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Comprehensive Land Use Plan

Articles

Goals and Appendices

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WALLOWA COUNTY COMPREHENSIVE LAND USE PLAN

INTRODUCTION

THIS INTRODUCTORY MATERIAL HAS BEEN INCLUDED TO PROVIDE CITIZENS AND LOCAL, STATE, AND FEDERAL GOVERNMENTAL OFFICIALS A BRIEF EXPLANATION OF THE PLAN IN ORDER THAT THE INFORMATION CAN BE MORE EASILY UNDERSTOOD AND UTILIZED.

Summary: Wallowa County has developed a planning process for both long-range and administrative functions. Long-range planning includes preparation and maintenance of plan map and related goals, policies, and background information (essentially this document), which can be used as a guideline for land conservation and development in the foreseeable future - 10 to 15 years. The process adopted by the County Court to accomplish this effort is enclosed (Appendix 1-1,1-2)

Administrative planning primarily includes those functions controlled by zoning and subdivision ordinance provisions, which are regulatory and utilized as methods of plan implementation. The procedures in both ordinances provide the planning process and policy framework necessary for decision-making related to those concerns.

Land use planning has basically been a four-step process: (1) inventory assembly, (2) inventory analysis, (3) synthesizing the information into plan alternatives, and (4) assembly of the individual plan recommendations into an overall comprehensive plan.

The inventory assembly was an effort undertaken by the Planning Commission and staff, to gather information regarding all planning related factors about which material is available. Natural characteristics, particularly timber/grazing areas and soils conditions, have been among the most important considerations to recognize in planning.

Man-made or man-caused conditions have been equally important considerations. Existing uses are probably the single most important factor in determining how land will be utilized in the future. Other related considerations taken into account were building and subdivisions development, transportation, and urban service and facility improvements which are constructed to accommodate residential, commercial, industrial, and other urban uses. The plan process included an analysis of these factors, and determination as to what opportunities or limitations resulted from existence or lack of such improvements.

Population and employment characteristics were analyzed to provide social and economic input needed to make plan decisions. Desires of area residents provided similar input according to resident surveys (Appendix 1-3, 1976; Appendix 1-4, 1986)

All of this information had been sifted together into these preliminary recommendations, which will be reviewed by citizen and technical (agency) individuals and groups whose input will be considered at public hearing(s) held by the Planning Commission for approving the plan (Appendix 1-5). That plan will then be considered at public hearings held by the County Court prior to final adoption.

Background: The Wallowa County Court and Planning Commission started the planning process several years ago. However, it was not until 1969 when the Oregon State Legislature passed Senate Bill 10 that the Planning Commission became actively involved in developing zoning and subdivision ordinances. Senate Bill 10 is generally regarded as Oregon's first attempt to adopt Comprehensive Land Plans, Zoning Ordinances and Subdivision Ordinances. Wallowa County was able to develop both the Zoning and Subdivision Ordinance by the middle of 1972. The County initiated land use planning in 1973. Information assembled addressed four concerns: Natural Resources including agricultural, timbered, grazing, and recreational lands, Development, Public Service & Transportation. That planning effort was never completed. Implementation committees will be established to accomplish this effort (Appendix 1-6). The 1975 legislature passed Senate Bill 100, which required all local jurisdiction to not only establish a Comprehensive Land Use Plan and planning process, but to develop and plan consistent with fourteen Statewide Goals.

Senate Bill 100 created L.C.D.C. or the Land Conservation & Development Commission. To develop the Goals it also required public involvement in all phases of the planning process, established deadlines for all jurisdictions to comply. Failure to comply with State goals and compliance requirements may constitute a violation of Oregon State Law, and could subject the jurisdiction to penalties as provided in Oregon Revised Statute 197 (excerpts - Appendix 1-2).

Goal exceptions are authorized, providing certain conditions are met (Appendix 1-7).

Implementation of Plan:

Goal 2 requires that plans shall be the basis for specific implementation measures. In accordance with this requirement, the policies and goals of the land use classifications designated in this plan are implemented by zoning provisions.

Goal 3 lands, are designated as exclusive Farm use or Timber-grazing on the land use classification map. The exclusive Farm use classification is implemented by the EFU Exclusive Farm use zone. The Timber-grazing classification is implemented by the T-G Timber-grazing zone.

Goal 4 lands, are designated as forest on the land use classification map. The forest

classification is implemented by the T-C Timber-Commercial Zone.

Several areas of Wallowa County have qualified for exclusion from requirements of goals 3,4 and/or 11,14 due to existing levels of non-resource use or need to accommodate future non-resource uses. These areas are designated as exceptions. Information and detailed maps of each exception area are contained in the Appendix. The exception classification is implemented by the R-1, R-2, R-3, CR-2, UGA, M-1, EL-1, and R-C zones.

The Concept: This Land Use Plan is a public document prepared by the Planning Commission with assistance and input from County residents, private enterprise, and affected governmental agencies. It provides long-range guidelines for decision-making with regard to utility facility and road improvement projects, and other considerations related to county growth.

The Plan will be used by public bodies as the basis upon which to make county development decisions, and by business and individuals to make investments or construction decisions, wherein it is desirable to have some assurance the county growth will take place as projected.

The Purpose: The basic purposes of this Plan are to: (1) to protect the custom, culture, and community stability of the county (Appendix 1-8), (2) (maintain the agricultural and timber basis of the county, (3) to accommodate anticipated development, and (4) to make provisions for those uses which may be needed by the county, but which may have such undesirable characteristics as noise, smoke, and odor.

The Plan shall be used to encourage desirable growth in that it identifies those uses which are wanted, and provides areas for their development. The elements of the lifestyle of Wallowa County that should be protected as custom culture and in the interest of community stability include but are not limited to: Timber Grazing; Agriculture; Local Business/Service; Tourism; Recreation; Retirement and the Arts. Anticipated development, as projected in the Plan can be accommodated by constructing those road and utility improvements which will be needed in order for that development to be realized. The Plan has also attempted to provide for the location of those uses which may have undesirable characteristics, but are needed in the county.

Flexibility: This Plan is flexible in that provisions are made for reviewing and updating as conditions in the area change. Such conditions may be economical, physical, social, political, or environmental. Boundary lines for the various land use classifications are general and may be adjusted (slightly) as the County determines desirable, providing the intent of the Plan is not changed by the adjustment.

Existing Uses: Any legal use existing at the time this Plan was adopted can be continued providing such use is not determined to be a nuisance under local nuisance ordinance provisions.

Legality: The State enabling legislation ORS 197.010 stipulates that coordinated comprehensive plans must be adopted and:

- (1) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;
- (2) Shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plans;
- (3) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans.

The term coordination above refers (1) to planning interaction with other agencies at various levels of government, and (2) to relating the Land Use Plan to public utility, facility and transportation improvements, which are among the most important means of plan implementations. The law also requires plan review and revision as changing needs and desires arise. In December, 1974, the State Land Conservation and Development Commission (LCDC), adopted fourteen land use planning goals. Cities and Counties are responsible for preparation of their own respective plans, based on the adopted statewide goals. Counties are required to coordinate all of the plans prepared within their boundaries.

Zoning: In addition to public utility, facility and transportation improvement, zoning is the primary means of plan implementation. Zoning maps and land use plans are somewhat similar in that both delineate areas suitable for various uses, and attempt to assure use compatibility. Plans are more general and flexible, and provide long-range guidelines for orderly development. Zoning is specific and short-range, and is regulatory rather than recommendatory. Recent court cases have determined that the zoning ordinance must be a reflection of the land use plan.

Format: This document has three basic sections: The (preceding) Introduction, The Plan and Policies, and The Appendix. The introductory section provides a setting for the Plan, which is the legal part of the document and comprises the following:

1. Plan map and description of land use classifications.
2. The plan background information and related policies.
3. Recommended measures of implementation resulting from background information analysis, statements of policy or plan map revisions.
4. APPENDIX

Additional background information is on file in the County Planning Department.

PLAN MAP AND DESCRIPTION OF LAND USE CLASSIFICATIONS

The following descriptions outline the general types of uses and activities allowed in each of the Wallowa County Comprehensive Land Use Plan Designations.

Wallowa County has 12 Comprehensive Land Use Plan designations with each designation having its own implementing zone:

- | | |
|---------------------------|-----------------------|
| 1. Exclusive Farm Use | 7. Rural Service |
| 2. Timber Grazing | 8. Select Residential |
| 3. Timber Commercial | 9. Industrial |
| 4. Rural Residential | 10. Rural Commercial |
| 5. Recreation Residential | 11. Existing Lot |
| 6. Commercial Recreation | 12. Urban Growth |

EXCLUSIVE FARM USE:

To carry out Goal III, the County applies the Exclusive Farm Use Comprehensive Land Use Plan designation to lands defined as agricultural lands under OAR 660-33-020(1)(a). The intent of the Exclusive Farm Use Comprehensive Land Use Plan designation is to preserve and maintain agricultural land for farm use. To accomplish this purpose, the County shall apply an Exclusive Farm Use zone to these lands pursuant to Goal III, OAR 660, Division 33 and ORS Chapter 215.

TIMBER/GRAZING:

To carry out Goals III and IV, Wallowa County applies the Timber Grazing Comprehensive Land Use Plan designation to lands that are intermingled with both agricultural land and forest lands. The intent of the Timber Grazing Comprehensive Land Use Plan designation is to preserve and maintain agricultural land for farm use, conserve forest lands, and carry out the legislative policy of ORS 215.700. To accomplish this purpose, Wallowa County shall apply a Mixed Farm and Forest zone to these lands pursuant to Goals III and IV, OAR 660, Divisions 6 and 33 and ORS Chapter 215.

TIMBER COMMERCIAL:

To carry out Goal IV, Wallowa County applies the Timber/Commercial Comprehensive Land Use Plan designation to lands that are defined as forest lands under Goal IV. The

intent of the Timber/Commercial Comprehensive Land Use Plan designation is to conserve forest lands and carry out the legislative policy of ORS 215.700. To accomplish this purpose, the County shall apply a Forest zone to these lands pursuant to Goal IV and OAR 660, Division 6.

