

ARTICLE 20 HAS BEEN INCLUDED IN THIS EDITION OF THE WALLOWA COUNTY LAND USE ORDINANCES FOR **REFERENCE** PURPOSES ONLY. IT **HAS NOT** GONE THROUGH THE PUBLIC HEARING PROCESS; THEREFORE, IT **HAS NOT** BEEN ADOPTED BY WALLOWA COUNTY. THERE MAY BE SUBSTANTIAL CHANGES TO THE LANGUAGE AND, POSSIBLY, MANY ADDITIONS AND SUBTRACTIONS.

ARTICLE 20

DESTINATION RESORT

FOR REFERENCE PURPOSES ONLY

SECTION 20.010, PURPOSE: The purpose of the Destination Resort Overlay Zone is to allow for Destination Resort Development in areas of Wallowa County while protecting against incompatible land uses. It is the intent of this overlay material to provide minimum standards for resort development which will serve to attract visitors, increase revenue, and preserve the rural character of Wallowa County.

The content of this article applies only to areas which are mapped as being potentially eligible for Destination Resort Development and is to be considered only when presented with an application for Destination Resort Development; otherwise, the requirements of the original zone shall take precedence. It is not the intent of this article to provide for development which would, in effect, act as a rural subdivision which would be inconsistent with Goal 8 and the Wallowa County Comprehensive Land Use Plan.

SECTION 20.015, PERMITTED USES: Under the provisions of this article the following uses and activities and their accessory buildings shall be permitted after the Final Master Plan of the subject proposal, as described in section 20.055, has been submitted to Public Hearing Review in accordance with Article 5, Public Hearing, and approved by the review authority. The following uses will not be considered to be permitted if they are not involved with an approved Destination Resort Development.

01. Developed recreational facilities of the following types:
 - A. Golf courses and clubhouses.
 - B. Swimming pools - indoor and outdoor.
 - C. Marinas.
 - D. Tennis courts - indoor and outdoor.

- E. Snow skiing facilities - cross country and downhill.
 - F. Bicycle and pedestrian paths or trails.
 - G. Equestrian facilities and trails.
 - H. Dance halls.
 - I. Shooting ranges.
 - J. Go-cart tracks.
 - K. Outdoor concerts or other festivities.
 - L. Other sports facilities.
02. Commercial activities of the following type, limited to the levels necessary to meet the needs of resort visitors:
- A. Commercial overnight lodging facilities which may be in the form of hotel or motel rooms, cabins, and/or time- share units. These facilities must be permanent, separately rentable accommodations which are not available for residential use.
 - B. Restaurants, taverns, and lounges.
 - C. Gift, novelty, curio, and souvenir shops.
 - D. Sporting goods retail establishments which may also provide rental of sporting or recreational equipment.
 - E. Camera and photography retail establishments and galleries.
 - F. Coin-operated laundries.
 - G. Real estate agencies.
 - H. Grocery stores and delicatessens.
 - I. Barber shops and beauty salons.
 - J. Day-care facilities to be utilized by resort visitors and/or resort employees.

- K. Other commercial facilities similar to those listed above.
03. Residential accommodations.
- A. Single-family dwellings.
 - B. Multi-family dwellings.
 - C. Townhouses.
 - D. Living quarters for employees.
04. Open space areas. In areas dedicated for open space the following uses are allowed:
- A. Golf course fairways and greens.
 - B. Hiking, bicycle, and equestrian trails.
 - C. Lakes and ponds.
 - D. Primitive picnic facilities.
 - E. With the exception of those uses listed above, no improvements or other alteration of the natural or existing landscape shall be allowed.
05. Accessory uses of the following types:
- A. Storage structures.
 - B. Pet care facilities, such as kennels, whose services may be extended to resort visitors only.
 - C. Garbage collection facilities.
 - D. Emergency medical facilities.
 - E. Facilities for fire and police protection.
 - F. Utility or communication facilities necessary for public services - including transmission and receiving towers.
 - G. Airplane runway and landing facilities.

