



PO Box 327 Ontario, OR 97914

Phone: (208) 740-9373 – Email: mikeeicher@homelandfireworks.com

September 26<sup>th</sup>, 2022

Malheur County Planning Department,

Homeland Fireworks is wanting to move our fireworks storage magazine. Currently the magazine sits on a piece of farm ground in Jamieson, Oregon. The previous owner of Homeland, Bruce Lawson, applied for and was granted a commercial overlay to operate the business from exclusive farm use land. This was done because there was no commercially zoned property in Malheur County that would be able to satisfy the separation distance for the storage of explosive as required by BATFE (Bureau of Alcohol, Tobacco, Firearms and Explosives). I as the current owner entered into an agreement with the land owner in Jamieson, to rent the land that the magazines sit on with the understanding that it was my intension to move the magazine.

My brother owns some land outside of Nyssa at 1288 Cow Hollow Rd. It is also zoned exclusive farm use but I think would be ideal for the location of the magazines because of its remoteness. Remoteness affords Safety through the separation distances required for storage of explosives and offers security since fewer people will know about it or have access to it.

The corner of the property that I am proposing using is not irrigated and is being currently used as dryland pasture for animals. Because my magazine is made up of 7 40' "Connex" containers they will not be damaged by animals nor will they hinder animals grazing right up to them.

Because of the distances required for the storage of large quantities of explosives and because of the security that the remote location offers and because I do not foresee it interfering with the agricultural use of the property, I request that the commission grant our use of exclusive farm use property for commercial purposes in this instance.

Thank you,

Mike Eicher, President Homeland Fireworks

EXHIBIT # 1



# MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: 2022-09-010  
Application Fee: \$200  
Date Received: 9-26-2022  
Date Deemed Complete: 9/26/2022

## LAND USE APPLICATION COVERPAGE

### LANDOWNER INFORMATION

Name: Matthew Eicher  
Address: 710 E McConnell Ave  
City/State/Zip: Parma, ID. 83660  
Phone: 208-739-3285  
Email: \_\_\_\_\_

### APPLICANT INFORMATION ☐ Check box if same

Name: Mike Eicher  
Address: 672 NW 14th St.  
City/State/Zip: Ontario, OR 97914  
Phone: 208-740-9373  
Email: mikeeicher@homelandfireworks.com

### PROPERTY INFORMATION

Township: 20 Range: 45 Section: 12 Tax Lot: 1200 Ref #: 9959 Acres: 140.85 Zoning: C-A1  
Address: 1288 Cow Hollow Rd Nyssa, OR 97914  
Current use: Farm/Residential Use of surrounding properties: Farm/Range  
Proposed use: Commercial Permitted subject to section: MCC 6-6-8-6 (c)  
Water source: Well Sewage disposal method: N/A  
Are the wetlands/water waterways on your property? ☐ No ☒ Yes (description): Owyhee Canal  
Do you own neighboring property? ☒ No ☐ Yes (description): \_\_\_\_\_  
Name of road providing access: Cow Hollow Rd

### LEGAL PARCEL STATUS

Partition: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
or Most Recent Pre- 09/04/1974 Deed #: 2013-2184 Date Filed: Apr. 24th., 2013  
Current Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

*\*The deed and a map showing the property described in the deed(s) must accompany this application.*

*\*Additional descriptive maps and pictures may be attached.*

**SIGNATURES:**

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Property Owner(s): Matthew Eicher Date: 9-24-2022

Property Owner(s): Amber Eicher Date: 9/24/22

Applicant(s): [Signature] Date: 9-26-22

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_

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PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

**ALL LAND USE APPLICATIONS MUST INCLUDE:**

- ☐ Application Fee – Cash or Check (credit cards now accepted with additional fee)
- ☐ Site Plan
- ☐ Elevation Drawing
- ☐ Fire Safety Self-Certification
- ☐ Other applicable information/application(s):

**SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT**

<b>Legal Parcel</b> Deed/Land Use Action: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Previous Map and Tax Lot:</b> _____	
<b>Past Land Use Actions:</b> If yes, list file #(s) _____ _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
Subject to previous conditions?	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Assessor Property Class:</b> _____	
<b>Zoning:</b> _____	
<b>Water Resources</b> Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? Describe (include setback distances): _____ <input type="checkbox"/> Fish bearing <input type="checkbox"/> Non fish bearing <input type="checkbox"/> Seasonal Creek <input type="checkbox"/> Irrigation ditch <input type="checkbox"/> Wetland <input type="checkbox"/> Pond/Lake <input type="checkbox"/> Not identified <i>(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)</i>	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Access:</b> County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____	
<b>Address:</b> Address exists and has been verified to be correct? Address needs to be assigned after approval?	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Fire District:</b> _____	
<b>Fees (List Review Type and Cost):</b> _____ _____ _____	

*Last Updated 01/30/2020*



## CONDITIONAL USE PERMIT

### DETAILED SPECIFIC WRITTEN REQUEST

We are requesting permission to re-locate the fireworks magazines of Homeland Fireworks Inc. to the above listed address and operate the fireworks storage portion of Homeland Fireworks from that address. The current magazine is in Jaimison OR and consists of 7, 40' Connex containers.

*(Attach additional pages if necessary)*

### DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				
Driveway				
Accessory Structure	7) 40'	8'	9'	
Agricultural Structure				
Other				
EXISTING				
Dwelling				
Accessory Structure				
Agricultural Structure				
Other				

## CONDITIONAL USE CRITERIA – Malheur County Code (MCC) CHAPTER 6-6-7

1. The proposal must be consistent with the goals and objectives of the Comprehensive Plan and MCC.
2. Taking into account location, size, design and operational characteristics of the proposed use, describe how your proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses:

The storage magazine will use only a small portion of the dry land portion of the property at 1288 Cow Hollow Rd. The storage of fireworks is regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives and due to the nature of the products being stored is best kept in remote locations.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:

Homeland operates the magazines for the storage of fireworks in compliance with federal regulations.

Only employees are allowed access to the magazines and typically there on average 2 times per month.

Trucks for transport of fireworks are the only equipment used, currently 2 vans and a box truck.

Describe the number of people/employees/customers associated with the proposed use:

Homeland has 1 full time employee and has 2-3 seasonal employees. Customers do not visit the magazine site.

- 3. What are the existing developments and viewpoints of property owners in the surrounding area?**

4. The proposed use cannot exceed or significantly burden public facilities and services available to the area. Please describe the impact the proposed use will have on the following public facilities and services and provide letters from the appropriate entities:

Roads: No impact. the current access to Cow Hollow Rd. is more than sufficient for the few times per year that the site will be visited.

Fire & Police Protection: Little impact. The fire department will be made aware of the facility but the purpose of locating it so remotely is to make it less of a danger to the surrounding areas. The Sheriff's department again will know about it but remoteness again play a big roll in security.

**Sewer & Water:** No impact. There are no plans to use water or sewer on the proposed site.

Electrical & Telephone: No impact. There are no plans to use power or phone on the proposed site.

Solid Waste Disposal: **Little impact. Trash is not significant and can be handled by local residential route disposal easily.**

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5. What effect will the proposed use have on the stability of the community's social and economic characteristics?  
**Homeland Fireworks has for years been involved in celebrations in and the supporting of the surrounding communities. We shoot fireworks and support community events in Vale, Ontario, Nyssa and Payette to list only the local ones.**
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6. Demonstrate that the proposed use will not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the fish and wildlife habitat protection plan for Malheur County.  
**The proposed site is not irrigated, has very little dessert type vegetation and is mostly sand and gravel. The site will require only modest leveling and not disturb any wetlands or waterways.**
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7. How will the proposed use increase setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances during development and operation?  
**The distance from neighboring properties and modest amount of leveling nessicary will ensure that none of the adjoining properties are disturbed by noise. No nigh operations are planned.**
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8. What are the proposed landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and County?  
**The remoteness of the location lends no possible visual benefit to any improvements so there are none planned.**
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9. The location and size of driveway access points and right of way widening and improvement for present and future traffic circulation consistent with the adopted County road standards or the standards of the appropriate road district and the access management standards of the Malheur County Transportation System Plan.  
**The current driveway and access to the property are sufficient for access needs now and in the foreseeable future.**
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- 10. What is the proposed visual screening of the outdoor waste and storage areas?**

The entire proposed site is screened from view by natural hills/berms.

- 11.** What efforts will be in place to control and focus the outdoor lighting to avoid glare being directed beyond property limits?