RURAL RESIDENTIAL:

Rural Residential zoning provides for rural residential uses in areas that will not significantly affect surrounding resource uses and in areas for which an exception to Goals III and/or IV has been taken.

RECREATION RESIDENTIAL:

Some areas of the Wallowa Lake Basin have been designated as Recreation Residential in the Comprehensive Land Use Plan. Other locations may be determined suitable for that purpose providing water supply, sewage disposal, fire protection, access and other requirements are met.

COMMERCIAL RECREATION:

Commercial Recreation zoning provides minimum standard for commercial development and uses in areas of the County that are used primarily by visitors from outside the County.

RURAL SERVICE:

Rural Service zoning provides areas suitable and desirable to meet recreational or rural service needs for which a demand is created by the surrounding area's rural development and/or recreational activities. Uses within this designation might include service stations, grocery stores, residences or cabins, and other uses. It has been indicated in Minam, Flora, Troy, Lapover, and Imnaha. Possible future service center have been identified at Dug Bar and Gumboot Creek.

SELECT RESIDENTIAL:

Select Residential zoning provides areas suitable for small acreage parcels and maintains a buffer between urban and rural residential parcels. The Select residential zone was created to allow limited development at a two acre density within existing exception areas that are primarily developed with houses situated on lots or parcels that are two acres or smaller. It is important that this zone be applied in a manner consistent with the policies of the Plan and Statewide Planning Goals XI and XIV. Lands zoned Select residential are not intended to be served by public water or sewer.

INDUSTRIAL:

Industrial zoning provides areas suitable and desirable to meet demands for industrial development. Some industrial areas have been included within urban growth areas already committed for industrial use.

RURAL COMMERCIAL:

Rural Commercial zoning provides a district for a limited number and type of commercial enterprises which depend on proximity to major streets or arterials for trade or transportation and require lot sizes larger than are typically available within Urban Growth Boundaries and are compatible with surrounding areas.

EXISTING LOT:

Existing Lot zoning provides for the establishment of non-farm, non-forest residential use in areas predominantly comprised of lots or parcels of insufficient size required for farm or forest use and/or where further creation of additional lots or parcels could potentially increase the need for public services such as road maintenance, school bus service, or law enforcement.

URBAN GROWTH AREA:

Urban Growth zoning provides areas suitable and desirable for residential, commercial, industrial, public, and other development that will likely need urban level services, particularly water supply, sewage disposal, police, and fire protection. City limits and additional land that is developing or is anticipated to develop have been included within the urban growth boundaries. These boundaries may be expanded, primarily to encompass rural residential land that has a need for urban services and where the city has the capability and desire to provide them. Urban Growth Areas have been indicated for each of the incorporated cities. In some instances, certain urban services may be provided by the County or by special services district(s) by mutual city/county agreement.

PLAN ELEMENT DESCRIPTIONS AND GUIDELINES

This section of the plan has been designed to provide goals and policies for planning decision making, to recommend measures for plan implementation, and to provide the background information upon which the goals, policies, and recommendations are founded. The format is based upon the following fourteen goal topics:

1. Citizen Involvement
2. Planning Process
3. Agriculture
4. Air Quality
5. Cultural Resources
6. Economic Development
7. Energy
8. Recreation
9. Economy
10. Environmental Quality
11. Fire
12. Floodplain
13. Land Use
14. Public Services

- 3. Agriculture
- 4. Forestry
- 5. Resources
- 6. Air, Land, & Water Quality
- 7. Disasters & Hazards
- 10. Housing
- 11. Public Facilities & Services
- 12. Transportation
- 13. Energy Conservation
- 14. Urbanization

The policies found under each topic provide regulatory guidelines, supplementary to the Plan map. If decisions are knowingly made contrary to the goals or policies, justification for the deviation should be acknowledged, and the reasons therefore set down in writing as part of the decision.

Recommendations are measures or actions which need to be undertaken or accomplished to implement the Plan. They are recommendatory only, and do not have the same regulatory effect as do the goals and policies.

The descriptive information includes that material which was taken into account in developing the Plan goals, policies and recommendations. As this information becomes outdated, assembly and review of new information should be made to determine whether policy and/or recommendation changes are needed (see planning process section).

The descriptive material of each goal topic includes summary and findings sections. The summary sections are overviews of the respective subjects as they affect the County. The findings sections are statements of fact which have been identified as the primary bases for plan provisions. Background material provides more detailed information than the summary sections where such information has been instrumental in the Plan recommendations.

ARTICLE 1

INTRODUCTORY PROVISIONS

SECTION 1.010, TITLE: This ordinance shall be known as the Wallowa County Land Development Ordinance of 1995.

SECTION 1.015, PURPOSE: The purpose of this ordinance is to implement the Wallowa County Land Use Plan through a comprehensive system of land use, land division, and land improvement regulations designed to conserve and protect the land, air, and water resources of the county and to promote the health, safety, and welfare of its citizens. In addition to the general objectives, the Comprehensive Land Use Regulation Program set forth in this ordinance seeks to assure patterns of land use and development that are consistent with the adequate provision of public services and which minimize threats to life and property from natural hazards such as floods. It is the intent of this ordinance to balance the rights of the property owner and the needs of the citizens by insuring the constitutional guarantees of "due process" and "equal protection".

SECTION 1.020, SCOPE AND COMPLIANCE:

01. The provisions of this ordinance set forth standards and criteria regulating the use, division, and improvement of all lands within the un-incorporated area of the County of Wallowa in the state of Oregon. In addition to complying with the provisions of this ordinance; all land use, land division, or land improvement must comply with all other local, state, or federal laws. With regard to federally controlled lands, the county seeks the highest possible degree of intergovernmental coordination and compliance with the management of these public lands consistent with the Wallowa County Comprehensive Land Use Plan.
02. No person shall engage nor cause to occur a use or development which does not comply with the regulations contained in this ordinance. Building, Local, or State Officials shall not issue a permit for the use or the construction, reconstruction, or alteration of a structure or part of a structure for which an approval, as required by this ordinance, has not been obtained.
03. A use or development shall be approved only by the Planning Director, Planning Commission, Wallowa County Court, or other designated review authority and only in accordance with the provisions of this ordinance. The Planning Director shall not issue a permit or approve other uses of land which has been divided or otherwise developed in violation of this ordinance, regardless of whether or not the applicant created the violation, unless the violation can be rectified as part of the development

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review process.

SECTION 1.025, COMPLIANCE WITH THE LAND USE PLAN: Actions initiated under this ordinance shall be consistent with the Wallowa County Comprehensive Land Use Plan.

SECTION 1.030, ORDINANCE ADMINISTRATION AND INTERPRETATION: The Wallowa County Planning Director is responsible for the administration of this ordinance. The provisions of this ordinance are held to be the minimum requirements for fulfilling its objectives. Where conditions imposed by any provision of this ordinance are less restrictive than comparable provisions of this ordinance or any other ordinance, regulation, or law; the more restrictive provision will prevail.

SECTION 1.035, EFFECT OF ORDINANCE ON PENDING APPLICATIONS:

01. This ordinance applies to land use, land division, and land improvement proposals which have not been submitted to the Planning Department prior to the effective date of this ordinance. The Wallowa County Zoning Ordinance of 1977, the Wallowa County Subdivision Ordinance of 1977, and the Wallowa County Land Development Ordinance of 1987 apply to all zoning and land division applications submitted to the Planning Department prior to the effective date of this ordinance.
02. Applications submitted under the provision of the ordinances to be repealed which are subsequently denied or for which approval or preliminary approval has expired shall be submitted and reviewed pursuant to the provisions of this ordinance upon re-application.
03. The provisions of this ordinance apply to remedial actions taken on violations of previous land use ordinances and regulations which are hereby repealed.

SECTION 1.040, FEES AND PENALTIES:

01. No person shall commence a use or development, file an instrument dividing a parcel of land, or undertake other land improvements or developments which are regulated by this ordinance without first obtaining a valid permit or authorization to do so from the Planning Department.
02. An application filed under the provisions of this ordinance shall not be accepted by the Planning Department unless accompanied by the full filing fee as set forth in the fee ordinance.
03. Any person who violates the provisions of this ordinance by: failing to obtain the valid permit or authorization prior to commencing a use or development, filing an instrument dividing a parcel of land, or undertaking other land improvements which

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are regulated by this ordinance shall - in addition to other remedies provided by law and this ordinance - be assessed a permit filing fee of three times the amount set forth in the fee ordinance.

SECTION 1.045, SEVERABILITY: The provisions of this ordinance are severable. If any section, subsection, paragraph, clause, or phrase of this ordinance is found to be invalid by a court of competent jurisdiction; that decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 1.050, REPEAL:

01. The enactment of this ordinance hereby repeals the following ordinances and all amendments to these ordinances:

**WALLOWA COUNTY ZONING ORDINANCE OF 1977
WALLOWA COUNTY SUBDIVISION ORDINANCE OF 1977
WALLOWA COUNTY LAND DEVELOPMENT ORDINANCE OF 1987**

02. The repeal, expressed or implied, of any ordinance by the enactment of this ordinance does not release or extinguish any duty, condition, penalty, forfeiture, or liability incurred under such repealed ordinance unless a provision of this ordinance expressly provides such a release; and the ordinance repealed is deemed to remain in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability and for authorizing the prosecution, conviction, and punishment of the person or persons violating the provisions of the repealed ordinance.

SECTION 1.055, EFFECTIVE DATE:

01. This ordinance, and all maps adopted herewith, shall become effective at such time as they are properly filed with the Wallowa County Clerk.
02. Amendments to the text of this ordinance and to any map adopted herewith shall become effective at such time as they are properly filed with the Wallowa County Clerk unless the order of enactment specifies a later effective date.