SECTION 20.020, PROPERTY ELIGIBILITY STANDARDS: To be eligible for Destination Resort Development a property may not be within an area which has been mapped as being specifically excluded from Destination Resort siting. A map showing those areas which are eligible and ineligible for Resort uses is available for viewing in the Wallowa County Planning Department. The basis on which certain areas have been specifically excluded from Destination Resort siting is detailed in the Wallowa County Comprehensive Land Use Plan.

SECTION 20.025, DESIGN STANDARDS: Requiring specific design standards for Destination Resort Development is an important component in insuring that the existing character of the region will remain intact. Due to the fact that the physical conditions under which such development may be eligible to take place will vary, design standards will be reviewed and required by the review authority on a site specific basis. At a minimum, the prospective developer must address the following items in a development proposal.

01. **STRUCTURE HEIGHT:**

Generally, residential structures should not exceed 25 feet in height, and commercial structures should not exceed 50 feet in height.

02. **EXTERIOR STRUCTURE COLORS:**

Colors should be of earth tone shades which blend into the subject area.

03. **ROOFS:**

Generally, roof pitch should be no less than 3/12. Roofs should be constructed of a non-flammable material.

04. **SPARK ARRESTORS:**

Spark arrestors should be present on all chimneys.

05. **SIGNS:**

Unless otherwise specified, the placement and size of signs shall be subject to Article 34, Signs, of the Wallowa County Zoning Articles.

06. **PARKING:**

Unless otherwise specified, parking for residential and commercial activities shall be subject to Article 33, Parking, of the Wallowa County Zoning Articles.

07. **CHANGE IN NATURAL GRADE:**

When in conjunction with the siting of a structure, 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:**

If located in a residential area, bright sources of illumination shall be shielded or aimed away from adjacent properties.

09. **VEGETATION:**

Commercial forest practices will not be allowed within a property dedicated to Destination Resort Development. Pruning, thinning, and the removal of dead or dying vegetation for the purpose of reducing the potential of fire or other hazards will be acceptable. Requiring specific landscaping standards is acceptable and will be encouraged.

10. **UTILITY SERVICE:** Unless found to be unfeasible, utility lines shall be placed underground.

SECTION 20.030, PROPERTY DEVELOPMENT STANDARDS: To qualify as a Destination Resort in Wallowa County and to warrant consideration under Article 20, a proposal for development must include the following property development standards.

01. The property in question must consist of no fewer than 160 contiguous acres.

02. No less than 50 percent of the subject property must be dedicated to open space. Yards, streets and parking areas will not be considered to be dedicated to open space. Golf course greens and fairways will be considered to be dedicated to open space.

03. No less than \$7 million shall be spent on improvements for on-site developed recreational facilities and visitor oriented accommodations as described in Section 20.015. Costs of land, water and sewer facilities, and roads will not be considered part of the \$7 million. Not less than one third of this amount shall be spent on developed recreational facilities.

A. The dollar amount is specified in 1993 dollars. The spending required shall be adjusted to the year spending calculations are made using the

United States Consumer Price Index.

04. One hundred and fifty (150) units of overnight lodging. This includes hotel and motel rooms, cabins, and/or time-share units available for overnight rental use. Individual units will not qualify nor will tent sites, recreational vehicle sites, mobile homes, dormitory rooms, or other similar accommodations.
05. The ratio of residential units to permanent overnight lodging shall not exceed 2 to 1.
06. At least one restaurant capable of seating 100 people.
07. Meeting room(s) capable of housing conventions and conferences.
08. Developed recreational facilities of the type described in Section 20.015(1).
09. Fire prevention and protection facilities.
10. Provisions for security services.
11. The building of structures shall be prohibited on slopes exceeding 25 percent. Activities which would be considered appropriate for such areas would include:
 - A. Minor drainage improvements which do not significantly impact important natural resources of the site.
 - B. Roads, bridges, and utilities may be appropriate where there are no feasible alternative locations on the site.
 - C. Outdoor recreation activities.
12. A proposed site for Destination Resort Development shall have access suitable to sustain the amount of traffic generated by this type of activity. If current road structures in an area are insufficient, the applicant must include in their proposal how they will upgrade the means of access at their own cost.
13. **SETBACKS:**

Specific setbacks will be required for commercial and residential uses as well as golf courses and trails. Other developed recreational facilities will be required to meet the setbacks specified for commercial uses.

