

## **Article 54: South Wallowa Lake**

Unincorporated Resort Community

### **RESORT RESIDENTIAL (R-3)**

**SECTION 54.010, PURPOSE:** The purpose of the Resort Residential Zone is to provide minimum standards for residential development and recreational uses in the unincorporated Resort community of South Wallowa Lake where residents and visitors from within and outside the County are attracted for natural and man-made amenities. The minimum standards of this Article are intended to:

01. Stabilize and improve property values.
02. Preserve and enhance an area's attractiveness to visitors and residents of Wallowa County.
03. Foster civic pride in natural and man-made amenities.
04. Strengthen the economy of Wallowa County.

**SECTION 54.015, PERMITTED USES:** In the Resort Residential Zone, the following uses and activities and their accessory buildings, and other substantially similar uses, are permitted subject to **MINISTERIAL REVIEW** for compliance with general provisions set forth by this ordinance. Non-conforming uses (including short-term rentals), temporary uses (including the keeping of larger animals), and applications not meeting all design standards of 54.030 shall be subject to **ADMINISTRATIVE REVIEW**.

01. Single-family dwellings. Modular and manufactured homes that meet all design standards permitted.
02. Accessory structures customarily provided in conjunction with a single-family dwelling.
03. A second single-family dwelling on a lot or parcel provided the minimum parcel size and setbacks of Section 54.035 are met.
04. Floats and docks subject to Article 37, Wallowa Lake Float, Dock, and Surface Area.
05. Utility and communication facilities necessary for local service and excluding any facilities for generating power for public use.
06. Temporary uses subject to Article 13, Temporary Use Permit (Administrative Review).
07. The keeping of animals other than dogs, cats, and common household pets is allowed only by Temporary Use Permit.
08. Short-term rental (thirty (30) days or less) of non-commercial residential dwellings subject to the following provisions:

**A. Criteria:**

1. An initial permit for short-term rental use shall be required for structures used for that purpose. The fee for a Non-conforming Use shall apply.
2. Occupancy of short-term rentals shall be limited to the number of overnight guests authorized in the permit.
3. The number of off-street parking spaces shall be sufficient for the number of permitted overnight guests.
4. Short term rental permits shall be reviewed for compliance by the Planning Commission after 3 substantive complaints are received by the Planning Department in any consecutive twelve month period. The fee for review shall be \$200 and failure to appear before the Commission or pay the fee shall result in revocation of the Short Term Rental permit.

**B. Conditions applicable to all short-term rental permits:**

1. Short-term rental use of dwellings may create nuisances which may constitute violation of this ordinance and may result in revocation of a permit issued for this use.

- a. For purposes of this section, nuisances include and are those identified in ORS Chapters:

609 - dogs as a nuisance or hazard,  
166 - disorderly conduct or use of weapons,  
810 - illegal or unsafe use of vehicles,  
196 - fill or removal of material from wetlands and streams,  
459 - solid waste.

Also, excessive noise or improper exterior lighting as specified in this article and violations of permit conditions.

- b. Substantive nuisance complaints shall be recorded with the Wallowa Planning Department.

A substantive complaint is one that:

1. Has first been attempted to be resolved by the owner/manager,
2. Is not anonymous, and
3. Is accompanied by corroborative evidence such as photographs or affidavits.

Complaints which have been, in the opinion of the Director, resolved, shall not count as substantive complaints.

Additionally, Wallowa County may elect to enforce the provisions of this ordinance by any other available legal method, including those specifically mentioned in ORS 203.065 and ORS 215.185, which include, but are not limited to, an action to abate a nuisance, injunction, abatement or mandamus.

Also, nothing in this article shall interfere with civil remedies sought by other affected individuals.

2. Short-term rentals permitted under this provision shall pay the hotel-motel tax, no matter the number of bedrooms in the rental unit.
3. The manager of a short-term rental shall provide, in writing:
  - a) To immediately adjacent neighbors and the Planning Department: A local telephone number, name, and address of a property manager who will accept and handle complaints relating to tenant activities;
  - b) To booked tenants: A list of rental rules and County regulations for tenants to follow during their tenancy.

09. Subject to the provisions of this article and the provisions of Article 3, Ministerial Review, a single family dwelling or other permitted structure may be altered, restored, or replaced (including substitution or replacement necessitated by destruction) providing the dwelling met (in the case of destruction) or meets all of the following criteria:

- A. It was lawfully created; and
- B. Has intact exterior walls and roof structure; and
- C. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; and
- D. Has interior wiring for interior lights; and
- E. Has a heating system; and
- F. Will be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling; and
- G. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

H. In the case of destruction, a permit shall not be granted more than one year after the destruction occurred.

**SECTION 54.020, CONDITIONAL USES PERMITTED:** The following uses, and other substantially similar uses, may be established in the Resort Residential Zone subject to public hearing review for compliance with requirements of Article 9, Conditional Use Permit, and other provisions of this ordinance.