SECTION 1.060, CONSTRUCTION OF ORDINANCE:

01. **CONSTRUCTION** - When used in this ordinance, the words: shall, will, must, and is to are always mandatory and not discretionary. The words: should and may are permissive. The present tense includes the past and future tenses. The future tense includes the present. The singular number includes the plural and the plural includes the singular.

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02. **NUMBER OF DAYS** - Whenever a certain number of days is specified in this ordinance, or in any permit issued, condition of approval, or in any notice given as set forth in this ordinance; the number of days shall mean consecutive calendar days unless specifically identified as meaning business days.
03. **ROUNDING OF QUANTITIES** - Whenever the ordinance requires consideration of distances, number of dwelling units, parking spaces, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the next highest whole number when the fraction is 0.5 or more and to the next lowest whole number when the fraction is less than 0.5 provided that quantities expressed as area of land are to be rounded only in the case of square footage and shall not be rounded in the case of acreage.
04. **GENDER** - As used in the ordinance, the masculine shall include the feminine and the feminine shall include the masculine.

SECTION 1.065, DEFINITIONS: For the purpose of this ordinance and as used in this ordinance, the following words and phrases are so defined:

001. **ABUTTING** - Adjoining with a common lot or parcel line (exception - where two or more lots or parcels adjoin only at a corner or corners, they shall not be considered as abutting unless the common lot or parcel line between the two lots or parcels measures eight or more feet in a single direction).
002. **ACCESS** - The place, means, or way by which pedestrians or vehicles shall have ingress and egress to a property or use.
003. **ACCESSORY STRUCTURE OR USE** - A structure or use that is incidental, consistent with, and subordinate to the primary structure or use on the same unit of land.
004. **ADJACENT** - Near or close by; may be contiguous, abutting, adjoining; or separated by a roadway, alley, or natural separation. (Same as abutting.)
005. **ADVERSELY AFFECTED** - A party's use and enjoyment will be negatively impacted by a land use decision due to identified consequences from the proposed use or development. Examples of adverse affects may include noise, odors, increased traffic, or potential flooding.
006. **AGRICULTURE/FARMING/FARM USE** - The current employment of land; including that portion of such lands under buildings, supporting accepted farming practices for

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the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale or produce of: livestock, poultry, fur-bearing animals, honeybees, or dairying and sale of dairy products, stabling or training of equines, or any other agricultural or horticultural use or farm use, animal husbandry, or combination thereof. "Farm use" including the preparation and storage of the agricultural products grown on and/or off site for primary or secondary marketing. It does not include the use of land subject to the provisions of ORS Chapter 321 or the construction and use of dwellings customarily provided in conjunction with farm use. It does include:

- A. Land subject to the Food Security Act of 1985 as amended by the Food Agriculture Conservation & Trade Act of 1990 (CRP).
 - B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry.
 - C. Land planted in orchards or other perennial prior to maturity.
007. **AIRPORT:** The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
008. **AIRPORT OVERLAY ZONE** - An area in which special land use regulations are established to ensure the safety of an airport operation.
009. **ALTER/ALTERATION** - A change, addition, or modification in either construction or use of a building, structure, or land use.
010. **AMENDMENT** - A change in the text or maps of applicable ordinances, resolutions, or related regulations pertaining to land use including: the Comprehensive Land Use Plan, Goals and Policies, and the Zoning Articles.
011. **ANCHORING DEVICE** - A device utilized to anchor a float or dock consisting of not less than six cubic feet of concrete reinforced with rebar or a maximum of two devices equaling six cubic feet of concrete reinforced with rebar.
012. **APPEAL** - A request that a decision by the staff, Planning Commission, and/or County Court be reviewed by a higher authority.
013. **APPLICANT** - The property owner (or contract-purchaser, attorney, or representative holding a valid signed approval by the owner) requesting approval of

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a proposed land use action by a review authority.

- 014. **APPROVED R-V HOOKUP** - An approved R-V Hookup is a wastewater collection hookup which has been approved under the Plumbing Code of the Uniform Building Code.
- 015. **ASSESSOR** - The County Assessor of Wallowa County.
- 016. **BOND** - Any form of security including: cash deposit, security bond, collateral, property, or credit instrument submitted to guarantee performance by a developer, builder, or land owner.
- 017. **BOOM** - A series of logs fastened end to end and anchored to the lake bottom and/or docks in such a manner as to provide a barrier to boat traffic.
- 018. **BUILDING** - Any structure used or intended for supporting or sheltering any use or occupancy.
- 019. **CAMPGROUND(S)** - An area devoted to overnight temporary use for vacation, recreation, or emergency purposes but not for residential purposes. A camp site may be occupied by a tent, travel trailer, or recreational vehicle.
- 020. **CHURCH** - Building and premises used for the conduct of regular religious services which may include a Sunday School and a residence for the pastor - but does not include academic schools operated by a church.
- 021. **COMMERCIAL** - Any activity or use involving the exchange of products or services for compensation in the course of business. "In the course of business" means the use or activity must involve repeated transactions, but does not include the isolated exchange of products or services for compensation. It is not necessary for a commercial use or activity to be conducted for profit in order to be commercial. In addition, compensation may include a trade for goods or services or the receipt of donations.
- 022. **COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE** - The processing, packaging, treatment, wholesale distribution, and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies, and services directly related to the production and harvesting of agricultural products. Such uses include the following:
 - A. Storage, distribution, and sale of: feed, fertilizer, seed chemicals, and other products used for commercial/ agricultural uses.
 - B. Farm product receiving plants including: processing, packaging, and

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reshipment facilities excluding canneries.

- C. Livestock feed or sales yards.
 - D. Storage, repair, or sale of: fencing, irrigation pipe, pumps, and other commercial farm-related equipment and implements.
 - E. Farm equipment storage and repair facilities.
 - F. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
 - G. Veterinarian clinic.
 - H. Horticultural specialties, such as: nurseries or greenhouses for retail sales of plants and products.
 - I. Slaughtering of animals including: attendant, retail, and wholesale sales which may be conducted outside an enclosed building.
 - J. Wineries which may include retail sales.
 - K. Other such uses which may be construed as similar to the uses listed above.
023. **COMMISSION** - The Wallowa County Planning Commission.
024. **COMMUNITY BUILDING** - A facility owned and operated by a governmental agency or a non-profit community organization when the primary purpose of the facility is for education, recreation, social welfare, community improvements, or public assembly.
025. **COMMUNITY SEWAGE SYSTEM** - An on-site sewage system which serves more than one lot or parcel or more than one condominium unit or more than one unit of a planned unit development and is approved by the Oregon State Department of Environmental Quality as a community system.
026. **COMPREHENSIVE PLAN** - The Plan adopted by the County Court for the guidance of growth and development of the County which is prepared and adopted in conformance with ORS Chapter 92, ORS Chapter 197, and ORS Chapter 215.
027. **CONDITIONAL USE** - A use which requires review and either approval, approval with conditions, or disapproval by a review authority.
028. **CONTIGUOUS** - Connected in such a manner as to form a single block of land.

029. **COUNTY** - The County of Wallowa in the State of Oregon.
030. **COUNTY COURT** - The County Court of the County of Wallowa in the State of Oregon.
031. **COUNTY ROAD** - A road and appurtenances which have been accepted by the County Court by dedication, deed, or grant of right-of-way.
032. **CREST** - The highest points forming the moraine closest to the surface of Wallowa lake.
033. **CRITERIA** - A general rule upon which a finding, judgment, or decision can be based.
034. **DATE OF FILING** - The date an application is deemed to be complete.
035. **DE NOVO** - A hearing by the appeal authority as if the action had not been previously heard including: the admission of new testimony and as if no decision had been rendered - except that all testimony, evidence, and other materials from the record of the previous consideration shall be included in the record of the review. A new hearing which takes into account all previous testimony and any new testimony presented by the proponent and/or the opponent to an issue.
036. **DEPARTMENT** - Wallowa County Planning Department.
037. **DESTINATION RESORT** - A self-contained development providing visitor oriented accommodations and developed recreational facilities in a setting with high natural amenities.
038. **DOCK** - A floating structure attached to the shore which is used for the purpose of boat tie-up or water related recreation containing a waterside area occupied and/or by vessels.
039. **DWELLING** - One or more rooms containing one kitchen and occupied by one family. A dwelling shall not be used as a rental for vacation or resort occupancy unless approved under other provisions of this ordinance. It may be referred to as a residence. A modular home is considered a dwelling under the terms of this ordinance.
040. **DWELLING: MULTI-FAMILY** - A building or portion thereof designed for occupancy by two or more families living independently of each other.
041. **DWELLING: SINGLE-FAMILY** - A residential structure containing one family.

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042. **EASEMENT** - A grant of the right to use the property of another for a specific purpose - may be either appurtenant or in gross.
043. **EAST SIDE** - That area beginning at the publicly owned dock facility at the North end of Wallowa Lake and extending along the Eastern shore remaining no more than 200 feet from the high water mark terminating at the river inlet on the South end of Wallowa Lake.
044. **EMPLOYEE** - All persons working for another for wages or salary.
045. **FARM USE** - The current employment of land including that portion of such lands under buildings and supporting accepted farming practices for the primary purpose of obtaining a profit in money by: raising, harvesting, and selling crops. Or, by feeding, breeding, management, and/or sale or produce of: livestock, poultry, fur-bearing animals, honeybees, dairying and the sale of dairy products, and/or stabling or training of equines. Or, by any other agricultural, horticultural, or farm use, animal husbandry, or combination thereof. "Farm use" including the preparation and storage of the agricultural products grown on and/or off-site for primary or secondary marketing. It does not include the use of land subject to the provisions of ORS Chapter 321 or the construction and use of dwellings customarily provided in conjunction with farm use. It does include:
- A. Land subject to the Food Security Act of 1985 as amended by the Food Agriculture Conservation & Trade Act of 1990 (CRP).
 - B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry.
 - C. Land planted in orchards or other perennial prior to maturity.
046. **FINAL PLAT** - A map and/or other writings prepared in conformance with an approved tentative plan for a subdivision, partition, re-plat, or property line adjustment which is filed with the Planning Department to be determined final and must be filed with the County Clerk prior to filing deeds which divide land or adjust property lines.
047. **FINDINGS** - As required in ORS 215.416(8), written statements of fact, conclusions, and determinations based upon the evidence at hand presented relative to the criteria and standards for such review and accepted by the review authority in support of a decision.
048. **FLOAT** - A floating structure anchored off-shore which is used for boat tie-up, water

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related recreation, or any type of structure used as a pedestrian platform over water, such as: boarding float, boat slip, marina, or floating walkway.