- A. **COUNTY, STATE, AND FEDERAL ROADS** - Not less than 100 yards. A visual barrier from development must also be provided in these areas. This barrier will consist of native vegetation - preferably timber.

Berms, fences, and landscaped areas may be used to aid in this process but may not be used individually as the primary source of barrier.

- B. **PROPERTY LINES, RIVERS, AND STREAMS** - Residential structures - not less than 50 yards. Commercial structures - not less than 100 yards.
 - C. **PEDESTRIAN, BICYCLING, AND EQUESTRIAN TRAILS** - Not less than 75 feet from property lines.
 - D. **GOLF COURSE FAIRWAYS AND GREENS** - Not less than 50 feet from property lines and not less than 100 feet from roads.
- 14. No structures will be allowed within areas of a 100-year flood plain.
 - 15. Residential areas will not exceed a density of 1.5 dwellings per acre.
 - 16. If development is to be phased, the resort developer must construct or guarantee at least 75 units of overnight lodging before the close of sale on individual lots or units. The other 75 units must be built as individually owned units and will be subject to deed restrictions limiting their use to overnight lodging. [The developer can lift the deed restrictions after the additional units of overnight lodging have been constructed.] All units of overnight lodging must be completed within five years of initial lot sales.
 - 17. Riparian vegetation within 100 feet of streams, rivers, and state or federally recognized wetlands shall be retained and maintained.

SECTION 20.035; PROPERTY DEVELOPMENT STANDARDS FOR SMALL DESTINATION RESORTS: To be eligible for Destination Resort Development at a level which is below the standards required of section 20.030, a property must meet the following criteria. Other developmental standards must be addressed as specified in section 20.030.

- 01. It may be possible to site a small Destination Resort on land that is:
 - A. Not defined as agricultural or forest land under any Statewide Planning Goal.
 - B. Where there has been an exception to any Statewide Planning Goal on agricultural lands, forest lands, public facilities and services, and urbanization.

02. The following standards apply to the lands identified in Section 20.035(1):
- A. The property in question consists of no fewer than 20 contiguous acres.
 - B. No less than \$2 million shall be spent on improvements for on-site developed recreational facilities and visitor oriented accommodations as described in sections 21.015 and 21.020. Costs of land, water and sewer facilities, and roads will not be considered to be part of this total. Not less than one third of this amount shall be spent on developed recreational facilities.
 - 1. The dollar amount is specified in 1993 dollars. The spending required shall be adjusted to the year spending calculations are made using the United States Consumer Price Index.
 - C. At least 25 units, but not more than 75 units of overnight lodging shall be provided.
 - D. At least one restaurant with one seat for each unit of overnight lodging.
 - E. Residential uses shall be limited to those necessary for the staff and management of the resort.
 - F. The primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, ski slope, or fishing stream.
 - G. The resort shall be constructed and located so that it is not designed to attract highway traffic.
 - H. Setbacks for residential and commercial structures will be 50 percent of those identified in Section 20.030(13).

SECTION 20.040, REVIEW CRITERIA: To approve a proposal for a Destination Resort Development the review authority must find that the following items have been met in a manner that is consistent with the purpose of this zone and with Goal 8.

01. The subject property is eligible for resort development and the proposed development is a Destination Resort as defined in this article and meets the

requirements of Section 20.025 for design standards and the requirements of either Section 20.030 or 20.035, which ever is applicable, for development standards.

