

TO: HEARINGS OFFICER

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

**SUBJECT: CONDITIONAL USE NO. CU18-09; FOR PROPERTY LOCATED AT 2183
MORROW COURT NW - 97304; Amanda No. 18-117909-ZO**

REQUEST

Summary: A Conditional Use Permit to allow an existing single-family dwelling located at 2183 Morrow Court NW - 97304 to be used as a short-term rental.

Request: A Conditional Use Permit to allow an existing single-family dwelling located at 2183 Morrow Court NW - 97304 to be used as a short-term rental. The subject property is approximately 0.24 acres in size, zoned RS (Single Family Residential), and located at 2183 Morrow Court NW (Polk County Assessor Map and Tax Lot Number: 073W08DC00300).

APPLICANT/OWNER: Joseph William and Patricia Dobbles

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at 2183 Morrow Court NW (Polk County Assessor Map and Tax Lot Number: 073W08DC00300):

APPROVE the Conditional Use Permit to allow the existing single family dwelling located at 2183 Morrow Court NW to be used as a short-term rental, subject to the following conditions of approval:

- Condition 1:** The maximum number of occupants in the short-term rental shall not exceed 6 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: The conditional use permit shall be valid only for the current applicant/owner. The conditional use permit shall not run with the land and is not transferable to any other applicant or owner.

BACKGROUND/PROPOSAL

The application under review by the Hearings Officer is a Conditional Use Permit application for property located at 2183 Morrow Court NW (**Attachment A**).

The Conditional Use Permit is required in order to allow the existing single family dwelling to be used as a non-owner occupied short-term rental.

The site plan prepared by the applicant showing the location of the existing home on the property is included as **Attachment B**. Floor plans showing both the ground floor and upper floor layout of the dwelling are included as **Attachment C**. The written statement provided by the applicant addressing the proposal's conformance with the applicable approval criteria for the conditional use permit is included as **Attachment D**.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

FACTS AND FINDINGS

1. Procedural Findings

On August 28, 2018, Joseph William and Patricia Dobbles, the applicants and owners of property located at 2183 Morrow Court NW, filed an application for a Conditional Use Permit to allow the existing single family dwelling located at 2183 Morrow Court NW to be used as a short-term rental.

The application was deemed complete for processing on September 18, 2018. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on October 4, 2018. Notice was also posted on the subject property by the applicant pursuant to SRC requirements on October 14, 2018.

The public hearing on the proposed Conditional Use Permit application is scheduled for October 24, 2018. The state-mandated 120-day local decision deadline for the application is January 16, 2019.

2. Salem Area Comprehensive Plan (SACP)

The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan map and is located within the Urban Growth Boundary and the City's Urban Service Area.

3. **Zoning**

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	RA (Residential Agriculture)
South	Across Morrow Ct NW - RS (Single Family Residential)
East	RS (Single Family Residential)
West	RS (Single Family Residential)

4. **Existing Conditions**

The subject property at 2183 Morrow Court NW is approximately 0.24 acres (9,048 square feet). The property is improved with a two-story, 2,265 square-foot, and three-bedroom home. The site also includes an existing two car garage and a driveway which connects to Morrow Ct NW.

A. Circulation & Access: The subject property abuts Morrow Ct NW along its southerly boundary. Morrow Ct NW is designated as a local street under the City's Transportation System Plan (TSP).

Primary vehicular access to the subject property is provided via the existing driveway onto Morrow Ct NW.

B. Natural Features:

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

No trees have been identified for removal by the applicant as part of this conditional use permit application. Any removal of trees from the property must comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetlands Inventory (LWI) does identify mapped wetlands or waterways as being present on the subject property at the northerly side of the property near Gibson Creek. No grading or construction activities are planned. As

such, no impacts to wetlands or required mitigation measures are required in conjunction with the proposal.

Landslide Hazards: The topography of the subject property has approximately 20 feet of fall from the midpoint of the subject site to the northern boundary. According to the City's adopted landslide hazard susceptibility maps, the subject property contains areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is not required in conjunction with the proposal.

