



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

PERMIT#:	<u>ZP#23-13</u>
E-PERMIT#:	<u>903.23.000102.PLNG</u>
DATE FILED:	<u>3.20.2023</u>
TOTAL FEE:	<u>\$400</u>
CHECK #:	<u>CC 131877073</u>

ZONE PERMIT APPLICATION

LEGAL OWNER:	<u>John J. Burns and Donna D. Duby</u>	
APPLICANT:	<u>KM Engineering, LLP.</u>	REF#: <u>5130</u>
PROJECT ADDRESS:	<u>902 W Hwy 82, Wallowa County</u>	TWP: <u>1N</u>
MAILING ADDRESS:	<u>5725 N Discovery Way, Boise Idaho 83713</u>	RANGE: <u>42E</u>
APPLICANT PHONE NUMBER:	<u>208.639.6939</u>	SECTION: <u>11</u>
APPLICANT E-MAIL:	<u>shopkins@kmengllp.com</u>	TAX LOT: <u>1300</u>
CONTACT/ PHONE NUMBER (if different):	_____	ACRES: <u>2.53</u>
CONTACT/ EMAIL (if different):	_____	ZONE: <u>GT M-1</u>
PROJECT DESCRIPTION:	<u>Zone permit for future retail store</u>	

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
3. ANY LIVE WATER, SEPTIC SYSTEM, SURFACE WATER (RIVER, PONDS, DITCHES, ETC), AND DOMESTIC WATER

NOTE: Zone permits expire after four (4) years. If substantial construction has taken place, an extension of 24 months is allowed. The extension request must be in writing and include justification.

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.

Stephanie Hopkins
 APPLICANT

March 16, 2023
 DATE

COUNTY USE ONLY

ACTION Planning Department: Approved:
TAKEN: Planning Commission: Denied:

Conditions of Approval: _____

PERMIT AUTHORIZATION: _____

[Signature]
3/30/2023
 DATE OF ACTION

3/30/2027
 DATE OF EXPIRATION

jjancaitis@co.wallowa.or.us

From: jjancaitis@co.wallowa.or.us
Sent: Tuesday, March 21, 2023 10:59 AM
To: 'wallowa@eoni.com'; Ken Hall; 'SHobbs@co.wallowa.or.us'
Subject: ZONE PERMIT REVIEW REQUEST
Attachments: ZP#23-13__DUBY-BURNS.pdf

Hello,

We received the attached application for a Dollar General store in the M-1 zone of the City of Wallowa Urban Growth Area. Please let me know if you have any comments or questions by March 30, 2023.

Thank you,
Jean

Jean Jancaitis, PLANNING DEPARTMENT SPECIALIST
Phone: 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.

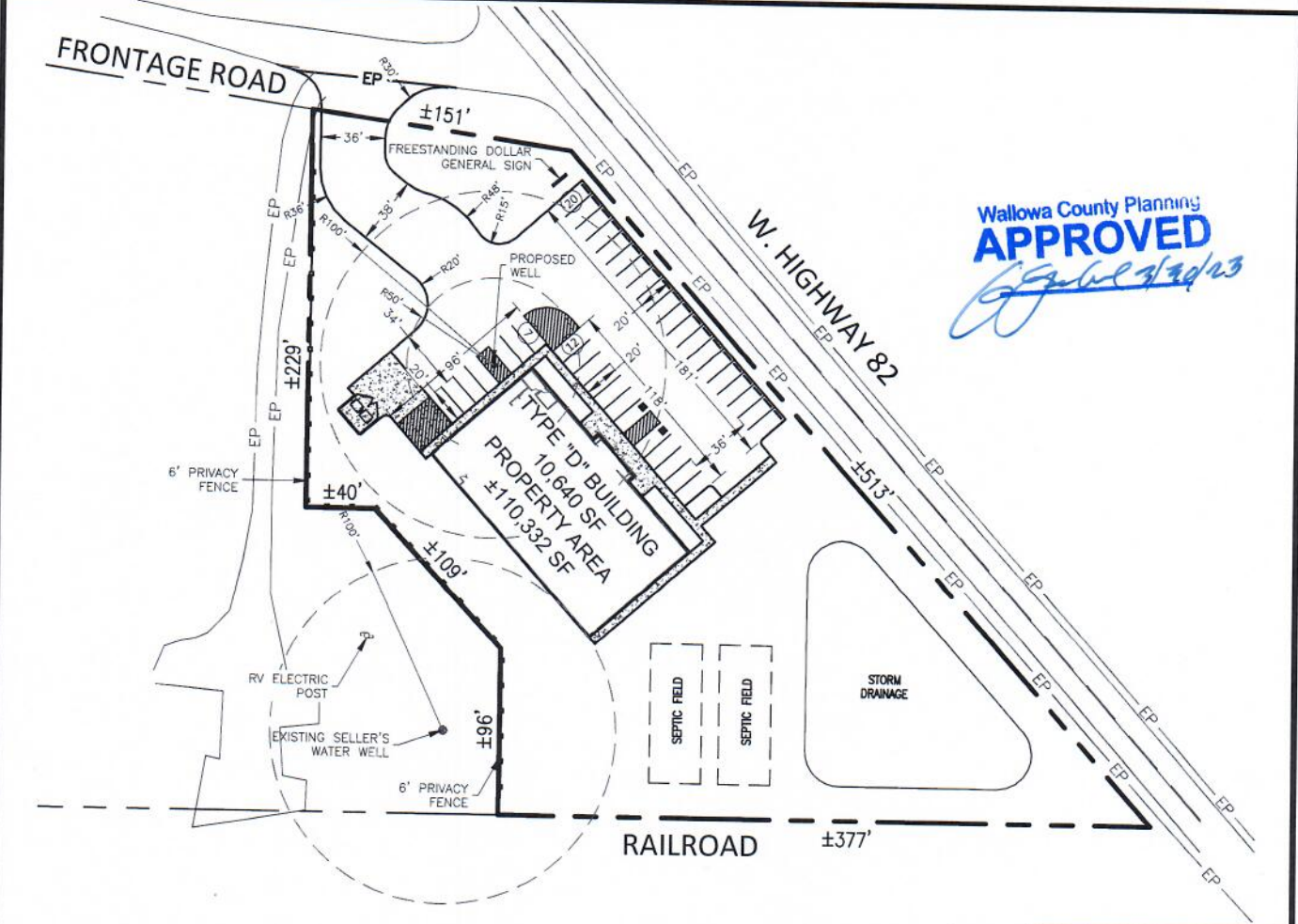
PRELIMINARY SITE PLAN

902 W. HIGHWAY 82
WALLOWA, OREGON

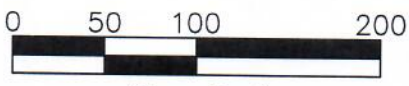
PROTOTYPE:	D	DEVELOPER	DESIGNER
BLGD. S.F.:	10,640	COMPANY: CAPITAL GROWTH BUCHALTER, INC.	COMPANY: CAPITAL GROWTH BUCHALTER, INC.
SALES S.F.:	8,513	NAME: MARK BUSH	NAME: KIRK FARRELLY
ACREAGE:	±2.46	PHONE: (205) 263-4584	PHONE: (205) 263-4589

