

WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON

541-426-7730
FAX: 541-426-0582
TERA ELLIOTT E.A.

CHAIR - COMMISSIONER TODD NASH
COMMISSIONER JOHN HILLOCK
COMMISSIONER SUSAN ROBERTS

commissioners@co.wallowa.or.us

April 15, 2024

Wallowa County Board of Commissioners (BOC)
Special Board of Commissioners Hearing AMD #2024-003 Minutes

9:00 a.m. Thornton Conference Room
VIA Zoom Meeting
Wallowa County Courthouse

MEMBERS PRESENT: Commissioner John Hillock
Commissioner Todd Nash
Commissioner Susan Roberts

STAFF PRESENT: Franz Goebel, Planning Director
Tera Elliott, Executive Assistant

OTHERS PRESENT:	John Amond	Jean Mallory
	Kenny Bailey	Max Mallory
	Pam Harshfield	Devin Patton
	Raider Heck	Carol Proffitt
	Elwayne Henderson	

ZOOM ATTENDIES: Alicia Garrett
Erika Polmar

9:00 a.m. – Commissioner Nash opened the meeting with the Pledge of Allegiance and prayer.

Commissioner Nash welcomed all in attendance and read the purpose and procedure for the meeting.

Commissioner Nash asked if any of the Board of Commissioners needed to disclose any ex parte contact, bias or conflict of interest and bias in this matter.

Commissioner Roberts – none

Commissioner Hillock – none

Commissioner Nash – had received some phone calls and emails, no conflict or bias or reason to excuse himself

Commissioner Nash read the statements required by state law and asked if the audience had any questions regarding the statements read. There were none.

Commissioner Nash then turned the floor to Franz Goebel, Planning Director.

Mr. Goebel clarified this is a legislative action, not a quasi-judicial action, thus requiring a minimum of two public meetings, with the first being held at the Planning Commission. Mr. Goebel then read the Staff Report and Staff comment, Attachment A.

Mr. Goebel then discussed the Findings, Attachment B, from the Planning Commission's first meeting on January 30, 2024, mentioning the significant number of comments in opposition of approval, including both written and oral testimony, and read the summary of concerns as written on page 5 and 6 of the Findings & Recommendation, attached.

Mr. Goebel then read the Recommendation to the Board of Commissioners and advised the vote tally as follows: Vote to recommend the application for denial is 7 in favor and 0 opposed with 0 abstaining.

Commissioner Nash asked if the audience had any objection to any member of the Board of Commissioners to hear and decide on this matter. There were none.

Commissioner Nash opened the floor to public testimony.

Max Mallory, 74418 Promise Road – expressed his concerns regarding irrigation and community ditches, and stated there were people, including himself, with the desire to purchase this land, for farm use.

Elwayne Henderson, 67625 Promise Road – Opposed. Mr. Henderson expressed his concern over the three irrigation ditches, the high-water table and the rocky site. He also mentioned the shortage of industrial ground in Wallowa County, stating it best to leave as an industrial site. He mentioned the land's history as an Indian campsite, and the existence of a baby burial site. He mentioned the lack of access egress, walking paths to get to town, and possible congestion.

Ken Bailey, Kennewick, WA – Opposed. Mr. Bailey advised he is a landowner with his uncle Jim Kleinknecht and is very opposed to anything E.W. Trust wants to do citing concern for tearing up the creek.

Erika Polmar, PO Box 480, Joseph – Opposed. Ms. Polmar stated the value of resource land, especially EFU land and would encourage the Board of Commissioners to deny this appeal.

Mr. Goebel clarified the land in question is not Resource land but rather M1 Industrial land being requested to re-zone as Rural Service. Both are already exempted from Resource lands. The .7 acres of land that is EFU is not included in this re-zoning.

There was no further comment from the audience.

Commissioner Roberts read from page 3 of the Application (Attachment C) under Review Criteria, Findings - Item C, "The proposed amendment is in the public interest and serves the purpose and intent of the local planning process", and read "The Planning Commission finds the application is not in the public interest and does not serve the purpose and intent of the local planning process siting significant public opposition..." advising the statement is followed by a summary of opposition from the public. Noting the water issue that any Industrial development will also need to mitigate, Commissioner Roberts advised she is not in favor of changing the zone.

Commissioner Hillock stated he supports the findings of the Planning Commission and the Planning Director, noting with the current zoning of Industrial, there may be industrial use on the site in the future.

*Commissioner Roberts moved to uphold the Findings of Fact and Conclusions
of the Planning Commission*

Commissioner Hillock seconded

Commissioner Nash noted the overwhelming amount of support to uphold the decision the Planning Commissioner made, supporting the conclusion the Board of Commissioners have made.

The Vote:
Commissioner Hillock – aye
Commissioner Nash – aye
Commissioner Roberts – aye

The motion passed

Adjournment:

Commissioner Nash thanked those who participated in the process, and adjourned the meeting at approximately 9:21 a.m.

Respectfully submitted by:

Tera Elliott, Executive Assistant


WALLOWA COUNTY BOARD OF COMMISSIONERS



Commissioner John Hillock



Commissioner Todd Nash



Commissioner Susan Roberts



ATTEST: Tera Elliott, Executive Assistant



WALLOWA COUNTY
Planning Department
101 S River Street #105
Enterprise, Oregon 97828
541-426-4543 ext. 1170

STAFF REPORT

APPLICANT: Shin Nakato
 6801 SW McVey Ave
 Redmond, OR 97756

OWNER: EW Trust
 6801 SW McVey Ave
 Redmond, OR 97756

REQUEST: An Amendment to the Wallowa County Comprehensive Plan Zoning Map (Rezone) of a parcel from Industrial (M-1) Zone to Rural Service (RS) Zone. A small area in the SE corner of the parcel is zoned EFU and is not part of this proposal and would remain EFU.

LOCATION: The property description is Township 01N, Range 42E, Section 03, Tax Lot 1401, Ref#5209, Address: Not yet addressed. The parcel is approximately one mile NW of the City of Wallowa.

