

TO: HEARINGS OFFICER

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

**SUBJECT: CONDITIONAL USE CASE NO. CU22-01
325 WEST VISTA AVENUE S
AMANDA NO. 22-104454-ZO**

REQUEST

Summary: A Conditional Use request for a short-term rental in a single-family dwelling.

Request: A Conditional Use application for a short-term rental within an existing two-bedroom single family residence, on property zoned RS (Single Family Residential) and located at 325 West Vista Avenue S 97302 (Marion County Assessors Map and Tax Lot number: 083W03BB / 2600.

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

APPLICANT/OWNER: Heather Rauh and Lyle Rauh

FILER: Heather Rauh

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, Staff recommends the Hearings Officer **APPROVE** the request for a conditional use permit to allow a short-term rental in the single-family dwelling on the subject property, subject to the following conditions of approval:

- Condition 1:** The maximum number of occupants in the short-term rental shall not exceed four persons (two per guest room). For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants. In no case shall the total number of guests exceed 10.
- 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.

APPLICATION PROCESSING

On February 23, 2022, a Conditional Use Permit application was submitted to allow a short-term rental within an existing single-family dwelling on the subject property. The application was deemed complete for processing on March 16, 2022.

The public hearing before the City of Salem Hearings Officer is scheduled for April 13, 2022, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on March 24, 2022. Public hearing notice was also posted on the property on April 1, 2022 pursuant to SRC requirements.

PROPOSAL

The applicant requests conditional use approval to allow for a short-term rental within an existing two-bedroom single family residence. No changes to the site are proposed.

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) 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: 22 104454.

APPLICANT'S MATERIALS

The applicant's existing site plan is included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria is included as **Attachment C**.

FACTS AND FINDINGS

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 within the Urban Service Area.

2. Zoning

The subject property is zoned RS (Single Family Residential). The proposal would allow

a short-term rental within an existing single family residence. Short-term rentals require a conditional use permit within the RS zone, pursuant to SRC 511.005(a).

The zoning of surrounding properties is as follows:

North: RS (Single Family Residential)

South: Across West Vista Avenue S - RS (Single Family Residential)

East: RS (Single Family Residential)

West: RS (Single Family Residential)

3. Site Analysis

The subject property consists of one tax lot with an area of 0.2 acres, lot width of 90 feet, lot depth of 92 feet, and street frontage of 90 feet along West Vista Avenue S. According to the Marion County Assessor, the property is improved with a 968-square-foot one story home with a basement. The applicant states that it has two bedrooms. The site also includes an existing garage and a driveway.

A. Circulation & Access: The subject property abuts West Vista Avenue S along its southerly boundary. West Vista Avenue S 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 West Vista Avenue S.

B. Natural Features:

Trees: The City's tree preservation ordinance (SRC Chapter 808) in effect at the time the application was submitted 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."

The applicant's site plan identifies four oak trees on the subject property. 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).

4. Neighborhood Association, Citizen, and Homeowners Association Information

The subject property is located within the boundaries of the SouthWest Association of Neighbors (SWAN).

Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), the land use application in this request requires neighborhood association contact. On February 1, 2022, the applicant's representative contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment

Notice of the application was provided to the neighborhood association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of the writing of this staff report, no comments had been received from SouthWest Association of Neighbors (SWAN), although staff responded to a question from a SWAN board member and confirmed that notification would be mailed to property owners and residents within 250 feet of the subject property.

Public Comment

Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(vi) and (vii), to all property owners and tenants within 250 feet of the subject property.

Prior to the end of the public comment period, one individual commented, "I would encourage the board to drive by this property and look at the design – it's a tight area to have additional traffic."

Staff Response: While Staff can consider traffic when recommending approval or denial of a conditional use application, Staff finds that, with the recommended conditions of approval, the proposal would meet the approval criteria, and the reasonably likely adverse impacts on the immediate neighborhood, including traffic, would be minimized.

Homeowners Association

The subject property is not located within a homeowners association.

5. City Department and Public Agency Comments

- The City of Salem Public Works Department reviewed the proposal and found no issues with the proposed development.
- The City of Salem Building and Safety Division reviewed the proposal and commented that a fire sprinkler system will be required.

- The City of Salem Fire Department reviewed the proposal and stated that a possible change of use/occupancy would be required per Building and Safety, and existing fire department access and water supply are provided.

Staff Response: Proposed Condition 1 will limit occupancy to a maximum of four persons, with children under 12 years of age not counting towards the maximum number of occupants, and in no case shall the total number of guests exceed 10.

Planning staff consulted the Fire Department and Building Official regarding whether a fire sprinkler system and change of use/occupancy would be required if Condition 1 is imposed.

