

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. 24-040**

APPLICATION: Application of Anthony & Kayla Eichler for a conditional use permit to operate a firearm distribution business as a home occupation on 1.2-acre parcel in an AR (Acreage Residential) zone located at 12443 Summit Loop SE, Turner (T9S; R2W; Section 20D; Tax Lot 900).

DECISION: The Planning Director 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 **October 25th, 2026**. 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 proposal is for land use purposes only. Due to septic, well, and drain field replacement areas, these parcels may not be able to support the proposal. To be sure the subject property can accommodate the proposed use the applicant should contact the 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 all required permits from the Marion County Building Inspection Division.
2. The applicant shall follow all applicable state and federal laws.

ADDITIONAL CONDITIONS: Once the approved use is established the following conditions must be continually satisfied:

3. The development shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval of the Planning Director.
4. Work that creates substantial noise for prolonged periods of time such as, but not limited to, grinding or hammering shall be performed only between the hours of 8:00 AM and 6:00 PM. Other business activities that do not create prolonged noise are not limited to these hours.
5. The conditional home occupation shall not significantly interfere with other uses permitted in the zone in which the property is located.
6. The 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).
7. It shall be operated substantially in:
 1. The dwelling; or
 2. Other buildings normally associated with uses permitted in the zone in which the property is located.
8. A sign for the home occupation shall meet the standards in Chapter 17.191 MCC.

9. The property, dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.
10. 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. Only visits and sales via appointments will be allowed.
11. 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
12. All visits by suppliers or customers shall occur between the hours of 8:00 a.m. and 8:00 p.m.
13. There shall be no outside storage or display of materials, equipment, or merchandise used in, or produced in connection with, the conditional home occupation.
14. 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.
15. 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.
16. 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.

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 restrictions or conditions thereon.

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150-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 Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **October 25th, 2024**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 28th, 2024**, unless further consideration is requested.

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

1. The subject property is designated Rural Residential in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding AR (Acreage Residential) zone is to promote the continuation of commercial agricultural and forestry operations.
2. The property is located on the southern side of Summit Loop Rd SE in the 12,400 block. The parcel contains a dwelling built in 1974 and an accessory building. The parcel was the subject of PLA10-022 and has a legally established dwelling, therefore it is considered legal for land use purposes.

3. Surrounding uses include a mix of residential and farm uses. To the north, south and west of the parcel are lands zoned AR and developed with homesites, many of these contain small farms. To the east, past Parrish Gap Rd SE, are large farm parcels in active hay and grass seed production.
4. Soil Survey of Marion County Oregon indicates 40.9% of the subject property is composed of high-value farm soils, however half of the parcel is graveled.
5. The applicant is proposing to operate an appointment only firearm building and transfer business, for clients who order firearms from online dealers, as a home occupation on the subject parcel.
6. The following agencies responded with comments related to the case:

Marion County Building Department commented: “No concerns with Building Inspection. A permit would be required to be obtained prior to any alteration to the structures.”

All other commenting agencies stated no objection to the proposal.

7. The proposal must satisfy the conditional use criteria in MCC 17.128.040. Those requirements are:
 - a. *The conditional use as described by the applicant will be in harmony with the purpose and intent of the zone.*

The applicant attests that his business will be by appointment only and not increase traffic in the area. In discussion with the applicant, they attested that this will be a part time, almost hobby-like endeavor. This home occupation is in harmony with the zone as the AR zone supports residential living and associated home occupations. The criterion is met.
 - b. *The use will not increase traffic beyond the capacity of existing roads.*

The applicant attests that his business will be by appointment only and not increase traffic in the area. In discussion with the applicant, they attested that this will be a part time, almost hobby-like endeavor. The criterion is met.
 - c. *Adequate fire protection and other rural services are, or will be, available when the use is established.*

The parcel is served by the Turner Fire District and Marion County Sheriff. 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 proposed use will have no effect on watersheds, groundwater, fish and wildlife habitat, or soil and slope stability. The anticipated level of traffic increase is unlikely to affect air quality. No manufacturing is occurring that would harm the environment. The criterion is met.
 - e. *Any noise associated with the use will not have a significant adverse impact on nearby land uses.*

The use will not create any additional noise beyond trips to the subject property, trips that are not expected to be significantly higher than normal for rural residences. 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 in the area. The criteria does not apply.

8. In addition to the specific criteria above, the proposal must also satisfy the specific AR home occupation criteria in MCC 17.120.075. Those requirements are:

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 home occupation is proposed to be operated by Anthony Eichler, the property owner. 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 proposed use does not create any of the above factors as it is not a manufacturing use, rather, the applicant assembles the firearms and performs online sales. 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.*

This use is not expected to interfere with uses allowed in this zone. It is similar to a hobby and will be contained inside the shop and dwelling. Because no retail sales are allowed, this approval will not substantially change how the property is used.

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

This shall be made a condition of approval.

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

This shall be made a condition of approval.

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.*

This shall be made a condition of approval.