01. Home-based occupations subject to provisions of Article 35, Home-Based Occupation, including, but not limited to, Bed and Breakfast facilities.
02. Schools, church camps, and convention facilities and related uses.
03. Private and public parks and playgrounds.
04. Utility or communication facilities necessary for public services, including transmission and receiving towers.

**SECTION 54.025, REVIEW CRITERIA:**

All uses and development described in this Article shall be subject to the following additional criteria:

01. **SALMON HABITAT RESTORATION:** Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.
02. **SCENIC WATERWAYS, WILDLIFE HABITAT, WETLANDS AND RIPARIAN CORRIDORS:** Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.

**SECTION 54.030, DESIGN STANDARDS:** For both Permitted and Conditional uses in the Resort Residential Zone, a lot or parcel may be used and a structure or part of structure, constructed, reconstructed, or altered only after the following design requirements have been met. Proposed permitted use development meeting all design standards are subject to Ministerial Review; those not conforming with one or more of these standards shall be subject to Administrative Review or Article 10, Variance Procedure, while conditional use adherence to design standards will be considered in Public Hearing Review.

01. **STRUCTURE HEIGHT:** Building heights shall be limited to 25 feet above grade measured vertically from the highest point of the grade against the structure to a line perpendicular to the highest point of the structure. If the lot is larger than minimum, a building height of more than twenty-five feet may be approved subject to the Public Hearing Review process and a finding that the building height is in proportion to the lot size and is in harmony with surrounding properties.

02. **EXTERIOR WALLS, FENCES AND TRIM:** Exterior siding materials accepted by the review authority are natural wood, board & batt, rough sawn, T1-11 paneling, and other siding materials having an appearance comparable to the wooden materials listed. Other siding materials subject to Administrative Review for compliance with the purpose of the zone and

these design standards.

Colors shall be chosen from a color selection chart which is available for review in the Planning Department, shall be non-reflective, and conform to and blend with the surrounding area. Colors not shown on the chart will be subject to Administrative Review for compliance with the purpose of the zone. Submission of samples for review of materials and colors to be utilized may be required.

No fence may exceed six feet and six inches in height from ground level. Chain link fences will only be allowed with prior approval of the review authority.

**03. ROOFS:** To achieve harmonious appearance, roofs must have a minimum pitch of 4/12. However, a roof pitch of 3/12 may be allowed upon demonstration to the review authority that a 4/12 roof pitch is not feasible but that the structure otherwise meets design standards. The color of roofing material shall be chosen from a color chart which is available for review in the Planning Department, and it shall be non-reflective dark shades of blue, green, brown, and gray. Colors not shown on the chart will be subject to Administrative Review for compliance with the purpose of the zone and design standards.

**04. FIRE SAFETY:** Roofs shall be fire retardant, Class A or B as defined in the Uniform Building Code of the State of Oregon.

**ENTRANCE/EXITS:** In an area of high fuel loads or heavy timber, or where escape from wild fire might require an alternative to a single development access, more than one entrance/exit to the property shall be provided where practicable. The alternative access need not meet all County Road Standards but shall be adequate for ingress/egress of private and fire fighting vehicles.

**ACCESS:** Roads and driveways must be wide enough for fire equipment passage, and dead end roads and cul-de-sacs must be large enough for fire equipment to turn around. Access must be approved by the Wallowa Lake Rural Fire Protection District. (See 54.035.03 and Article 32, Road Design, for standards).

**SPARK ARRESTOR:** Appropriate fire spark arrestor must be provided on all chimneys. Emissions must comply with clean air regulations. All eave and roof vents and openings shall be screened to prevent entry of embers.

**WATER:** At least one water source for fire protection must be independent from the building system and standpipes for fire fighting should be located at least 50 feet from the building they are intended to protect. (Frost free faucets installed before the pressure reduction valve recommended).

**FUEL BREAK:** A fuel break of no less than 7 feet shall be created and maintained around all structures. All wild vegetation touching structures shall be removed and trees shall be limbed up 10 feet above the ground.