**No outdoor lighting is being installed.**

- 12. Demonstrate how the proposed use will not significantly increase the cost of, or force a significant change to, accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use.**

Describe the agricultural uses (orchards, wheat, grazing, etc.) that are within 0.25 miles of the proposed development. How will the proposed development interact with surrounding agriculture uses?

The proposed use will have little to no impact on the surrounding agricultural use. Gravel roads already in place will be used for access and the surrounding range and farming will not be affected.



## HOME BUSINESS – Malheur County Code (MCC) 6-6-8-6

1. The following shall not be permitted:

- a. Home businesses in rural residential land use zones.
- b. Retail sales, showroom activities, or storefront operations conducted on the site of a minor home occupation, home occupation, or home business.
- c. Automotive repair, including engine, body, painting, of more than one vehicle at a time owned by a person not residing at the site, regardless of compensation paid for the service.
- d. Outdoor storage associated with auto repair under this chapter of more than one vehicle at a time not owned by a person or persons residing at the site.
- e. Household appliance sales, repair, or rehabilitation.
- f. Ministorage facilities operated as a minor home occupation, home occupation, or home business.
- g. Junkyards operated as a minor home occupation, home occupation, or home business.
- h. Nothing in this section authorizes construction of any structure without a building permit and that would not otherwise be allowed in the zone in which the home occupation or business is to be established.
- i. Minor home occupations, home occupations and home businesses shall not involve the manufacture or generation of materials deemed hazardous by other local, state, or federal law or regulation. Hazardous materials and hazardous wastes shall be stored in accordance with state and federal laws and regulations.
- j. Minor home occupations, home occupations and home businesses shall not be transferred to another person or site without first applying for a new permit.

2. This section shall not apply to:

- a. A childcare provider who regularly provides childcare in the provider's home, in the family living quarters, for no more than three (3) children other than the person's own children, or for children from only one family other than the person's own family.
- b. Farm or ranch use as defined by ORS 215.203(2) where the business activities of the farm or ranch are conducted in a home or office on the property.
- c. Hobby or collection activities associated with automobile or aircrafts, including sales, barter or trades among hobbyist who are in compliance with Malheur County code public nuisance ordinances.

1. Describe the scale of the operation:

*\*A home business must fit within the dwelling and must be incidental to the use of the dwelling as a residence. If there is no existing accessory structure one may be built, provided the side walls are no higher than ten feet (10') from the elevation of the floor and the building covers no more than two thousand five hundred (2,500) square feet in area.*

Homeland Fireworks owns 7 40' Connex containers for the storage of fireworks (a magazine).

This magazine is maintained for the proper legal storage of fireworks under BATFE rules.

Homeland has 1 full time employee and 2-3 seasonal employees and will visit the magazine site on average 2-3 times per month.

2. Who will be the participants in the business?

*\*Family members living on the property and a combination of no more than ten (10) full time employees are the only persons that may be employed in a home business.*

Homeland has 1 full time employee and has 2-3 seasonal employees. 1 member of the household will be involved in the operation of the magazine.

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3. Demonstrate that the character / visual appearance of the property shall not be altered by the home business:

*\*The property upon which a home business exists shall be kept in a clean, neat, orderly fashion.*

The storage magazine is located a distance from the house and contains all the property that will be involved in the operation of the magazine. The house will be unchanged.

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4. Describe the storage means for the home business:

*\*All materials associated with a home business shall be screened from view or contained within the allowed dwelling or accessory structures of the home business.*

The magazine will contain all the property associated with the business none will be in the house.

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5. Describe the display and signs for the home business:

*\*There shall be no display of products visible from outside the allowed dwelling or accessory structure. A home business must comply with the MCC Chapter 7 requirements (addendum A).*

There will be no signage advertising the business on the property. Part of the security plan is to keep it secure through obscurity. The addition and maintenance of "No Trespassing" signs on the private property boarder adjacent to the magazine will be the only signage added

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6. Describe the projected traffic flow generated by the home business:

*\*Customer, client and/or business traffic shall not exceed fifteen (15) trips per day. Business delivery vehicles shall not exceed gross vehicle weight of eleven thousand (11,000) pounds. U.S. postal service deliveries are exempt from this requirement.*

**Homeland employees will on average visit the magazine site 2 times per month with peak season visits between June 1st and July 10th average 6 times per week.**

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7. Describe the projected customer parking availability for the home business:

