

Article 55: South Wallowa Lake

Unincorporated Resort Community

RESORT COMMERCIAL RECREATION (RCR)

SECTION 55.010, PURPOSE: The purpose of the Resort Commercial Recreation Zone is to provide minimum standards for commercial development and uses in areas of Wallowa County that are used primarily by visitors from outside the County.

SECTION 55.015, PERMITTED USES: 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, except non-conforming uses (including short-term rentals), temporary uses (including the keeping of larger animals), and applications not meeting all design standards of 55.030 shall be subject to **ADMINISTRATIVE REVIEW**.

01. A. Single-family dwellings. Modular and manufactured homes that meet all design standards permitted.

B. Condominiums and multi-family dwellings, provided enclosed structures or areas occupied by uses do not exceed 4000 square feet for each commercial use permitted):

C. 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.

02. **TRAVELER'S ACCOMMODATION** (the following specific uses, and other substantially similar uses, provided enclosed structures or areas occupied by use do not exceed 4000 square feet for each commercial use permitted):

- A. Motels, Hotels, Lodges and other overnight facilities not exceeding 4000 square feet per lot or parcel.
- B. Campgrounds and conference grounds.
- C. Recreational vehicle Parks.
- D. Bed & Breakfasts.
- E. Private and public parks and campgrounds.

03. **RETAIL AND SERVICE** (the following specific uses and other substantially similar uses, provided enclosed structures or spaces occupied by uses do not exceed 4000 square feet for each commercial use permitted):

- A. Antique shop.
- B. Art/craft studio, including ceramics, glassware, woodcarving, hand weaving, and similar crafts.
- C. Art gallery and artists supply store.
- D. Bakery, confectionery, grocery, delicatessen.
- E. Book store and/or newsstand.
- F. Camera and photographic store and gallery.
- G. Public laundry or shower facilities.

- H. Home based occupations essentially similar to permitted uses.
 - I. Gift, novelty, curio, and souvenir shop.
 - J. Outdoor recreation facilities, winter or summer.
 - K. Sporting goods store, including rental of recreational equipment.
 - L. Restaurants, taverns and lounges, indoor and outdoor barbecues.
 - M. Church and Day care facilities.
 - N. Dance halls: Use of the Edelweiss building as a dance hall or for other commercial or recreational activity.
 - O. Winter and summer outdoor recreation facilities, including but not limited to, commercial bicycle, horseback, and hiking trails and facilities; tramways, lifts, terminals, and associated buildings, provided enclosed structures or spaces occupied by uses do not exceed 4000 square feet for each commercial use permitted:
04. Outfitting stations, pony rides, and related activities.
 05. Accessory buildings normally associated with the above uses.
 06. Signs subject to Article 34, Signs.
 07. Floats and docks subject to Article 37, Wallowa Lake Float, Dock, and Surface Area.
 08. Temporary uses, including outdoor concerts, subject to Article 13, Temporary Use Permit.
 09. The keeping of animals other than dogs, cats, and common household pets is allowed only by Temporary Use Permit.
 10. Subject to the provisions of this article and the provisions of Article 3, Ministerial Review, a dwelling or 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. In the case of destruction, a permit shall not be granted more than one year after the destruction occurred.

SECTION 55.020, CONDITIONAL USES: The following specific uses, and other substantially similar uses, including structures enclosing or uses occupying in excess of 4000 square feet for each commercial use, may be established in the Resort Commercial Recreation zone subject to public hearing review for compliance with requirements of Article 9, Conditional Use Permit, and other provisions of this ordinance (all outdoor activities or activities generating noise audible outside of a building at the adjoining property line to begin no earlier than 8:30 AM and terminate by 10 PM except as allowed by a Temporary Use Permit for special events).

01. All commercial structures or uses listed in Section 55.015 as Permitted Uses or in Subsection 02 below, enclosing or uses occupying more than 4,000 square feet provided information is presented in the comprehensive plan pursuant to a minor plan text amendment under Article 8, which documents that the larger commercial use is intended to serve the needs of the South Wallowa Lake Resort Community or the needs of people who visit or recreate at the lake, the community, or surrounding recreational areas.

02. Recreation centers, performance centers, community, convention, and conference centers provided commercial uses associated with the center do not occupy more than 4,000 square feet of floor area for each commercial use approved, excluding from that total the square footage of any traveler's accommodation, including units, lobby and other lodging service areas and facilities, associated with the center. The total floor area of the auditorium within the center shall not exceed 4,000 square feet, excluding lobby and service area to the auditorium.

03. Utility or communication facilities necessary for public services, including power generation facilities, transmission, and receiving towers.

04. Go-cart tracks, arcades, mini-golf, and similar noise generating outdoor amusements.

05. Public Safety facilities including emergency service structures, fire or police stations.

06. Parking garages and public conveniences.
07. Outdoor market and facilities.
08. Public or private schools or educational facilities.

SECTION 55.025, 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.
03. **MASTER PLANNING:** To provide for careful planning for larger properties zoned Resort Commercial Recreation and to assure that growth and development occur in a manner that benefits the community, master planning shall be required, with proposed plan review through a public hearing process. Master plans shall address the capabilities of facilities and services required by proposed development and assess site suitability. Thus, no development may be permitted on parcels of more than 10 acres as of the date of adoption of this article until a Master Plan for the area has been approved by Wallowa County. Each master plan implemented through this Article shall be developed by the procedure, and include the content, outlined in the applicable sections of Article 56.025, Review Criteria, for the Resort Park Recreation zone, including “minor variations in location or construction from the Master Plan. See 56.025.03.

SECTION 55.030, DESIGN STANDARDS: For both Permitted and Conditional uses in the Resort Commercial Recreation 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 forty (40) 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 forty 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 19.035.03 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 stand pipes 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:** Off street parking shall be supplied according to the requirements of Article 33, Parking. Employee parking for the number of employees typically working during the largest shift of the peak season must be provided in addition to the minimum parking required by the square footage, seating, or unit criteria.

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 reseeded with appropriate cover vegetation.

08. **ARTIFICIAL LIGHTING:** Pole lights, night lights, or other artificial lighting shall not cause illumination in excess of two foot candles beyond any site boundary line. Flickering and intrinsically bright sources of illumination, even if meeting the standard prescribed above, shall be controlled by down shielding and aiming the light source down and away from roads and nearby sites.

09. **WATER SUPPLY AND SEWAGE DISPOSAL:** Evidence shall be submitted that 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 55.025.01 (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 SERVICE:** 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 requirements 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 55.035, 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 55.035.03 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 and commercial 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. Prior to construction commencing, the property owner shall request the Planning Department perform a setback inspection--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. Some circumstances will require that a commercial structure adhere to a setback that is greater than 25 feet in order to maintain the varied character of the area. In this event, the required rear setback shall be reduced to limit negative impact to the owner.

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

REAR YARD: Not less than 10 feet from the property line.

Zero clearance for side or rear yard may be allowed with the recorded consent of an adjoining property owner affected provided that such siting presents no appreciable increase in fire danger and meets state building code and fire Marshall requirements for zero clearance. An application for zero clearance must be accompanied by a plan showing how open space or parking area will be enhanced by review authority approval of a zero clearance setback.

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 55.040, 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.
