerns over the potential impacts this type of rental might have within a neighborhood. By requiring the use to obtain a conditional use permit, a public hearing would be required and people living within the area would be afforded an opportunity to review and comment on the proposed use and conditions of approval could be established where necessary to ensure that any potential impacts are minimized in conformance with the applicable approval criteria.

As indicated in the West Salem Neighborhood Association's February 11, 2026, testimony to the Hearings Officer, a previous conditional use permit (*Case No. CU25-05*) included a condition of approval restricting the transfer of the conditional use permit to any new owner. This has also been the case with other previous conditional use permit approvals (*Case Nos. CU-ADJ18-07; CU18-09; and CU-ADJ22-04*) where, along with other conditions stipulating how the use must operate on the site, the conditional use permit transfer condition was included to ensure that any potential impacts of the use to the neighborhood were minimized and that any new owner would need to go through the same approval process to operate.

Although there have been decisions both allowing and disallowing a limitation to the current owner, early previous conditional use permits for short-term rentals included a condition restricting the transfer of the conditional use permit, these prior decisions should be weighed under SRC 110.080(h) when making a determination concerning the effect of SRC 300.820(a)(2) as it relates to the provisions of SRC 240.005(e) for the transfer of conditional use permits.

Based upon SRC 110.080(h), conditions of approval of previous decisions have demonstrated the ability of the review authority to establish a condition of approval

limiting the transfer of a conditional use permit under SRC 240.005(e) without violating the provisions of SRC 300.820(a)(2).

As identified above, the review authority has the ability to restrict a conditional use permit approval as authorized under SRC 240.005(e) but the question of *whether* such a condition should be placed on the approval of a conditional use permit falls to the specifics of the particular case under review and application of the applicable approval criteria.

Since the regulations for accessory short-term rentals and short-term rentals were established in 2017, staff has not seen a large number of complaints concerning short-term rentals, either lawfully established or those operating without a conditional use permit and license. Moreover, the concern about the actions of a future unknown owner at some unspecified time in the future is at best speculative. Because the evidence does not indicate that change of ownership of properties with accessory short-term rental and short term rentals increases the negative impact on the neighborhood, the necessity for a condition restricting a conditional use permit for a short-term rental to the current owner, in addition to the other operational-related conditions of approval that are generally established for the use, has changed and staff no longer believes such a condition is warranted or necessary. This is particularly true when weighed against the negative impact that such a decision would have on the property value on the present owner, the redundant costs to reapply for a conditional use permit to any future owner and the negative impact on City resources having to reconsider a conditional use permit for a particular property.

As discussed in the supplemental staff report provided to the Hearings Officer on February 25, 2026, the conditions proposed by staff apply to any new owner of the property and any new owner is required to obtain their own Short-Term Rental License under SRC Chapter 30 (Licenses). SRC 300.820(b) provides that conditions of approval shall be constructed and enforced, in all respects, as provisions of the UDC relating to the use and development of land. As such, if the use operates outside of the conditions of approval, or any other applicable federal, state, or local laws/regulations, violations can be reported to Compliance Services; the violations will be investigated and enforced like all other violations of the code; and enforcement can range from verbal warnings and daily fines up to suspension or revocation of the license.

Because sufficient conditions of approval are included in the decision pertaining to how the proposed use must be conducted on the property in order to minimize any potential adverse impacts to the immediate neighborhood and the livability of surrounding property, and because a separate license approval is required under SRC Chapter 30 – which can be suspended or revoked, the proposed short-term rental satisfies the applicable conditional use permit approval criteria and an additional condition of approval restricting the transferability of the conditional use permit is redundant to the protections already afforded by the standards of the code and therefore not necessary.

Substantive Findings

As provided in the March 12, 2026, Hearing Officer's decision approving the Conditional Use Permit subject to conditions of approval, the proposal satisfies the applicable approval criteria of SRC 240.005(3) and SRC 220.005(f)(3).

Conclusion

Based on the facts and findings presented above and included with the March 12, 2026, Hearing Officer's decision, staff recommends that the Planning Commission **AFFIRM** the Hearing Officer's decision approving Conditional Use Permit and Class 3 Site Plan Review Case No. CU26-01.