*\*Vehicles owned, leased or operated by the participants of a home business shall not be parked or stored on the street or in the public right of way.*

**There will be no customers at the magazine and parking of business vehicles will be next to the magazine.**

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8. Describe the projected days and hours of operation and noise mitigation for the home business:

*\*Noise shall be kept to a minimum at all times, especially between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. Equipment that creates a shrill or penetrating sound shall, at all times, be operated only within an enclosure that effectively prevents noise measured at the nearest dwelling exceeding the otherwise ambient noise level of the neighborhood. Where a question arises regarding noise levels, the planning director's determination shall be final.*

**Days of operation are Monday-Saturday 8:00 AM-9:00 PM. There is little noise generated by the operation of a fireworks storage magazine. Primary operations are inventory management, selection, sorting and labeling of effects and boxing for transportation.**

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9. Describe the projected odors mitigation for the home business:

*\*Odors shall not be detectable from any boundary of a home business property at any time.*

**There are no odors associated with fireworks storage.**

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10. Describe the projected electrical interference mitigation for the home business:

*\*A home business shall not create visual or audible electrical interference in any radio, television, or other electrical device off the subject property or cause fluctuations in line voltage off the subject property.*

There are no electrical interferences generated by the storage of fireworks and no equipment used that would generate any.

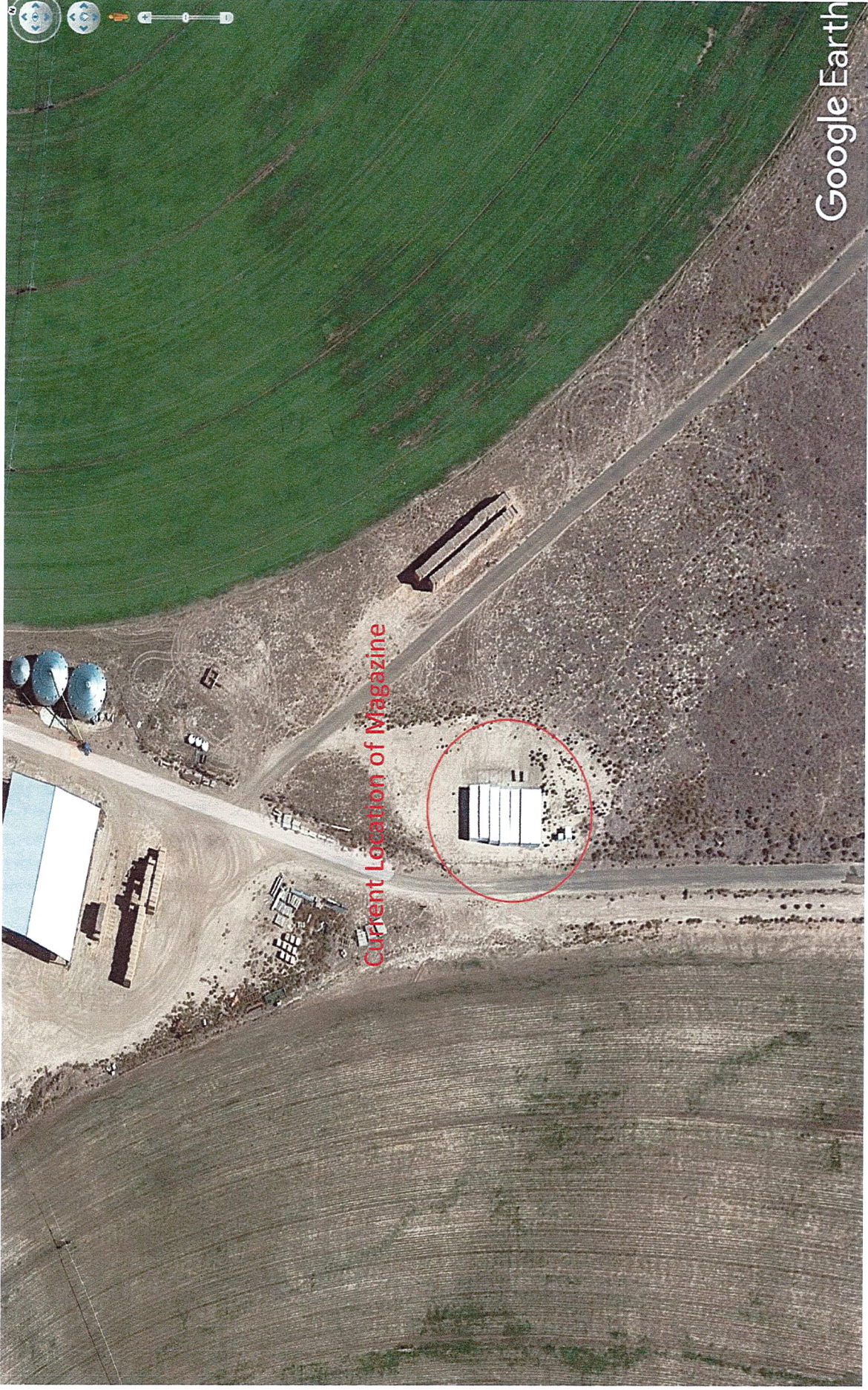
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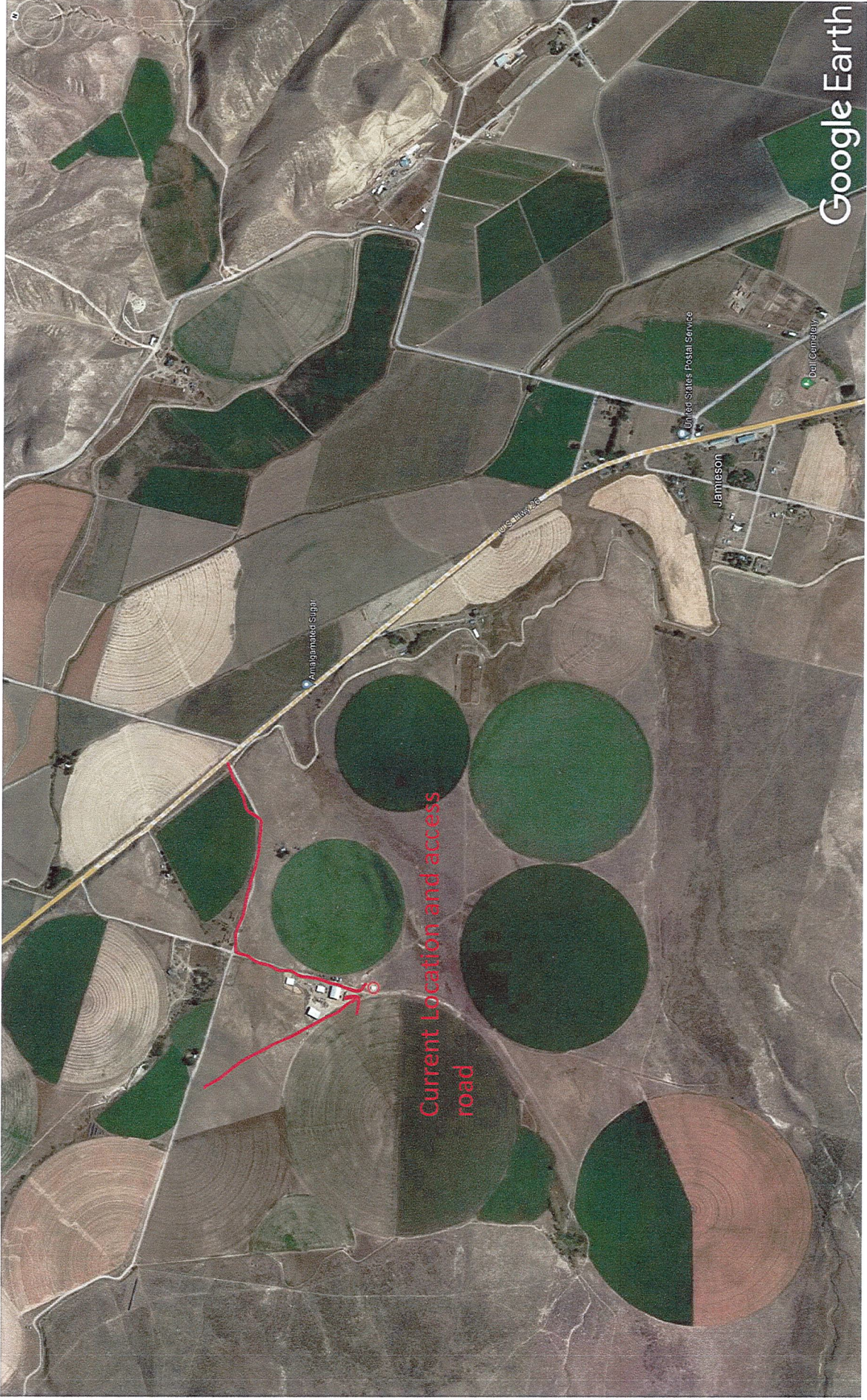
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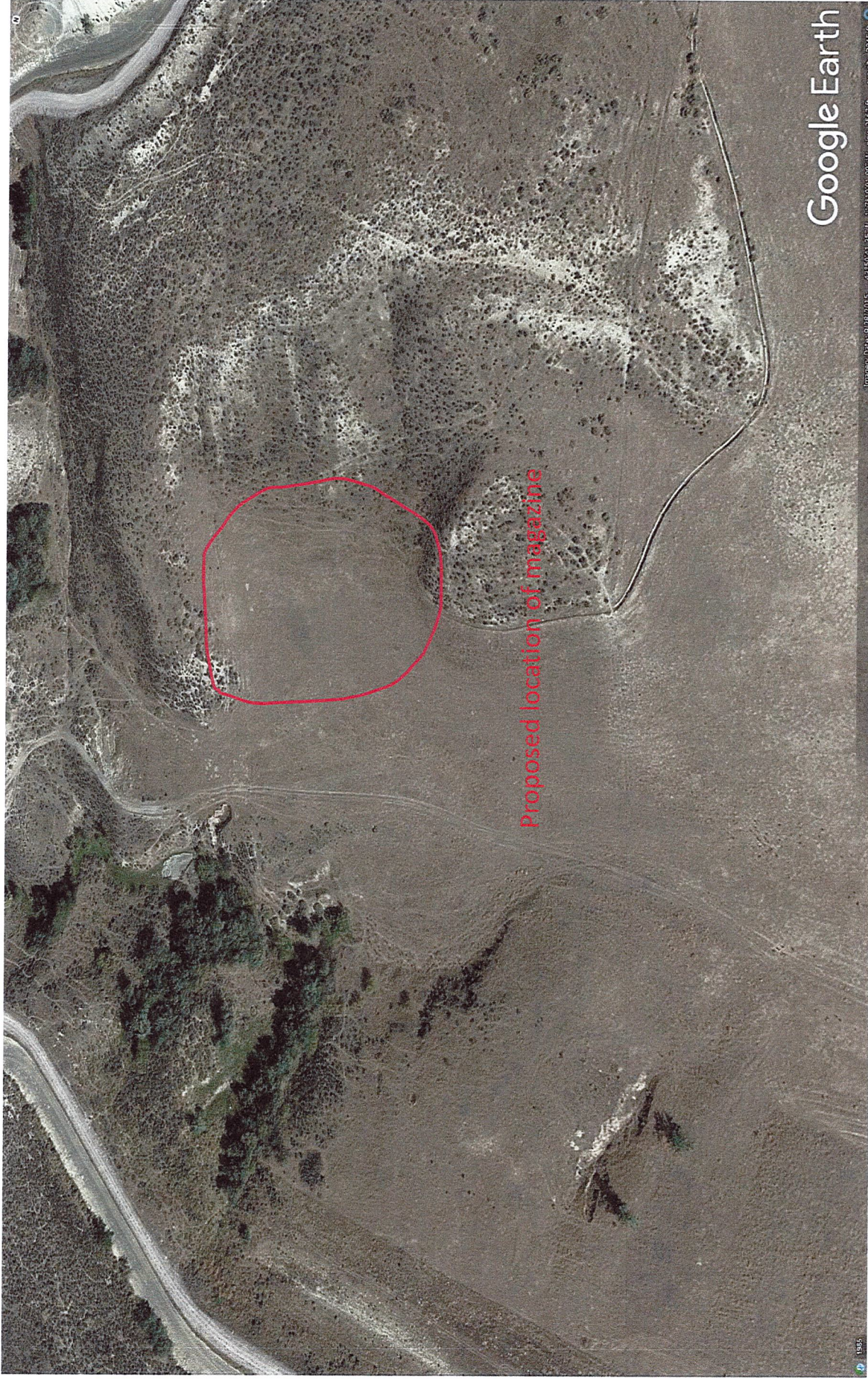




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Google Earth

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