049. **FOREST USE** - "Forest use" shall mean: all land used for the purpose of raising and harvesting timber and forest products and shall include land used for grazing livestock, maintaining watersheds, fish and wildlife habitat, recreational activities, and other open space uses or combinations thereof.
050. **FUEL BREAK** - An area of non-combustible materials or slow burning plants or the absence of vegetation around a structure.
051. **HIGH-VALUE FARMLAND** - Land in a tract composed predominantly of soils that are:
- A. Irrigated and classified prime, unique, Class I, or Class II.
 - B. Not irrigated and classified prime, unique, Class I, or Class II.
 - C. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 1993.

The soil class, soil rating, or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement of agreement from the Soil Conservation Service that the soil class, soil rating, or other soil designation should be adjusted based on new information. Soil classes, soil ratings, or other soil designations used in or made pursuant to this definition are those of the Soil Conservation Service in its most recent publication for that class, rating, or designation before November 4, 1993.

052. **HOME OCCUPATION** - An occupation or enterprise carried on within a dwelling or accessory building for financial gain by the tenant in possession of the property. The occupation or enterprise must be accessory to the primary residential use and in compliance with the applicable requirements of this ordinance. A home-based occupation does not include operations which meet all of the following criteria:
- A. A person engaged in making objects in the residence which are sold elsewhere, including but not limited to: arts and crafts, quilting, sewing, or toys.
 - B. A person engaged in a mail order business, including but not limited to: selling Avon (or other cosmetics), Fuller Brush, toys, or other items.
 - C. A person who offers a service which is conducted within the residence, including but not limited to: computer programming, data entry, consulting,

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accounting, and/or bookkeeping.

- D. The business does not have any employees.
 - E. The business does not have a sign.
 - F. Customers do not come to the residence to conduct business.
 - G. No materials or commodities are delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer exceeding 2.5 tons GVW - not including a licensed parcel service or United States Mail.
053. **IMPROVED LOT** - A legally created lot which has been provided with either community water service or sanitary sewer service or both.
054. **INDUSTRY** - The on-site production of goods and products which may include: retail, wholesale, or service businesses. Industrial uses include: manufacturing, producing, processing, assembling, packaging, warehousing, shipping and receiving of goods and materials, bulk storage of fuels and related materials, and similar uses. Industrial uses are typically highly-developed enterprises of a commercial nature which require a large land area. Uses defined as "Industrial" are usually inappropriate in residential or urban growth zones or recreational areas due to: aesthetics, largess, and high-level development. Home-based occupations and other small-scale operations are specifically excluded from types of industries allowed in this zone - except as provided in Article 22, Industrial, Section 22.015(11).
055. **KITCHEN** - Any space within a building designed to be used for cooking and preparing food - may contain a sink (excluding bar sinks), range, stove, or microwave. The following criteria will be considered by the Planning Director in determining whether a space is designed as a kitchen: if the size and location of counters and cabinets will facilitate food storage, preparation, and cooking; if the number, size, and location of electrical outlets exceed those normally used for activities not associated with a kitchen; if the area is plumbed for a sink; and if the area is separated from the main living space so as to form a room which is not suitable for a bathroom.
056. **LAWFULLY CREATED LOT OR PARCEL** - A lawfully created lot or parcel shall be defined as a separate unit of land created by one of the following:
- A. A parcel of land in a recorded subdivision and legally created under the law in force at the time.

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- B. A parcel created by a land partitioning as defined in ORS 92.010.
 - C. By deed or land sales contract if there were no applicable planning, zoning, or partitioning ordinances, codes, or regulations.
 - D. Does not include a unit of land created solely to establish a separate tax account.
057. **LOT** - A unit of land that is created by a subdivision of land.
058. **MAJOR PARTITION** - A partition which includes the creation of a road or street.
059. **MANUFACTURED HOME** - Any mobile or manufactured home. It must have a H.U.D. label or State of Oregon insignia of compliance. Mobile Homes older than 1969 models will not be allowed unless brought up to H.U.D. current standards.
060. **MAP** - A final diagram, drawing, or other writing concerning a partition.
061. **MOBILE HOME** - A vehicle or structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; is intended for human occupancy; and is being used for residential purposes.
062. **MOBILE HOME PARK** - A place where four or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership. The primary purpose is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
063. **MODULAR HOME** - Modular Homes must comply with design standards of Article 18, Recreation Residential, Section 18.025
064. **NON-CONFORMING STRUCTURE OR USE** - A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective and not conforming to the requirements of the zone in which it is located.
065. **OPPONENT** - The individual or group opposing the applicant's request, or the applicant's attorney, or the applicant's qualified representative.
066. **ORS** - Oregon Revised Statutes.
067. **OVERNIGHT LODGING** - Permanent but separate rental accommodations which are not available for residential use. Overnight lodging includes hotel or motel rooms, cabins, and time-share units. Individually owned units may be considered

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overnight lodging if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation or check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms, and similar accommodations do not qualify as overnight lodging for this definition.

068. **OWNER** - An individual, firm, association, syndicate, partnership, or corporation having any proprietary interest in land for which an application for a land use or land division under these regulations and other applicable laws has been filed.
069. **PARCEL** - A unit of land that is created by a partitioning of land.
070. **PARKING SPACE** - A delineated area for the temporary storage of motor vehicles.
071. **PARTITION** - Either an act of partitioning land or an area or tract of land partitioned under the provisions of this ordinance.
072. **PARTITION LAND** - To divide land into two or three parcels of land within a calendar year, but does not include:
- A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for sale of real property, or the creation of cemetery lots.
 - B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land - reduced in size by the adjustment - complies with any applicable zoning regulations.
 - C. The division of land resulting from the recording of a subdivision or condominium plat.
 - D. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) through (s) and 215.283(2) (p) through (r). However, any property divided by the sale or grant of property for state highway, county road, city street, or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further partitioned.
073. **PARTITION PLAT** - A final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition, replat, or property line adjustment.

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074. **PARTY** - A person or organization who meets the following criteria:
- A. Participates in the hearing or review either orally or in writing.
 - B. And, either:
 - 1. Was entitled to notice of the application prior to the hearing or review;
or
 - 2. Would be adversely affected (as previously defined) by a final action of the review authority or hearing body.
075. **PERFORMANCE AGREEMENT** - A performance bond executed by a security company duly licensed to do business in the state of Oregon in an amount equal to 110 percent of the estimated full cost of the work to be done as determined by the County Court and conditioned upon faithful performance thereof.
076. **PERSON** - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and includes any trustee, receiver, assignee, or similar representative.
077. **PERSONAL-USE AIRPORT** - An airstrip restricted - except for aircraft emergencies - to use by the owner; and on an infrequent and occasional basis, by invited guests; and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip.
078. **PLANNING COMMISSION** - The Wallowa County Planning Commission.
079. **PLANNING DIRECTOR** - The Wallowa County Planning Director.
080. **PLAT** - A final map, diagram, drawing, replat, or other writing containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision as specified by this ordinance.
081. **PLOT PLAN** - A drawing prepared to scale showing accurately and with dimensions all of the uses proposed for a development on a lot or parcel. The plot plan shall meet the requirements of this ordinance.
082. **PRIVATE ROAD** - The entire right-of-way for vehicular and pedestrian traffic which does not provide for continuous and unrestricted rights of the public to travel across.
083. **PROPERTY LINE** - The division line between two units of land.

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084. **PROPERTY LINE ADJUSTMENT** - The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size complies with the zoning requirements for lot size.
085. **PUBLIC ROAD** - A road over which the public has a right of use as a matter of public record.
086. **QUASI-JUDICIAL ACTION** - Under Oregon Land Use Law, an action involving application of adopted policies to specific land use or division proposals requiring findings of fact and conclusions to substantiate approval or disapproval.
087. **QUORUM** - A majority of the members of a hearing body appointed by the County Court - the lowest number required to be present at a meeting.
088. **RESIDENTIAL CARE FACILITY** - A residential care, residential training, or residential treatment facility licensed by or under the Oregon Department of Human Resources for 6 to 15 individuals who need not be related. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the facility.
089. **RESIDENTIAL CARE HOME** - A residential care, residential training, or residential treatment facility licensed by or under the Oregon Department of Human Resources for five or fewer individuals who need not be related. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the facility.
090. **RESIDENTIAL USE** - A structure or use for occupancy as a human dwelling, such as: duplexes; apartments; boarding, lodging, or rooming houses; mobile/manufactured homes and mobile/ manufactured home parks; trailer houses and trailer house parks; and labor camps.
091. **RIGHT-OF-WAY** - The area between the boundary lines of an alley, easement, street, road, or highway.
092. **RIPARIAN AREA**: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
093. **RIPARIAN MANAGEMENT CORRIDOR BOUNDARY**: An imaginary line which is a certain distance upland from the top of bank. For Wallowa County, this distance is

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specified in Article 28, Section 28.020(01).