ALTERNATIVES

The Planning Commission may take one of the following actions:

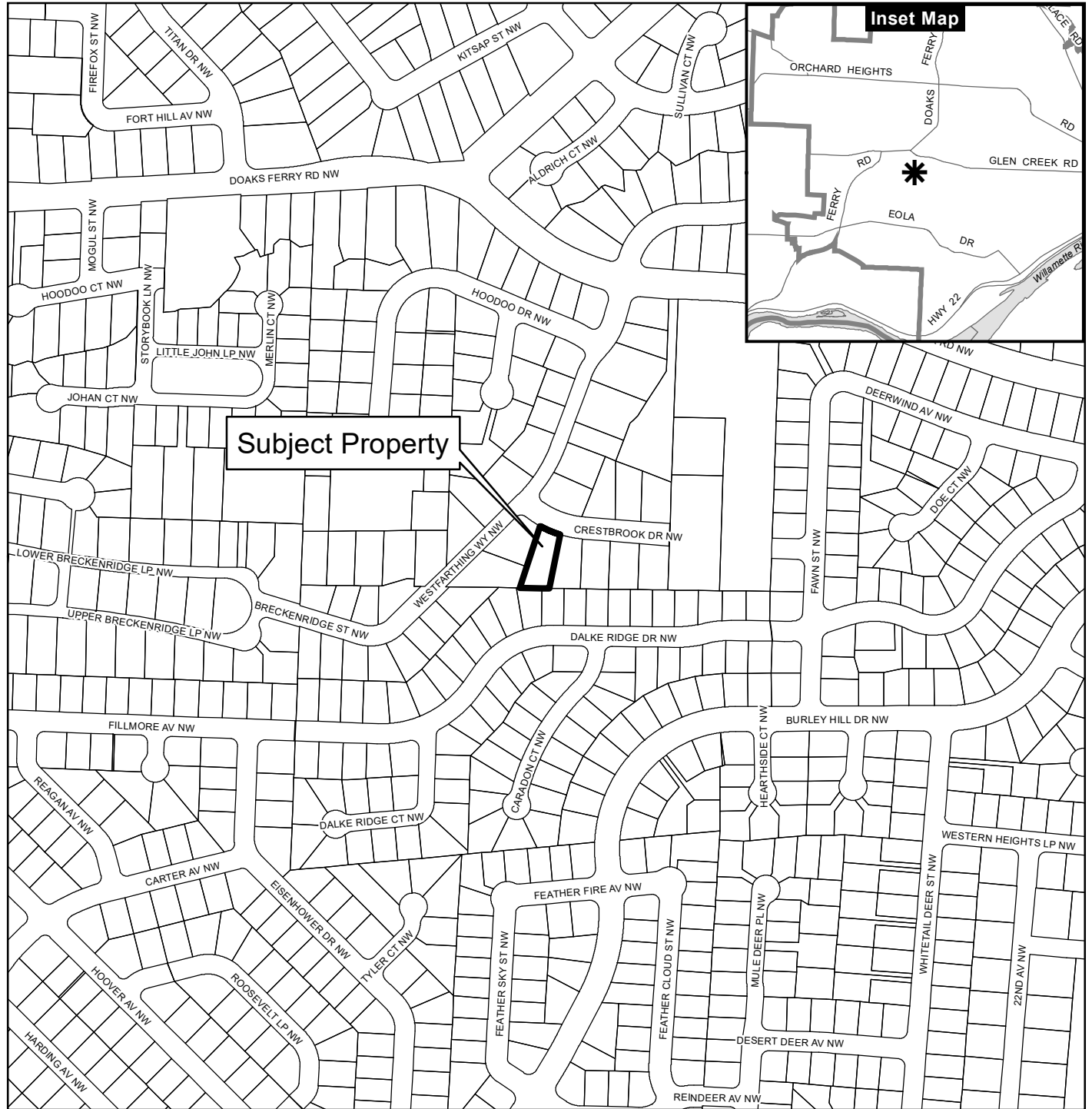
- I. **AFFIRM** the March 12, 2026 decision approving CU26-01.
- II. **REMAND** the March 12, 2026 decision approving CU26-01 to the Hearing Officer for further action.
- III. **MODIFY** the March 12, 2026 decision approving CU26-01; or
- IV. **REVERSE** the March 12, 2026 decision, and deny CU26-01.