PARCEL CHARACTERISTICS: The parcel contains about 25.1 acres, 24.4 acres are zoned M-1, and approximately 0.7 acres are zoned Exclusive Farm Use (EFU). The parcel is bounded by EFU on the North, East and West sides, and by M-1/EFU to the South. Access is via HWY 82, a State Highway. The Wallowa River flows along part of the South boundary.

OTHER INFORMATION:

Exhibits in this packet:
 Permit application with narrative and maps.

PREVIOUS PLANNING DEPARTMENT AND OTHER AGENCY ACTIONS:

LLA#00-10, Lot Line Adjustment to acquire 0.88 acres zoned EFU.

STAFF COMMENT:

The M-1 zone is already exempted from state goals 3 and 4 (Farm and Forrest), and therefore no exception to the goals must be requested. Potential traffic generation from uses in the M-1 Zone would be similar to potential traffic generated by the uses in the RS Zone. Neither are "residential" zones.

STAFF REPORT

AMD# 23-03 Nakato Rezone
 November 28, 2023
 Page 1 of 5

REVIEW CRITERIA:

Article 5, Public Hearing Review
Article 8, Amendments
Article 36, Salmon Habitat Recovery
Other applicable zoning ordinances or goals of Wallowa County Land Development Ordinance and/or laws of the State of Oregon

Reference:

- Article 1, Introductory Provisions
- Article 21, Rural Service (RS)
- Article 22, Industrial (M-1)

ARTICLE 5, PUBLIC HEARING

SECTION 5.010, PURPOSE: The Public Hearing Review procedures set forth in this article are designed to provide the means of reviewing applications for uses and developments which may have a significant impact on neighboring uses and developments; amendments to the land use plan; zoning map or implementing ordinances; the health, safety, or welfare of the citizens; or on the provision of public services; therefore, they require review in an open and public forum.

SECTION 5.025, NOTICE OF PUBLIC HEARING:

[See section 8.030]

SECTION 5.040, CONDITIONS OF APPROVAL AND PERFORMANCE GUARANTEES:

01. The Public Hearing Review authority may impose such conditions of approval upon a permit as are deemed necessary to ensure the use or development complies with the applicable standards and criteria.

ARTICLE 8, AMENDMENTS

SECTION 8.010, PURPOSE: The purpose of this article is to provide for change in needs, desires, and rate of development in Wallowa County. Revisions to the land use plan, to the text of this ordinance, to the land use plan map, and to the zoning map affecting areas more than ten acres in size will be regarded as major amendments to be processed as a legislative action. Small tract zone changes on areas less than ten acres in size adjacent to the proposed zone will be regarded as minor amendments to be processed as Quasi-Judicial actions.

SECTION 8.015, AUTHORIZATION TO INITIATE AMENDMENTS: Amendments may be initiated in one of the following ways:

STAFF REPORT

AMD# 23-03 Nakato Rezone

November 28, 2023

Page 2 of 5

01. By resolution of the County Court referring a proposed amendment to the commission.
02. By action of the Planning Commission.
03. By request of the Planning Director, said request relating to actions deemed necessary to bring the zoning map or land use plan map into compliance with state law.
04. By petition from a resident or residents of Wallowa County and/or owners of land within Wallowa County - said petition must be accompanied by the appropriate fee.

SECTION 8.020, AMENDMENT REQUEST CONTENT: Requests for major and minor amendments shall be filed with the Planning Department. Requests shall include the following information:

01. Party initiating the amendment.
02. In the case of an amendment to the land use plan or text of this ordinance, the portions that are to be deleted, if any, and the proposed replacement or addition.
03. In the case of an amendment to the land use plan map or zoning map, the request should identify the areas to be directly affected by the current map classification or zone.
04. Statements demonstrating compliance with the applicable review criteria of section 8.025.

SECTION 8.025, REVIEW CRITERIA: Requests for amendments shall be reviewed for conformance to the applicable criteria:

01. Major amendments shall meet the following:
 - A. The proposed amendment is in conformance with statewide planning goals and guidelines and other applicable state laws.
 - B. The proposed amendment is in conformance with all other elements of the land use plan and land use plan map.
 - C. The proposed amendment is in the public interest and serves the purpose and intent of the local planning process.

STAFF REPORT

AMD# 23-03 Nakato Rezone

November 28, 2023

Page 3 of 5



WALLOWA COUNTY
Planning Department
101 S River Street #105
Enterprise, Oregon 97828
541-426-4543 ext. 1170

STAFF REPORT
AMD#23-03
REZONE

[...]

SECTION 8.030, NOTICE OF HEARING:

01. Notice of public hearing before the Planning Commission for the purpose of considering an amendment brought forth under this article shall be published in a newspaper of general circulation for three consecutive weeks prior to the hearing date.
02. The notice of public hearing shall be designed to reasonably inform the public of the nature and intent of the proposal and shall, at a minimum, contain the following information:
 - A. Date, time, and place of the hearing.
 - B. Party initiating the amendment.
 - C. General description of the proposed amendment and notification to the public of the hours and place where the amendment can be reviewed in its entirety.
03. If the proposed amendment is determined by the Planning Director to affect a limited area of the County, mailed notice of the hearing shall be provided to all owners of property directly affected by the amendment and to all owners of property lying within:
 - A. One hundred (100) feet of the exterior boundary of the subject property where the subject property is wholly or in part within an urban growth boundary;
 - B. Two hundred and fifty (250) feet of the exterior boundary of the subject property where the subject property is outside an urban growth boundary and not within a farm or forest zone;
 - C. Five hundred (500) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

[See Staff Comment above]

In addition, mailed notice of the hearing shall be given to all parties the Director may have reason to believe are substantially affected by the proposed amendment. Mailed notice of hearing shall

STAFF REPORT

CUP#23-04 STEWART B&B Staff Report

August 29, 2023

Page 4 of 5

SCRIVNER - Should be November 28, 2023
JZ

be provided no less than 15 days prior to the hearing date.

