

# ARTICLE 38

## SELECT RESIDENTIAL

**SECTION 38.010, PURPOSE:** The purpose of the Select Residential zone is to allow Wallowa County to provide areas suitable for small acreage parcels and to maintain a buffer between Urban and Rural Residential parcels in a manner consistent with Wallowa County Ordinance #96-11 and "Select Residential" zone purpose described in the Wallowa County Comprehensive Land Use Plan.

**SECTION 38.015, PERMITTED USES:** In a Select Residential zone, the following uses and their accessory uses are permitted:

Livestock animals: One sheep or goat per 1/4 acre, or one adult cow, 01. one horse, donkey, (or one female of species plus her unweaned offspring), or mule per 1/2 acre.

No person shall keep or maintain domestic livestock if the carrying capacity of the pasture upon which they are situated is exceeded; it shall be prima facie evidence that the carrying capacity is being exceeded if the vegetative cover of the pasture is not being maintained. Exception: dry lot pens.

02. Single-family dwellings.

03. Accessory buildings normally associated with single-family dwellings.

04. Accessory buildings normally associated with livestock.

**SECTION 38.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY IN A SELECT RESIDENTIAL ZONE:** The following uses and their accessory uses are permitted subject to the provisions of Article 9, Conditional Use Permit:

01. Park or playground.

03. Public or private school.

04. Home-based occupation, subject to Article 35, "Home Based Occupation."

05. Single-family residences on acreage less than the minimum required by Section 38.035 of this ordinance.

06. Residential care homes and facilities.

**SECTION 38.030, DESIGN STANDARDS:** In the select residential zone a lot or parcel may be used and a structure or part of structure, constructed,

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reconstructed, or altered only after the following design requirements have been met.

01. **STRUCTURE HEIGHT:** Building heights shall be limited to two and one-half stories or a maximum of 35 feet above grade.
02. **SIGNS:** Signs shall conform to the provisions of Article 34, Signs.
03. **PARKING:** Parking shall conform to the provisions of Article 33, Parking.
04. **EXTERIOR LIGHTING:** Exterior lighting shall be directed downward and shall be sited, shielded, or hooded in a manner that prevents lights from being highly visible from adjoining property and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months.
05. **WATER SUPPLY AND SEWAGE DISPOSAL:** Evidence in the form of DEQ reports, independent hydrologist reports, or other reports acceptable to the Planning Department shall be submitted that adequate means of waste water disposal and an adequate water supply are available or will be provided in conjunction with the proposed development.
06. **UTILITY SERVICE:** New utility service lines such as electric, cable tv, and phone shall be placed underground unless evidence satisfactory to the planning department is presented that underground placement is not feasible.
07. **FLOOD ZONE AREAS:** Uses proposed within a flood zone area shall be subject to the requirements of article 25, flood-hazard area.

**SECTION 38.035, PROPERTY DEVELOPMENT STANDARDS:**

01. **PARCEL SIZE:** In a Select Residential zone, the minimum lot size shall be two acres. Parcels which exist as lots of record of less than two acres in size may be conditionally permitted. (ORS 92.017 and WCLDO 38.020.05)
02. **ACCESS:** Residential lots shall be served by improved public access 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 access shall be limited to 600 feet in length measured from the public access road to the point where the road enters the lot furthest from the public access road. A cul-de-sac with a radius of not less than 50 feet shall be provided at the terminus of the access.

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03. **SETBACKS:** No structure or structural appendage (eaves, overhangs, decks, patios, etc.) shall be less than the following distances from a property line (except for fences and signs):

**FRONT YARD:** 25 feet

**SIDE YARD:** 25 feet

**REAR YARD:** 25 feet

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

04. **FRONTAGE:** All lots shall have a minimum of 60 feet of access frontage.

05. **SALMON HABITAT RESTORATION:** Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.

06. **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 38.040, APPLICATION OF THE ZONE:** In order to apply the select residential zone, Wallowa County, in consultation with the applicable City government, must find that:

01. The land is located within one mile of an incorporated city limits; and not within an acknowledged urban growth area; and

02. The land is not intended for eventual inclusion in an urban growth boundary by the following determination:

A. The land is determined not to satisfy the requirements for establishing an "urban reserve area" pursuant to OAR 660, Division 21; or

B. The land is not within one-half mile of an acknowledged urban growth area; and

03. The land is within an acknowledged exception area; and

04. The land does not require the establishment of or connection to, a community sewer and/or water system or an exception to goals 11 and 14 has been taken; and

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05. The application satisfies the purpose stated in section 38.010 and is consistent with the plan designation and policies of the Wallowa County comprehensive land use plan and statewide planning goals.

**SECTION 38.045, APPLICABLE 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.

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**DEFINITIONS:**

**CITY LIMITS:** The boundary of an incorporated city.

**URBAN GROWTH BOUNDARY:** A line established by agreement between a county and a city which bounds an area designated for future urban growth and which separates land reserved for urban growth from rural land. Where an acknowledged urban growth boundary has not been established outside a city limit, the city limit is the urban growth boundary.

**URBAN GROWTH AREA:** The urbanizable land that lies between a city limits and an urban growth boundary. The area is designated for urban growth in an acknowledged comprehensive land use plan, and is zoned and managed via a joint management agreement between the county and city.

**URBAN RESERVE AREA:** Lands outside of an urban growth boundary reserved for eventual inclusion in an urban growth boundary and protected from patterns of development which would impede urbanization.

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