With the proposed condition of approval, the Fire Department and Building and Safety Official stated that a fire sprinkler system will not be required, and a change of use/occupancy will not be required.

6. 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:

SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.

Finding: The subject property is zoned RS (Single Family Residential). Pursuant to SRC 511.005(a), short-term rentals are allowed as a conditional use in the RS zone.

The proposal meets the criterion.

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: The written statement provided by the applicant (**Attachment C**) indicates, in summary, that the small size of the house will limit the number of guests and minimize impacts of sound and traffic, and the high-end nature of the home and higher nightly rental rates will attract quieter guests and minimize negative impacts on livability.

Both short-term rentals and accessory short-term rentals are allowed in the RS zone. Short-term rentals require a conditional use permit. Accessory short-term rentals are allowed in the RS zone as a Special Use without the need for a conditional use permit, but they must conform to the additional special use standards included under SRC 700.006. The special use standards under SRC 700.006 were established to ensure

that accessory short-term rentals are operated in a manner that is compatible with the residential neighborhoods in which they are located.

To ensure that the proposed short-term rental operates in a manner that will minimize impacts to the immediate neighborhood, the following conditions adapted from 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 325 West Vista Avenue S:

- Condition 1:** The maximum number of occupants in the short-term rental shall not exceed four persons (two per guest room). For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants. In no case shall the total number of guests exceed 10.
- 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.

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: Staff concurs with the applicant that the proposed use is reasonably compatible with the surrounding properties. The recommended condition(s) of approval ensure that any impacts to the livability or appropriate development of the surrounding area will be minimal.

Staff finds the proposal meets this approval criterion.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, Staff recommends the Hearings Officer **APPROVE** the request for a conditional use permit to allow a short-term rental within an existing two-bedroom single family residence at 325 West Vista Avenue S, subject to the following conditions of approval:

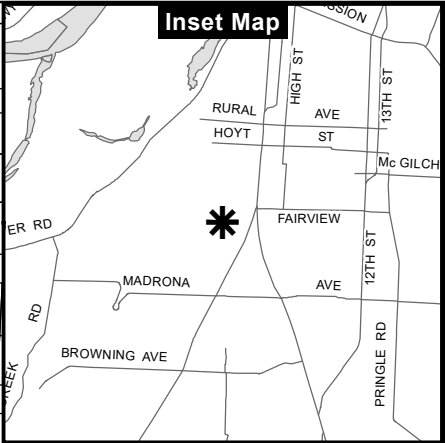
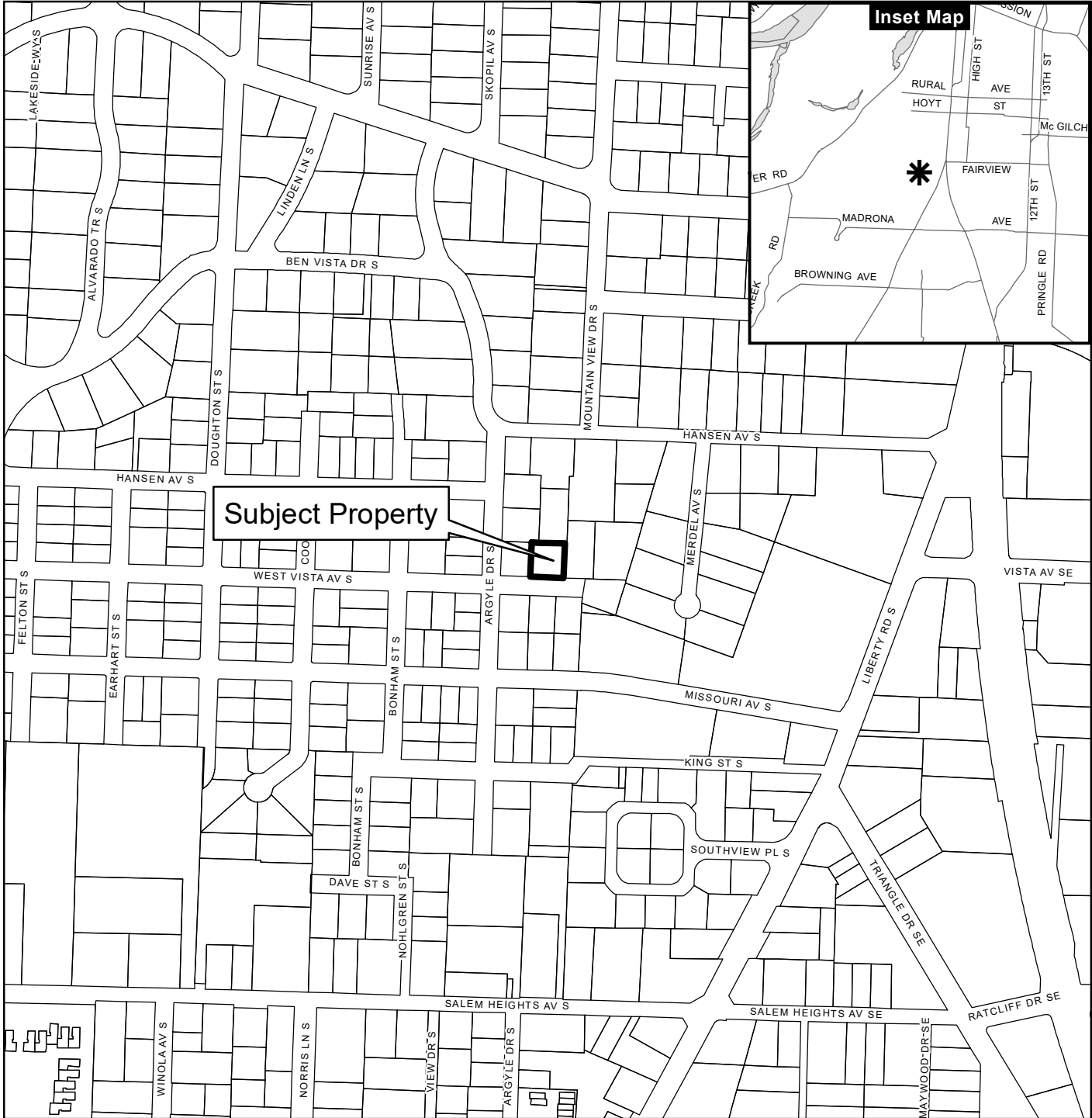
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Prepared by Pamela Cole, Planner II