5. Neighborhood Association Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association. The neighborhood association was notified of the proposal. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

6. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property. As of the date of completion of this staff report, one comment was received from a neighboring property owner. The following is a summary and the comment is included with this report at **Attachment E**:

The comment opposes allowing the short-term rental in the neighborhood because it consists primarily of a single cul-de-sac street. There is concern regarding the activity level, noise, traffic, and parking.

Staff Response: The written statement provided by the applicant (**Attachment D**) indicates, in summary, that minimization of the reasonably likely adverse impacts of the use on the neighborhood can be achieved by marketing the home with a three night minimum stay for a rental rate of a minimum of \$4,000 per night.

Both short-term rentals and accessory short-term rentals are allowed in the RS zone. Unlike short-term rentals, however, accessory short-term rentals are allowed outright in the RS zone as a Special Use without the need for a conditional use permit, but must conform to the additional special use standards included under SRC 700.006. The special use standards under SRC 700.006 were established to help ensure that accessory short-term rentals operate in a manner that is compatible with the residential neighborhoods they are located within.

Staff understands the impact short-term rentals may have on the neighborhood. In this case, these impacts are addressed through the imposition of Conditions 1 through 4 as described in Section 10 of this report. By limiting the activity types and the maximum number of occupants at one given time, staff believes the impacts of the proposal on the surrounding neighborhood are minimized.

7. City Department Comments

- A. The Building and Safety Division reviewed the proposal and provided comments indicating they have no concerns with the proposal.
- B. The Fire Department reviewed the proposal and provided comments indicating they have no concerns with the proposal.
- C. The Public Works Department reviewed the proposal and provided comments indicating they have no concerns with the proposal.

8. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. As of the date of completing this staff report, no comments were received.

9. Applicant Submittal Information

Land use applications must include a written statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement from the applicant that was provided with the land use application submittal addressing the applicable application approval criteria is included as **Attachment D** to this staff report.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CONDITIONAL USE PERMIT

10. CONDITIONAL USE PERMIT APPROVAL CRITERIA

The subject property at 2183 Morrow Court NW is zoned RS (Single Family Residential). Within the RS zone, short-term rentals are allowed as a conditional use pursuant to SRC 511.005(a), Table 511-1. In order for a use that is allowed as a conditional use in a zone be established it must first receive approval of a Conditional Use Permit pursuant to the requirements of SRC Chapter 240 (Conditional Use). Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit application, or for the issuance of certain conditions to ensure the criteria are met.

(1) The proposed use is allowed as a conditional use in the zone.

Finding: The subject property at 2183 Morrow Court NW is zoned RS (Single Family Residential). Within the RS zone, short-term rentals are allowed as a conditional use pursuant to SRC 511.005(a), Table 511-1. Because short-term rentals are specifically identified as being allowed as a conditional use within the RS zone, this criterion is met.

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

Finding: The written statement provided by the applicant (**Attachment D**) indicates, in summary, that minimization of the reasonably likely adverse impacts of the use on the neighborhood can be achieved by marketing the home with a three night minimum stay for a rental rate of a minimum of \$4,000 per night. As previously identified in this report, both short-term rentals and accessory short-term rentals are allowed in the RS zone. Unlike short-term rentals, however, accessory short-term rentals are allowed outright in the RS zone as a Special Use without the need for a conditional use permit, but must conform to the additional special use standards included under SRC 700.006. The special use standards under SRC 700.006 were established to help ensure that accessory short-term rentals operate in a manner that is compatible with the residential neighborhoods they are located within.

In order to ensure the proposed short-term rental operates in a manner that will not impact the immediate neighborhood, the following standards applicable to non-hosted accessory short-term rentals under SRC 700.006 are recommended to be applied to the proposed short-term rental at 2183 Morrow Court NW:

Condition 1: The maximum number of occupants in the short-term rental shall not exceed 6 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.

Under SRC 240.005(e), conditional use permit approvals run with the land unless otherwise provided in the decision granting the conditional use permit. Because the potential for adverse impacts associated with short-term rentals is largely dependent upon the individual owner, their designated property manager, and how they choose to manage the property, requiring a separate conditional use permit for any future owner of the property helps to ensure accountability and public input in the approval process. As such, in order to ensure that the proposed conditional use permit, if approved, is only valid for the current owner/applicant and cannot be transferred to any future owner/applicant, the following condition of approval is recommended:

Condition 4: The conditional use permit shall be valid only for the current applicant/owner. The conditional use permit shall not run with the land and is not transferable to any other applicant or owner.