SECTION 8.035, AMENDMENT REVIEW PROCESS:

01. Amendment proposals brought forth under this article shall be conducted in the manner prescribed in the conduct of hearings ordinance unless supplemented by rules adopted prior to the commencement of the evidentiary portion of the hearing.
02. At least two public hearings shall be held on a major amendment unless it is deemed by the Planning Director that a joint meeting by the Planning Commission and the County Court is sufficient.
03. The Planning Commission shall hear and review the proposal for compliance with the applicable review criteria. The Planning Commission shall adopt findings of fact demonstrating the proposals compliance or non-compliance with each review criterion. The Planning Commission shall place the findings, conclusions, and recommendations in writing and forward the same to the County Court.
04. Following receipt of the Planning Commission's recommendation, the County Court shall, within 90 days, hold a second public hearing. Based upon testimony taken at the second hearing together with the Planning Commission's recommendation and testimony from the first hearing, the Court shall adopt findings demonstrating the proposal's compliance or non-compliance with the applicable review criteria. The decision shall be set forth in writing and shall specify findings and conclusions of the Court.
05. The County Court may, at its own discretion, hold both of the required hearings.

CONCLUSIONS: To be developed at hearing.

STAFF REPORT

CUP#23-04 STEWART B&B Staff Report

August 29, 2023

Page 5 of 5

SCRIVNER - should be November 28, 2023 



WALLOWA COUNTY
Planning Department
101 S River Street #105
Enterprise, Oregon 97828
541-426-4543 ext. 1170

**FINDINGS &
RECOMMENDATION**
PLANNING COMMISSION &
BOARD OF COMMISSIONERS
AMD#23-03

IN THE MATTER OF A MAJOR AMENDMENT)	FINDINGS OF FACT, CONCLUSIONS, AND
TO THE WALLOWA COUNTY)	RECOMMENDATION OF THE WALLOWA
COMPREHENSIVE LAND USE PLAN MAP TO)	COUNTY PLANNING COMMISSION TO THE
CHANGE THE ZONE OF 24.4 ACRES FROM)	BOARD OF COMMISSIONERS
INDUSTRIAL (M-1) TO RURAL SERVICE (RS))	
)	

RE: ZC#23-03 EW Trust - Zone Change from M-1 Industrial to RS Rural Service

This is the first of two public meetings as required for a Major Amendment. The second meeting will be held by the Wallowa County Board of Commissioners. The request was initiated on October 2, 2023. It was properly advertised in the Chieftain on November 15, 2023 and noticed to landowners, within 500 ft, and other interested parties on October 2, 2023. The Department of Land Conservation and Development (DLCD) was noticed on October 5, 2023 via the DLCD Post-acknowledgement plan amendment online database. The request came before the Wallowa County Planning Commission on November 28, 2023, with a recommendation on January 30, 2024. The Planning Commission having reviewed the record, the materials introduced in the above-referenced hearing, and having heard and considered oral testimony in the above-referenced hearing, and being fully advised, makes the following findings of fact and recommendation.

APPLICANT: Shin Nakato
6801 SW McVey Ave
Redmond, OR 97756

OWNER: EW Trust, et. al.
6801 SW McVey Ave
Redmond, OR 97756

REQUEST: A zone change of 24.4 acres of a 25.1-acre parcel from M-1 to RS. The 24.4 acres is the northwestern area of the parcel, with the SE corner remaining EFU.

INTENDED LAND USE: Mix of workforce housing, tiny homes, and RV hookups.

FINDINGS & RECOMMENDATION

ZP#23-03 EW TRUST

January 30, 2023

Page 1 of 6

SCRIVNER - should be 2024
82

LOCATION: The property description is Township 01N Range 42 Section 03 TL 1401, Ref# 5209, no SITUS address assigned, about 1 mile northwest of the City of Wallowa

PARCEL CHARACTERISTICS: The parcel contains about 25.1 acres, 24.4 acres are zoned M-1, and approximately 0.7 acres are zoned EFU. The parcel is bounded by Exclusive Farm Use (EFU) to the north, east and west, and by M-1 and EFU to the south. Access is via Highway 82, a State Highway. Spring Creek flows through the property from the northwest to the southeast and the Wallowa River flows northwest through the southwestern edge.

ATTACHMENTS: EXHIBIT A: MAP OF PROPOSED REZONE AREA

REVIEW CRITERIA:

- Article 2, Application Processing and Review Procedures
- Article 5, Public Hearing Review
- Article 8, Amendments
- Article 36, Salmon Habitat Recovery
- ORS 197.716, Industrial and employment uses in listed counties (ORS amendment per SB2(2019)); Statewide Planning Goal 3: Agricultural Lands (OAR 660, Division 15)
- Wallowa County Economic Opportunity Analysis: 2021
- Any other applicable zoning ordinances or goals of Wallowa County Land Development Ordinance and/or laws of the State of Oregon

ARTICLE 2, APPLICATION PROCESSING AND REVIEW PROCEDURES

ARTICLE 5, PUBLIC HEARING REVIEW

Finding: The application was properly initiated, and county staff properly provided notice for the hearing, through mailing, and through publication in the Wallowa County Chieftain. DLCD was notified of the proposed Comprehensive Plan amendment through Access PAPA Online. The County Planning Commission properly conducted the hearing. Therefore, this application complies with relevant sections of Wallowa County Zoning Code of Articles 2 and 5.

ARTICLE 8, AMENDMENTS

SECTION 8.010, PURPOSE: The purpose of this article is to provide for change in needs, desires, and rate of development in Wallowa County. Revisions to the land use plan, to the text of this ordinance, to the land use plan map, and to the zoning map affecting areas more than ten acres in size will be regarded as major amendments to be processed as a legislative action. Small tract zone changes on areas less than ten acres in size adjacent to the proposed zone will be regarded as minor amendments to be processed as Quasi-Judicial actions.

FINDINGS & RECOMMENDATION

ZP#23-03 EW TRUST

January 30, 2023

Page 2 of 6

SCRIVNER - should be 2024. JR

SECTION 8.015, AUTHORIZATION TO INITIATE AMENDMENTS: Amendments may be initiated in one of the following ways:

01. *By resolution of the County Court referring a proposed amendment to the commission.*
02. *By action of the Planning Commission.*
03. *By request of the Planning Director, said request relating to actions deemed necessary to bring the zoning map or land use plan map into compliance with state law.*
04. *By petition from a resident or residents of Wallowa County and/or owners of land within Wallowa County - said petition must be accompanied by the appropriate fee.*

Finding: The Planning Commission finds that this application was appropriately initiated.