- Attachments:
- A. Vicinity Map
 - B. Applicant's Site Plan
 - C. Hearing Officer's Decision on Case No. CU26-01, dated March 12, 2026
 - D. Notice of Applicant Appeal dated March 25, 2026
 - E. Notice of West Salem Neighborhood Association Appeal dated March 30, 2026
 - F. Supplemental Staff Report for CU26-01








Prepared by: Abigail Pedersen, Planner I

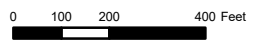
Vicinity Map

2494 Crestbrook Drive NW



Legend

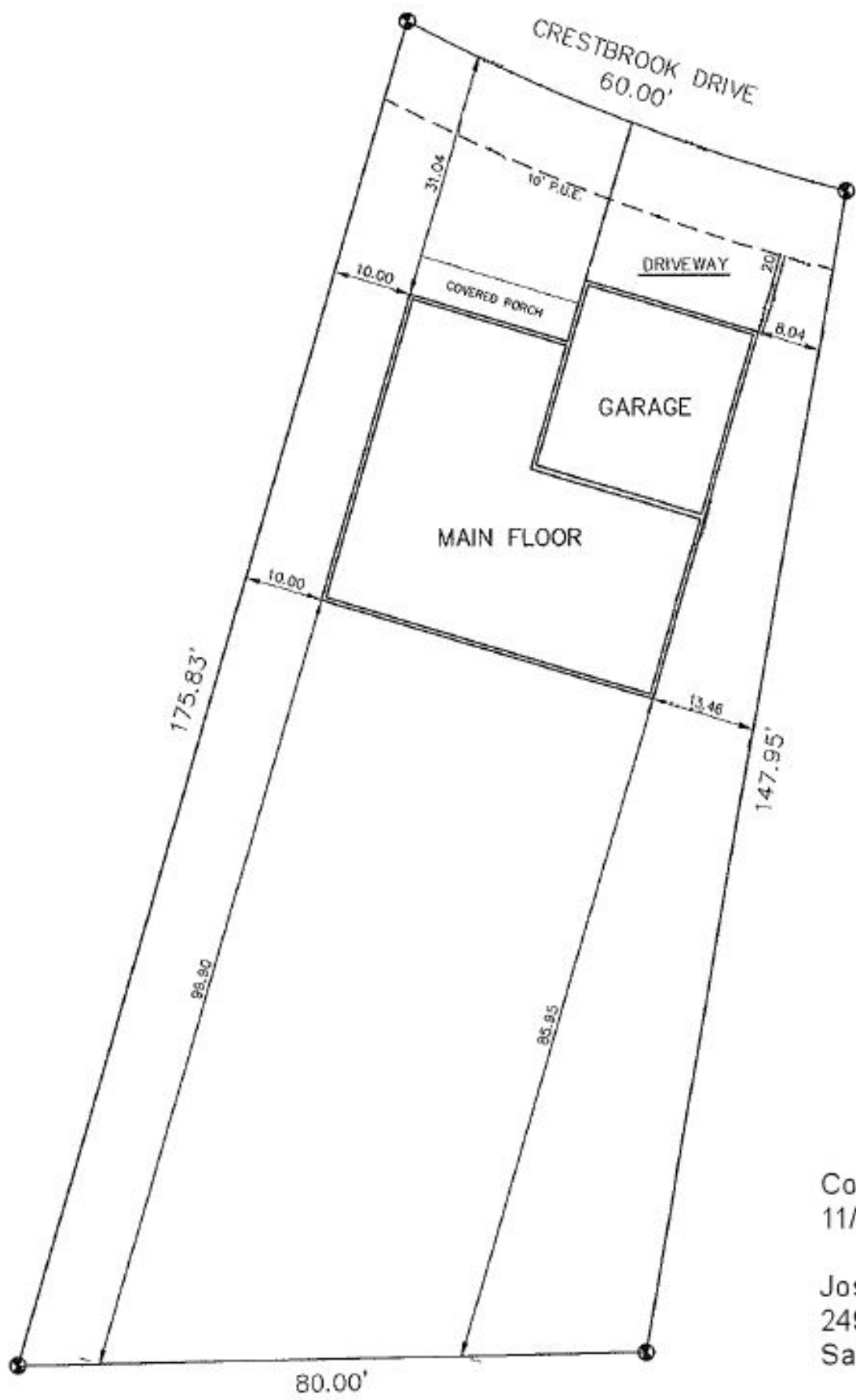
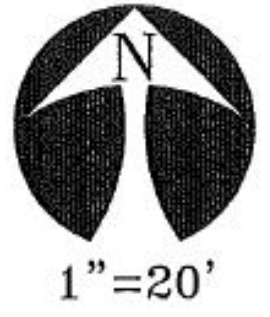
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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Site Plan