As identified in the applicant's written statement and discussed in the associated findings in response to this approval criterion, the reasonably likely adverse impacts of the proposed short-term rental on the immediate neighborhood are minimized through the recommended conditions of approval and conformance with the applicable licensing requirements for short-term rentals included under SRC Chapter 30. This criterion is met.

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

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

As previously discussed in this report, while the proposed short-term rental is not a residential use where individuals reside on the property as their primary place of living, it is similar to a residential use in that it provides a place where living and sleeping accommodations are provided, albeit on a temporary basis, to guests for periods of less than 30 days.

Because this type of use shares similarities with residential uses, both short-term rentals and accessory short-term rentals are allowed within the RS zone. However, because short-term rentals are not required to be owner occupied they must go through the conditional use review process and obtain a conditional use permit. The conditional use permit review process is intended to provide neighboring property owners with an ability to provide comments and identify additional conditions of approval to help the use conform to the character of a particular area and minimize potential impacts. As identified in this report, conditions of approval have been recommend to limit the maximum number of guests allowed in the rental, the type of activities the rental may be used for, and the number of bookings that may be made at any one time. These conditions help to ensure that the number of guest within the dwelling, and the types of activities occurring on the property will be consistent with that of other single family dwellings in the neighborhood and therefore ensure the compatibility of the use and the preservation of livability for surrounding properties.

As proposed and recommended to be conditioned, the short-term rental will have a minimal impact on the livability or development of the surrounding property. This approval criterion is met.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Conditional Use Permit, as recommended to be conditioned, satisfies the applicable criteria contained under SRC 240.005(d) and SRC 250.005(d)(2) for approval.

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at 2183 Morrow Court NW (Polk County Assessor Map and Tax Lot Number: 073W08DC00300):

APPROVE the Conditional Use Permit to allow the existing single family dwelling located at 2183 Morrow Court NW to be used as a short-term rental, subject to the following conditions of approval:

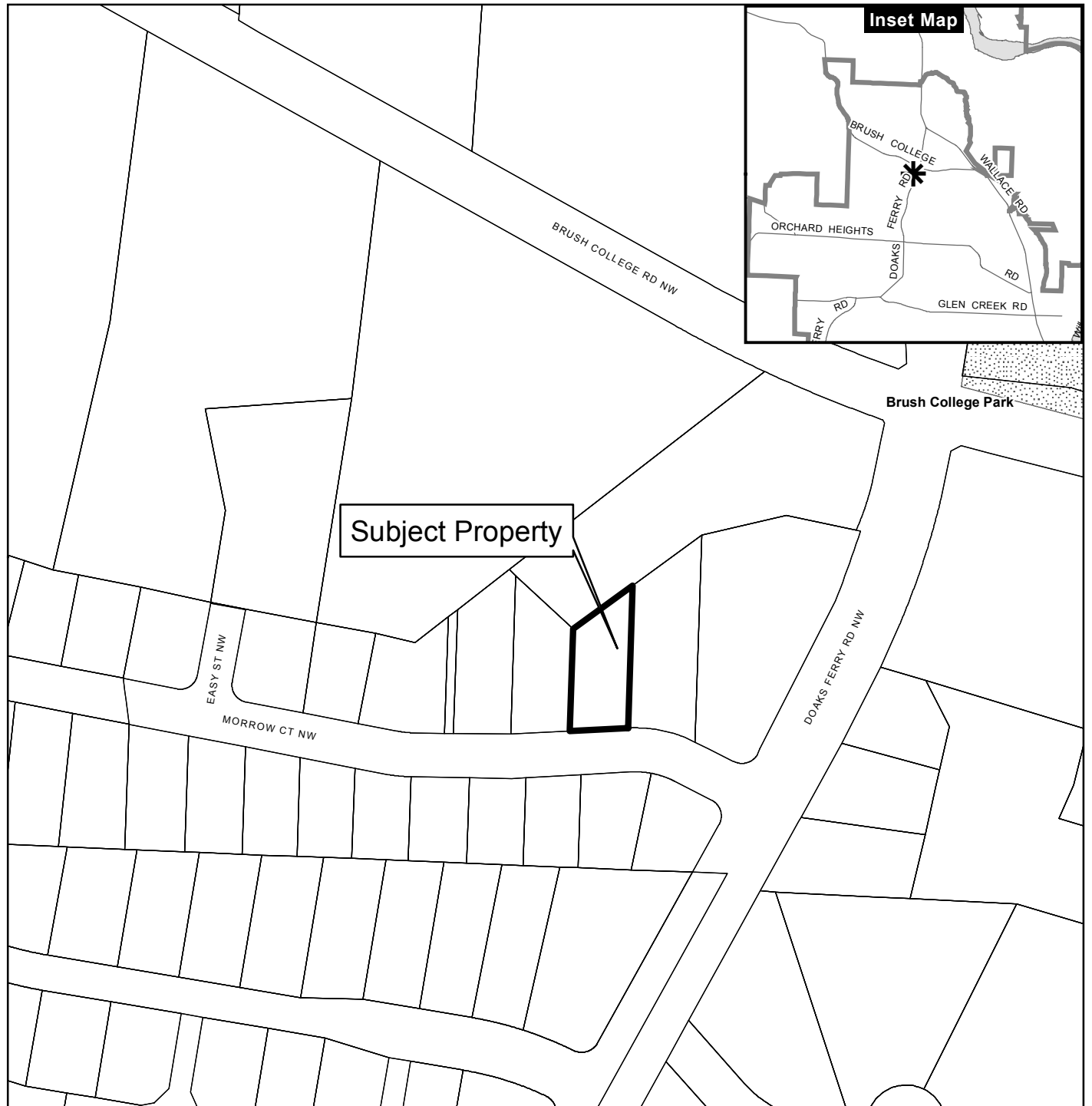
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Attachments: A. Vicinity Map
B. Site Plan
C. Floor Plans
D. Applicant's Written Statement
E. Public Comment