SECTION 8.020, AMENDMENT REQUEST CONTENT: Requests for major and minor amendments shall be filed with the Planning Department. Requests shall include the following information:

01. *Party initiating the amendment.*
02. *In the case of an amendment to the land use plan or text of this ordinance, the portions that are to be deleted, if any, and the proposed replacement or addition.*
03. *In the case of an amendment to the land use plan map or zoning map, the request should identify the areas to be directly affected by the current map classification or zone.*
04. *Statements demonstrating compliance with the applicable review criteria of section 8.025.*

SECTION 8.025, REVIEW CRITERIA: Requests for amendments shall be reviewed for conformance to the applicable criteria:

01. *Major amendments shall meet the following:*
 - A. *The proposed amendment is in conformance with statewide planning goals and guidelines and other applicable state laws.*
 - B. *The proposed amendment is in conformance with all other elements of the land use plan and land use plan map.*
 - C. *The proposed amendment is in the public interest and serves the purpose and intent of the local planning process.*
- [...]*

Finding: The Planning Commission finds that this application is not in the public interest and does not serve the purpose and intent of the local planning process siting significant public opposition including:

- the potential for dangerous pedestrian movement between the site and town-based services

FINDINGS & RECOMMENDATION

ZP#23-03 EW TRUST

January 30, 2023

Page 3 of 6

Scrivner- should be 2024
28

- increased traffic entering the highway
- a disconnect between the project narrative and the oral description at the hearing
- an existing lack of M-1 Industrial parcels available for industrial purposes.

The commission further finds that the current Industrial zoning and the associated permitted development uses are better suited to supporting the agricultural and timber resource industries critical to the economy of the surrounding area.

SECTION 8.030, NOTICE OF HEARING:

01. *Notice of public hearing before the Planning Commission for the purpose of considering an amendment brought forth under this article shall be published in a newspaper of general circulation for three consecutive weeks prior to the hearing date.*
02. *The notice of public hearing shall be designed to reasonably inform the public of the nature and intent of the proposal and shall, at a minimum, contain the following information:*
 - A. *Date, time, and place of the hearing.*
 - B. *Party initiating the amendment.*
 - C. *General description of the proposed amendment and notification to the public of the hours and place where the amendment can be reviewed in its entirety.*
03. *If the proposed amendment is determined by the Planning Director to affect a limited area of the County, mailed notice of the hearing shall be provided to all owners of property directly affected by the amendment and to all owners of property lying within:*
 - A. *[...]*
 - C. *Five hundred (500) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.*

In addition, mailed notice of the hearing shall be given to all parties the Director may have reason to believe are substantially affected by the proposed amendment. Mailed notice of hearing shall be provided no less than 15 days prior to the hearing date.

SECTION 8.035, AMENDMENT REVIEW PROCESS:

01. *Amendment proposals brought forth under this article shall be conducted in the manner prescribed in the conduct of hearings ordinance unless supplemented by rules adopted prior to the commencement of the evidentiary portion of the hearing.*
02. *At least two public hearings shall be held on a major amendment unless it is deemed by the Planning Director that a joint meeting by the Planning Commission and the County Court is sufficient.*

FINDINGS & RECOMMENDATION

ZP#23-03 EW TRUST

January 30, 2023

Page 4 of 6

scrivener - should be 2024.

JE

03. *The Planning Commission shall hear and review the proposal for compliance with the applicable review criteria. The Planning Commission shall adopt findings of fact demonstrating the proposals compliance or non-compliance with each review criterion. The Planning Commission shall place the findings, conclusions, and recommendations in writing and forward the same to the County Court.*
04. *Following receipt of the Planning Commission's recommendation, the County Court shall, within 90 days, hold a second public hearing. Based upon testimony taken at the second hearing together with the Planning Commission's recommendation and testimony from the first hearing, the Court shall adopt findings demonstrating the proposal's compliance or non-compliance with the applicable review criteria. The decision shall be set forth in writing and shall specify findings and conclusions of the Court.*
05. *The County Court may, at its own discretion, hold both of the required hearings.*

Finding: The Planning Commission finds that this application, because it involves more than 10 acres, was for a Major Amendment to the Wallowa County Comprehensive Plan Zone Map. It was properly initiated, noticed and reviewed, and that this was the first of two required public meetings.

ARTICLE 36, SALMON HABITAT RECOVERY

Finding: As the subject property does contain fish bearing waterways and habitat, the Commission finds that Article 36 applies. However, the proposed rezone does not include a specific development plan, which would trigger evaluation and the requirement of a management plan.

PUBLIC COMMENTS:

There were a significant number of public comments in opposition of approval, including both written and oral testimony during the hearing.

Concerns included:

- Inappropriate location for residential or workforce housing development outside of city limits or urban growth area.
- Lack of pedestrian access from development to city stores, and support services.
- Potential for visual blight.
- Increasing land values.
- Urban sprawl threatens rural character.
- Decreases lands available for industrial development to support resource uses.
- Decreasing quality of life for Wallowa and Wallowa County citizens.
- Historical camping area location for native tribes.
- RV park could lead to homeless camps.
- Septic systems would be problematic with high water table and river proximity.

FINDINGS & RECOMMENDATION

ZP#23-03 EW TRUST

January 30, 2023

Page 5 of 6

Scrivner - should be 2024.

je

- Oral description during hearing by applicant did not match narrative submitted with application.
- Concern that more stores like "Dollar General" could be developed.

RECOMMENDATION TO THE BOARD OF COMMISSIONERS:

Based upon the information submitted, the comments of interested parties and the findings, the review authority finds this application does not satisfy all review criteria and is hereby recommended for denial by the Board of Commissioners as presented.

The November 30, 2023 vote to recommend the application for denial is 7 in favor and 0 opposed with 0 abstaining.

The January 30, 2023 vote to approve the Findings Report is 4 in favor and 0 opposed with 1 abstaining.