SITE SUMMARY

ZONING	BUILDING SETBACKS	LANDSCAPE SETBACKS	UTILITY
EXISTING: COMM-IND	FRONT: 0'	FRONT: 0'	WATER: WELL
PROPOSED: COMM-IND	REAR: 5'	REAR: 0'	SEWER: SEPTIC
REZONING REQ: Y OR (N)	INTERIOR SIDE: 5'	STREET SIDE: 0'	ELECTRIC: PACIFIC POWER
	STREET SIDE: 0'		PHONE: ZIPLY
	LOT AREA	PARKING	NATURAL GAS: T.B.D.
	REQUIRED: NONE	REQUIRED: 0	
	PROVIDED: ±107,374	PROVIDED: 39	



Wallowa County Planning
APPROVED
[Signature] 3/23/23



Plan Scale



DATE:	10/26/2022
PROJECT:	22-166
SHEET:	1 OF 3

DOLLAR GENERAL
WALLOWA, OREGON

5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

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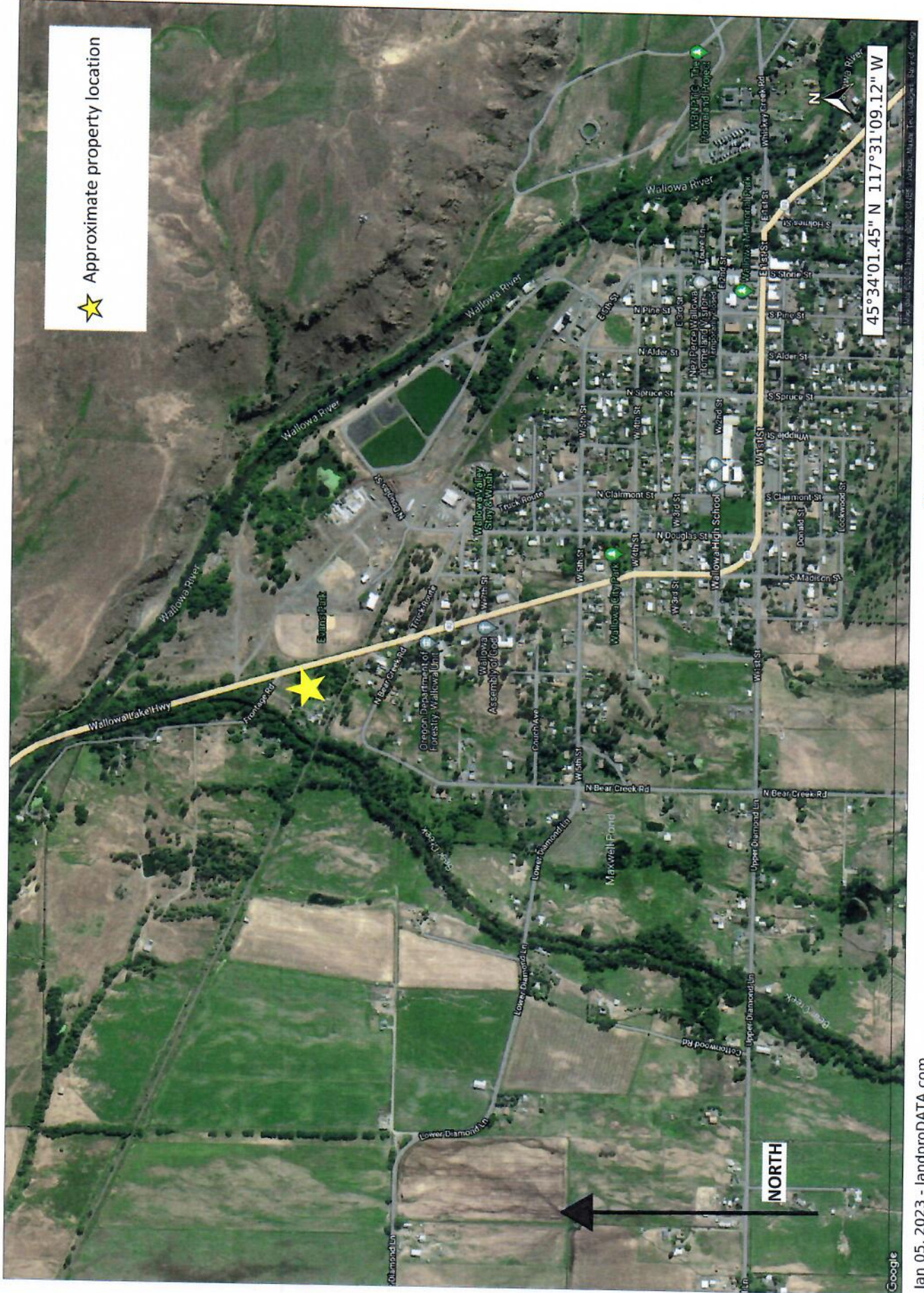
WALLOWA COUNTY
Planning Department
101 S River Street #105
Enterprise, Oregon 97828
541-426-4543 ext. 1170

TIME LIMITS ON ZONE PERMITS

A Zone Use Permit shall expire four (4) years from the date of the final decision unless:

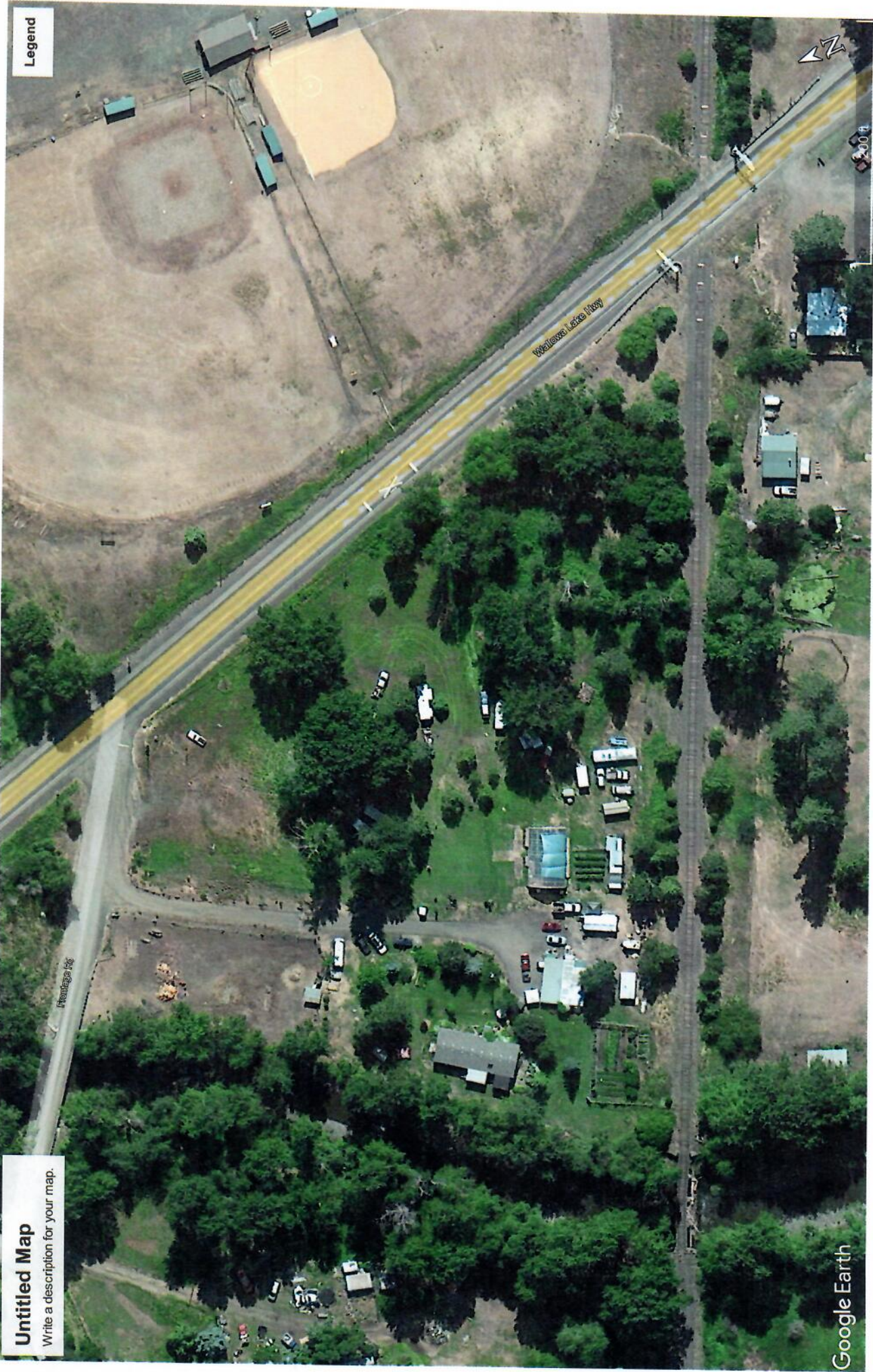
1. The applicant submits a written request to the Wallowa County Planning Department for a two-year extension prior to the expiration date of the permit; or
2. The permit is "perfected" by initiation of the approved use as evidenced by, in the case of new construction, completion of any two of the four substantial development actions:
 - a. A domestic water well (or connection to a permanent water system).
 - b. A septic system (or connection to a permanent sewer system).
 - c. Establishment of electric power to the residential site (or permanent alternative electric generations system adequate for the proposed use).
 - d. Construction of the foundation of the principal residence.
3. In the case of reconstruction, remodeling, alteration, or other approved uses, evidence similar to that required for new construction may be accepted by the Planning Department.
4. Validation of completion of substantial development action shall be accomplished by delivery of written evidence acceptable to the Wallowa County Planning Department that the approved action has been initiated and a finding by the department that the permit has been exercised and perfected.

