

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

**NOTICE OF DECISION  
CONDITIONAL USE CASE NO. 25-001**

**APPLICATION:** Application of Brenda Rosas and Jose L. Ibarra Ortiz for a conditional use permit to operate a reforestation business as a home occupation on a .18-acre parcel in an RS (Single Family Residential) zone located at 3669 Meadow Park Loop NE, Salem (T7S; R3W; Section 1DD; Tax lot 2000).

**DECISION:** The Zoning Administrator for Marion County has **APPROVED** the above-described Conditional Use application subject to certain conditions

**EXPIRATION DATE:** This conditional use permit is valid only when exercised by **February 20<sup>th</sup>, 2027** (two years). The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

**WARNING:** A decision approving the proposed use is for land use purposes only. Due to septic, well, and drain field replacement areas, this parcel may not be able to support the proposal. To ensure the subject property can accommodate the proposal the applicant should contact Building Inspection Division, (503) 588-5147.

**This decision does not include approval of a building permit.**

**CONDITIONS:** The following conditions must be met before a building permit can be obtained or the approved use established:

1. The applicant shall obtain approval for any permits required by the Marion County Building Inspection Division.
2. The development shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.
3. All materials associated with the home occupation shall be stored inside a structure or building.
4. One sign is allowed per MCC 16.31.060 (A).
5. The home occupation shall not be open to the public.
6. The dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.
7. Employees, other than the home occupation applicants (owners), shall not park personal vehicles at the home occupation site.
8. Delivery and pick up of materials or commodities in conjunction with the home occupation to and from the premises shall be made by private vehicles or by commercial vehicles not exceeding two axles in size.
9. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation could be appealed to a County hearings officer for a public hearing.

**OTHER PERMITS, FEES AND RESTRICTIONS:** This approval does not remove or affect covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits and/or fees from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying any restrictions or conditions thereon.

**APPEAL PROCEDURE:** The Marion County Zone Code provides that certain applications be considered first by the County Zoning Administrator. If there is any doubt that the application conforms with adopted land use policies and regulations the Zoning Administrator must condition or deny the application. Anyone who disagrees with the decision may request that the application be considered by a County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$250) on the basis of new information subject to signing an extension of the 120 day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received in the Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **February 20<sup>th</sup>, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **February 21<sup>st</sup>, 2025**, unless further consideration is requested.

**FINDINGS AND CONCLUSIONS:** Findings and conclusions on which the decision was based are noted below.

1. The property is designated Single Family Residential in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding Single Family Residential zone is to allow development of attached or detached residences on individual lots provided with urban services at low urban densities.
2. The property is located on the western side of the loop created by Meadow Park Loop Place, adjacent to Ward Drive NE. The property contains a 1977 dwelling and associated residential structures. The parcel was created as part of the Meadow Park Village Subdivision and recorded in its current configuration in a 1976 survey (S30-041) and is therefore considered legal for land use purposes.
3. Surrounding uses are residential to the north and east. To the west along Ward Dr NE the zoning is Commercial Retail (CR). To the south the zoning is residential, multifamily residential and residential lands incorporated into the City of Salem.
4. The applicant proposes to operate their forest restoration business from their home. The home will be used as the office and to store tools, fuel, and chemicals related to their business; the company vehicle will be parked at the home.
5. Marion County Building Department commented:  
“No Building Inspection concerns or requirements.”

Marion County Code Enforcement commented about the number of business vehicles and employee vehicles parked in and along the street, and at times blocking fire hydrants near the applicant’s property. Code Enforcement additionally commented about the need to limit this condition in the future.

Land Development Engineering and Permits commented:

### **ENGINEERING REQUIREMENT**

- A. All business-related vehicle parking including work trucks and trailers, plus employee parking needs to be accommodated for on private property, and while not blocking the sidewalk.

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

6. All conditional uses are subject to the general criteria in MCC 16.40.020, these include:
  - (a) *The use is listed as a conditional use in the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the zone and the provisions that authorized consideration as a conditional use.*

Home occupations are listed as a conditional use in the RS zone. The criterion is met.

- (b) *The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.*

The parcel is 0.18 acres and does not contain steep slopes, unstable soils or drainage issues as it is in a developed subdivision. The parcel is large enough to support the home occupation. All storage of supplies, tools, and vehicles related to the business shall be stored on the property. The criterion is met.

