

County Commissioners

Danielle Bethell, Chair

Colm Willis

Kevin Cameron

Chief Administrative Officer

Jan Fritz

**Director**

Brian Nicholas, PE

Deputy Director

Dennis Mansfield

TO: Marion County Planning Commission
FROM: Marion County Planning Division/Peden
DATE: December 15, 2025
SUBJECT: Conditional Use 25-049/Lopez/Barocio

The Marion County Planning Division has reviewed the above-referenced application and offers the following comments.

FACTS:

1. Application of Antonio Ceja Lopez and Belia Barocio for a conditional use permit to operate a roofing contractor business as a home occupation on a 0.71-acre parcel in an EFU (Exclusive Farm Use) zone located at 6430 Lardon Rd NE, Salem (T7S; R2W; Section 16A; Tax lot 500).
2. The property is located south of Lardon Rd NE, approximately 200 feet west of Lardon Rd's intersection with 64th Pl NE. The parcel is developed with a single-family dwelling built in 1955 and one accessory building.
3. Surrounding properties immediately adjacent to the east, south, and west are zoned Exclusive Farm Use. The eastern parcels are developed with acreage homesites, and the western parcel is undeveloped and in active farm use. Properties directly north are zoned Acreage Residential and consist of rural residences, while the northwestern properties are zoned Exclusive Farm Use and are in active farm use. All properties to the north are separated from the subject parcel by Lardon Rd NE.

COMMENTS:

4. Marion County Planning requested comments from various agencies. Those comments provided are included as follows in this section.

Marion County Septic requested the following be included:

SEPTIC CONDITION: An authorization is required

Note- "Marion County has no history on the existing septic system serving the property. The authorization must contain a proposal similar to what was submitted for this request for comment stating what operations are proposed at the residence. A full 8-page existing system report must also be submitted in full, completed by a licensed and certified individual."

Marion County Code Enforcement requested the following comments be included:

"Unauthorized business, significant vehicle traffic, numerous stored vehicles, RV habitation with gray water being dumped onto neighboring farm field. They called and reported RV was vacated;

however, no inspection to prove otherwise. Admitted to RV habitation for over one year. All code violations must be resolved.”

All other agencies either failed to comment or stated no comment on the proposal.

STAFF FINDINGS AND ANALYSIS:

5. The applicant is proposing to park two work trucks and store various equipment associated with their roofing business on his property. The trucks involved are one work truck, one dump truck, and a flatbed trailer. The various tools and equipment include a portable potty, three roofing guns, two gas air compressors, one electric air compressor, one generator, four ladders, skill saw, one drill, and various personal protective clothing equipment.
6. Since the property is located in an EFU zone, the proposal must satisfy the conditional use criteria in MCC 17.136.060(A). Those requirements are:

1. *The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary. For purposes of this section, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:*

- (A) *Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;*

The subject parcel is approximately 1½ miles east of the UGB of Salem. The entire area can be characterized by larger parcels in farm use with some residential properties mixed in. Uses to the west, south and northwest are therefore large parcels in active farm use. Uses to the north and east are smaller rural residential properties. There are no forest uses in the immediate area.

The farms near the subject parcel appear primarily devoted to grass seed and/or hay production, though the applicants did not provide this information directly.

- (B) *An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices. This assessment applies practice by practice and farm by farm; and*

The applicant did not address the individual impacts to the adjacent farming operation, but it can be inferred that traffic from the coming and going of the applicants' vehicles would have the greatest impact. This traffic is consistent with nearby residences, and it can be concluded this will not have an important effect on the neighboring parcel. Other impacts are likely realized as this dwelling has existed since 1955 with the parcel adjacent being farm since at least that time. Significant impacts are not expected from this home occupation.

- (C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.*

The only identified impact is from the applicant's vehicles coming and going from the property, which is not unlike traffic generated by a farm operation and cannot be said to have significant influence or effect on those farm operations around the subject parcel.

- (D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.*

The traffic impact is not unlike traffic generated by a farm operation and cannot be said to have significant influence or effect on those farm operations around the subject parcel. Because the construction from the proposed home occupation will not occur on the subject parcel, no other potential impacts can be identified. Additionally, the tools and vehicles used in this home occupation are similar to what a person may keep on their property for personal projects and would not cause impacts to neighboring farm uses.

- (E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsection (a) and (b).*

This criterion does not apply to the proposed home occupation.

- (F) In the consideration of potentially mitigating conditions of approval under ORS215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).*

The County recognizes this requirement. No conditions of approval are being imposed on affected farm or forest landowners, nor are any landowners being compelled to accept payment as compensation for significant changes to, or significant increases in costs of, accepted farm and forest practices in the area.

The applicant provided, and staff has reviewed, the above analysis of the proposal subject to the Farm Impacts Test in ORS 215.296(1) subsection (a) and (b) via the process outlined in subsection (c)(A-F), which shows that the proposal to establish a roofing business as a home occupation on the subject parcel will not force a significant change in, nor significantly increase the cost of accepted farm practices in the area. No forest practices exist in the area. The Farm Impacts Test is met.

2. *Adequate fire protection and other rural services are, or will be, available when the use is established.*

The subject parcel is served by the Marion County No. 1 Fire District and the Marion County Sheriff's Department. A well with pump on the property exists as a water source to the existing dwelling. The criterion is met.

3. *The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.*

No aspect of this proposal appears to have any potential impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and/or water quality. Nevertheless, this shall be a continuous condition of approval. The criterion is met.