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

No such alterations are proposed. 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 alteration are proposed. 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.*

This shall be made a condition of approval.

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.

This shall be made a condition of approval.

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.

This shall be made a condition of approval.

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.

This shall be made a condition of approval.

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

This shall be made a condition of approval.

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.

This shall be made a condition of approval.

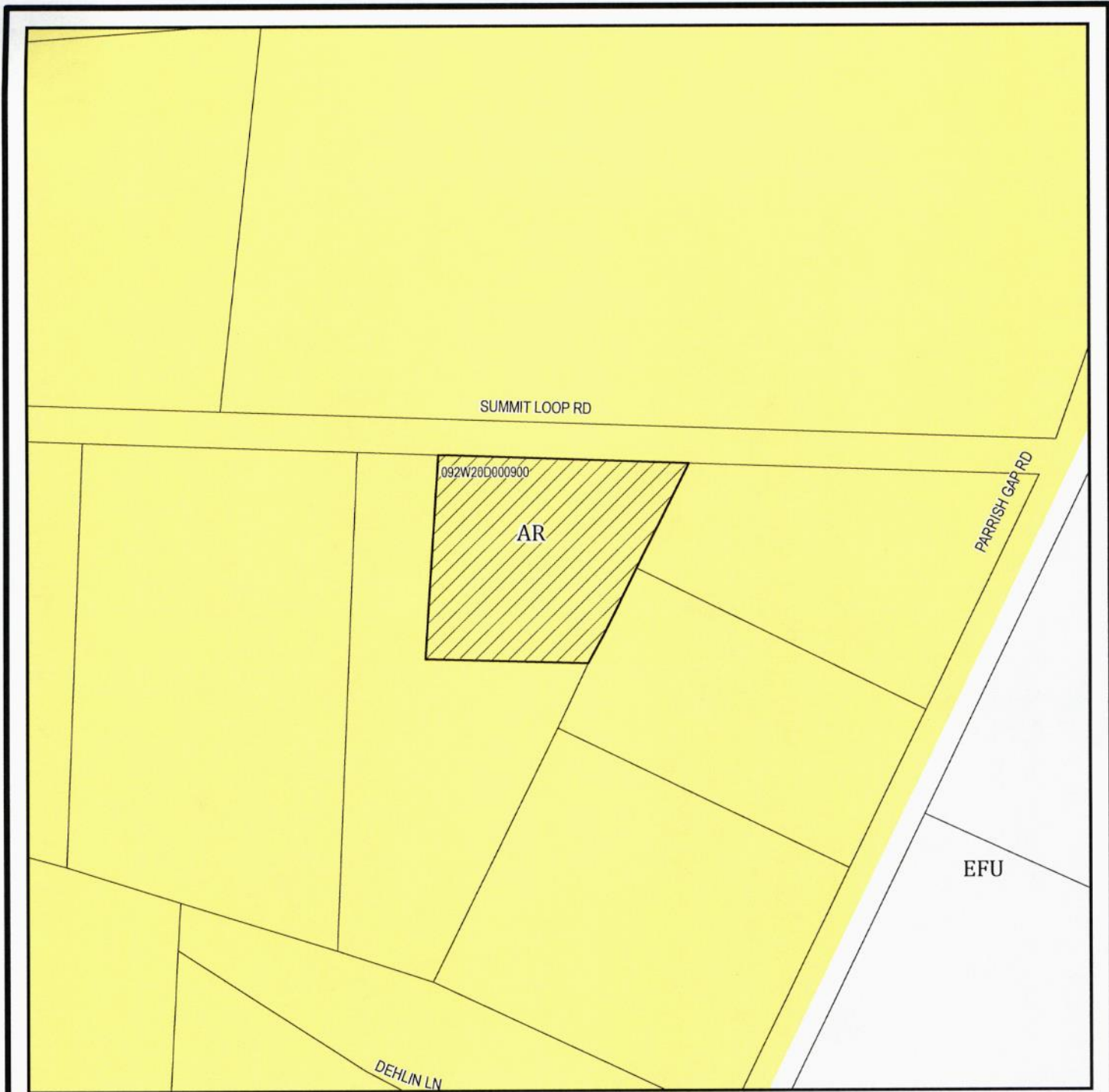
9. Based on the above findings it has been determined that the applicant's request meets all applicable criteria for a and is, therefore, **APPROVED**, subject to conditions.

Brandon Reich
Planning Director/Zoning Administrator

Date: October 10, 2024

If you have any questions regarding this decision contact Austin Barnes at (503) 588-5038

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): 092W20D000900

Owner Name: EICHLER, ANTHONY FREDRICK
EICHLER, KAYLA ANNE

Situs Address: 12443 SUMMIT LOOP SE
City/State/Zip: TURNER, OR, 97392
Land Use Zone: AR
School District: CASCADE
Fire District: TURNER

Legend

-  Input Taxlots
-  Lakes & Rivers
-  Highways
-  Cities



scale: 1 in = 159 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.