

Article 56: South Wallowa Lake

Unincorporated Resort Community

RESORT PARK (RP)

SECTION 56.010, PURPOSE: The purpose of the Resort Park Zone is to provide minimum standards for park, camp, retreat and conference grounds, and open space recreation activities in the Unincorporated Resort Community of South Wallowa Lake where visitors from within and outside the County are attracted to the natural and man-made amenities. The minimum standards of this Article are intended to:

01. Provide for the long term protection, management and enjoyment of natural, cultural, scenic, open space and recreational resources within public and privately owned or managed parks or camp/conference grounds which enhance opportunities to:

- A. participate in outdoor recreation activities,
- B. experience a greater appreciation of the natural world through interpretation and educational activities, and
- C. develop a greater sense of community, appreciation of cultural assets, and/or encourage civic responsibility.

02. Provide for the development of facilities and the support of recreational and educational/program uses in a manner that is consistent with defined area management objectives, the County's comprehensive plan and the statewide planning goals through the implementation of County adopted park/camp/conference ground master plans.

SECTION 56.015, PERMITTED USES (*Important, see note regarding "Reasons Exception area"p. 11): In the Resort Park 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, provided enclosed structures or spaces occupied by uses do not exceed 4000 square feet for each use permitted:

01. Camping and picnic areas.

02. Organized group camps, retreat, or conference grounds.

03. Private and public park, camp or conference ground facilities, including uses, facilities (including but not limited to residences and offices for caretakers/camp staff) and activities listed in a Oregon State Park's Master Plan for Oregon State Parks, or other Master Plans for other entities,

provided the Master Plan has been approved by Wallowa County and only those uses approved by the County are permitted. Such uses are to be approved through the development review procedures of the Master Plan provided the uses comply with all design standards specified in the Master Plan and with other applicable standards of this ordinance.

Minor variations from the uses and facilities described in the management area master plan are allowed through the review procedures specified in the master plan for the described projects, unless the master plan language specifically precludes such variations. The standards in Section 56.025.0 of this ordinance shall be used to determine whether a proposed variation from a planned use or facility is minor.

The repair, renovation of existing management area facilities, and replacement, in the same location and size, or with minor location changes or expansion, of existing park uses and facilities are allowed as permitted uses. The standards in Section 56.025.05 of this article shall be used to determine whether a proposed location change or expansion for an existing facility or use is minor.

Proposed uses and facilities that are not provided for in subsections 1 through 10 of this section shall require an amendment to the management area master plan adopted through the plan amendment process described under OAR 660 Division 18 and 34.

04. Non-motorized hiking, skiing, biking, and horseback riding trails.
05. Floats and docks per Article 37, Wallowa Lake Float, Dock, and Surface Area.
06. Signs conforming to Article 34, Signs, standards for commercial areas.
07. Temporary Uses, including outdoor concerts, subject to Article 13, Temporary Use Permit (Administrative Review).
08. Accessory uses and facilities which are incidental and customarily appurtenant to the uses and facilities described in the park master plan are allowed.
09. 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.

Existing, lawfully created camp facilities such as camp tent platforms, bunkhouses, etc., not meeting criteria B-F above may be restored, rehabilitated, renovated, or replaced, to a condition similar to original in a manner that substantially complies with ORS 195.125 and OAR 660-034-0030(8).

SECTION 56.020, CONDITIONAL USES (*Important, see note regarding "Reasons Exception area"p.11): The following specific uses and other substantially similar uses, including structures enclosing or uses occupying more than 4000 square feet may be established in the Resort Park 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 uses listed in Section 56.015 as Permitted Uses where structures enclosing or uses occupying more than 4000 square feet are proposed.

02. Recreational Vehicle Parks.

03. Recreation, performance, community, and conference centers.

04. Private and public park, camp, or conference ground facilities, including uses, facilities and activities listed in a Oregon State Park's Master Plan for Oregon State Parks, or other Master Plans for other entities, provided the Master Plan has been approved by Wallowa County and only those uses approved by the County are permitted. Such uses are to be approved through the development review procedures of the Master Plan provided the uses comply with all design standards specified in the Master Plan and with other applicable standards of this ordinance.