4. *Any noise associated with the use will not have a significant adverse impact on nearby land uses.*

The applicants state that the only noise associated with the home occupation is comparable to typical residential sounds, such as vehicle entrance and exit of the property, as the services take place off the property. This lack of noise indicates no significant adverse impact on nearby land uses. The applicants do not perform the work on the property, therefore there should be no significant noise generated by the proposal. The criterion is met.

5. *The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.*

There are no water impoundments, mineral or aggregate sites identified in the comprehensive plan near this property. The criterion is met.

7. Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in-conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria in MCC 17.136.060 (C):

- (a) *A home occupation or bed and breakfast inn shall be operated by a resident of the dwelling on the property on which the business is located. Including residents, no more than five full-time or part-time persons shall work in the home occupation ("person" includes volunteer, nonresident employee, partner or any other person).*

The home occupation is carried on by the residents of the subject parcel, Antonio Ceja Lopez and Belia Barocio. The applicant states that all other employees of the roofing business meet them at jobsites and do not assemble at the subject property. The criterion is met.

- (b) *It shall be operated substantially in:*
i. The dwelling; or
ii. Other buildings normally associated with uses permitted in the zone in which the property is located.

The applicants propose parking their work trucks and trailer in the rear yard of the property. They may conduct administrative work related to the roofing business within the residence. There is an accessory structure in the rear yard that was found to be built

without building permits. The applicants must obtain building permits for this structure prior to storing any equipment related to the home occupation in the building. Though not directly related to the roofing business, the code violation must be resolved by obtaining building permits prior to storage of materials, and this shall be a condition of approval.

The home occupation is operated offsite where construction work occurs. This application is primarily to approve the subject parcel to be the base of operations and parking location for the trucks and equipment associated with the business. The criterion is met.

- (c) *It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.*

The proposed use will primarily impact traffic from the applicant leaving the property to worksites, which will not significantly increase traffic levels compared to typical rural residential and farm activities. This travel is similar to that of other individuals leaving their properties for work. Given the absence of significant foreseeable impacts, the proposed use shall not unreasonably interfere with other uses permitted in the zone. The criterion is met.

- (d) *A home occupation shall not be authorized in structures accessory to resource use on high-value farmland.*

The applicant does not propose operating the home occupation in a structure accessory to farm use on the property, which does consist of high value soils. This application was the result of code enforcement, based on a complaint about operation of a roofing business and unauthorized RV habitation on the property. Code enforcement also brought to our attention that the accessory structure used to storage equipment was built with obtaining building permits from Marion County Building Inspection. The structure in question is unable to be permitted with an agricultural exempt permit; the applicants must obtain a general structural permit. It shall be made a condition of approval that the applicants obtain all necessary permits for the accessory structure prior to using for equipment storage for the proposed home occupation. The criterion is met.

- (e) *A sign shall meet the standards in Chapter 17.191 MCC.*

No sign is proposed. This shall be a condition of approval.

- (a) *The property, dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.*

The applicant attests that no employees assemble or dispatch from the property. The applicant is the owner and operator of the business. There are two vehicles and various equipment on the property that are all used by the applicants. Both applicants live on the subject property. It shall be a continuous condition approval that no employees assemble or are dispatched from the subject parcel. Failure to comply with this condition of approval may result in the Planning Director revoking this conditional use permit.

- (g) *Retail and wholesale sales that do not involve customers coming to the property, such as internet, telephone or mail order off-site sales, and incidental sales related to the home*

occupation services being provided are allowed. No other sales are permitted as, or in conjunction with, a home occupation.

Retail sales are not proposed. The criterion is met.

CONCLUSION:

8. In conclusion, Staff finds that with conditions of approval the proposal can meet the criteria required for a conditional use home occupation in Marion County Code.
9. Marion County Planning Staff recommends APPROVAL of the proposal. Should the Planning Commission grant the applicant's request for a conditional use home occupation the Planning Division recommends the following conditions be applied:
 - A. The applicant(s) shall obtain all required building permits, including septic if needed, from the Marion County Building Inspection Division and Septic Division, this includes a septic authorization for the home.
 - B. The applicant(s) shall record a Farm/Forest Declaratory Statement into the deed at the Marion County Clerk's Office.
 - C. A home occupation shall not be authorized in structures accessory to resource use on high-value farmland.
 - D. The property, dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.
 - E. All code enforcement violations must be resolved.
 - a. The applicants must obtain a building permit for the unpermitted accessory structure prior to using it to store home occupation equipment.
 - b. Any habituated RV must be vacated and no longer lived in.
 - c. Grey water shall be disposed of using proper disposal methods, such as at an authorized greywater intake facility.
 - d. Commercial vehicles stored on the property are limited to those specified in this permit.
 - F. The use shall not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.
 - G. A home occupation shall be operated by a resident of the dwelling on the property on which the business is located. Including residents, no more than five full-time or part-time persons shall work in the home occupation ("person" includes volunteer, nonresident employee, partner or any other person.)
 - H. The home occupation shall be operated substantially in the dwelling; or other buildings normally associated with uses permitted in the zone in which the property is located.

- I. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- J. Any sign shall meet the standards in Chapter 17.191 MCC.
- K. Retail and wholesale sales that do not involve customers coming to the property, such as internet, telephone or mail order off-site sales, and incidental sales related to the home occupation services being provided are allowed. No other sales are permitted as, or in conjunction with, a home occupation.
- L. The home occupation shall be continuously conducted in such a manner as not to create any public or private nuisance, including, but not limited to, offensive noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. In a residential zone noise associated with the home occupation shall not violate Department of Environmental Quality standards or Chapter 8.45 MCC, Noise.
- M. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation could be appealed to the county hearings officer for a public hearing.
- N. The applicants should contact Marion County No. 1 Fire District to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.