January 30, 2023
DATE OF ACTION


JIM NAVE, CHAIR
WALLOWA COUNTY PLANNING COMMISSION

Final action of the Board of Commissioners, regarding a major amendment, may be appealed to the State Land Use Board of Appeals (LUBA), as provided by ORS Chapter 197. Notice of intent to appeal shall be filed within 21 days of the date of final action by the Board of Commissioners or as specified in ORS Chapter 197.805 through 197.860.

FINDINGS & RECOMMENDATION

ZP#23-03 EW TRUST

January 30, 2023

Page 6 of 6

scrubber, should be 2024.
je



WALLOWA COUNTY
Planning Department
101 S River Street #105
Enterprise, Oregon 97828
541-426-4543 ext. 1170

PERMIT#: AMD #23-03
E-PERMIT#: 903.23.000203.PLAN
DATE FILED: 10/2/2023
TOTAL FEE: \$1200.00
CHECK #: 1248

COMPREHENSIVE PLAN AMENDMENT APPLICATION

LEGAL OWNER: EW TRUST

APPLICANT: SHIN NAKATO REF#: 5209

PROJECT ADDRESS: NOT ADDRESSED TWP: 1 NORTH

MAILING ADDRESS: 6801 SW McVey Ave Redmond, OR 97756 RANGE: 42 EWM

APPLICANT PHONE NUMBER: 458-292-6033 SECTION: 3

APPLICANT E-MAIL: snakato@gmail.com TAX LOT: 1401

CONTACT/ PHONE NUMBER (if different): _____ ACRES: 25.1

CONTACT/ EMAIL (if different): _____ ZONE: M-1

AMENDMENT TYPE (zone change, text change, etc.): ZONE CHANGE

TO BE PROCESSED, YOUR APPLICATION MUST INCLUDE MAPS SHOWING:

1. PROPERTY LINES, ACCESS, AND EASEMENTS
2. EXISTING AND PROPOSED STRUCTURES WITH SETBACKS TO PROPERTY LINES ANY LIVE WATER, SEPTIC SYSTEM, SURFACE WATER (RIVER, PONDS, DITCHES, ETC), AND DOMESTIC WATER
3. NARRATIVE DEMONSTRATING COMPLIANCE WITH APPLICABLE ORDINANCES

I hereby certify that the information furnished by me is correct to the best of my knowledge and issuance of this permit is based on this information and compliance with the below conditions of approval. Any error committed by the issuing authority shall not excuse me from complying with any other applicable state and local laws and ordinances. I understand that any deviation other than that allowed by law may nullify the validity of this permit. I understand that if processing this permit requires more than 5 hrs. of staff time and \$25 in supplies and materials, I am responsible for the additional fee and will be charged staff time at \$35 per hour and other items at cost.

APPLICANT

DATE

COUNTY USE ONLY

ACTION	Planning Director:	Planning Commission:	Board of Commissioners:
TAKEN:	Approved <u>NA</u>	Approved or Recommended _____	Approved _____
	Denied _____	Denied or Not Recommended _____	Denied _____

Conditions of Approval:

PERMIT AUTHORIZATION: _____

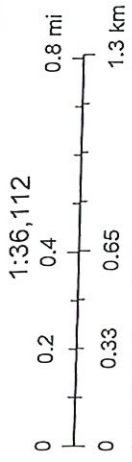
DATE OF ACTION

VICINITY



10/2/2023, 3:04:05 PM

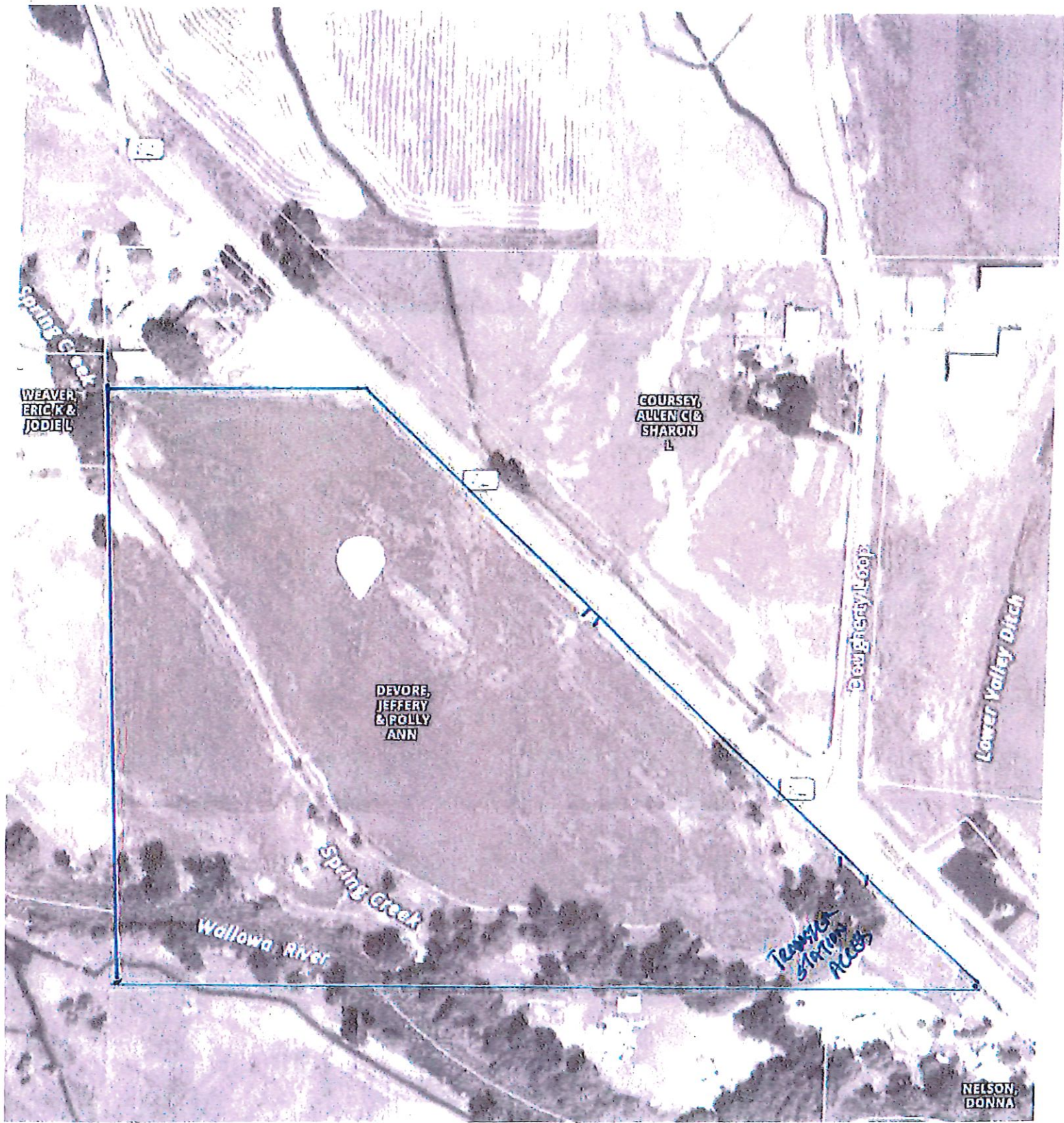
- County Boundary
- City Limits
- County Streams
- UGB
- Railroad