094. **RIPARIAN MANAGEMENT CORRIDOR:** is a Goal V resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. The riparian corridor is the Goal V review area, but the Goal V review area also includes any identified significant (with documented location, quality, and significance) wetlands which extend beyond the corridor boundary.
095. **ROAD OR STREET** - The portion or portions of the right-of-way of a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land - excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes. Such road or street shall meet the requirements set forth in this ordinance.
096. **SALE OR SELL** - For the sale of real estate - every disposition or transfer of land legally divided or an interest or an estate.
097. **SCENIC INTEGRITY** - Indicates the degree of intactness and wholeness of the Landscape Character; conversely, scenic integrity can also be a measure of the degree of visible disruption of the Landscape Character. A landscape with very minimal visual disruption is considered to have high scenic integrity. Those landscapes having increasingly discordant relationships among scenic attributes are viewed as having diminished Scenic Integrity. Scenic integrity is expressed and mapped in terms of Very High (Preservation), High (Retention), Moderate (Partial Retention), Low (Modification), Very Low (Maximum Modification) and Unacceptably Low. (See Aesthetics Sec 2 pp. 1-7 and Appendix 5-9 for full definitions of terms and preservation categories.)
098. **SETBACK** - A specified distance for the placement of a structure from, including but not limited to: a road, a right-of-way or easement, property lines, other structures, septic system, well, river or other waterway, or natural/man-made resource.
099. **SHORT-TERM RENTAL** - The use of a single-family dwelling by a short-term renter.
100. **SHORT-TERM RENTER** - Any person who exercises occupancy or is entitled to occupancy of premises by reason of a charge or fee paid or other consideration for a period of less than 30 calendar days - counting portions of days as full days.
101. **SIGN** - An identification, description, illustration, or device which is affixed to or represented - directly or indirectly - upon a building, structure, or land which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered a sign.

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102. **SKYLINE** - The line where the landform of the moraine meets the sky, as viewed from the sensitive view areas denoted on Map G5-2.
103. **SPECIFIED PERENNIALS** - Perennials grown for market or research purposes including, but not limited to: nursery stock, berries, fruits, nuts, Christmas trees, or vineyards - but not including: seed crops, hay, pasture, or alfalfa.
104. **STANDING** - Participation, either in person or in writing, during an open hearing process at the local level.
105. **STATEMENT OF UNDERSTANDING** - A document describing the rights and responsibilities of the applicant in the review of an application.
106. **STREAM:** A channel such as a river or creek that carries flowing surface water, including perennial streams, intermittent channels, and manmade irrigation and drainage channels.
107. **STREET** - The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic. It includes the terms: road, highway, lane, place, avenue, alley, or other similar designations.
108. **STREET CLASSIFICATIONS** - Streets - including public ways designated as roads, highways, lanes, places, circles, avenues, or other similar designations are classified as follows:
- A. **Arterial** - A street designated as an arterial on the Comprehensive Land Use Plan or an element thereof which is used or is intended to be used as part of the principal network of through traffic within the county.
 - B. **Collector Street or County Feed Road** - A street designated as a collector street or county feeder road on the Comprehensive Land Use Plan or an element thereof which is used or is intended to be used principally for the movement of traffic between major arterial and local streets and roads within the County
 - C. **Local Street** - A street which is used or intended to be used for providing the primary access to abutting lots within a subdivision or partition.
 - D. **Cul-De-Sac** - A minor street having only one outlet for vehicular traffic with a turn-around at the opposite end which is not intended to be extended or continued to serve future subdivision or development on adjacent lands.

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- E. **Frontage Road** - A street which is parallel to and adjacent to a major arterial, limited access highway, or freeway; and provides access to abutting properties while relieving them of the effects or through traffic on the adjacent lands.
 - F. **Stubbed Street** - A street having only one outlet for vehicular traffic and is intended to be extended or continued to serve future subdivisions or development on adjacent lands.
 - G. **Half Street** - A street having only a portion of its width provided in one subdivision with the remainder of its width to be provided through the subdivision of adjacent property.
109. **STRUCTURE**: A building or other improvement of any kind that is built, constructed, or installed, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including minor improvements such as fences or irrigation system components, that are customarily not regulated through zoning ordinances. Structures include roads and trails.
110. **STRUCTURAL ALTERATION** - Any change to the supporting members of a building including: foundations, bearing walls or partition columns, beams, girders; any structural change in the roof; or any structural change in the exterior walls.
111. **SUBDIVIDE LAND** - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership on January 1, 1977.
112. **SUBDIVIDER** - Any person, firm, corporation, partnership, or association which causes land to be divided into a subdivision as defined herein.
113. **SUBDIVISION** - An act of subdividing land or an area or tract of land subdivided as defined herein.
114. **TENTATIVE PLAN** - A map and other writings submitted for review and approval for a subdivision, partition, replat, or property line adjustment.
115. **TOP OF BANK**: Shall have the same meaning as “bankfull stage” defined in OAR 141-85-010(2), meaning the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage. This elevation is also understood to mean “normal high water.”

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116. **TRACT** - One or more contiguous lots or parcels in the same ownership.
117. **TRAVEL TRAILER** - A vehicle or similar portable device designed or constructed to permit human occupancy for living and sleeping purposes and licensed as a recreational vehicle by the Oregon Department of Motor Vehicles.
118. **TRAILER PARK** - A lot which is operated on a fee or other basis as a place for the parking or placement of two or more occupied mobile homes or trailer houses.
119. **USE** - The purpose for which land or a structure is designed, arranged, or intended; and for which it is occupied or maintained.
120. **VARIANCE** - A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
121. **VISUALLY SUBORDINATE:** The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape in any season, as viewed from the primary viewing areas and moraines viewshed area denoted on Map G5-2 of the Wallowa County Comprehensive Land Use Plan, Appendix 5-8 (hereafter referred to as Map G5-2).
122. **WATER AREA:** The area between the top of banks of a lake, pond, river, perennial or fish bearing intermittent stream, excluding man-made ponds.
123. **WATER IMPOUNDMENT:** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.
124. **WEST SIDE** - That area beginning at the publicly owned dock facility at the North end of Wallowa Lake and extending along the Western shore remaining no more than 200 feet from the high water mark terminating at the river inlet on the South end of Wallowa Lake.
125. **WETLAND:** A wetland is the area that is “inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (OAR 660-023-0100) and which includes all or a portion of a wetland as defined during the Division of State Lands (DSL) Fill and Removal Permit process or as identified by the WCNRTAC, whichever includes the

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larger area.

126. **YARD** - An open space on a lot which is unobstructed from the ground upward.
127. **YARD: FRONT** - A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to a building.
128. **YARD: REAR** - A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to a building.
129. **YARD: SIDE** - A yard between front and rear yard measured horizontally and at right angles from the side lot line to a building.
130. **ZONE** - Classification of land by purpose and use; specific areas where requirements of density, use, coverage, landscaping, and parking may be applied. May include an overlay zone which applies specific conditions to all uses allowed in a zone based on physical or other characteristics.

INTRODUCTORY PROVISIONS
Revised BOC 06/16/2003

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ARTICLE 2

USE AND DEVELOPMENT PERMITS APPLICATION PROCESSING AND REVIEW PROCEDURES

SECTION 2.010, SCOPE OF ARTICLE: The provisions of this article set forth the means whereby applications required by this ordinance are to be submitted to the Planning Department, reviewed for completeness, filed, and forwarded to the appropriate review authority. When approved, a permit is to be issued by the Planning Director.

SECTION 2.015, COORDINATION OF REVIEWS: The Planning Director is responsible for coordination of the application review process. If a proposed use or development requires review by more than one review authority or involves a zone change request, the Director shall make reasonable effort to time the reviews to run concurrently.

SECTION 2.020, APPLICATION FORM AND CONTENT: Applications for permits and authorizations required by this ordinance shall be submitted on forms provided by the Planning Department or in the format prescribed by the department. Applications shall contain all information and drawings as required by this ordinance.

SECTION 2.025, WHO MAY SUBMIT AN APPLICATION: Applications for permits and authorizations required by this ordinance may be submitted by one of the following parties:

01. The owners of the subject property as shown on the real property records of the Wallowa County Assessor.
02. The purchaser of the subject property who submits a copy of a duly executed and recorded conveyance or deed.
03. A lessee in possession of the subject property who submits subject property.
04. A representative or agent of either number one or number two who submits a written authorization to act on behalf of the owners or purchasers and signed by same.

SECTION 2.030, TYPES OF REVIEW: The provisions of this ordinance shall provide for the following types of review of permit applications.

Ministerial Review: For permits requiring review against standards by

USE AND DEVELOPMENT PERMITS
APPLICATION PROCESSING AND REVIEW PROCEDURES

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the Wallowa County Planning Director.

Administrative Review: For permits requiring review against criteria by the Wallowa County Planning Director.

Public Hearing Review: For permits requiring review against criteria by the Planning Commission or the Wallowa County Court.

SECTION 2.035, PRE-APPLICATION CONFERENCE:

01. Prior to the filing of an application requiring either administrative or public hearing review, the applicant(s) or representative must schedule and attend a pre-application conference with the Planning Director. The purpose of the conference is to:
 - A. Acquaint the applicant with the substantive and procedural requirements of the ordinance.
 - B. Provide for an exchange of information regarding applicable elements of the land use plan which need to be addressed in the application.
 - C. Identify any technical or information assistance that may be available from the County.
 - D. Identify policies and regulations which create an opportunity for the applicant or which impose constraints upon the proposed use or development.
 - E. Identify the parties and interests including: local, state, and federal agencies which are entitled to notice of the applicant's filing and review.
02. The director shall provide the applicant a written summary of the conference. The summary should be mailed or delivered within ten days of the conference and shall include confirmation of the review procedures to be utilized, a list of parties to be notified of the application review, and the criteria and standards to be addressed in the review of the application.
03. A pre-application conference may be waived at the discretion of the Planning Director for Administrative Review or Public Hearing Review applications.

SECTION 2.040, FILING AN APPLICATION:

01. An application must be filed with the Planning Department on the proper application form or in the appropriate format and be accompanied by the full filing fee.
02. Upon receipt of the completed application and fee, the department shall place the date of receipt upon the original of the application. This date of receipt is

the filing date for the application.