Prepared by Britany Randall, Planner II

Vicinity Map

2183 Morrow Court NW



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet





PCMAPS 4

2183 MORROW CT NW

Show search results for 2183 M...

(6 of 6)

Taxlot: 00300

Account Number: 222533

Appraisal Report: 222533

Image: [Map Image](#)

Historic Maps:

Map: 7.3.8DC

Taxlot: 00300

Owner: DOBBES JOINT TRUST

Agent: DOBBES JOSEPH W & DOBBE

Mailing: 2183 MORROW CT NW

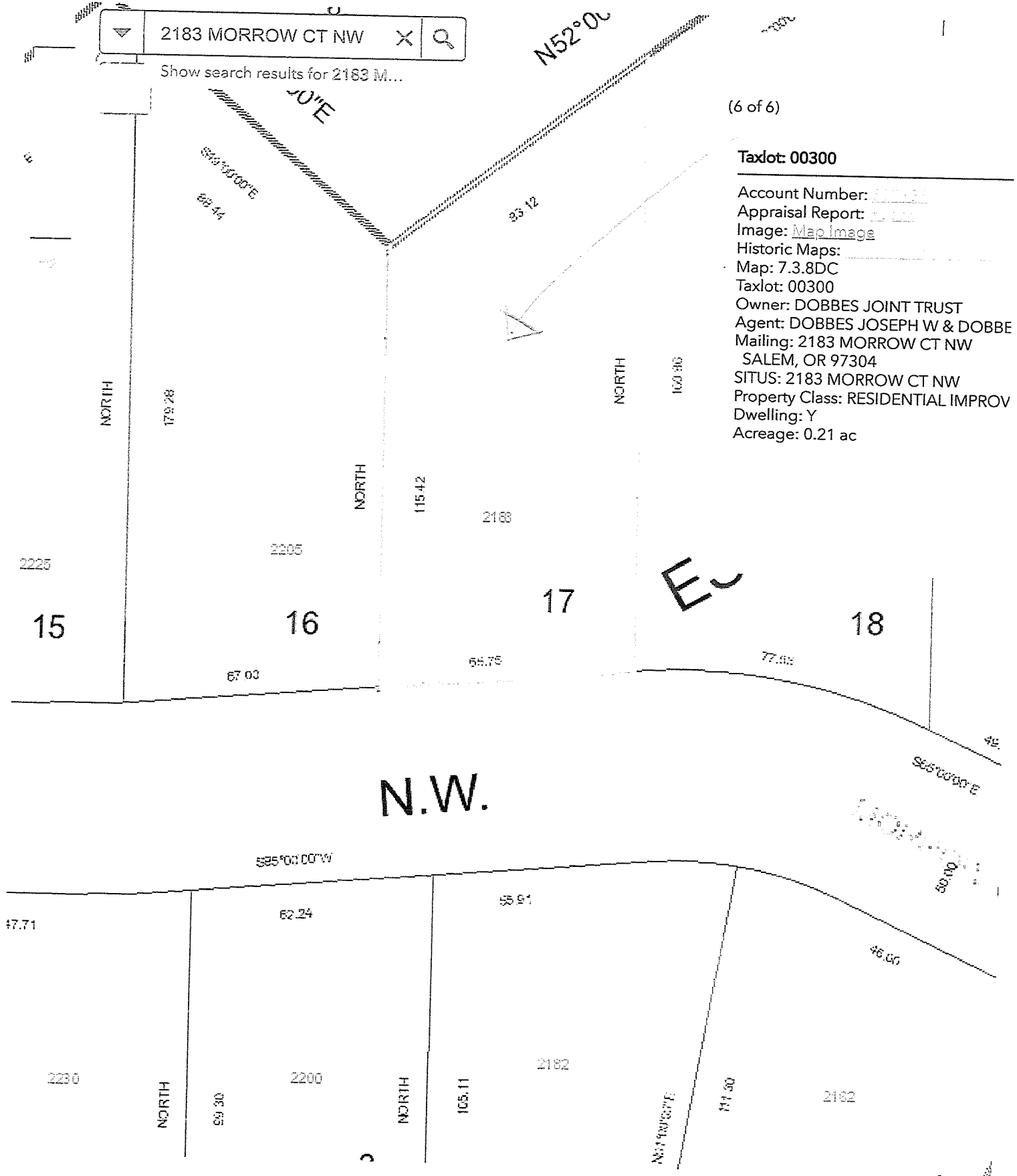
SALEM, OR 97304

SITUS: 2183 MORROW CT NW

Property Class: RESIDENTIAL IMPROV

Dwelling: Y

Acreage: 0.21 ac



8-27-18

Conditional Use Application

Dobbes
2183 Morrow Court NW
Salem, OR 97304

ATTACHMENT C

Morrow Court NW

Lower/Street Level

Short term rental

Lot Size: 10,282 square feet

Scale:

Each full size square = 1 foot

Full Size Column Width = 3

Full Size Row Height = 15.75

North

36" x 70" open vertical window

Front Door

foulier entry

Entry Inside Door

36" x 70" open vertical window

36" x 70" open vertical window

36" x 70" open vertical window

DINING ROOM

LIVING ROOM

Hallway/Entry

Closet

stairwell

2 car
GARAGE

30" sliding window

30" stationary window

BREAKFAST NOOK

30" stationary window

30" sliding window

LAUNDRY ROOM

1/2 BATH

Pantry

KITCHEN

Breakfast
Bar

FAMILY ROOM

Fireplace

OFFICE AND/OR 4TH BEDROOM

C
l
o
s
e
t

shelves

24" x 58" Sliding Window

24" x 58" Sliding Window

94" x 58" Total Window Length

Back Door

36" stationary

36" sldling window

Fence 5 feet
to property line

10 feet to fence
property line

27 feet to
sidewalk

33 feet to street

Fence &
Property line 6 feet

82418

Conditional Use Application

Short-Term Rental

Lot Size: 10,282 Square Feet

Dobbes
2183 Morrow Court NW
Salem, OR 97304

Upper Level

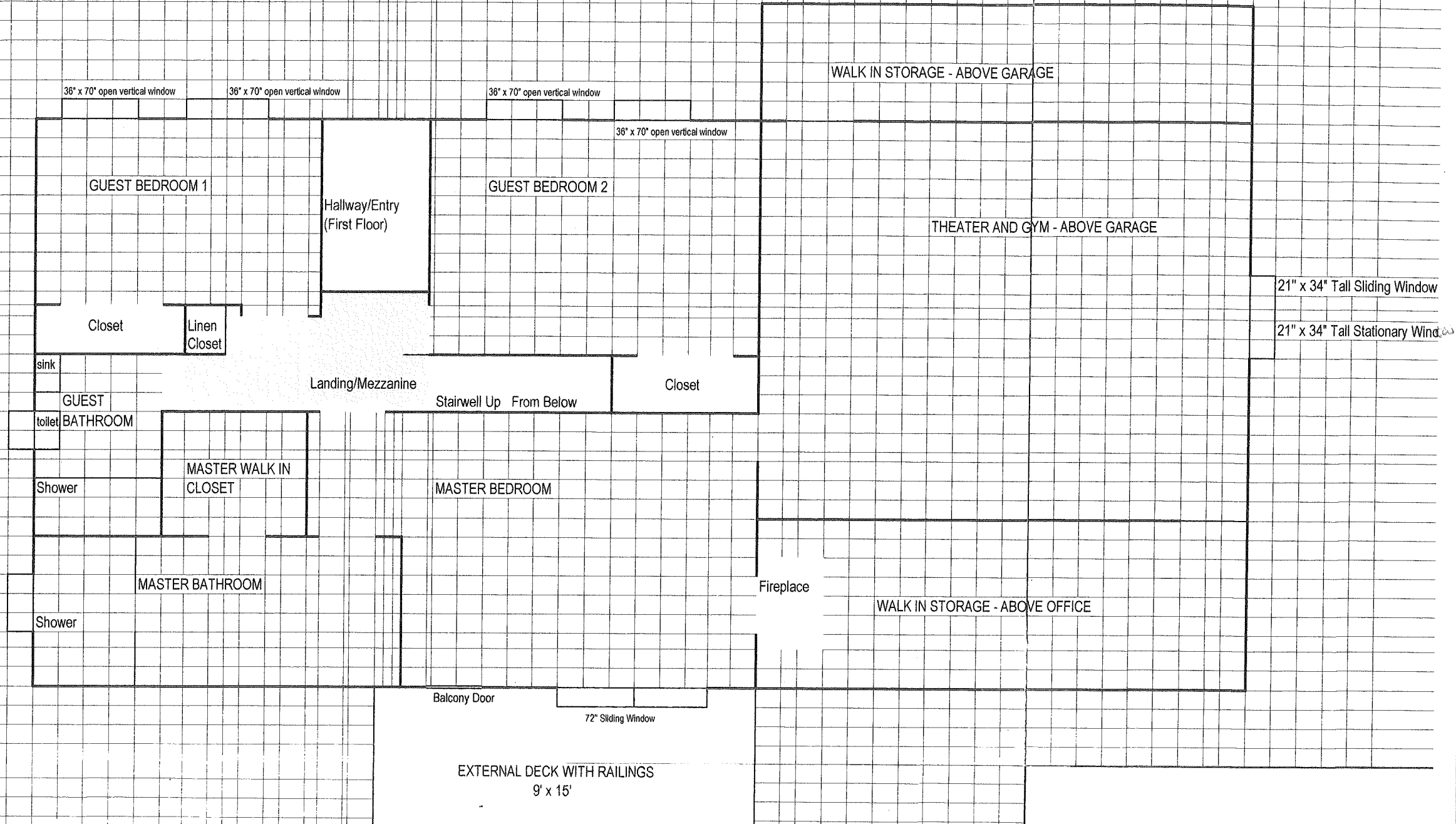
Morrow Court NW

Scale:

Each full size square = 1 foot

Full Size Column Width = 3

Full Size Row Height = 15.75



Conditional Use Application
Written Statement
For Short Term Rental

Dobbles
2183 Morrow Court NW
Salem, Oregon 97304

Per SRC Chapter 808:

There is not any heritage, or significant trees located on the property, or any trees and native vegetation in a riparian area which are to be removed or planned to be removed.

Proposed Use Per SRC 240.005:

The proposed use of our single-family dwelling is for short-term, rentals to acquaintances, friends and those that inquire through advertisements. The entire home will be available for rent and we/owners will not be living on the premises, but 7 minutes away in West Salem.

Parking – 2 cars in garage, 2 cars in driveway.