Attachment B



Conditional Use Permit
11/6/2025

Joseph Jordan
2494 Crestbrook Dr NW
Salem, Oregon 97304

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.

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net

CITY OF Salem
AT YOUR SERVICE

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

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:

Staff: Abigail Pedersen, Planner I

Neighborhood Association: Steve Anderson, West Salem Neighborhood Association

Proponents: Joseph Jordan, Chantha Phothirath

Opponents: 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.

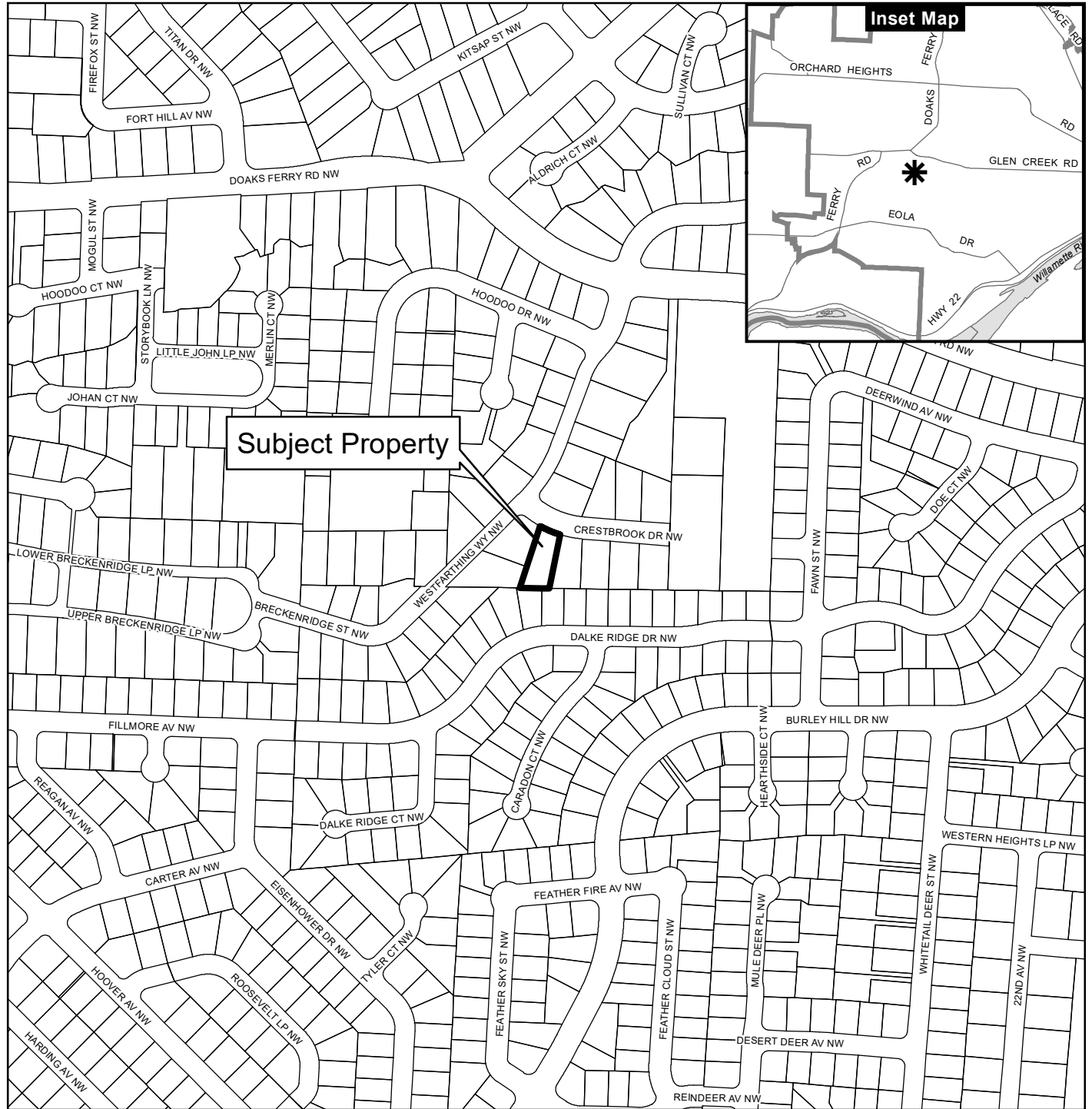
- Condition 2:** The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.
- Condition 3:** Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, 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