Vicinity Map



★ Approximate property location

45°34'01.45" N 117°31'09.12" W



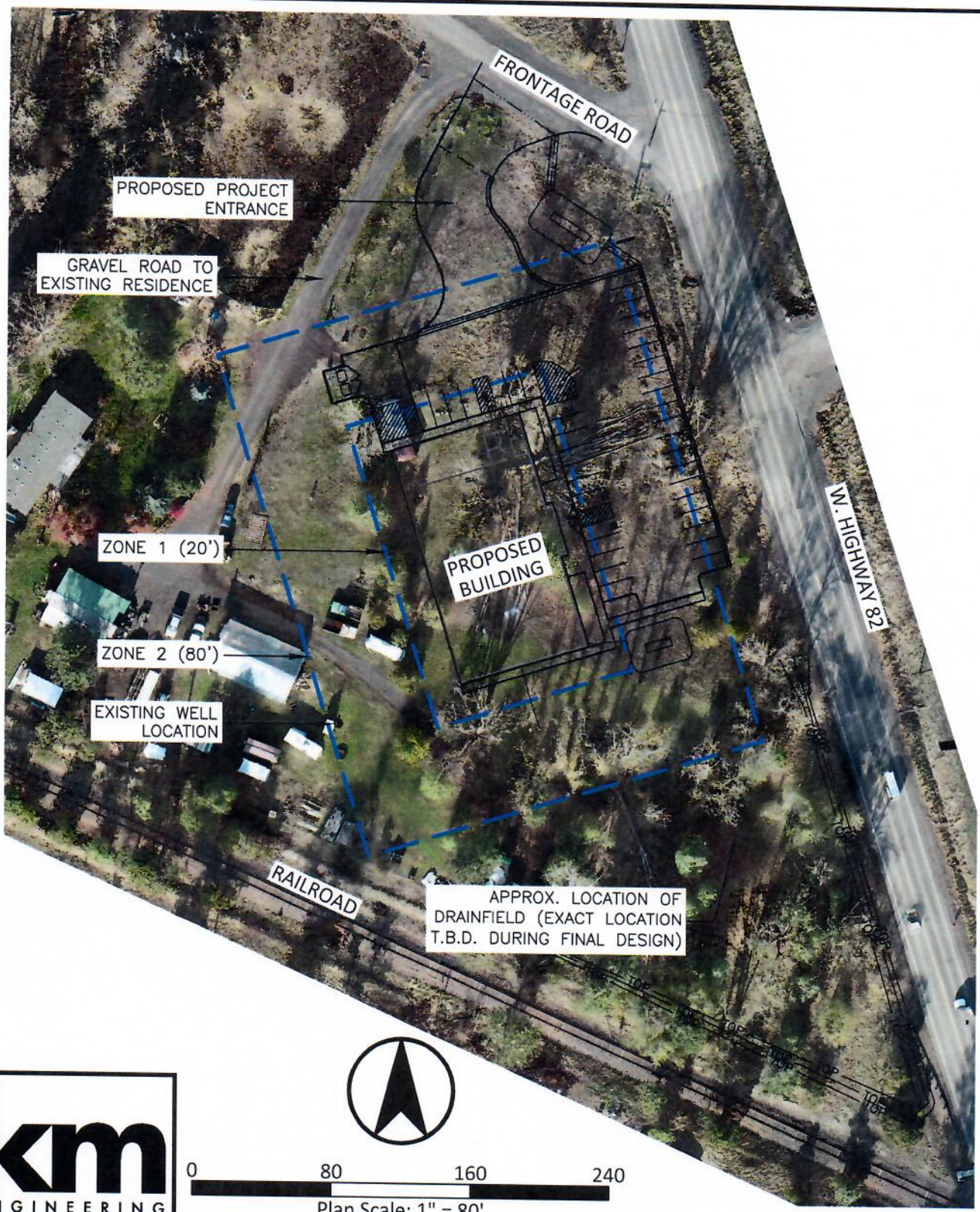
Legend

Untitled Map
Write a description for your map.

Google Earth



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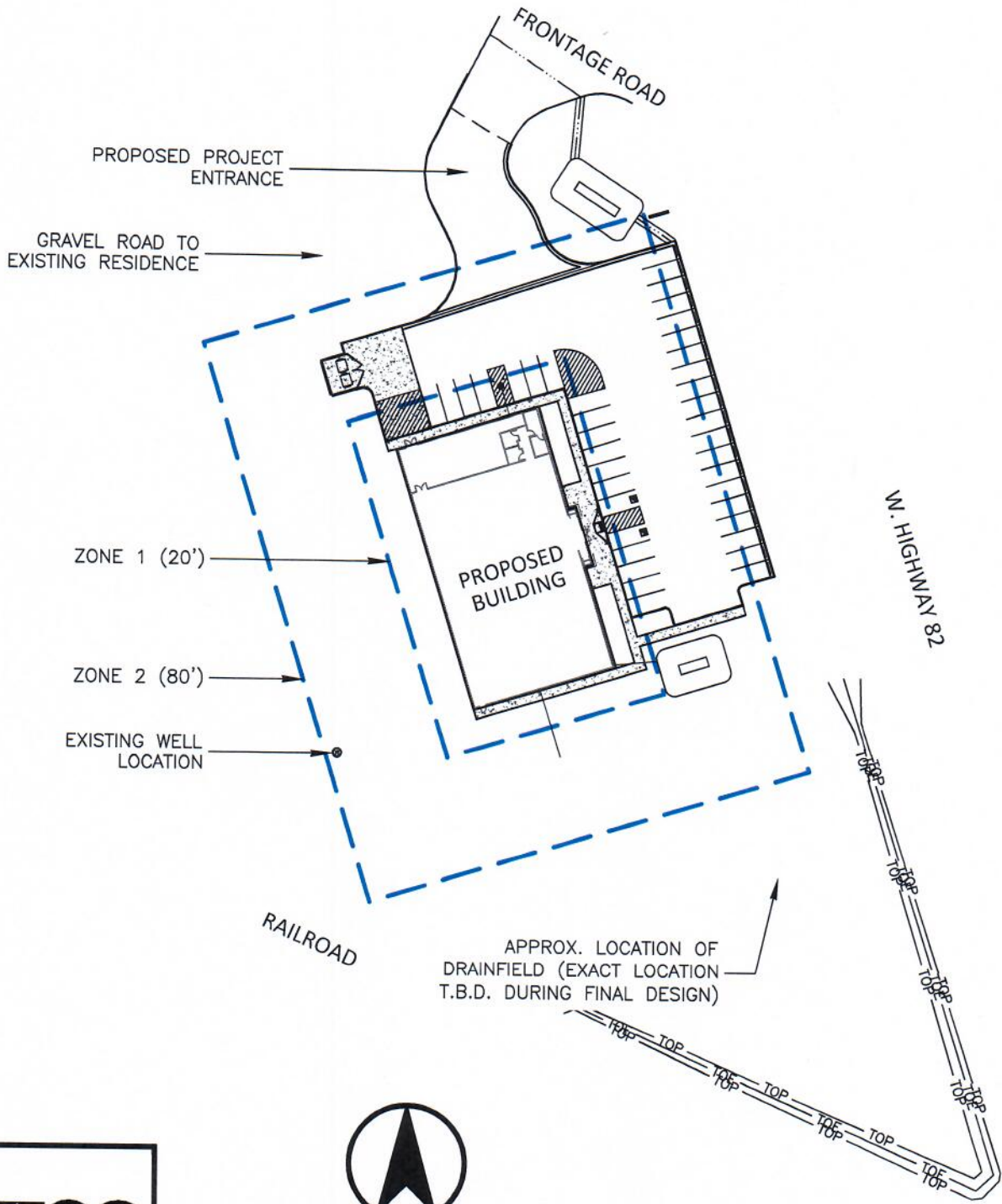
Plan Scale: 1" = 80'

km
ENGINEERING
 5725 NORTH DISCOVERY WAY
 BOISE, IDAHO 83713
 PHONE (208) 639-6939
 kmengilp.com

DATE:	3/15/23
PROJECT:	22-166
SHEET:	EX1.0

DOLLAR GENERAL
WALLOWA, OREGON

FIRE SAFETY BUFFER EXHIBIT



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km
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**DOLLAR GENERAL
 WALLOWA, OREGON**