02. Any deed restrictions or restrictive covenants will be for the purpose of enhancing the recreational appeal of the development, such as; color requirements, landscape requirements, etc. and must be suitably enforceable.
03. The property in question is of sufficient size for the proposed development.
04. The areas dedicated to open space are in accordance with Section 20.030(2), the existing character will not be altered other than what is allowed by this article and an appropriate mechanism is installed to insure that these areas will continue to exist as open space.
05. That the necessary financial resources are available for the applicant to meet the minimum investment requirements for development of facilities and that proof has been submitted by the prospective financial institution(s) that the applicant has complete funding for the entire project.
06. The proposed development will have a level of overnight lodging, restaurant, and meeting room facilities to be in accordance with the provisions of Section 20.030 or Section 20.035, whichever is applicable.
07. The recreational facilities and activities proposed to occur at the site when combined with the natural and aesthetic qualities of the area provide an atmosphere which will serve to attract a level of visitors suitable to sustain a Destination Resort and the items listed in Section 20.040(2).
08. Public safety facilities will be present in the form of structural fire protection services and staffed police services. For resort development as authorized by Section 20.035, fire protection services may be in the form of a rural fire protection contract with an established fire protection district. If such an arrangement is not possible, or if the conditions of such an arrangement does not satisfy the review authority, the following requirements will become applicable.
 - A. Structural fire prevention facilities may be present on either a full time or volunteer capacity. Such facilities must include:
 1. No fewer than one full sized, fully equipped fire engine.
 2. No fewer than one water tanker with a holding capability of 3,000

gallons or greater to be used for structural or non-structural fire suppression.

3. Equipment for no fewer than six firefighters consisting of protective clothing and tools.
- B. Police protection services shall be provided on a full-time basis. Services may be reduced when the resort is not experiencing peak season. In no instance shall there be fewer than two security officers on duty at all times during periods that are not considered to be peak season. During peak season, there shall be no fewer than five security officers on duty at all times. Services may be provided by contracting with local, state, federal, or private agencies. For resort development as authorized by Section 20.035, there shall be no fewer than one security officer on duty at all times. Requiring public safety services at this level will eliminate any possible constraints on Wallowa County to provide such facilities.
09. In area which equal or exceed a 25 percent slope, only those uses which have been identified as being appropriate will occur.
 10. The transportation network providing access to the site will adequately support the levels of traffic generated by the proposed development, and the internal transportation system of the resort itself, including parking areas and possible emergency evacuation routes, will be adequate to serve users of the resort. Facilities for the maintenance of this internal system must be adequate to serve the needs of the system.
 11. The proposed buffer areas and setbacks from County, State, or Federal Roads, rivers, streams, and adjacent properties are in adequate amount to be consistent with the requirements of Section 20.030(13).
 12. No structures will be sited in areas of a 100-year flood plain.
 13. Residential density levels will not exceed 1.5 dwellings per acre.
 14. The proposed development will provide a financial contribution to Wallowa County in the forms of increased tax base, the creation of jobs for county residents, and a positive impact on other commercial activities, throughout the life of the project which would exceed the level of such items the proposed site is capable of producing were to remain in resource use.
 15. Potential negative impacts or significant changes on natural resources

including fish and wildlife species and adjacent land uses including but not limited to farm and forestry practices will be identified in an Integrated Resource Management Plan developed in accordance with the Wallowa County Nez Perce Tribe Salmon Recovery Plan. This material shall provide solutions to potential conflicts which are identified. The purpose of this requirement will be to prove that there is no net loss in the resource or activity. Increasing the cost of accepted farm or forest practices on adjacent lands currently devoted to this use will constitute a negative impact. This plan shall include what measures will be taken to reduce the possibility of wildfire and what measures will be taken in the event that a wildfire does threaten the site. Erosion control methods must also be identified and explained.

16. Evidence is provided by the applicant which proves that a sufficient amount of water is present to meet all the needs of the resort development. This material must also show that the improvement of any water sources for resort development will not reduce the availability of water for resource uses in surrounding areas.
17. The proposed wastewater disposal system and on-site sewage system have been reviewed and approved by the Department of Environmental Quality and the Oregon State Health Division.
18. If development is to be phased, the resort developer must adhere to the requirements of Section 20.030(15).
19. If a tract to be used as a Destination Resort contains a resource site which has been designated a protection status in the Goal 5 section of the Wallowa County Comprehensive Land Use Plan, that tract of land shall preserve that site by conservation easement sufficient to protect resource values of the site as set forth in the Comprehensive Land Use Plan.
20. A conservation easement under this section shall be recorded with the property records of the tract on which the Destination Resort is sited.