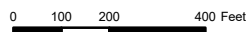
Gary Darnielle, Hearings Officer

Vicinity Map 2494 Crestbrook Drive NW



Legend

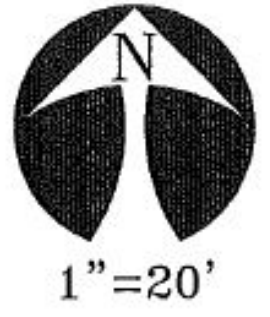
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks



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Site Plan

Attachment B



Conditional Use Permit
11/6/2025

Joseph Jordan
2494 Crestbrook Dr NW
Salem, Oregon 97304

Appeal of Hearings Officer Decision
Conditional Use Permit – Short-Term Rental

Property Address: 2494 Crestbrook Dr NW

Case Number: CU26-01

Applicant/Appellant: Joseph Jordan

Decision Date: March 11, 2026

SUMMARY OF APPEAL

This appeal respectfully requests modification of one condition of approval contained in the Hearings Officer’s decision approving a conditional use permit for a short-term rental at the above-referenced property.

The appellant appreciates the approval of the short-term rental use and does not challenge the decision to allow the use. Instead, the appeal seeks clarification and modification of one specific condition in order to ensure it is clearly defined and directly related to the impacts identified in the decision.

In response to the parking concerns discussed during the hearing, the appellant is willing to limit guest vehicles to two. This allows all guest parking to occur within the driveway and eliminates the need for guest vehicles to park on the street.

REQUESTED MODIFICATION

The appellant respectfully requests that the City modify the following condition of approval:

1. Replace the condition requiring the garage to remain available for parking at all times with a condition limiting guest vehicles to two vehicles, with all guest parking required to occur on-site within the driveway.

BACKGROUND

The Hearings Officer approved the conditional use permit for the short-term rental, finding that the use could be compatible with the surrounding neighborhood subject to certain conditions. The appellant appreciates the time and effort of City staff and the Hearings Officer in reviewing the application and approving the use.

This appeal concerns only one condition that the appellant believes may be unnecessarily restrictive or unclear in relation to the impacts identified in the findings.

ISSUE – GARAGE PARKING CONDITION

The decision includes a condition requiring that the garage remain available for parking at all times. The appellant understands that the intent of this condition is to reduce the likelihood of guest vehicles parking on the street.

However, the wording of the condition may present practical challenges in interpretation and enforcement. The requirement that the garage remain “available” for parking does not clearly define what level of storage or use within the garage is permitted, whether guests must actually park in the garage rather than the driveway, or how compliance with the condition would be evaluated.

Because of this lack of clarity, the condition may be difficult to administer or enforce consistently.

A clearer and more direct condition would regulate the number and location of guest vehicles associated with the use. Limiting guest vehicles to two and requiring that all guest parking occur on-site within the driveway would directly address concerns regarding street parking while providing a condition that is objective and easier to implement.

CUL-DE-SAC PARKING CONTEXT

The findings reference concerns regarding parking within the cul-de-sac, including vehicles associated with other nearby properties (specifically a group home). While these concerns are understandable, conditions imposed through a conditional use permit are generally intended to mitigate impacts attributable to the proposed use.

A condition limiting guest vehicles to two and requiring on-site parking would directly address potential parking impacts related to the short-term rental itself.