03. Upon receipt of a filed application, the department shall open the file to review by the public.

SECTION 2.045, REVIEW FOR COMPLETENESS OF APPLICATION:

01. To be deemed complete and ready to be filed and reviewed, an application must contain at a minimum the following items:
 - A. A completed and signed application.
 - B. All required maps, drawings, and sketches.
 - C. Evidence the application addresses each applicable review standard and criterion.
 - D. Identification of the authority by which the applicant brings forth the application.
 - E. Other information as determined by the Director.
02. If the Director finds an application is incomplete, the applicant is to be notified as to what information is needed to complete the application. The applicant will be given up to 30 days from the date of notice to furnish the needed information.

SECTION 2.050, REFERRAL OF AN APPLICATION:

01. Upon receipt of a filed application, the department shall open the file to review by the public. The Planning Director shall refer to the appropriate review authority at such time as the application is deemed complete and upon receipt of appropriate fees.

SECTION 2.055, APPLICATION REVIEW AND DECISION: The review authority shall review the application in the appropriate manner prescribed by this ordinance and set out in Section 2.030. The decision of the review authority shall be rendered in the manner set forth for this particular type of review.

SECTION 2.060, ISSUANCE OF PERMITS: Following receipt of the written decision of the review authority which approves or conditionally approves an application

USE AND DEVELOPMENT PERMITS
APPLICATION PROCESSING AND REVIEW PROCEDURES

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brought forth under the provisions of this ordinance, the director shall issue the permit. Issuance of the permit shall be withheld until the period provided for appeal of the decision has expired or until all appeal reviews have been completed.

SECTION 2.065, RESUBMITTING DENIED APPLICATIONS: Except for permits falling under the Ministerial Review provisions, applications which have been denied and for which all appeal periods have expired shall not be resubmitted in the original or modified condition for a period of one year following the date of the denial (in the case of an appeal, the date of the final appeal decision) unless the applicant can demonstrate to the appropriate review authority the application is substantially different from the denied application or that changes in the governing ordinance and/or land use plan provisions warrant reconsideration of the application.

USE AND DEVELOPMENT PERMITS
APPLICATION PROCESSING AND REVIEW PROCEDURES

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ARTICLE 3

MINISTERIAL REVIEW

SECTION 3.010, PURPOSE: The purpose of the Ministerial Review process is to provide assurance that a proposed use or development is in compliance with provisions of this ordinance prior to commencement of the use or development or issuance of other required local or state permits. The process provides little or no discretion to the review authority and entails reviewing the applicants compliance with specified site use or development standards as set forth in this ordinance.

SECTION 3.015, RESPONSIBLE REVIEW AUTHORITY: Unless specified otherwise, the Planning Director is the review authority for all applications requiring Ministerial Review.

SECTION 3.020, REVIEW AND DECISION PROCESS:

01. Review of an application under the provisions of this article does not require notification to any party other than the applicant. The review authority may consult other agencies or parties to aid in determining the applicant's compliance with the applicable standards and criteria of review.
02. An application found to be in non-compliance with a specified standard of review shall be tentatively denied and returned to the applicant with an explanation of the standard or standards that need to be addressed.
03. The decision of the review authority shall be rendered no later than 30 days from the applicant's filing date. A final decision, including the resolution of appeals within the County, shall be rendered within 120 days unless the applicant agrees to an extension of time.
04. The applicant is given 120 days from the applicant's date of filing to modify the application to conform to the applicable standards and criteria or to submit a variance application for appropriate review.
05. If the applicant seeks a variance in conjunction with the application, the final action on the permit application will be withheld until completion of the variance application review.
06. If the applicant does not seek a variance permit or the variance permit application is denied and the application remains in noncompliance with any applicable standard or criterion, the review authority must deny the application.

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07. The final action of the review authority is to be forwarded to the applicant within five days of the date of final action

SECTION 3.025, CONTENTS OF APPLICATION: Applications for permits requiring Ministerial Review shall be made on forms provided by the Planning Department and shall contain a plan sketch showing the relationship of the proposed use or development to other facilities on the property, the property boundaries, and the property's access and adjacent streets or roads.

SECTION 3.030, APPEAL: Appeal of any final action may be taken to the Wallowa County Planning Commission within ten days after the decision has been mailed to the applicant and other affected parties. Appeals will be conducted in the manner prescribed in Article 7, Appeals.

MINISTERIAL REVIEW

ARTICLE 3/PAGE 2 OF 2

ARTICLE 4

ADMINISTRATIVE REVIEW

SECTION 4.010, PURPOSE: The purpose of this article is to provide the procedural guidelines for reviewing applications for uses and developments which may impact neighboring properties and developments but not to the extent of requiring a public hearing review. The Administrative Review authority has some discretion regarding the applicant's compliance by applicable review standards and criteria, setting forth conditions of approval, and requiring performance guarantees.

SECTION 4.015, RESPONSIBLE REVIEW AUTHORITY: Unless specified otherwise, the Planning Director is the review authority for all applications requiring Administrative Review.

SECTION 4.020, NOTICE OF REVIEW: ORS 197.763

01. Administrative Review requires written notice of review to be given to owners of property lying within:
 - A. One hundred (100) feet of the exterior boundary of the subject property where the subject property is wholly or in part within an urban growth boundary.
 - B. Two hundred and fifty (250) feet of the exterior boundary of the subject property where the subject property is outside an urban growth boundary and not within a farm or forest zone.
 - C. Five hundred (500) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

The review authority will provide the notice to other parties should it be determined by the review authority their interests may be affected by the proposal, or they have other needs for the notice.

02. Notice of review is to be provided no later than five days following the application date of filing and, at a minimum, contain the following information:
 - A. Name of applicant.
 - B. Name of property owner.
 - C. Property identification.

ADMINISTRATIVE REVIEW

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- D. Nature of request.
- E. Ordinance provisions which govern the review.
- F. Where application can be reviewed.
- G. Where written comment will be received.
- H. Last date written comment will be received.
- I. Last date on which decision is to be rendered.
- J. Rights to notice of final action.
- K. Rights to appeal final action.

SECTION 4.025, REVIEW PROCESS AND DECISION:

- 01. Upon receipt of a filed application, the Administrative Review authority shall review the application for compliance with all applicable standards and criteria. The review authority shall consider all comments received which are pertinent to the application and which address applicable review standards and criteria.
- 02. The decision of the review authority is to be rendered no sooner than the 16th day nor later than the 45th day following the applicants date of filing.
- 03. The decision of the review authority is to be placed in writing and shall set forth the findings and conclusions used to reach the decision. Each applicable review standard and criterion shall be addressed by the review authority as well as each pertinent comment received during the review process.
- 04. The decision of the review authority shall specify each condition of approval and required performance guarantees imposed on the permit.
- 05. The decision document shall be provided to the applicant and to all parties responding to the notice of review or who request receipt of the decision document. The document shall be mailed or delivered by other means no later than five days following the date of final action.

SECTION 4.030, CONDITIONS OF APPROVAL AND PERFORMANCE GUARANTEES: The Administrative Review authority may impose such conditions of approval upon a permit as is deemed necessary to insure the use or development complies with the applicable standards and criteria and as provided for in Article 9, Conditional Use.

ADMINISTRATIVE REVIEW

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SECTION 4.035, WAIVER OF NOTICE OF REVIEW REQUIREMENT: If, in the opinion of the Administrative Review authority, the proposed use or development is not significant enough to warrant notice of review to affected parties, the review authority may elect to review the application for conformance with all applicable standards and criteria and issue a decision. The final action and right to appeal shall then be provided to all parties to which notice of review would have been provided.

SECTION 4.040, APPEAL: Appeal of an Administrative Review decision may be taken in the manner prescribed in Article 7, Appeals, within ten days after the decision has been mailed to parties that would have been notified if a public hearing had been held. The notice of final action shall specify to all noticed parties the right to appeal and the last date an appeal would be accepted.

SECTION 4.045, REFERRAL BY REVIEW AUTHORITY: Review of an application under the provisions of Administrative Review will be referred to the Planning Commission by the review authority should the review authority be unable to provide a fair or unbiased review due to conflict of interest, bias, or other substantial cause. An application so referred to the Commission is to be reviewed pursuant to the public hearing review procedures of Article 5, Public Hearing. An application shall be accompanied by an explanation of the conflict of interest, bias, or other substantial cause for rejection of Administrative Review.

ADMINISTRATIVE REVIEW

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ARTICLE 5

PUBLIC HEARING REVIEW

SECTION 5.010, PURPOSE: The Public Hearing Review procedures set forth in this article are designed to provide the means of reviewing applications for uses and developments which may have a significant impact on neighboring uses and developments; amendments to the land use plan; zoning map or implementing ordinances; the health, safety, or welfare of the citizens; or on the provision of public services; therefore, they require review in an open and public forum.

SECTION 5.015, RESPONSIBLE REVIEW AUTHORITY: The Planning Commission is the review authority for all applications requiring Public Hearing Review unless delegated to a hearings officer.

SECTION 5.020, RESPONSIBILITY OF THE DIRECTOR: The Planning Director is responsible for the following duties pertaining to an application being reviewed in public hearing:

01. Schedule the hearing.
02. Conduct the correspondence of the review authority.
03. Prepare and give proper notice of the hearing.
04. Maintain the record of the hearing.
05. Prepare final decision document for execution/recording.
06. Provide all parties with a copy of the final decision.

SECTION 5.025, NOTICE OF PUBLIC HEARING:

01. Public Hearing Review requires notice of hearing be given to all owners of property lying within:
 - A. One hundred (100) feet of the exterior boundary of the subject property where the subject property is wholly or in part within an urban growth boundary;
 - B. Two hundred fifty (250) feet of the exterior boundary of the subject property where the subject property is outside an urban growth boundary and not within a farm or forest zone;

PUBLIC HEARING REVIEW

ARTICLE 5/PAGE 1 OF 3

- C. Seven hundred fifty (750) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

The Director will provide notice to other parties should it be determined their interests may be affected by the proposal or they have other need for notice. The notice shall be mailed or otherwise delivered no later than ten days prior to the hearing date.

