

County Commissioners

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TO: Marion County Planning Commission
FROM: Marion County Planning Division/Barnes
DATE: June 11, 2026
SUBJECT: Conditional Use 26-020/Pappas

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

FACTS:

1. Application of Kenneth Pappas for a conditional use permit to operate a dustless blasting paint removal business for automobiles as a home occupation on a 1.51-acre parcel in an AR (Acreage Residential) zone located at 7611 Jackson Hill Rd SE, Salem (T8S; R3W; Section 26C; Tax lot 801).
2. The property is located north of Jackson Hill Rd, a few hundred feet from its intersection with Sunnyside Rd SE. The parcel is developed with a manufactured home built in 2002 and multiple accessory buildings.
3. Surrounding properties immediately adjacent to the north, east, south, and west are zoned Acreage Residential and are developed with dwellings. Directly east of the subject property is a church zoned AR. This area is characterized by a group of AR zoned parcels that include the subject parcel and beyond this small neighborhood, is farmland zoned Special Agriculture (SA). Crops include Christmas trees and grapes.

COMMENTS:

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

ENGINEERING REQUIREMENT

- A. Transportation System Development Charges (TSDCs) will be assessed in association with any required Building permit or a new structure and/or Change-in-Occupancy for conversion of existing personal use space to commercial.

Marion County Septic requested the following be included:

Specific Condition of Approval:

If any aspect of the proposed business is connected to the septic system an Authorization is required. This can be employees and/or any additional water use as part of business.

Marion County Building Department commented:

“According to the application submitted, the applicant states the business will not be open to the public. If this is accurate, no Building Inspection concerns with proposal within application. However, permit(s) are required to be obtained prior to the development of structures and/or utilities installation on private property. If the business is open to the public, and the public can access a building or structure to conduct business transactions, then additional codes will be applicable, and a change of use permit is required to address life safety and accessibility provisions. Discussion with a Building Plans Examiner is recommended prior to making application for a change of use permit.”

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

STAFF FINDINGS AND ANALYSIS:

5. The applicant is proposing to operate a dustless blasting paint removal business for automobiles as a home occupation. This involves the removal of paint and surface materials from various types of vehicles with a machine that is operated by one person. It is commonly referred to as soda blasting.
6. Since the property is located in an AR zone, the proposal must satisfy the conditional use criteria in MCC 17.128.040. Those requirements are:

The following criteria apply to all conditional uses in the AR zone:

- A. *The conditional use as described by the applicant will be in harmony with the purpose and intent of the zone.*

The purpose and intent of the acreage residential zone is to provide appropriate regulations governing the division and development of lands designated rural residential in the Marion County Comprehensive Plan. Acreage residential zones are areas that are suitable for development of acreage homesites. Such areas are necessary to meet the housing needs of a segment of the population desiring the advantages of a rural homesite. Where people need to live, they also need to work. Home occupations are a conditional use in every zone that allows for a dwelling, as this is a common and expected, accessory use. Small scale home occupations fit with the purpose and intent of the zone and they will also be in harmony with it, as allowing people to work from their property contributes to the economic ability to afford an acreage homesite and is contemplated in all zones that allow for dwellings.

- B. *The use will not increase traffic beyond the capacity of existing roads.*

The applicant states that they are the only employee of the business and that nature of the business is low volume thus low traffic. They also state this requires 1-3 pick-ups or deliveries per month, which would not exceed the capacity of existing roads. No complaints or evidence of traffic issues have been submitted to the record. The applicant has ample parking onsite to accommodate the vehicles that they use for the business. With the low level of traffic expected and large driveways on the property, the proposal meets this criterion.

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

The property is served by the Salem Suburban Fire Department and the Marion County Sheriff. The Fire Department reviewed the proposal and had no comments or concerns. The criterion is met.

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

The proposal has been reviewed by both DEQ and the Marion County Environmental Services Department. Environmental services did not provide comments and has stated emails that this use does not fall into a category or area that they regulate. The applicant had DEQ and Green Environmental Management perform testing of spent blasting material revealed certain hazardous waste materials were detected. The materials/chemicals detected were arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver. All were detected at levels below the threshold needed to be considered hazardous by DEQ and therefore, DEQ stated that had no reason to further monitor or take any enforcement against the applicant. While staff understands some hazardous materials can be found in this use, they do not rise to the level of a significant adverse impact. The same hazardous materials could be found in hobbies that do not require a home occupation permit, therefore, based on this testing and documentation, the criterion is met.