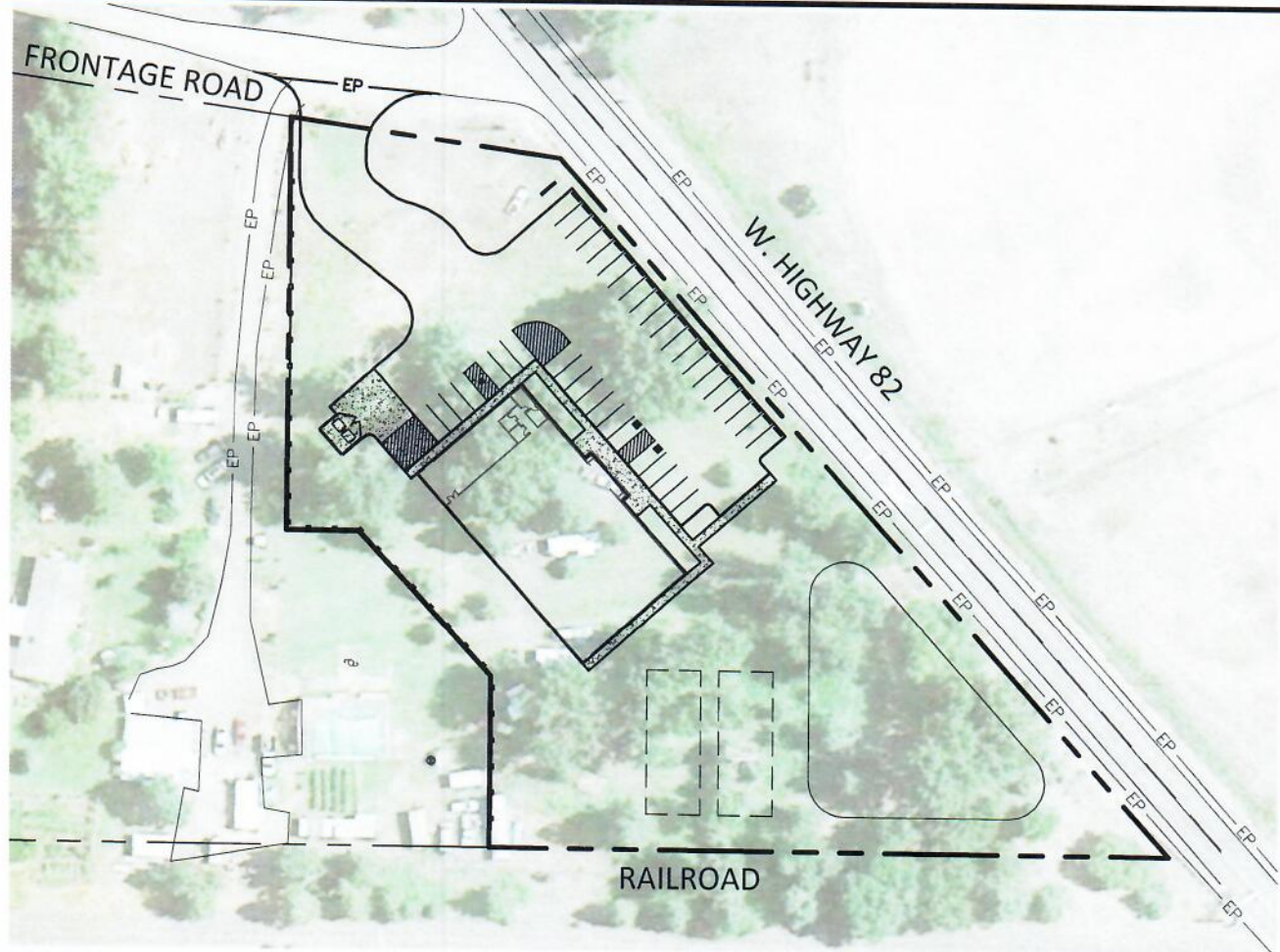
FIRE SAFETY BUFFER EXHIBIT

PRELIMINARY SITE PLAN

902 W. HIGHWAY 82
WALLOWA, OREGON

PROTOTYPE:	D	DEVELOPER	DESIGNER
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SALES S.F.:	8,513	NAME: MARK BUSH	NAME: KIRK FARRELLY
ACREAGE:	±2.46	PHONE: (205) 263-4584	PHONE: (205) 263-4589

SITE SUMMARY		BUILDING SETBACKS	LANDSCAPE SETBACKS	UTILITY
<u>ZONING</u>		FRONT: 0'	FRONT: 0'	WATER: WELL
EXISTING: COMM-IND		REAR: 5'	REAR: 0'	SEWER: SEPTIC
PROPOSED: COMM-IND		INTERIOR SIDE: 5'	STREET SIDE: 0'	ELECTRIC: PACIFIC POWER
REZONING REQ: Y OR (N)		STREET SIDE: 0'		PHONE: ZIPLY
		<u>LOT AREA</u>	<u>PARKING</u>	NATURAL GAS: T.B.D.
		REQUIRED: NONE	REQUIRED: 0	
		PROVIDED: ±107,374	PROVIDED: 39	



ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

DATE:	10/26/2022
PROJECT:	22-166
SHEET:	2 OF 3

DOLLAR GENERAL
WALLOWA, OREGON

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PRELIMINARY SITE PLAN

902 W. HIGHWAY 82
WALLOWA, OREGON

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SALES S.F.:	8,513	NAME: MARK BUSH	NAME: KIRK FARRELLY
ACREAGE:	±2.46	PHONE: (205) 263-4584	PHONE: (205) 263-4589

SITE SUMMARY

ZONING

EXISTING: COMM-IND
PROPOSED: COMM-IND
REZONING REQ: Y OR **(N)**

BUILDING SETBACKS

FRONT: 0'
REAR: 5'
INTERIOR SIDE: 5'
STREET SIDE: 0'