PROPORTIONALITY OF CONDITIONS

The appellant respectfully requests that the City consider whether the garage parking condition is proportional to the impact identified in the findings. The condition requiring the garage to remain available for parking applies at all times, including when the property is not occupied by guests or when guest vehicles already fit within the driveway.

Because the impact being addressed relates to the number and location of guest vehicles, a condition directly regulating guest vehicles may more precisely address the concern while remaining proportional to the impact described in the decision.

PRESERVATION OF THE FINDINGS

The requested modification would not alter the underlying findings supporting approval of the conditional use permit. Instead, they would clarify the conditions so they more directly address the impacts identified in the decision while remaining clear and proportional.

CONCLUSION

The appellant appreciates the approval of the short-term rental and remains committed to operating the property responsibly and in a manner compatible with the surrounding neighborhood.

For these reasons, the appellant respectfully requests that the City modify the conditions of approval as described above.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'Joseph Jordan', with a stylized, flowing script.

Joseph Jordan



27 March 2026

TO: City of Salem Planning Division

REGARDING:

1. REVISED DECISION OF THE HEARINGS OFFICER
2. CONDITIONAL USE CASE NO.: CU26-01
3. APPLICATION NO.: 25-122746-PLN NOTICE OF DECISION
4. DATE: March 12, 2026, Revised
5. 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 at 2494 Crestbrook Drive NW (Tax Lot Number: 073W20BD / 2400).
6. APPLICANT: JOEY JORDAN LOCATION 2494 CRESTBROOK DR NW, SALEM OR 97304
7. CRITERIA: Salem Revised Code (SRC) Chapter 240.005(d)
8. FINDINGS: The findings are in the attached Decision revised 2026 March 12, 2026.
9. DECISION: The Hearings Officer APPROVED Conditional Use Case No. CU26-01 subject to the following conditions of approval (see hearings officer's report)

APPEAL REQUESTED CU26-01:

The West Salem Neighborhood Association (WSNA) is appealing the granting of the Conditional Use Permit CU26-01 (2494 Crestbrook Drive NW, March 12, 2026). We are requesting a hearing before the Salem Planning Commission.

Said appeal is based upon incomplete findings in the Hearings Officer's report. We offered three arguments and supporting evidence and legal findings. The Hearings Officer's report addressed only one of the three arguments and legal findings in his report. In order to address the other two arguments and legal finding in this matter in support of our requested additional Condition of Approval, I am asking to be able to provide the Planning Commission with evidence and analysis missing in the Hearings Officer's report. This will clarify why the WSNA requested additional Condition of Approval meets the requirements of the City of Salem's Revised Code and should be adopted as part of the Conditions of Approval in this case.

So, requested.

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

TO: Hearings Officer

FROM: Lisa Anderson-Ogilvie, AICP
Deputy Community Planning and Development Department Director and
Planning Administrator

DATE: February 25, 2026

**SUBJECT: Conditional Use and Class 3 Site Plan Review CU26-01 – 2494
Crestbrook Drive NW; Open Record**

On February 11, 2025, the Hearings Officer held a public hearing for CU26-01. The hearing was closed, and the record was left open until February 18, 2026, at 5:00 p.m. for anyone to provide additional written testimony. Any party may submit rebuttal to testimony given in the open record period until February 25, 2026, at 5:00 p.m. The applicant has until March 4, 2026, at 5:00 p.m. to submit final written rebuttal.

No comments were received during the second seven-day open record period.

SUPPLEMENTAL FACTS AND FINDINGS

The following supplemental facts and findings are provided to address the following issues raised concerning the applicability of standards and processes of a conditional use permit for the proposed Short-Term Rental at 2494 Crestbrook Drive NW, as well as public testimony provided at the February 11, 2026, public hearing.

- 1. Comments were received from the West Salem Neighborhood Association (WSNA) requesting a condition be placed upon the Conditional Use Permit so that the Conditional Use Permit would terminate upon sale or lease of the property.**

West Salem Neighborhood Association provided testimony during the hearing and within the attached written testimony requested that the Hearings Officer place a condition on the Conditional Use permit that the Conditional Use Permit terminate upon sale or lease of the property.

Staff Response:

The written testimony argues that SRC 300.820(a)(2) does not prohibit this condition from being placed, because the proposed condition only limits the length of time in which the permit is valid. The written testimony also asserts that the proposed condition is not unreasonable and could be complied with.