SECTION 20.045, APPLICATION PROCEDURE: To begin the process for approval of a Destination Resort Development an applicant must first determine if the subject property is eligible for siting. The Destination Resort Map, located in the Planning Department, will show those areas which have been specifically excluded from this process. If the subject property is not within an excluded area and meets the minimum parcel size as described in section 21.030 , it will be considered to be potentially eligible for Destination Resort Development.

The applicant will then become responsible to show that their proposed development will meet the review criteria of Section 20.040. This is to be done by submitting a Conceptual Master Plan. The Conceptual Master Plan must be received by the Planning Department no less than one month before the proposal is to go before

public hearing review. The applicant must provide the Planning Department with one copy of the Conceptual Master Plan for general office use and one copy for each of the Planning Commissioners. At a minimum, the Conceptual Master Plan must include the following information:

01. How the proposed development will meet the design standards identified in Section 20.025. This procedure shall include:
 - A. A listing and description of deed restrictions and restrictive covenants which will be created and enforced to maintain consistency for structure heights, colors and any other similar items.
 - B. A detailed description of proposed colors, materials, building configuration, roof pitch, and size - samples and architects plans shall be included.
 - C. A description of regulations pertaining to spark arrestor on all chimneys.
 - D. A description of what types of signing will be utilized - samples of materials and design shall be included. Unless otherwise approved by the review authority, signs will be no larger than allowed by Article 34, Signs.
 - E. A description of parking requirements for both residential and commercial areas. Unless otherwise allowed by the review authority, parking amounts will be subject to the provisions of Article 33, Parking.
 - F. A detailed description of how any changes in the natural grade will be conducted - including statements as to how steps will be taken to minimize potential adverse impacts on the immediate and surrounding areas due to intensive excavation.
 - G. A definition of what types of artificial lighting will be allowed and regulations on their uses.
 - H. A description of what types of landscaping, if any, will be required for both commercial and residential development.
 - I. A description of how and where utility service lines will be located when the proposed development is constructed and for additional development in the future.

02. How the proposed development will meet the property development standards required in Section 20.030 or Section 20.035 - whichever is applicable. This procedure shall include:
- A. Proof that the subject property meets the minimum parcel size as described in Section 20.030 or Section 20.035 - whichever is applicable. This determination can be made by Planning Department staff.
 - B. A detailed description of that area which has been dedicated to open space including in what amount it will be present, what its traditional use has been, in what condition it currently exists and a plan for its use in conjunction with the proposed development. This section shall also include proposed deed restrictions which will insure Wallowa County that these areas will be forever dedicated to this specific purpose.
 - C. Credible proof that the applicant will have access to the necessary financial resources need to complete this project. This proof may be submitted as a verified statement received from the prospective loan institution(s).
 - D. A detailed description of what developed recreational facilities and visitor accommodations will be offered - including pictures, plans and proposed levels of density.
 - E. A detailed fire prevention plan describing what measures will be taken to reduce the likelihood of both structural and wild fires, a description of what fire protection facilities will be present on the property, what action will be taken in the event of a wildfire, and escape routes in case of a major fire.
 - F. A description of what types of security system will be provided by the development - including an analysis of identified security problems and why the proposed system will work effectively.
 - G. An inventory of areas, if any, on the property which exceed 25 percent in slope and a description of what activities will be located in these areas.
 - H. A detailed transportation plan - including an analysis of traffic levels projected to be generated by this development and a description of why road structures are sufficient to handle this traffic. Also, a description of

the level and design of the internal road system of the proposed development - including an analysis of projected traffic levels, a description of why the internal road system will be sufficient to handle this traffic, and a description of the amount and location of parking facilities with an explanation of why this amount will be sufficient.