LOT AREA

REQUIRED: NONE
PROVIDED: ±107,374

LANDSCAPE SETBACKS

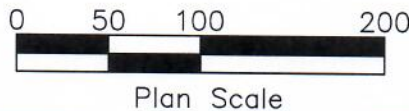
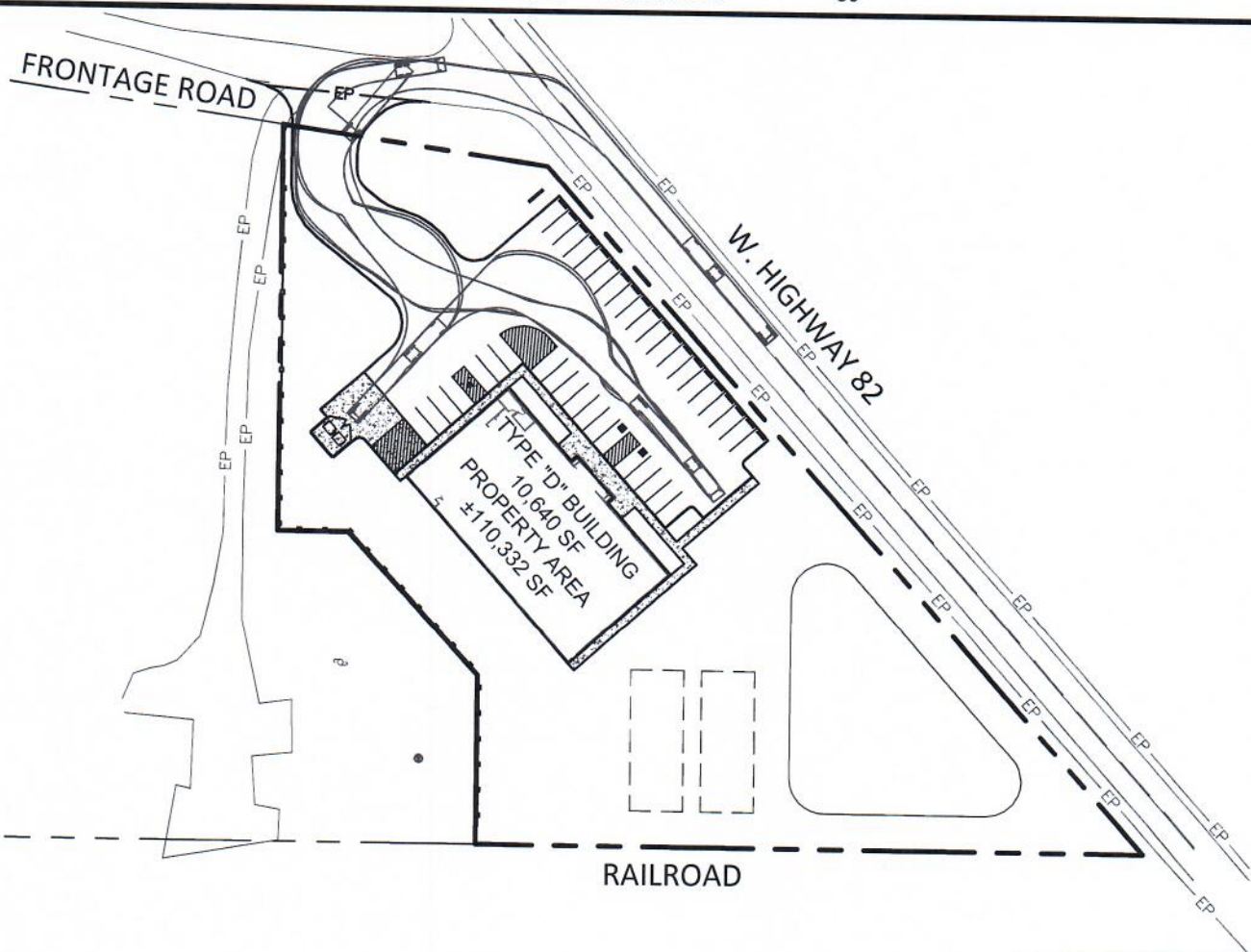
FRONT: 0'
REAR: 0'
STREET SIDE: 0'

PARKING

REQUIRED: 0
PROVIDED: 39

UTILITY

WATER: WELL
SEWER: SEPTIC
ELECTRIC: PACIFIC POWER
PHONE: ZIPLY
NATURAL GAS: T.B.D.



km

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5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmenglp.com

DATE:	10/26/2022
PROJECT:	22-166
SHEET:	3 OF 3

DOLLAR GENERAL
WALLOWA, OREGON

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HAZARD CHECKLIST

Project site location/conditions may affect the conditions of the permit. Outcome subject to GIS mapping. An elevation certificate may be required.



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

APPLICANT:

Property Owner: John J. Burns and Donna D. Duby

Project Applicant (if different): KM Engineering, LLP.

Project Address: 902 W Highway 82

City: Wallowa County State: OR Zip Code: 97885

Applicant Phone Number: 208.639.6939

Applicant E-Mail: shopkins@kmengllp.com

Zone: CI

Proposed Activity/ Development (Check One): New Construction Residential Non- Residential
 Other

Risk Magnitude: Value of Existing Structure/s _____ Value of Proposed Improvement TBD

COUNTY USE ONLY:

Permit # ZP#23-13

Associated Ordinance Article

Condition/Location

Article 24 – Watershed Protection Area • Watershed Protection Overlay: Yes No

Article 25 – Floods, Wildfire, and Natural Hazards Area • Wildfire Risk

1° Fuel Break = 20'
2° Fuel Break = +80'

	None	Level 1	Level 2
Zoning T/G or T/C	<u>No</u>	Yes	N/A
Communities at Risk Risk Designation	No	Extreme or High	Moderate or <u>Low</u>
WUI Zone	No	Extreme or High	Moderate or <u>Low</u>
Wildfire Occurrence Risk			

• Wetlands: Yes No

• FEMA Floodplain: Yes (NOTIFY WATERMASTER) No
 If Yes (Circle and Describe): 500 Year or 100 Year

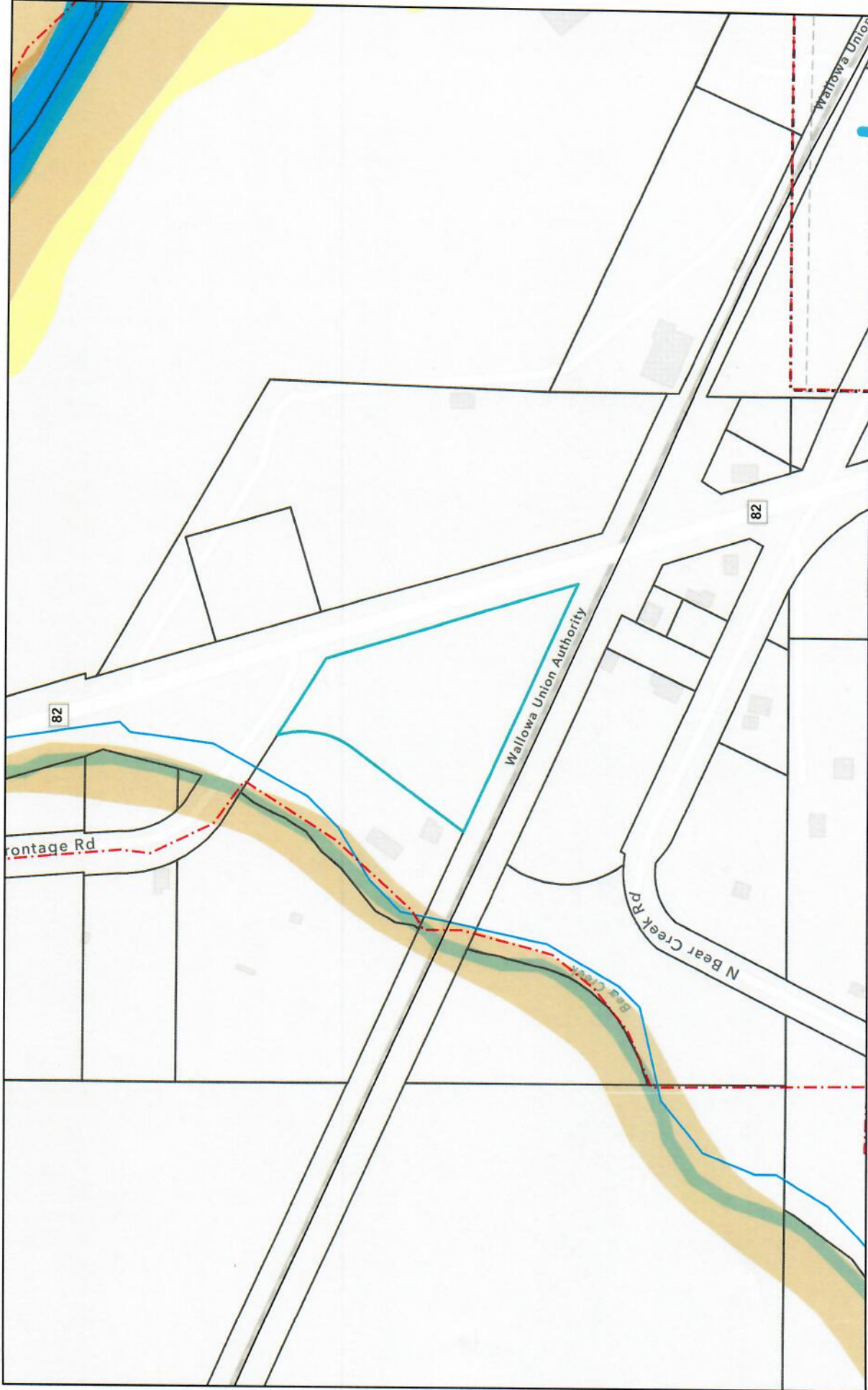
• Elevation Certificate Required: Yes No