05. **SIGNS:** Signs shall conform to Article 34, Signs.
06. **PARKING:** One off-street parking place per bedroom shall be supplied. No parking shall occur in a road easement or right of way.
07. **CHANGE IN NATURAL GRADE:** Only that excavation necessary for building construction and landscaping shall be allowed. All slopes shall be graded to a minimum of 2/1 and shall be covered with top soil and stabilized with appropriate cover vegetation.
08. **ARTIFICIAL LIGHTING:** Flickering and bright sources of illumination shall be controlled by down shielding or aiming the light source away from roads and nearby sites.
09. **WATER SUPPLY AND SEWAGE DISPOSAL:** Evidence shall be submitted that an adequate means of waste water disposal and an adequate water supply for domestic use and fire suppression will be provided in conjunction with the proposed development.
10. **LANDSCAPING:** For new construction, landscaping should include plantings fronting the access. Existing trees should be retained wherever possible. River front portions of lot shall be maintained in existing condition, or, if enhanced, shall be vegetated by shrubs or trees, with a minimum of 30% bank cover, and shall also meet the requirements of Section 54.025.01 (Salmon Habitat Restoration).
11. **VEGETATION:** Commercial forest practices are not allowed. Only the trees and shrubbery within the immediate area of the building site and driveway may be removed to enable permitted development. Pruning, thinning, and removal of dead, dying, or hazardous trees shall be permitted. Pruning or removal of trees pursuant to a harvest/forest management plan for forest fuel reduction or forest health may be approved by the review authority. A map of the property identifying trees to be removed shall be submitted to the Planning Department for approval prior to removal. The Director may require an on-site inspection in which case trees identified for removal shall be clearly marked. Trees removed with Planning Department approval, if found to be merchantable, may be sold by the owner.
12. **UTILITY SERVICES:** Utility service lines such as electric, cable TV, and phone shall be placed underground unless evidence satisfactory to the review authority is presented that underground placement is not feasible.
13. **FLOOD ZONE AREAS:** In addition to the provisions of this subsection, uses proposed that are within a flood zone area shall be subject to the requirement of Article 25, Flood-Hazard Area.
14. **MANUFACTURED and MODULAR HOMES:** Must comply with all design standards as well as state building code requirements for permanent foundations for manufactured dwelling placement and shall be anchored to that foundation. Must have a current HUD label or State of Oregon insignia of compliance. Length dimension not to exceed three times width.

**SECTION 54.035, PROPERTY DEVELOPMENT STANDARDS:**

01. **PARCEL SIZE:** Where both community water and sewer are available for purchase at the time of permit approval, the minimum parcel size for development on an existing parcel or for creation of a new parcel is 7500 square feet. Where either or both community water and sewer are not available or slope of a lot is greater than 10%, application review for building construction or creation of new lots shall be based on recommendations by a registered licensed engineer or geologist and the ability of the site to accommodate on-site sewage disposal and the use, but in no case shall the lot be smaller than 7,500 square feet.

02. **LOT WIDTH:** Not less than 50 feet with 50 feet minimum street frontage except “flag lots” may be permitted with a minimum 30 foot frontage provided that access requirements of 54.035.03 can be met.

03. **ACCESS:** All transportation facilities associated with development proposals must be consistent with the adopted Transportation System Plan for Wallowa County, including access management standards, and all proposed road or street intersections with state highways must be submitted to ODOT District 13 Office for review and approval prior to County approval. All intersection improvements must be completed prior to the opening of any proposed development.

When, in the opinion of the Review Authority, a proposed use may significantly affect a transportation facility, Traffic impact studies may be required to assure that the use is consistent with the identified function, capacity, and level of service of the facility.

Residential lots shall be served by improved public access as defined in Article 32, Roads, except that private access will be allowed where no more than two residential lots are to be served by the access and there is no potential for further divisions to be served by the private access.

No fences or buildings to be built on public or private roadway or utility easements, rights of way, or access.

04. **SETBACKS:** To insure setback requirements are met, setback and service district easement lines shall be flagged. Before construction is begun, a setback inspection shall be requested by the property owner and may be performed by the Planning Department. Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves, overhangs.

**FRONT YARD:** Not less than 25 feet from the property line.

**SIDE YARD:** Not less than 7 feet from the property line.

**REAR YARD:** Not less than 15 feet from the property line.

The front or rear yard setback may be decreased to 15 and 10 feet respectively, provided there is a corresponding increase in the setback for the opposite or side yard.

**SEPTIC TANKS AND ABOVE GROUND SEWAGE CONNECTIONS:** Shall be set back not less than five (5) feet from property line or right of way.

**STREAMS:** All structures, buildings, or similar permanent fixtures shall be set back from the normal high-water line or mark along all streams, creeks, or lakes a minimum of 25 feet measured at right angles.

**HIGHWAYS:** All structures, buildings, or similar permanent fixtures shall be set back not less than twenty-five feet from a state highway right of way, and to further increase setback, other setbacks may be adjusted, with approval of the review authority.

05. **EXISTING USES:** Are allowed and may be restored, replaced, or expanded in a manner consistent with ORS 215.130.

**SECTION 54.040, SPECIAL LIMITATIONS:** Some uses and structures have been determined to be potentially non-compatible with the Resort Residential zone. To minimize the impact on the surrounding areas, the following restrictions apply unless approved by the review authority as a temporary use permit.

01. **STORAGE AND USE OF TRAVEL TRAILERS AND MOTOR HOMES:** A total of two travel trailers, motor homes, and/or other portable living accommodations may be parked outdoors per lot or parcel: one in current use by the owner or in outdoor storage, and one in current use by a social guest to be limited to 14 days. Vehicles parked or stored in a fully enclosed structure shall not be subject to this provision.

In the case of an improved lot or parcel, travel trailers and motor homes may not hook-up to either a public sewer or subsurface sewage system unless an approved RV hook-up is available; one RV hook-up will be allowed per lot. In the case of an unimproved lot or parcel, travel trailers and motor homes or other portable living accommodations may be utilized on the lot or parcel and must be self-contained and occupied by the primary owner.