Source: Esri, USDA FSA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Oregon State Parks, State of Oregon GEO, WA

This map is to be used strictly for information purposes only and should not be taken as expressing any authoritative assertions, opinions, and/or legal descriptions through any information presented.

Wallowa County



12

Spring Creek

WEAVER,
ERICK &
JODIEL

COURSEY,
ALLEN C &
SHARON L

DEVORE,
JEFFERY
& POLLY
ANN

Deugherty Loop

Lower Valley Ditch

Spring Creek

Wallowa River

Transfer
Station
Access

NELSON,
DONNA

EW TRUST - NAKATO ZONING



9/28/2023, 1:20:57 PM

County Boundary Taxlots M-1 = ~24.4 acres

County Streams Zoning

EFU = ~0.7 acres

This map is to be used strictly for information purposes only and should not be taken as expressing any authoritative assertions, opinions, and/or legal descriptions through any information presented.

Esri, Community Maps Contributors, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE, Walbwa County

0 0.03 0.05 0.09 0.17 km
0 0.04 0.05 0.09 0.17 mi

Project Plan Narrative

The initial step of the project is to get the existing M-1 zoning on the property rezoned to Rural Service. The rezoning to Rural Service is to provide a different type of development which is not covered under the M-1 industrial zoning. The Rural Service rezoning is to obtain allowance for a mix of workforce rental housing, tiny homes (similar to past trailer parks but a different type of home designs), and rv hookup pads for various types of demographics including families, single parent families, and seniors/retirees for cost effective residence.

The 25.1 acres will provide a unique rental environment with common areas for essential needs (laundry, storage, food preparation...) with a focus on cost savings to the renter while providing areas for community enjoyment (park, pet areas, garden/fruit orchard...).

The rezoning will have very little to no effect in the impact to surrounding areas and community. There will be no difference to traffic, noise, public services, etc. than to that of development provided by M-1 Industrial zoning.

There will be wells for water supply, septic tanks and field for sewage disposal, utilities, and all requirements for fire protection.

There will be designated areas for common use with maintenance.

After the completion of rezoning, there will be a development of site plan and engineering to submit for further permitting.

The first phase will be for the infrastructure. Including utilities, wells, sewage, and driveways.

The second phase will provide pads, foundations, and designated areas in preparation for buildings, rv's, and common areas.

The third phase will be the building or delivery of living quarters and development of common area.

The existing land is flat and vacant of any structures. There is a driveway access from the highway in the middle of the property. There is access for the community transfer station on the southern corner of the property.

The development will abide by all the standards, setbacks, and regulations provided by the state and county.

Jean Jancaitis

From: Shin N <snakato@gmail.com>
Sent: Monday, October 2, 2023 4:01 PM
To: Jean Jancaitis
Cc: Franz Goebel
Subject: Re: Property Rezoning

I would like to rezone only the industrial M-1 portion of the land to Rural Services, and leave the EFU portion of the property as it is..

Thank you.
Shin Nakato

On Mon, Oct 2, 2023 at 9:30 AM Jean Jancaitis <JJancaitis@co.wallowa.or.us> wrote:

Appreciate it, thanks.

Jean Jancaitis, PLANNING DEPARTMENT SPECIALIST

Phone: [541-426-4543](tel:541-426-4543) ext. 1170

Email: jjancaitis@co.wallowa.or.us

Website: co.wallowa.or.us

Wallowa County Planning Department

101 South River Street, Room 105

Enterprise, Oregon 97828

My Hours: Monday through Thursday, 8:30 am – 5:00 pm

Office Hours: Monday through Thursday, 7:00 am – 5:00 pm

PUBLIC RECORDS LAW DISCLOSURE

This e-mail is a public record of Wallowa County and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