Article 29 – Airport Overlay Zone • Airport Overlay: Yes No

Article 36 – Salmon Habitat Restoration • Natural Resource Advisory Council Review: Yes No

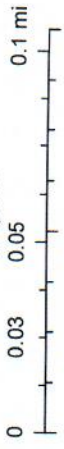
County Official Signature: _____

DUBY FLOODPLAIN & WETLANDS



3/21/2023, 10:29:02 AM

1:4,514



- FEMA Floodway
- City Limits
- Taxlots
- Riverine
- County Boundary
- Railroad
- County Streams
- UGB
- X500
- FEMA Floodplain USA Wetlands
- Palustrine

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GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE,
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.

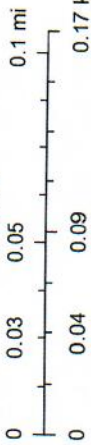
DUBY CAR & WUI



March 21, 2023

- Wallowa County
- Taxlots Communities at Risk
- WUI Zone
- Low

1:4,514



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Wallowa County
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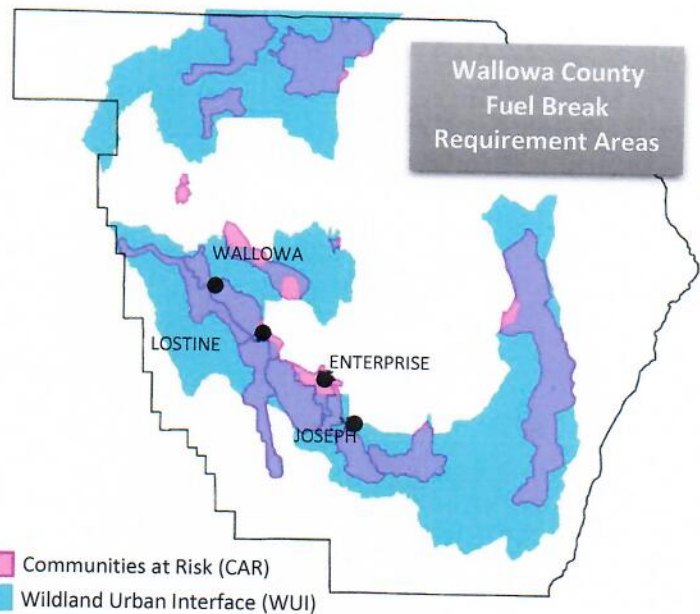
FUEL BREAK STANDARDS

This guide outlines the fuel break standards set forth in Wallowa County Land Development Ordinance Article 25 – Flood, Wildfire, and Natural Hazards for development in Communities at Risk and in the Wildland-Urban Interface. This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations.

Required Fuel Breaks According to Risk Level and Slope

Fuel-Free Breaks are part of Wallowa County’s site standards within designated Communities at Risk (CAR) and Wildland Urban Interfaces (WUI). These standards are designed minimize wildfire hazards and risks. This handout will provide guidance on how to construct these fuel break zones.

The map shows the designated CAR and WUI areas. For more detailed information, contact the Planning Department.



Structures Requiring Fuel Breaks

- Structures of over 1,000 SF
- Dwellings and additions to dwellings
- Structures and new additions to structures associated with private businesses
- All bunkhouses
- Public and private infrastructure projects

Fire Safety Design Standard (Risk) Levels

Level 1 fire safety standards apply to:

1. Timber Grazing or Timber Commercial zones.
2. CARs with “high” or “extreme” risk
3. Portions of WUI Zones with “high” or “extreme” risk of wildfire occurrence.

Level 2 fire safety standards apply to:

1. CARs with “moderate” or “low” risk.
2. Portions of WUI Zones with “medium” or “low” risk of wildfire occurrence.

Fuel Breaks: % Slope	Level 1		Level 2	
	Primary (Zone 1)	Secondary (Zone 2)	Primary (Zone 1)	Secondary (Zone 2)
< 10	30 ft	+100 ft	20 ft	+80 ft
11 - 20	80 ft	+100 ft	55 ft	+80 ft
21 - 30	105 ft	+100 ft	57.5 ft	+80 ft
31 - 40	130 ft	+100 ft	70 ft	+80 ft
> 40	No structures allowed under any circumstances		70 ft	+80 ft



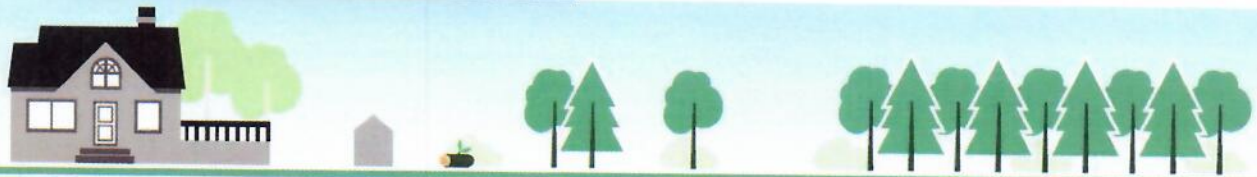
For more information, visit https://co.wallowa.or.us/wp-content/uploads/2021/09/Article-25_CWPP_Amended_09-23-2021.pdf or contact the Planning Department.