- (c) *The proposed use, as conditioned, will not substantially limit, impair, or preclude the use of surrounding properties for the uses permitted in the applicable zone.*

As the materials are stored inside, there are no employees on site other than the applicants, Brenda Rosas and Jose Ortiz, and with no customer visits to the property, this should have little to no effect on surrounding uses or dwellings. The dispatch of employees from the site and the immediate vicinity have generated neighborhood concern and Code Enforcement action. The parking of employee vehicles in the immediate neighborhood has also been brought to Staff's attention by Code Enforcement. This home occupation, as conditioned, should not further increase vehicle trips or parking on the road. This shall be a condition of approval; the criterion is met.

- (d) *The proposed use, as conditioned, will not have a significant adverse effect on air or water quality.*

The use does not create fumes or other discharges that can be absorbed in the air. A home occupation inside a dwelling is not an unusual activity for a residential parcel and should not cause water quality issues. The home is serviced by the sewer and storm water utilities. Any excess can flow to the storm drainage. This is not expected to have any significant adverse effects. The criterion is met.

- (e) *Adequate public and utility facilities and services to serve the use are available or will be made available prior to establishment of the use.*

The area is served by the City of Salem utilities and Marion County Fire District No.1. The criterion is met.

7. In addition to these general criteria, in order to approve a Conditional Use in a RS zone the specific criteria in MCC 16.32.400 must be satisfied:

*A home occupation that employs no more than one person ("person" includes volunteer, nonresident employee, partner, or other person) in the conduct of the home occupation may be approved as a conditional use subject to meeting the following criteria:*

*A. The premises upon which the home occupation is conducted shall be the residence of the person conducting the home occupation.*

Brenda Rosas and Jose Ibara are the owners and residents of the property. The applicants do rely on additional employees; their workforce varies from 5 to 12 depending on the seasonal nature of their work. In their application the applicants state that they pick up their employees off site and transport them to the job sites. The dispatch of employees from the home occupation site is not allowed per MCC 16.32.400(J). The applicants shall not dispatch employees from the home occupation site – this shall be a condition of approval. The criterion is met.

*B. The home occupation shall be continuously conducted in such a manner as not to create any nuisance, public or private, known law or equity, including but not limited to: noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference.*

The tools, supplies, and storage totes are required to be stored inside, or out of sight, and with no customers coming to the property, the home occupation shall be conducted in such a way as to have as little impact as possible on the neighborhood. The forest restoration business by nature does not create fumes, smells or other adverse effects for the surrounding residents. As conditioned, this home occupation will have the least impact on surrounding uses because it controls the outside appearance of the property and the parking of company vehicles and employee vehicles so neighbors will not see a business, they will see a residential home. The criterion is met.

*C. No sign shall be displayed on the premises except those as permitted in MCC 16.31.060(A).*

This shall be made a conditional of approval.

*D. No structural alterations shall be made to the dwelling that would be inconsistent with future use of the building as a dwelling.*

No alterations are proposed. The criterion is met.

*E. No alteration to or use of the premises shall be made that would reduce the number of on-site parking spaces required for dwellings as outlined in MCC 16.30.170.*

No alterations are proposed. The criterion is met.

*F. Parking of customers' or clients' vehicles shall create no hazard or unusual congestion. If the home occupation requires any parking for an employee or customer, a site plan meeting the requirements for off-street parking in Chapter 16.30 MCC shall be submitted and approved by the planning manager.*

No customer or client vehicles are permitted for this home occupation due to the nature of business that mostly takes place offsite on resource lands. In addition, there is limited onsite parking available. The criterion is met.

*G. Delivery and pick-up of materials or commodities in conjunction with the home occupation to and from the premises shall be made by private vehicles or by commercial vehicles not exceeding two axles in size.*

Deliveries are not expected with this home occupation; however, this shall be made a condition of approval.

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

This shall be made a condition of approval.

*I. 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.*

The public is not permitted at this home occupation, and this shall be made a condition of approval.

*J. The dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.*

The applicants shall inform employees of this condition and make arrangements to pick up employees at offsite locations. This shall be made a condition of approval.