CAR & WUI



10/2/2023, 3:05:50 PM

Wallowa County

Taxlots

Extreme

WUI Zone

Communities at Risk

Low

1:18,056

0 0.1 0.2 0.3 0.4 mi

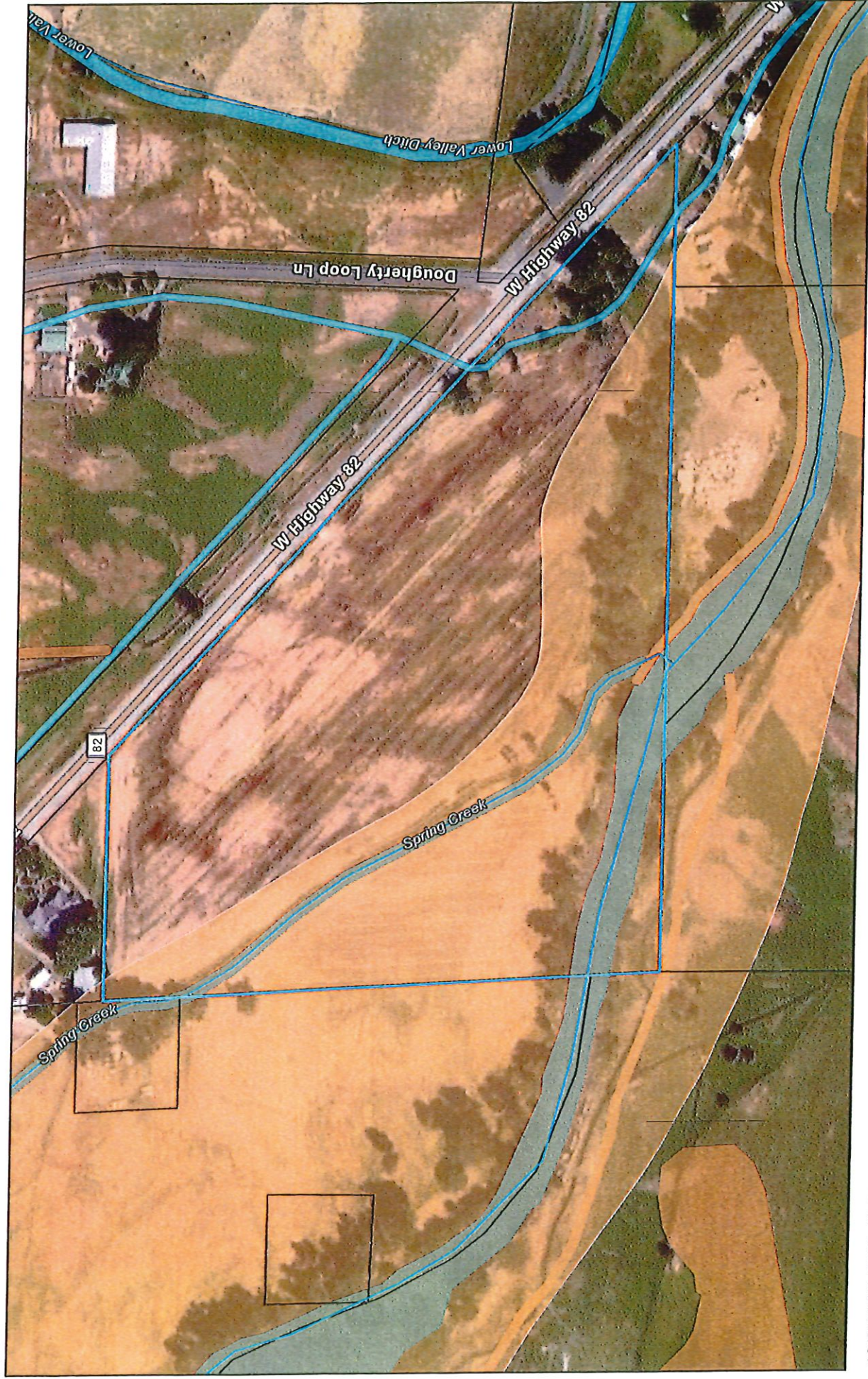
0 0.15 0.3 0.6 km

Oregon State Parks, State of Oregon GEO, WA State Parks GIS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS,

Wallowa County

Copyright Wallowa County

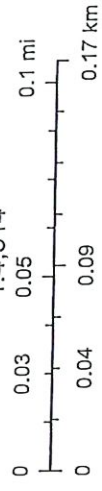
FLOODPLAIN & WETLANDS



10/2/2023, 3:02:49 PM

- County Boundary
- Taxlots
- USA Wetlands
- County Streams
- FEMA Floodplain
- Palustrine
- A
- Riverine