Prevent Structure Ignition by Creating Defensible Space

If you wait, you may be too late



% Slope	Level 1 Fuel Breaks		Level 2 Fuel Breaks	
	Primary (Zone 1)	Secondary (Zone 2)	Primary (Zone 1)	Secondary (Zone 2)
< 10	30 ft	+100 ft	20 ft	+80 ft
11 - 20	80 ft	+100 ft	55 ft	+80 ft
21 - 30	105 ft	+100 ft	57.5 ft	+80 ft
31 - 40	130 ft	+100 ft	70 ft	+80 ft
> 40	No structures allowed		70 ft	+80 ft



ZONE 1	ZONE 2	SURROUNDING LANDSCAPE
<p>Goal is to remove fuels that will produce flame lengths in excess of one foot.</p> <ul style="list-style-type: none"> Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (e.g., rock) instead of flammable materials (e.g., bark mulch) shall be placed next to the structure. 	<p>On land owned or controlled by the applicant. Goal is to reduce fuels so that the overall intensity of any wildfire and the likelihood of a crown fire are reduced.</p> <ul style="list-style-type: none"> Vegetation within the secondary fuel-free break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed. 	<p>Work with your neighbors and surrounding community to reduce the threat of wildfire.</p> <p>For more information:</p> <ul style="list-style-type: none"> Oregon Department of Forestry – https://www.oregon.gov/odf/fire/pages/fireprevention.aspx Firewise Communities – https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA

The fuel break standards shall be completed prior to construction and maintenance shall be the continuing responsibility of the property owner.

**CONFLICT
ACKNOWLEDGMENT
STATEMENT**

LANDOWNER MUST RECORD WITH
COUNTY CLERK AFTER APPROVAL &
PROVIDE A COPY OF THE RECORDED
DOCUMENT TO THE PLANNING
DEPARTMENT

I (We), John Burns and Donna Duby, am (are) the owner(s) or their legal representative, of certain real property located in Wallowa County, Oregon. The address for the property is 902 W Hwy 82, and the legal description is Township 1N, Range 42E, Section 11, Tax Lot(s) 1300.

I (We) have applied for A zone permit on land, on land adjacent to, or on land that is in close proximity to land zoned Exclusive Farm Use (EFU) and/or Timber/Grazing (T/G). The Wallowa County Right to Farm Ordinance requires a written and recorded statement acknowledging the right of neighboring landowners to conduct farm, forest, and mining operations as authorized by the Oregon Forest Practices Act (or other governing regulations) as a condition of approval. In addition, the Wallowa County Right to Farm Ordinance provides that conflict between authorized farm and forest practices and residential uses will be resolved in favor of the Oregon Forest Practices Act. The Wallowa County Right to Farm Ordinance States:

“It is the purpose of this Ordinance to conserve, protect, and encourage the development and improvement of the agricultural and other resource-based industries of Wallowa County and the use of modern technology for the production of food and other resource-based products. Continued rural residential development and/or urbanization gives rise to conflict between resource activities and non-resource uses. Generally accepted resource practices offend, annoy, interfere with, and otherwise affect non-resource uses located on resource lands or nearby resource uses. As a result, resource activities are often subjected to lawsuits or complaints from non-resource users. In the end, agricultural and other resource-based industries are sometimes forced to cease operating when non-resource uses are located nearby. This

causes a decline in available local supplies of food and fiber. Declining access to local production of food and fiber threatens the continued prosperity, health, and safety of Wallowa County and must be avoided. The Wallowa County Court has concluded that the resource-industry base in Wallowa County must be protected from such lawsuits or complaints that limit the productivity of resource lands.”

On behalf of myself (ourselves) and in behalf of my (our) heirs, assigns, and purchasers, I (We) hereby acknowledge the residential use on my (our) property is subordinate to; and conflict will be resolved in favor of; farm, forest, and mining practices which are consistent with the Oregon Forest Practices Act and other applicable regulations. I (We) acknowledge these practices may involve the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, traffic, and other impacts. I (We) recognize the residential use of our property may be impacted by such activities. In the event of conflict; we agree to give preference to normal farm, forest, and mining practices.

Donna Duly
Applicant

John Burns
Applicant

STATE OF OREGON)
)ss.
County of Wallowa)

On this 23 day of January, 2023,
Donna Duly & John Burns, personally appeared before me, a Notary Public in
and for the aforementioned State and County, and executed the foregoing Conflict
Acknowledgment Statement and confessed it to be a voluntary act.

Makayla Maxwell
Notary Public of Oregon
My Commission Expires: 12-23-2023





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

FLOOD, GEOLOGIC, OR WILDFIRE HAZARD WAIVER NOTICE

REGARDING ESTABLISHMENT AND MAINTENANCE OF DEVELOPMENT IN AREAS SUBJECT TO INUNDATION OR PHYSICAL HAZARDS OF A GEOLOGICAL NATURE OR WILDFIRES

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the County of Wallowa, State of Oregon described as:

A parcel of land situated in a portion of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 1 North, Range 42 East, Willamette Meridian, Wallowa County, Oregon

As recorded in Assessor's map number 1N42E111300 records of Wallowa County, which property is known as:
902 W Hwy 82, Wallowa, OR 97885

I (We) desire to develop said property and require a Zone Permit from Wallowa County for authorization. I am (we are) fully aware of the fact that the site is in an area subject to inundation, slides, unstable soils and/or wildfires, and that I (we) in consideration of the issuance of said Permit from Wallowa County, agree to indemnify, defend and hold Wallowa County harmless from any loss, claim or liability arising in any manner out of use of the above described property for damages that may occur to our property or buildings thereon due to water or soil conditions, including but not limited to earthquake, floods, slides, water run-off, caving, or other such natural phenomena due to wildfires, whether such damage occurs to me (us) or adjoining land owners, and further agree to release and hold harmless Wallowa County from any damages, law suits, or liability arising therefrom. I (We) assume all risk arising out of the use of the above described property and the County shall have no liability in connection with the issuance of said Zone Permit to me (us) for any condition existing thereon.

This agreement is appurtenant to the real property described herein, and shall run with the land and shall bind and inure to my (our) successors, assigns, heirs, and executors and shall be recorded in the deed records of Wallowa County.

DATED this 23rd day of January, 2023

John Burns, Owner
 Print Name

Donna Duby, Owner
 Print Name

John Burns
 Signature

Donna Duby
 Signature

STATE OF OREGON)
)ss.
 COUNTY OF WALLOWA)

Personally appeared the above named John Burns & Donna Duby and acknowledged the foregoing instrument to be _____ voluntary act and deed.

BEFORE ME this 23rd day of January, 2023

Makayla Maxwell
 Notary Public of Oregon
 My Commission Expires: 12-23-2023