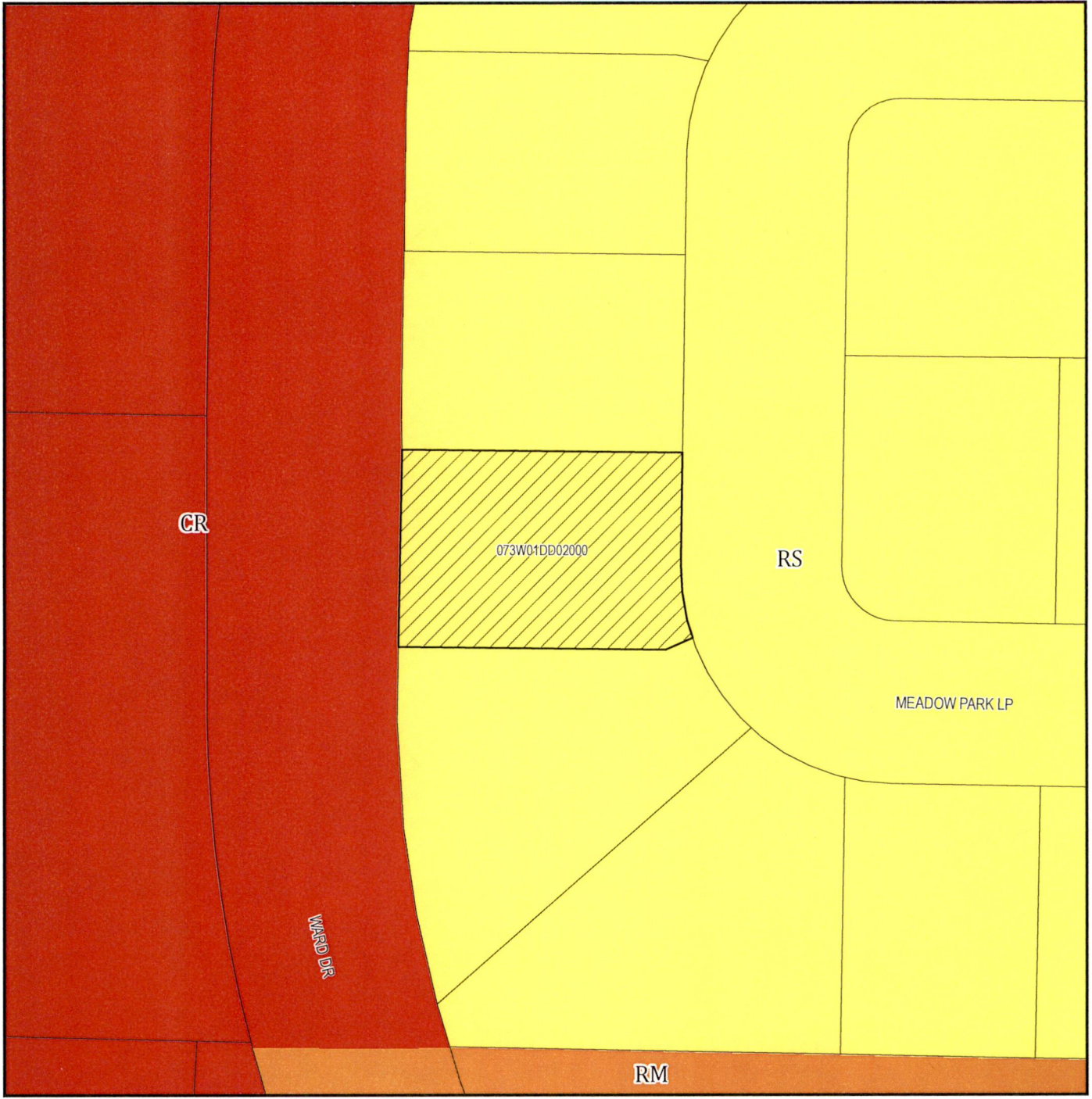
8. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: February 5<sup>th</sup>, 2025

If you have any questions regarding this decision contact George Brandt at (503) 566-3981

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.



## ZONING MAP

**Input Taxlot(s):** 073W01DD02000

**Owner Name:** ORTIZ, JOSE LUIS IBARRA & ROSAS, BRENDA

**Situs Address:** 3668 MEADOW PARK LOOP NE

**City/State/Zip:** SALEM, OR, 97305


**Land Use Zone:** RS

**School District:** SALEM-KEIZER

**Fire District:** MARION COUNTY NO.1

### Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 54 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map.