04. Utility or communication facilities necessary for public services, including power generation facilities, transmission, and receiving towers.
05. Public safety facilities including emergency service structures, fire or police stations.
06. Parking garages and public conveniences.
07. Public or private schools or educational facilities

SECTION 56.025, 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 PLANS: No development in this zone may be permitted subsequent to 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 follow applicable procedures outlined in OAR 660 Division 18 and 34 and include:
 - A. Findings that describe the management area issues regarding the constraints, needs, and opportunities related to the use and development of the management area and the protection, management and interpretation of the area resources.
 - B. Maps that adequately illustrate the locations of management area resources that are important to the use and development of the area and to the protection, management and interpretation of resources, including maps that depict significant habitat, protected species, significant plant communities, water features, natural hazards, cultural resource sites, and scenic resources.
 - C. Goals for management area use and development and for the protection, management and interpretation of area cultural and natural resources.
 - D. Narrative descriptions, site plans and illustrations as necessary to adequately describe the types, locations, sizes, capacities and site designs of the existing and planned management area uses and facilities, including a forest fuel management plan for initial and ongoing control of forest fuels.
 - E. Guidelines for the management, preservation, and enhancement of the area's natural, cultural and scenic resources.
 - F. Standards for the development of planned management area facilities in identified sensitive resource areas including riparian areas, wetlands, lakes, significant upland habitat, alpine areas and debris flow or flood hazard areas.

G. Findings that demonstrate that the management area master plan is in compliance with the statewide planning goals, and, in particular, that proposed uses and facilities will not exceed the carrying capacity of the land or the transportation and emergency management system, and that there is adequate community sewer and water service available.

H. Any additional information that the Review Authority deems necessary to adequately assess the compliance of the management area master plan with the statewide planning goals, including Review Criteria .01 and .02 above.

04. STATE AND FEDERAL PERMITS: If any state or federal permits are required for a management area use or facility, the applicant shall submit copies of such permits to the Review Authority prior to issuance of any development permits for the use or facility.

05. PROPOSED LOCATION CHANGES, EXPANSIONS OF EXISTING AREA USES AND FACILITIES, AND VARIATIONS IN AN ADOPTED MASTER PLAN:

The following standards, rather than those of *OAR 736-018-0040*, shall be used to determine whether a proposed location change or expansion of an existing management area use or facility, or variation from an approved master plan is minor. A proposed location change or expansion may be determined by the Review Authority to be minor if it is not expected to cause significant impacts on adjacent land uses, other uses in the park, local public services, transportation systems or important natural, cultural or scenic resources, and:

A. A location change for an existing management area facility may be determined to be minor if it does not cause the facility to serve a different management area.

B. The following limitations shall apply to determinations involving minor expansions of existing management area uses and facilities or variation in an adopted master plan:

1. A maximum of 10 percent increase in the floor area of any permanent building, provided that this limitation shall not apply an accessory building that does not exceed 120 square feet after expansion;
2. A maximum of 10 percent increase in the number of bedrooms in any lodge, inn, bed and breakfast, barracks or bunkhouse, or group of cabins, or in any park use area;
3. A maximum of 10 percent increase in the number of camp sites in any general or group camping area;
4. A maximum of 10 percent increase in the number of parking spaces in any parking lot or management use area; and
5. A maximum of 10 percent increase in the surface area of any road for purposes of improving safety, realignment or widening; and

6. Extension of an existing road to provide access to a use that is expanded or relocated under the provisions of this section may be considered minor only to the extent needed to serve the expanded or relocated use or variation in the approved master plan.

SECTION 56.030, DESIGN STANDARDS: For both Permitted and Conditional uses in the Resort Park 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:** In addition to the design standards in this base zone, land within communities at risk (CARs) of wildland fires, and land within wildland urban interface (WUI) Zones, shall be subject to the provisions of Article 25, Natural Hazards.

04. **SIGNS:** Signs conforming to the standards allowed by Article 34, Signs for commercial areas.
05. **PARKING:** Off street parking shall be supplied according to the requirements of Article 33, Parking. Staff 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 down shielding and, where possible, aiming the light source away from roads and nearby sites.
08. **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 or will be provided in conjunction with the proposed development.
09. **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 56.025.01 (Salmon Habitat Restoration). All activity relating to this section shall be subordinate to section 04.
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 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. All activity relating to this section shall be subordinate to section 04.
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, Natural Hazards.

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 55.035, PROPERTY DEVELOPMENT STANDARDS:

01. **PARCEL SIZE:** Creation of new lots or parcels in the Resort Park Recreation zone is not intended and thus no further subdivision of lots or parcels is allowed.

02. **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. Facilities and buildings shall be served by improved public access as defined in Article 32, Roads.

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.

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

03. **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: Not less than **25** feet from the property line. Some circumstances will require that a 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 landowner.

SIDE: Not less than 7 feet from the property line

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

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: Existing uses as of the date of the adoption of this article 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.

***NOTE REGARDING "REASONS EXCEPTION" AREA OF PARK ZONE:**

In the area zoned Resort Park which is established by a Reasons Exception to Goal 4, only those uses which are consistent with passive private and commercial recreational uses and which do not involve the construction of buildings are allowed. Thus, trails and bridges may be allowed but cabins or RV pads would not. To be allowed, uses must be described in a County approved Master Plan and may also require additional permits or approvals, such as for signage or the taking of trees for forest health or forest fuel reduction programs. The area rezoned by a Reasons Exception may only be rezoned by a subsequent Reasons Exception.