Attachments:

- A. Vicinity Map
- B. Applicant's Existing Site Plan
- C. Applicant's Statement Addressing Approval Criteria

Vicinity Map 325 West Vista Avenue S



Subject Property

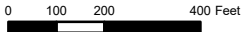
Legend

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

Parks



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Existing Conditions / Site Plan


Conditional Use Permit Short Term Rental
 03-09-2022
 Heather Rowh
 325 West Vista Ave S
 Salem, OR 97302

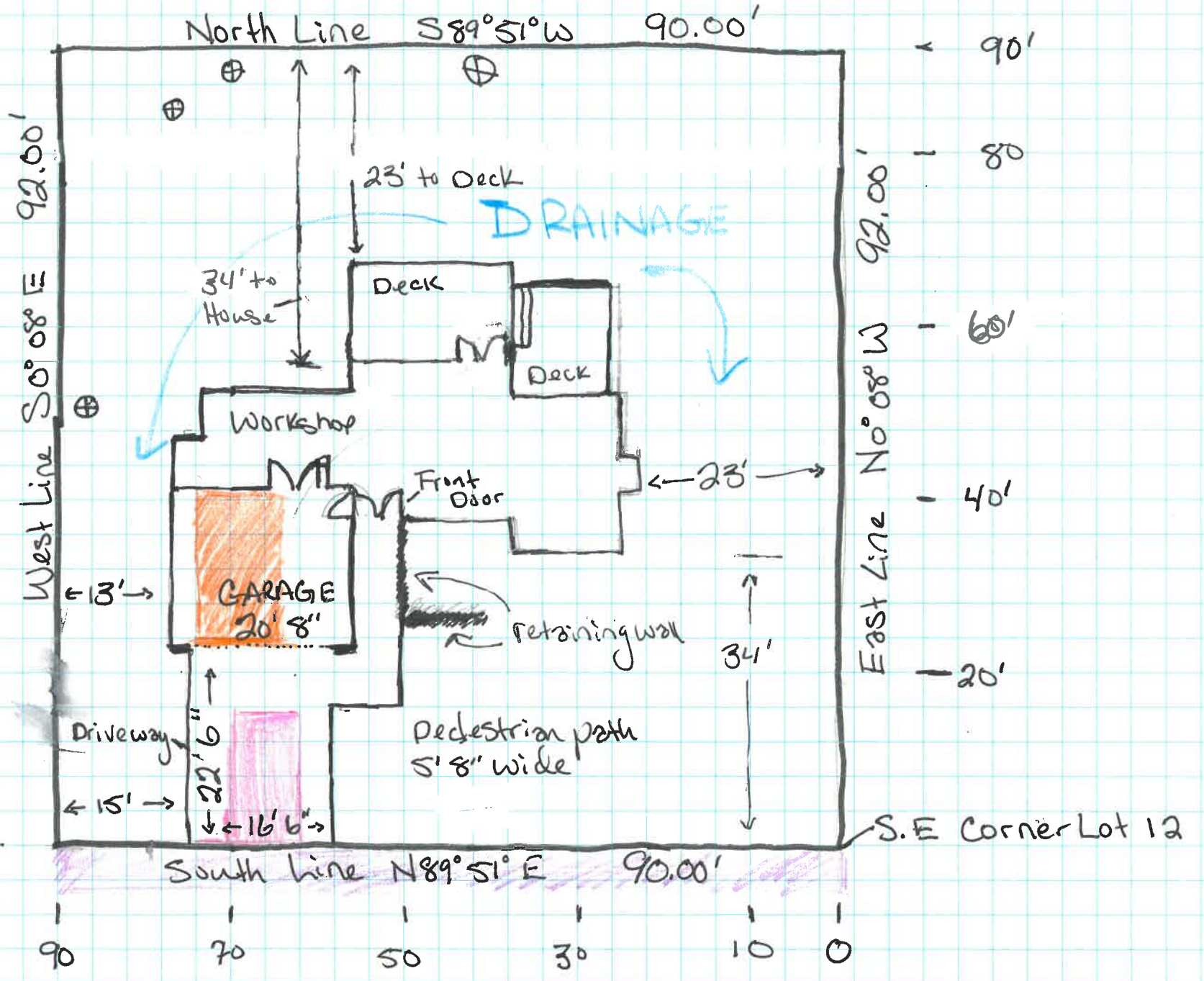
Scale 1" = 4' 8" North ↑

Site Area = 0.2 acres
 Oak Tree = ⊕
 Fences = none
 Accessory Structures = none
 Improvements = none

OFF STREET Parking

* One standard space 9' w x 19' Long = 
 * One compact space 8' w x 15' long = 

→ Sidewalk = 



Written Statement for Conditional Use Permit

Proposed Use

Short-Term Rental License at a Property in RS (Single-Family Residential) Zoning Designation.
This is Non-Owner Occupied.

Property Details

Address: 325 West Vista Ave S, Salem, OR 97302

Applicant: Heather Rauh

Contact Information: 971-373-5379, therealtor@heatherrauh.com

Zone: RS (Single-Family Residential)

Proposed Use is Allowed as a Conditional Use in this Zone: Yes

Written Statement

Hello,

I'm excited to present this written statement for a conditional use permit!

Proposed Use is Allowed as a Conditional Use in the Zone

Through the Pre-application Conference that was completed on November 22, 2021, it was confirmed that 325 West Vista Ave S, Salem, OR 97302 is compatible with the proposed use of a full-time short-term rental in the RS zone.

Approval Criteria

The home itself meets all code compliance. It is also receiving new decks for safety, has smoke alarms and carbon monoxide detectors. It has ample off-street parking for its size and intended guest count. There is also the required space available to provide covered bike parking and intuitive pedestrian circulation. The home has a newer forced air furnace, updated plumbing, and new kitchen appliances.

Reasonable Likely to Not create Adverse Impacts from the Conditional Use

This is a custom home that is a perfect fit for a short-term rental as it does not adversely impact the neighborhood. The house itself is undersized for the community at 968 square feet, consisting of two bedrooms and 1.5 bathrooms. The small size means there are fewer guests at any one point, minimizing the impact of sound and traffic on the immediate neighbors.