- 02. Notice of public hearing shall be placed in a newspaper of general circulation no later than 10 days prior to the hearing date nor greater than twenty 20 days prior to the hearing date.
- 03. Notice of public hearing shall be posted on the Wallowa County Courthouse Public Notice Board no later than 10 days nor greater than 20 days prior to the hearing date.
- 04. Notice of public hearing regarding an application required by this ordinance shall, at a minimum, contain the following information:
 - A. Name of applicant.
 - B. Name of property owner.
 - C. Property identification.
 - D. Nature of request.
 - E. Ordinance provisions which govern the review.
 - F. Where application can be reviewed.
 - G. Place, date, and time of the public hearing.
 - H. Where written comment will be received.

SECTION 5.030, CONDUCT AND ORDER OF HEARING: The rules of conduct and the order of the public hearing shall be as prescribed in the Wallowa County Conduct of Hearings Ordinance unless supplemented by rules adopted prior to the commencement of the evidentiary portion of the hearing.

SECTION 5.035, REVIEW PROCESS AND DECISION:

- 01. Upon receipt of a filed application, the Public Hearing Review authority shall conduct at least one public hearing to review the application for compliance with all

PUBLIC HEARING REVIEW

ARTICLE 5/PAGE 2 OF 3

applicable standards and criteria. The review authority shall consider all comments received which are pertinent to the application and which address applicable review standards and criteria.

02. The final decision of the review authority should be rendered no later than 120 days following the filing date of the application.
03. The final decision of the review authority is to be placed in writing and shall set forth the findings and conclusions used to reach the decision. Each applicable review standard and criterion shall be addressed by the review authority.
04. The decision of the review authority shall specify each condition of approval and required performance guarantees imposed on the permit.
05. The final decision order shall be signed by the review authority and provided to the applicant as well as all parties to the review and to those other parties requesting notice of action be provided. The document shall be mailed or delivered by other means no later than five days following the date of final action.

SECTION 5.040, CONDITIONS OF APPROVAL AND PERFORMANCE GUARANTEES:

01. The Public Hearing Review authority may impose such conditions of approval upon a permit as are deemed necessary to insure the use or development complies with the applicable standards and criteria.
02. The Administrative Review authority may require a performance guarantee to insure the use or development is implemented in the manner detailed in the application. Performance guarantees are authorized and regulated by Article 40, Performance Guarantee.

SECTION 5.045, APPEAL: Appeal of a Public Hearing Review decision may be taken in the manner prescribed in Article 7, Appeals, within ten days after the decision has been mailed to the hearing participants. The notice of final action shall specify to all participants the right of appeal and the last date an appeal would be accepted.

ARTICLE 6

DESIGN REVIEW

SECTION 6.010, PURPOSE: The Planning Department will advise the Planning Commission annually on allowed or future uses and developments in areas of the Wallowa Lake Basin where a quality of architectural design and landscaping insure a level of livability and preserve the attractiveness of the area to recreational visitors. The area where there is a concern for architectural design and landscaping will be designated as the review area described in Section 6.015.

SECTION 6.015, REVIEW RESPONSIBILITY: The Planning Department shall be the Review authority for applications in the Wallowa Lake Basin Area which extends south to the Forest Service boundary and terminates at the top of the East, West, and Terminal Moraines.

Design Review will be subject to Article 3, Ministerial Review except that the review authority will refer the application to Administrative Review if, in the opinion of the Ministerial Review authority, the proposal may conflict with the purposes and intent of this ordinance or land use plan.

SECTION 6.020, REVIEW AND DECISION PROCESS:

01. Ministerial Review of an application under the provisions of this article does not require notice pursuant to Article 4, Administrative Review. However, the review authority may, at its sole discretion, require the applicant to produce written evidence that immediately adjacent property owners find the application acceptable as proposed by the applicant or as conditioned by the review authority. The review authority may consult other agencies or parties to aid in determining the application's compliance with the applicable standards and criteria of review.
02. If the applicant seeks a variance in conjunction with the application, the final action on the permit application will be withheld until completion of the variance application review.
03. If the applicant does not seek a variance permit or the variance permit application is denied and the application remains in non-compliance with any applicable standard or criteria, the review authority must deny the application.
04. The final action of the review authority is to be forwarded to the applicant within five days of the date of final action.

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SECTION 6.025, CONTENTS OF APPLICATION: Applications for permits requiring Administrative Review shall be made upon forms provided by the Planning Department. The application shall be accompanied by:

01. **SITE PLAN** - The site plan shall indicate the lot boundary lines, location of proposed improvements, existing improvements, access, parking, and distances of improvements from lot boundary lines.
02. **ARCHITECTURAL PLAN** - The architectural plan shall be a scaled sketch or drawing of the proposal indicating the design and material of siding, roof, trim, and foundations. Color of each component of the proposed construction or reconstruction shall be noted (Color chart is available at the Planning Department).
03. **DESIGN PLAN** - The Design Plan shall include other design and development standards of the specific zone.
 - A. Exclusive Farm Use. Article 15, Section 15.025
 - B. Timber Grazing. Article 16, Section 16.025
 - C. Recreation Rural. Article 18, Sections 18.025 and 18.030.
 - D. Commercial Recreation. Article 19, Section 19.025 and 19.030.

SECTION 6.030, APPEAL: Appeal of any final action of the Administrative Review authority shall be taken to the Planning Commission pursuant to the provisions of Article 7, Appeals.

DESIGN REVIEW
REVISED 06/23/98

ARTICLE 7

APPEALS

SECTION 7.010, PURPOSE: The purpose of this Article is to establish uniform procedures for the appeal of land use decisions and actions provided for in this ordinance.

SECTION 7.015, APPEAL AUTHORITY:

01. Decisions by the Planning Director shall be subject to appeal to the Planning Commission.
02. Decisions by the Planning Commission shall be subject to appeal to the Wallowa County Court.
03. Decisions reached by the Planning Commission in its capacity as an appellate body shall be subject to appeal to the Wallowa County Court.
04. Nothing in this ordinance shall prevent appeal to the State Land Use Board of Appeals (LUBA), as provided by ORS Chapter 197.
05. Appeal of a decision to the Land Use Board of Appeals (LUBA) shall follow the requirements of ORS 197.805 through 197.860.

SECTION 7.020, INITIATION OF APPEAL: A decision of a review authority pursuant to this ordinance may be appealed by a party with standing to appeal and within the prescribed time limits. The filing of an appeal shall be accompanied by the fee prescribed by resolution of the Wallowa County Court. The appeal document which is filed shall list at least the following information.

01. An identification of the decision sought to be reviewed including the date of the decision.
02. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.
03. The specific grounds for appeal as they relate to relevant review criteria.

SECTION 7.025, SCOPE OF REVIEW ON APPEAL: The scope of review on appeal shall be restricted to the record made on the decision being appealed, unless the appeal authority issues an order stating the scope to be one of the following:

APPEALS

01. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
02. A De Novo hearing on the merits with new evidence allowed.

SECTION 7.030, REVIEW OF THE RECORD:

01. Unless otherwise provided for by the appeal authority, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:
 - A. An oral or written factual report prepared by the Planning Director.
 - B. All exhibits, materials, pleading, memoranda, stipulations, and motions submitted by any party and received or considered in reaching the decision under review.
 - C. The minutes of the hearing below and a detailed summary of the evidence.
02. The appeal authority shall make its decision based upon the record after first granting the right of argument but not the introduction of additional evidence to any party who has filed a notice of appeal.

SECTION 7.035, NOTICE OF APPEAL HEARING: Notice of the hearing held by an appeal authority to consider an appeal shall be mailed at least ten days prior to the hearing to the appellant and all persons who have standing in the proceeding of the issue on appeal.

SECTION 7.040, DE NOVO REVIEW: The appeal authority may decide to hear the entire matter De Novo as defined in Section 1.065. The appeal authority shall consider all of the following in making such a decision.

01. Prejudice to the parties.
02. Convenience or availability of proposed new evidence at the time of the initial hearing.
03. Surprise to opposing parties.
04. The competency, relevancy, and materiality of the proposed new testimony or other evidence.

SECTION 7.045, APPEAL AUTHORITY DECISION:

APPEALS

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01. Upon review; the appeal authority may by order affirm, reverse, modify, or remand in whole or part a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses a decision of the hearing body, the appeal authority, in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order.

When the appeal authority elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

02. Action by the appeal authority shall be decided by a quorum of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The appeal authority shall render its decision no later than 30 days from the date at which review was made unless otherwise agreed to by the parties and shall file that decision with the County Clerk within twelve days after it is rendered.

APPEALS

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ARTICLE 8

AMENDMENTS

SECTION 8.010, PURPOSE: The purpose of this article is to provide for change in needs, desires, and rate of development in Wallowa County. Revisions to the land use plan, to the text of this ordinance, to the land use plan map, and to the zoning map affecting areas more than ten acres in size will be regarded as major amendments to be processed as a legislative action. Small tract zone changes on areas less than ten acres in size adjacent to the proposed zone will be regarded as minor amendments to be processed as Quasi-Judicial actions.

SECTION 8.015, AUTHORIZATION TO INITIATE AMENDMENTS: Amendments may be initiated in one of the following ways:

01. By resolution of the County Court referring a proposed amendment to the commission.
02. By action of the Planning Commission.
03. By request of the Planning Department said request relating to actions deemed necessary to bring the zoning map or land use plan map into compliance with state law.
04. By petition from a resident or residents of Wallowa County and/or owners of land within Wallowa County - said petition must be accompanied by the appropriate fee.