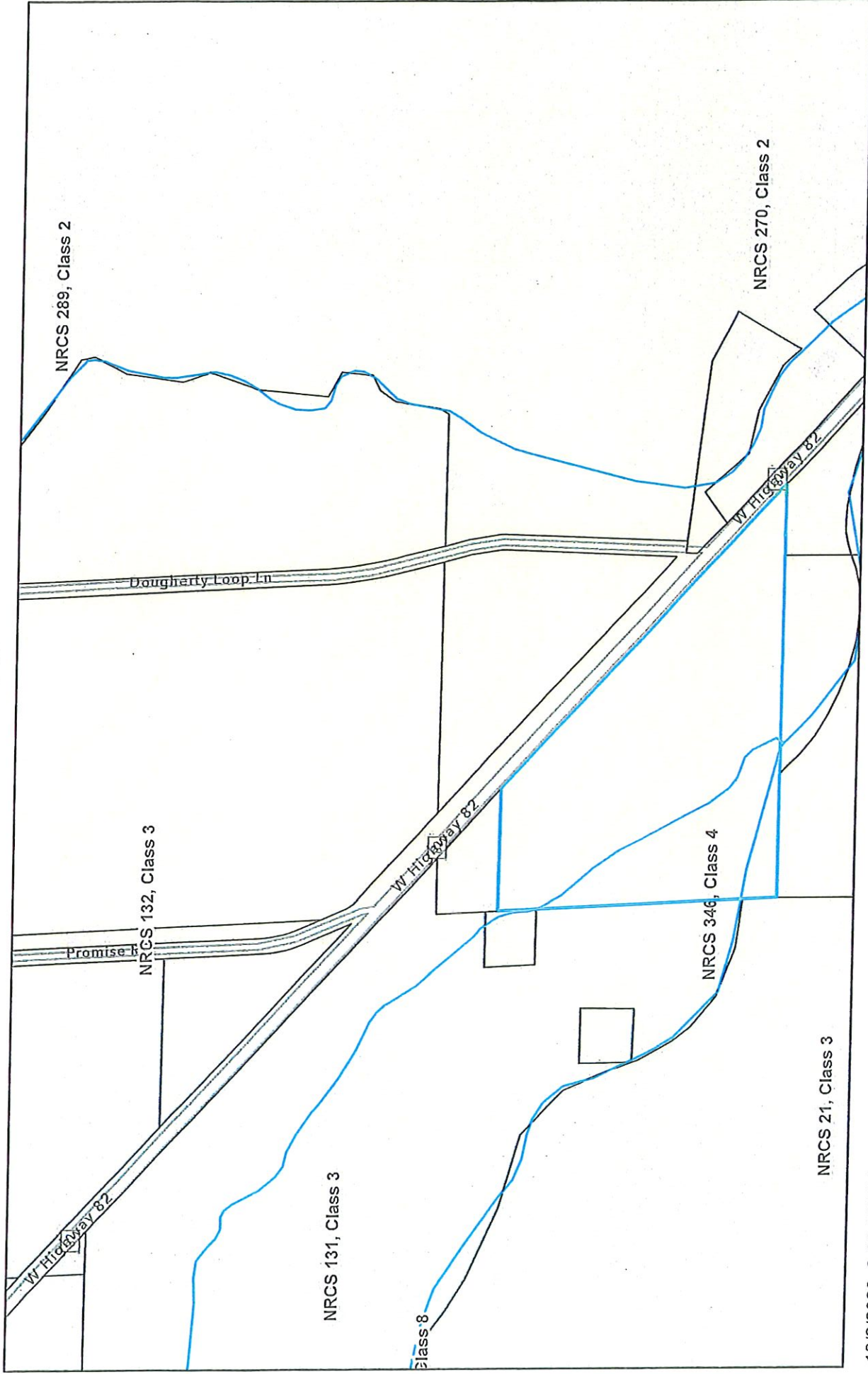
1:4,514



Source: Esri, USDA FSA, Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Wallowa County

This map is to be used strictly for information purposes only and should not be taken as expressing any authoritative assertions, opinions, and/or legal descriptions through any information presented.

SOILS



10/2/2023, 3:11:14 PM

- County Boundary
- Taxlots
- USA Soils Map Units
- County Streams
- Mollisols

1:9,028

0 0.05 0.1 0.15 0.2 mi

0 0.07 0.15 0.3 km

Esri Community Maps Contributors, Oregon State Parks, State of Oregon
GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE,

This map is to be used strictly for information purposes only and should not be taken as expressing any authoritative assertions, opinions, and/or legal descriptions through any information presented.

Wallowa County

BOC Hearing Script (April 15, 2024)
AMD#2024-03 (AMD#23-03) EW TRUST – NAKATO

Good morning everyone, let me call to order a public hearing of the Wallowa County Board of Commissioners. This is April 15, 2024, and the item before us is a Quasi-Judicial zone change and comprehensive plan map amendment in File Number AMD#2024-03 (AMD#23-03). This is the second of two required hearings on this application submitted by Shin Nakato on behalf of EW Trust. The proposal seeks to change the zoning on approximately 24.4 acres of property from a combination of Industrial (M-1) and Exclusive Farm use (EFU) to Rural Service (RS). This will result in a corresponding revision of the Wallowa County Comprehensive Land Use Plan and zoning maps.

In conducting this hearing and deciding this application we are required to render an impartial decision. This means we cannot have a personal financial stake or bias that would prevent us from making an impartial decision. Before we begin, I will call for the disclosure of bias, ex parte contacts, and conflict of interest from each commissioner. Anyone in the audience will then have the opportunity to question any of us about those disclosures.

Let me recite a few statements required by state law:

- During this morning's public hearing, we will take public testimony.
- Any issue you may want to preserve for a subsequent appeal to LUBA must be raised, either orally or in writing, while the record is still open. Failure to raise an issue with sufficient specificity to allow us or others to respond to the issue will preclude a subsequent appeal based on that issue.
- Failure by the applicant to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow us to respond to the issue will preclude an action for damages in circuit court.
- You must also submit any evidence you might want to rely upon in a subsequent appeal while the record is still open. Once the record closes, that ends your ability to submit new evidence or raise new issues and no new evidence may be submitted or new issues raised in a subsequent appeal.
- If you need additional time to formulate your testimony, you can ask for a continuance of this hearing or that the record be kept open after today's hearing. If you want either of these, you must make the request during the course of the hearing before the record closes.

- Only present testimony in the order I just described, and let the Commission Chair know you want to testify by raising your hand. We will limit testimony to 3 minutes each.
- When you testify, please begin with your name and mailing address.
- Limit your testimony to the approval criteria that apply. Our decision is similarly limited to the criteria that apply to them. If you believe that other or different criteria apply, please identify those and explain why you think they apply.
- Our decision in this matter is not final until it is reduced to writing and officially issued. To appeal our decision in this matter, you must participate either orally or in writing before the record closes. Once we close the record, that will end your ability to raise new issues or present evidence.

Let me describe the order of events for today hearing:

- First, staff will provide a report and overview of the proceedings and a summary of the application and the applicable approval criteria that will control our decision.
- Second, we will accept testimony from the applicant in support of the application.
- Third, we will accept testimony from anyone else in support of the application. Public testimony will be limited to 3 minutes per person, but we will accept any amount of written comment.
- Fourth, we will accept neutral testimony or questions from anyone.
- Fifth, we will hear testimony from anyone opposed to the application; again, testimony will be limited to 3 minutes per person, but you can submit any amount of written comment into the record.
- Last, we will hear the applicant's final rebuttal in support of the application. The applicant has the burden of proof, so the applicant gets the last word in this matter.
- After the public testimony, we will check to see if staff has any parting comments based on the testimony that comes in.
- After everyone interested in this matter has had a chance to testify, we will close the record, deliberate and may render a decision.
- Finally, we will set a 3-minute time limit on all testimony; although, the applicant may have 10 minutes for its primary presentation. However, there is no limitation on written argument that may be submitted.

That is it by way of a procedural introduction for today's hearing. If there are any questions about the hearing process, we can answer those now and, if not, we can proceed with the hearing.

***Any procedural questions from the applicant or Audience? ***

A quorum of the Board of Commissions is present, and I will now ask all Commissioners to disclose any ex-parte contacts, conflicts of interest and bias in this matter.

ASK COMMISSIONERS FOR DISCLOSURES

Would anyone in the audience like to question any Commissioner on any disclosure, ex parte contact, bias or conflict of interest or otherwise challenge the participation of any member of the Commission?

IF SO, INVITE TO SPEAK. IF NOT, PROCEED

May we have the staff report, please?

***Followed by:

APPLICANT'S PRESENTATION & TESTIMONY

TESTIMONY/EVIDENCE IN SUPPORT OF APPLICATION

NEUTRAL TESTIMONY OR QUESTIONS

TESTIMONY/EVIDENCE IN OPPOSITION TO APPLICATION

REBUTTAL BY APPLICANT

STAFF RECAP

CLOSE HEARING

DELIBERATE