Likely and targeted customers will be professionals and of higher net worth and will include:

- ✓ Oregon winery tourists
- ✓ Customers of our Dundee, Oregon winery business – Wine by Joe and Dobbles Family Estate
- ✓ Customers, visitors and vendors to our mobile bottling company – Dundee Mobile Bottlers
- ✓ Other tourists
- ✓ Government related visitors
- ✓ Foreign visitors, bicycle enthusiasts
- ✓ Friends and family of our neighbors who have already expressed interest
- ✓ Out of state, or area professionals looking for lodging while checking out Salem, OR for livability, future residence, etc.

The property will be marketed through word of mouth to local business including restaurants, networking with local wineries and via VRBO.

All guests will be thoroughly pre-screened and approved only after meeting our strict criteria which foremost includes preserving and respecting our property and neighbors.

All guests will be approved based upon and the following criteria:

- ✓ Good prior rental history, references and scores
- ✓ Based upon our feeling of their fit for our home, circumstances and layout
- ✓ Will be non-smokers

The rental price for the entire home will be at least \$4000 per night initially with intentions of increasing the price once we have a rental history. There will be a 3-night minimum stay.

As part of our marketing to draw high end customers and intention to reduce traffic we will offer a high-end car for use at additional cost and as well promote limousine and concierge style services through our contacts to provide transportation to local wineries and other points of interest within the area.

OCT 10 2018

COMMUNITY DEVELOPMENT

October 6, 2018

SALEM PLANNING DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT
555 LIBERTY ST SE Room 305
SALEM, OR. 97301

REGARDING: CONDITIONAL USE CASE No. C018-09

HELLO,

I AM THE OWNER OF 2270 MORROW COURT NW IN WEST SALEM.
I AM WRITING TO OPPOSE ALLOWING SHORT TERM RENTALS IN THIS MICRO-NEIGHBORHOOD CONSISTING PRIMARILY OF A SINGLE COL-DE-SAC STREET.

MORROW CT. NW IS A MICRO NEIGHBORHOOD CONSISTING OF A SINGLE STREET WITH NO THROUGH TRAFFIC. CONSEQUENTLY THE NOISE, TRAFFIC LEVELS, AND GENERAL LEVEL OF ACTIVITY IS ESPECIALLY LOW AND ONE OF THE FACTORS THAT ENCOURAGED ME TO PURCHASE A HOME THERE. I, AND I ASSUME MY NEIGHBORS AS WELL, LOCATED THERE WITH THE VERY REASONABLE EXPECTATION THAT THE NEIGHBORHOOD WOULD REMAIN A TRADITIONAL SINGLE FAMILY HOME NEIGHBORHOOD. INTRODUCING SHORT TERM RENTALS WOULD BE IN CONFLICT WITH THAT EXPECTATION.

ALLOWING SHORT TERM RENTALS BRINGS A NUMBER OF POTENTIAL NEGATIVE CONSEQUENCES. I KNOW THIS FROM DIRECT PERSONAL EXPERIENCE WHEN MY NEIGHBOR IN A DIFFERENT AREA GAVE THIS INCOME SUPPLEMENTING STRATEGY A TRY FOR A FEW MONTHS. NOISE LEVELS INCREASED AND OFTEN AT VERY EARLY OR LATE HOURS, TRAFFIC LEVELS INCREASED, AND TRADITIONAL PARKING CULTURE (LEAVING SPACES OPEN IN FRONT OF EACH HOME) WAS REGULARLY IGNORED AS SHORT TERM TENANT VEHICLE NUMBERS SPILLED OVER ONTO ADJACENT HOME SPACES... LEGAL BUT UNDESIRABLE. THERE WERE

Also incidences of trash left in the street and a side mirror damaged by visiting kids blowing off steam. Short term tenants do not always bring the same level of commitment to neighborhood harmony that is generally associated with owner occupants or long term tenants. Some behave like responsible adults but others more like they are on vacation at a public resort where loud noise & revelry are the expected status quo... and where someone else will be paid to clean up after them.

To conclude, 2183 Morrow Ct. NW is not located next door to my home, but I object to permitting short term tenants there on behalf of the nearby neighbors and to preserve the overall quality of this micro-neighborhood.

Sincerely,

Joe MacFarley

Owner

2270 Morrow Ct NW