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

The use is conducted in an accessory building and site visits by Code Enforcement revealed that they do not believe the noise is significant. They listened to the blasting from the edges of the property and concluded that the noise was of an acceptable level. The criterion is met.

- F. 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 identified water impoundments near the subject property. The criterion is met.

7. 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 17.120.075:

A conditional home occupation shall meet the following use and development standards:

- A. The home occupation shall be carried on by the resident or residents of a dwelling on the subject property as a secondary use and may employ no more than two persons ("person" includes volunteer, nonresident employee, partner or any other person).*

The only employee for this home occupation is Ken Pappas, owner of the property who also resides in the dwelling. The criterion is met.

- B. 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.*

The proposal has been reviewed by both DEQ and the Marion County Environmental Services Department. Environmental services did not provide comments and has stated emails that this use does not fall into a category or area that they regulate. The applicant had DEQ and Green Environmental Management perform testing of spent blasting material revealed certain hazardous waste materials were detected. The materials/chemicals detected were arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver. All were detected at levels below the threshold needed to be considered hazardous by DEQ and therefore, DEQ stated that had no reason to further monitor or take any enforcement against the applicant. While staff understands some hazardous materials can be found in this use, they do not rise to the level of a significant adverse impact. Additionally, Marion County Code Enforcement has visited the site multiple times and listened to the sounds produced by the equipment at various locations in and around the property. Based on their observations, the noise was not deemed to be offensive, but rather similar to other uses they happen in residential zones. This includes but is not limited to lawn mowers, leaf blowers, wood saws and regular maintenance of equipment or structures that homeowners perform. Based on this testing and documentation, the criterion is met.

- C. The conditional home occupation shall not significantly interfere with other uses permitted in the zone in which the property is located.*

With the low volume of traffic and the fact that the home occupation is conducted entirely indoors, this use is not expected to interfere with any other use allowed in the AR zone. Neighbors will still be able to live and use their homes with no interruption, and this use does not create traffic hazards. Additionally, the use is only conducted during normal daytime business hours and would not interfere with regular sleeping hours. The criterion is met.

- D. A sign shall meet the standards in Chapter 17.191 MCC.*

No sign is proposed, but any sign would have to meet this code section.

- E. The home occupation shall be conducted entirely within the dwelling or accessory building.*

The home occupation is proposed to be operated entirely inside of an accessory building that is already onsite. The criterion is met.

- F. The total floor area of buildings on the subject property devoted to a home occupation shall not exceed 500 square feet in a residential zone, except in the AR zone where 1,500 square feet is the maximum.*

As stated above, the home occupation is to be conducted within an existing accessory building which is 1,200 square feet. The criterion is met.

- G. No structural alterations shall be made that would be inconsistent with future use of the buildings exclusively for residential purposes.*

No structural alterations are proposed to the building. The criterion is met.

- H. No alteration to or use of the premises shall be made that would reduce the number of required on-site parking spaces.*

No such alterations are proposed and there is an excess of parking area on the subject property. The criterion is met.

- I. All visits by suppliers or customers shall occur between the hours of 8:00 a.m. and 8:00 p.m. These limitations do not apply to a bed and breakfast use as defined in MCC 17.110.108.*

The applicant understands this and states that they only have 1-3 deliveries or pick ups per month. The criterion is met.

- J. There shall be no outside storage or display of materials, equipment, or merchandise used in, or produced in connection with, the conditional home occupation.*

The applicant understands this and will keep items inside the buildings. The criterion is met.

- K. Deliveries to or from the dwelling shall not involve a vehicle rated at more than one ton. There shall be no more than one commercial vehicle located on the property in conjunction with the home occupation.*

The applicant understands this and does not foresee any compliance issues with this provision. The criterion is met.

- L. Where a home occupation involves deliveries, one off-street loading space shall be provided. If visits by customers occur, two additional off-street parking spaces shall be provided if the street along the lot frontage does not provide paved area for at least two parallel parking spaces. During normal loading/unloading or customer parking periods the off-street loading and parking spaces shall be reserved exclusively for that use.*

No such alterations are proposed and there is an excess of parking area on the subject property. The criterion is met.

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

There will be no assembly or dispatch of employees as the Ken Pappas is the only employee and does work onsite. The criterion is met.

- N. 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.*

No retail or wholesale sales are 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. If any aspect of the proposed business is connected to the septic system an Authorization is required. This can be employees and/or any additional water use as part of business.
 - C. The standards in MCC 17.120.075 shall be continuously adhered to.
 - D. If any aspect of the proposed business is connected to the septic system an Authorization is required. This can be employees and/or any additional water use as part of business.
 - E. 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.