

ARTICLE 19

COMMERCIAL RECREATION--CR-2

SECTION 19.010, PURPOSE: The purpose of the 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 19.015, PERMITTED USES: The following uses and activities and their accessory buildings 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 19.030 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.
- C. Short-term rental (thirty (30) days or less) of non-commercial residential dwellings subject to the following provisions:
 1. **Criteria:**
 - a. A zone permit for short-term rental use shall be required for structures used for that purpose. The lowest fee for a zone permit shall apply.
 - b. Occupancy of short-term rentals shall be limited to the number of overnight guests authorized in the permit.
 - c. The number of off-street parking spaces shall be sufficient for the number of permitted overnight guests.
 2. **Conditions applicable to all short-term rental permits:**
 - a. 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.

1. For purposes of this section, nuisances include and are those identified in ORS Chapters 609, 166, 810, 196 and 459.
 2. Nuisance complaints shall be recorded with the Wallowa County Sheriff's Office and notice shall be provided to the owner of the property. The review authority may take action to revoke the permit after three official citations have been issued by the Sheriff's Office.
- b. Short-term rentals permitted under this provision shall pay the "hotel-motel" tax, no matter the number of bedrooms in the rental unit.
- c. The manager of a short-term rental shall provide, in writing:
- 1) 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;
 - 2) 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):
- A. Motels.
 - B. Lodges.
 - C. Campgrounds and conference grounds.
 - D. Recreational vehicle parks.
 - E. Bed & Breakfasts.
03. **RETAIL AND SERVICE** (the following specific uses and other substantially similar uses):
- A. Antique shop.
 - B. Art/craft studio, including ceramics, glassware, woodcarving, hand weaving, and similar crafts.

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- C. Art gallery and artists supply store.
 - D. Bakery.
 - E. Book store and/or newsstand.
 - F. Camera and photographic store and gallery.
 - G. Coin-operated laundry.
 - H. Confectionery.
 - I. Gift, novelty, curio, and souvenir shop.
 - J. Grocery and delicatessen.
 - K. Sporting goods store, including rental of recreational equipment.
 - L. Restaurants, taverns and lounges, indoor and outdoor barbecues.
 - M. Church.
 - N. Day care facilities
- 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 (Administrative Review).
 - 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

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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 19.020, CONDITIONAL USES: The following specific uses and other substantially similar uses may be established in the 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).

- 01. Dance halls.
- 02. Utility or communication facilities necessary for public services, including transmission and receiving towers.
- 03. Go-cart tracks, arcades, mini-golf, and similar noise generating outdoor amusements.

SECTION 19.025, REVIEW CRITERIA:

All uses and development described in this Article shall be subject to the following 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 19.030, DESIGN STANDARDS: For both Permitted and Conditional uses in the Commercial Recreation zone, a lot or parcel may be used and a structure or part of a 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:** Acceptable exterior siding materials are: natural wood, board and batt, rough sawn, and T-1-11 paneling. Other siding materials subject to administrative review. Exterior colors shall be chosen from a color chart which is available for review in the Planning Department, shall be non-reflective, and shall conform and blend with the surrounding area. Submission of samples for review of materials/colors to be utilized may be required. Colors not shown on the chart will be subject to Administrative Review. No fencing may exceed ten feet in height from ground level. Chain link fences will only be allowed with prior approval of the review authority.

03. **FIRE SAFETY:**

ROOFS: 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.

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

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. (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.

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.

FIRE PROTECTION: All structures must be protected by a fire protection contract with a provider approved by the review authority.

04. **SIGNS:** Signs for commercial purposes shall be no larger then allowed by Article 34, Signs.
05. **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.
06. **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.

07. **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 shielding or aiming the light source away from roads and nearby sites.
08. **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 proposed development. Connection to W.L.C.S.D. is allowed by Housing Goal X Policy 10 in compliance with OAR 660-011-0060 (.04) "Sewer Service to Rural Lands."
09. **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.
10. **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. Pruning, thinning, and removal of dead, dying, or hazardous trees shall be permitted. 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.
11. **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.
12. **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.

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13. **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 19.035, PROPERTY DEVELOPMENT STANDARDS:

01. PARCEL SIZE:

For Existing Parcels: Where community water and sewer are available for purchase at the time of permit approval, the minimum parcel size for development on an existing 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.

For New Parcels: Per OAR 660-004-0400, for any lands not included within unincorporated community or Goal 14 exception areas, no new parcel of land under two acres may be created from lands zoned Commercial Recreation, CR-2.

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 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 2 acres.

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 19.035.03 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.

Where private access is to be used, the road easement shall not be less than 30 feet and the hard surface paved or graveled width shall be no less than 24 feet. Such access shall be limited to

600 feet in length measured from the point of departure from the public access road to the end of the access road at the furthest point from the public access road. A cul-de-sac with a radius of not less than 45 feet shall be provided at the terminus of the access - Article 32, road design.

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 or 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 a side or rear yard may be allowed with the recorded consent of an adjoining property owner affected provided that such siting presents no

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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 the property line or right of way.

STREAMS: All structures, buildings, or similar permanent structures shall be set back from the normal high water line or mark along all streams, creeks or lakes a minimum size 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, 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 19.040, SPECIAL LIMITATIONS: Some uses and structures have been determined to be potentially non-compatible with the commercial recreation 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.

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