If the condition proposed by WSNA were to be placed on the Conditional Use Permit the Conditional Use Permit would terminate upon sale or lease of the property. This would mean that a new owner or tenant would need a new Conditional Use Permit to operate the *same use* as the previous owner. Therefore, the proposed condition would be a permanent condition which would limit use of the subject property to one particular owner, tenant, or business, which is in conflict with SRC 300.820(a)(2):

The Review Authority shall not impose any permanent condition which would limit use of the subject property to one particular owner, tenant, or business. Permanent conditions may limit the subject property as to use but shall not be so restrictive that other occupants who might devote the property to the same or substantially similar use would be unable to reasonably comply with the conditions.

WSNA asserts that the proposed condition would just limit the duration of the validity of Conditional Use Permit rather than limit the users of Conditional Use Permit. This proposed condition does limit the duration of the Conditional Use Permit, but the length is based on the lease or ownership of the property and therefore does limit the Conditional Use Permit based on who is the owner or tenant of the property.

WSNA asserts that the ability for the next owner to receive a Conditional Use Permit means that the condition does not limit the use of the subject property to one particular owner, tenant, or business as they *could* receive a new Conditional Use Permit.

Staff disagrees. The condition would effectively terminate the use upon sale of the subject property. A Conditional Use Permit is a discretionary, Type III, application which is held to more scrutiny and process than most land use decisions. A Conditional Use Permit is not guaranteed to be approved in the future nor is it certain that the Code may not change to make the use prohibited in the future. The condition would effectively move the 'goal post' for the subject property based on the sale or refinance of the subject property. This proposed condition would be a permanent condition imposed by a review authority which limits this Conditional Use to *this owner*, and the ability for the next owner to possibly receive a new Conditional Use Permit does not remove the fact that there was a condition based on the ownership.

The conditions proposed by staff, if approved, would apply to any new owner. If the use operates outside of the conditions of approval Compliance Services would work with the property owner to comply with conditions. The Short-Term Rental is required to be licensed under SRC Chapter 30 to operate, which provides for the revocation or suspension of a license if the operation is not being conducted in compliance with standards and applicable federal, state or local laws/regulations.

WSNA asserts that obtaining a short-term rental permit is not a major land use action. A Conditional Use Permit is required to approve a Short-Term rental License within a non-owner-occupied RS (Single Family Residential) zoned property. A Conditional Use Permit is a discretionary, Type III, application which is held to more scrutiny and process than most land use decisions. A Type III application requires

public notice, posting of signs and a public hearing per SRC Chapter 300. While it is not impossible to obtain a Conditional Use Permit for this use, it is a significant process which should not be required twice, if the new owner operates within the bounds of the existing approval.

Additionally, Short-Term Rental Licenses are required for any new operators per SRC 30.1000. The Short-Term Rental License standards of SRC 30.1005 are reviewed for compliance before a new license is issued. The conditions of the previous Conditional Use Permit would also apply to the new owner. If there are any violations on the property compliance services have the right to suspend or revoke the Short-Term Rental License based on violations.

2. Comments were received about the impacts of the Short-Term Rental on the neighborhood.

Testimony was provided during the hearing and in written testimony indicating that occupants of the Short-Term Rental have caused issues for the neighborhood. They indicated concerns that the conditions will not be followed and therefore proposed a condition be placed on the Conditional Use Permit that if three to four substantiated violations of the conditions occur within a calendar year the Conditional Use Permit would be suspended for one year.

Staff Response: Staff has the ability to revoke or suspend a license for a Short-Term Rental under SRC 30.060 and SRC 30.065. An additional condition of approval could confuse the process for compliance. Since there is currently a license required and a process in place the condition would be redundant in nature. Additionally, "Conditions of approval shall be construed and enforced, in all respects, as provisions of the UDC relating to the use and development of land" (SRC 300.820(b)). Violations of the UDC (Unified Development Code) can be reported to the Code Compliance Division and they will be investigated and enforced like all other code violations. Enforcement actions can range from verbal warnings up to daily fines. Since currently compliance services addresses violations and this could result in suspension or the license being revoked, staff believes this condition is redundant and therefore does not recommend this condition.