- I. An explanation of the proposed type of buffers from adjacent properties. Possible conflicts with properties within 500 feet of the exterior boundaries of the subject properties shall be identified. The applicant will explain how the proposed buffer area will serve to minimize or eliminate these conflicts.
03. An economic analysis prepared by a qualified professional economist or financial analyst which shall include the following:
- A. A document detailing the economic feasibility of such a development on the subject property which shall include why this particular development will be able to draw the level of visitors necessary to be successful.
 - B. An analysis of potential jobs created by this development as a direct and indirect result of this project.
 - C. An analysis of potential levels of revenue to be generated within Wallowa County as a result of this project - including an increase in the tax base and any projected commercial uses.
 - D. A document stating how and why the proposed development will not effect Wallowa County service facilities or constitute a financial burden because of its self sufficient-nature, and why the loss of resource lands due to the proposed development will not negatively effect the well being of Wallowa County.
04. An integrated resource management plan drafted in accordance with the Wallowa County Nez Perce Tribe Salmon Recovery Plan. This material shall include the following:
- A. Identification of potential conflicts between recreational/residential uses and resource uses.
 - B. Proposed solutions to identified conflicts.
 - C. A detailed description of methods to be utilized to reduce the possibility

of wildfire.

- D. A detailed description of what actions shall be taken in the event that the site is threatened by wildfire.
 - E. Erosion control methods.
 - F. A study of projected water needs prepared by a hydrologist, engineering geologist, or similar professional in the State of Oregon which shall include:
 - 1. Projected maximum water usage by the resort as a whole and for all individual components of the resort including but not limited to residential uses, commercial uses, golf courses, other irrigated areas, and man made water ways or water bodies.
 - 2. The availability of water in the immediate area to serve the resort. All potential water sources, an explanation of any potential impacts to surrounding water uses due to the use of the resort, and an analysis of why the increased use due to the resort will not adversely effect the water supply in the area.
 - 3. A water conservation plan explaining in detail how the proposed development will make the most efficient use of this resource possible. This plan shall include what other methods had been considered and why the proposed plan was selected. The plan shall also include a waste water disposal plan utilizing beneficial use of reclaimed water to the maximum extent possible.
 - G. A complete description of proposed sewage disposal methods and a solid waste management plan.
05. A detailed map drawn to scale showing a general overview of the subject property including:
- A. The location of the property and how many total acres are to be developed.
 - B. Adjacent properties and their current land uses.
 - C. The topographic relief of the site.

- D. The location of proposed developmental uses differentiating between commercial and residential areas.
 - E. The location of developed recreational facilities and areas dedicated to open space.
 - F. The primary source of access to the site.
 - G. The primary circulation system of vehicle traffic within the development - differentiating between public and private roads.
 - H. Major pedestrian, bicycle, and equestrian trail systems.
 - I. The location of important geographic, geologic, and/or natural features.
06. If development is to be phased, the resort developer must provide a specific time frame over which development will occur and describe how the criteria of Section 20.030(15) will be met.
07. If the subject tract proposed for Destination Resort Development contains a resource site which has been designated a protection status in the Goal 5 section of the Wallowa County Comprehensive Land Use Plan, the applicant shall provide a conservation easement consistent with the decision that protects the site from conflicting uses as defined in the Comprehensive Land Use Plan.
08. The applicant must record any such conservation easement with the property records of the tract on which the Destination Resort is sited.

SECTION 20.050, MODIFICATION OF THE CONCEPTUAL MASTER PLAN: The Planning Commission may require any modifications to the Conceptual Master Plan deemed necessary. For the purpose of this article, modifications are meant to mean an alteration in the type, scale, location, phasing, or any other characteristics of the proposed development. When the Planning Commission has reviewed a proposal and found it to meet all applicable approval criteria as required by this Article, as well as any modifications required by the Planning Commission, the Conceptual Master Plan shall be approved. Failure to sufficiently meet any one of the identified approval criteria to the satisfaction of the Planning Commission shall be grounds to deny the proposal.

SECTION 20.055, THE FINAL MASTER PLAN: Upon the approval of the Conceptual Master Plan, the Applicant will submit a Final Master Plan. This plan will include the approved Conceptual Master Plan and a final plat map of the approved

development. This material shall be provided to the Planning Department within six (6) months of the date of approval. The final plat shall also be recorded with the Wallowa County Clerk's Office within six (6) months of the date of approval.

SECTION 20.060, APPROVAL OF THE FINAL MASTER PLAN: When the Final Master Plan has been received by the Planning Department and the final plat map has been recorded with the Wallowa County Clerk's Office, the application process will be complete. At this point, the applicant may begin development as approved.