This house was built with premium-grade materials and is being furnished with high-end furniture and decor that is compatible with the surrounding properties. The premium-grade nature of the home lends the house to higher nightly rental rates. This weeds out the "just want

to party crowd” and attracts a quality of guest that is willing to part with more money to have a nicer and quieter stay. This makes the proposed use of the house as a short-term rental reasonably compatible with the neighborhood, with no negative impact on the livability of the surrounding neighbors.

In addition, it is our intent as owners to personally live in this house when we are empty nesters. Thus, the desire to establish strong, positive relationships with the neighbors is a personal desire in addition to a professional one. We have already met the majority of our neighbors in person and like them greatly. There has been an expression of relief by the neighbors that our intent is to repair the original home instead of major renovations as it has fantastic, architectural character. However, it had fallen in despair over the years as the previous homeowners were no longer able to keep up with its care, so was a serious concern that the new owners would tear it down or do major renovations.

On another note, I work as a professional real estate agent locally and understand the importance of protecting neighborhood integrity and contributing to its improvement with my own property. I’m very grateful for the opportunity to repair this home and give it new life. I believe it will be an asset, not a hindrance, to the community. We have already been approached by another nearby neighbor who needs a place for their mom to stay this coming summer as she is moving to the area. She heard through the grapevine from another neighbor who is an old friend of ours, that we were intending to apply for a short-term rental license. This neighbor expressed gratitude that there was a potential option coming available in the near future for her mom to be close by during this major life transition.

Thank You!

Thank you so much for your time! I adore this house and am looking forward to continuing to invest in and spruce up this home to share with those who are visiting Salem.

Best,

Heather Rauh



02-17-2022