SECTION 8.020, AMENDMENT REQUEST CONTENT: Requests for major and minor amendments shall be filed with the Planning Department. Requests shall include the following information:

01. Party initiating the amendment.
02. In the case of an amendment to the land use plan or text of this ordinance, the portions that are to be deleted, if any, and the proposed replacement or addition.
03. In the case of an amendment to the land use plan map or zoning map, the request should identify the areas to be directly affected by the current map classification or zone.
04. Statements demonstrating compliance with the applicable review criteria of section

AMENDMENTS
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8.025.

SECTION 8.025, REVIEW CRITERIA: Requests for amendments shall be reviewed for conformance to the applicable criteria:

01. Major amendments shall meet the following:
 - A. The proposed amendment is in conformance with statewide planning goals and guidelines and other applicable state laws.
 - B. The proposed amendment is in conformance with all other elements of the land use plan and land use plan map.
 - C. The proposed amendment is in the public interest and serves the purpose and intent of the local planning process.
02. Minor amendments shall meet the following:
 - A. The proposed amendment is in conformance with all other elements of the land use plan and land use plan map.
 - B. The proposed amendment addresses any site-specific conditions so as to ensure no unreasonable adverse impacts on the values or use of property directly or indirectly affected by the proposed amendment.
 - C. The proposed amendment will not adversely affect the use and development of land in the vicinity of the area directly affected by the proposal when compared to the public interest and need for permitting the amendment.

SECTION 8.030, NOTICE OF HEARING:

01. Notice of public hearing before the Planning Commission for the purpose of considering an amendment brought forth under this article shall be published in a newspaper of general circulation for three consecutive weeks prior to the hearing date.
02. The notice of public hearing shall be designed to reasonably inform the public of the nature and intent of the proposal and shall, at a minimum, contain the following information:
 - A. Date, time, and place of the hearing.
 - B. Party initiating the amendment.
 - C. General description of the proposed amendment and notification to the public

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of the hours and place where the amendment can be reviewed in its entirety.

03. If the proposed amendment is determined by the Planning Department to affect a limited area of the County, mailed notice of the hearing shall be provided to all owners of property directly affected by the amendment and to all owners of property lying within:
 - A. One hundred (100) feet of the exterior boundary of the subject property where the subject property is wholly or in part within an urban growth boundary;
 - B. Two hundred and fifty (250) feet of the exterior boundary of the subject property where the subject property is outside an urban growth boundary and not within a farm or forest zone;
 - C. Five hundred (500) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

In addition, mailed notice of the hearing shall be given to all parties the Department may have reason to believe are substantially affected by the proposed amendment. Mailed notice of hearing shall be provided no less than 15 days prior to the hearing date.

SECTION 8.035, AMENDMENT REVIEW PROCESS:

01. Amendment proposals brought forth under this article shall be conducted in the manner prescribed in the conduct of hearings ordinance unless supplemented by rules adopted prior to the commencement of the evidentiary portion of the hearing.
02. At least two public hearings shall be held on a major amendment unless it is deemed by the Planning Department that a joint meeting by the Planning Commission and the County Court is sufficient.
03. The Planning Commission shall hear and review the proposal for compliance with the applicable review criteria. The Planning Commission shall adopt findings of fact demonstrating the proposals compliance or non-compliance with each review criterion. The Planning Commission shall place the findings, conclusions, and recommendations in writing and forward the same to the County Court.
04. Following receipt of the Planning Commission's recommendation, the County Court shall, within 90 days, hold a second public hearing. Based upon testimony taken at the second hearing together with the Planning Commission's recommendation and testimony from the first hearing, the Court shall adopt findings demonstrating the proposal's compliance or non-compliance with the applicable review criteria. The

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decision shall be set forth in writing and shall specify findings and conclusions of the Court.

05. The County Court may, at its own discretion, hold both of the required hearings.

SECTION 8.040, APPEAL RIGHTS: Final action of the court regarding a major amendment may be appealed to the State Land Use Board of Appeals (LUBA), as provided by ORS Chapter 197. Notice of intent to appeal shall be filed within 21 days of the date of action or as specified in ORS Chapter 197.805 through 197.860.

**ADDRESS: STATE LAND USE BOARD OF APPEALS
306 STATE LIBRARY BUILDING
250 WINTER STREET NORTHEAST
SALEM, OR 97310**

PHONE: 503-373-1265

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ARTICLE 9

CONDITIONAL USE PERMIT

SECTION 9.010, PURPOSE: A conditional use is an activity which is similar to uses permitted in a particular zone but may not be entirely compatible with permitted uses. The Conditional Use Permit provides a mechanism for review of compatibility with permitted uses in a zone and with the general and specific purposes of this ordinance.

SECTION 9.015, REVIEW PROCEDURE: Application for a Conditional Use Permit shall be subject to the public hearing review process.

SECTION 9.020, REVIEW CRITERIA: After taking into account location, size, design, and the general nature of the proposed use; the hearing body must determine that the development will comply with all of the following criteria to approve a Conditional Use Permit.

01. The proposed use will be consistent with the purpose of [and is allowed conditionally in] the zone in which the use proposed.
02. The use will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous.
03. The proposed use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school.
04. The site is suitable to accommodate the proposed use, such as: topography, soils, and parcel size.
05. The proposed use will not interfere with uses permitted on adjacent parcels.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.
07. In addition to the above and for uses within the Timber Grazing Zone, when the predominant use is determined to fall under Goal IV guidelines or the Timber Commercial Zone the following shall be found:
 - A. The proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands.
 - B. The proposed use will not significantly increase fire hazard or significantly

CONDITIONAL USE PERMIT

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increase fire suppression costs or significantly increase risks to fire suppression personnel.

- C. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in this ordinance.

SECTION 9.025, SPECIAL CONDITIONS: In granting a Conditional Use Permit, the review authority may impose any of the following conditions:

- 01. Limit the manner in which the use is conducted including the time an activity may take place and restraints to minimize noise, dust, glare, and odor.
- 02. Designate the size, number, location, or nature of vehicle access points.
- 03. Increase the amount of required street dedication, roadway width, or improvements within the street right-of-way.
- 04. Limit or otherwise designate the number, size, location, and height or lighting of signs.
- 05. Limit the location and intensity of outdoor lighting or require its shielding.
- 06. Require landscaping or screening to protect nearby property.
- 07. Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.
- 08. Specify other conditions to permit the development of the County in conformity with the intent and purpose of the land use plan.

SECTION 9.030, TIME LIMIT ON CONDITIONAL USE PERMITS: A Conditional Use Permit shall expire two years from the date of final decision unless:

- 01. The applicant submits a written request to the County Planning department for a one year extension prior to the expiration date of the permit; or
- 02. The permit is “perfected” by initiation of the approved use as evidenced by:
- 03. In the case of new construction, completion of any two of four substantial development actions:
 - 01. A domestic water well (or connection to a permanent water system).

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02. A septic system (or connection to a permanent sewer system).
03. Electric power to the residence site (or permanent alternative electric generating system adequate for the proposed use).
04. Construction of the foundation of the principal residence.
04. In the case of reconstruction, remodeling, alteration or other approved uses, evidence similar to that required for new construction may be accepted by the Planning Department.
 1. When construction is not included in the approved action, commencement of the approved activity within the approval period.
05. Validation of commencement of the approved activity or completion of substantial development action shall be accomplished by delivery of written evidence acceptable to the County Planning Department that the approved action has been initiated and a finding by the Department that the permit has been exercised and perfected.
06. Conditional Use Permits that were valid as of initial application of this ordinance (September 7, 1998) are eligible for one year extensions from the date of permit expiration and are eligible to be “perfected” under the procedures of 9.030(02)(03).
07. A Conditional Use Permit, once exercised and perfected, shall become invalid, null, and void if the use approved by the Conditional Use Permit is discontinued for any reason for a continuous year.

NOTE: Permittees who were not informed of their rights to extend or perfect their permits, may receive those rights upon application to the Planning Department and a finding by the Department that the applicant was not informed of their rights.

CONDITIONAL USE PERMIT

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ARTICLE 10

VARIANCE PROCEDURE

SECTION 10.010, PURPOSE: The purpose of a variance is to permit justifiable departures from the requirements of this ordinance where their strict application would impose a serious and unfair hardship upon the property owner. A use variance will allow property to be used for a purpose not generally permitted within the zone and will be authorized only upon a showing of the extraordinary hardship according to the criteria provided below. An area variance will allow an exception to certain dimensional or density requirements for a use that is generally permitted within the zone, upon a showing of special circumstances and practical difficulty according to the criteria set forth below.

SECTION 10.015, REVIEW PROCEDURE: A variance shall be subject to administrative review. If in the opinion of the administrative review authority, the proposed use may be in conflict with the purposes of this ordinance or if objection has been filed by a party entitled to notice, the application will be referred to the public hearing review process.

SECTION 10.020, REVIEW CRITERIA-USE VARIANCE: A use variance may be granted subject to any reasonable conditions based upon the following findings:

01. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and which result from lot size or shape, topography, or other circumstances over which the property owner has had no control.
02. Without granting the variance the owner would be substantially deprived of any viable economic use of his property.
03. The variance would not be materially detrimental to property in the same zone or vicinity in which the property is located or otherwise conflict with the policies of the land use plan.
04. The variance requested is the minimum variance which would alleviate the difficulty.
05. The variance is not the result of a self-created hardship.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

SECTION 10.025, REVIEW CRITERIA-AREA VARIANCE: An area variance may be granted subject to any reasonable conditions based upon the following findings:

VARIANCE PROCEDURE

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01. That there are special circumstances or conditions affecting the property that do not normally apply to other property and that such circumstances or conditions make it impossible or impractical to comply with the ordinance.
02. That the exception conforms to the purpose of this ordinance and is necessary for the proper design and/or function of the subdivision or partition.
03. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
04. That the exception is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.
05. The variance requested is the minimum variance which would alleviate the difficulty.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

VARIANCE PROCEDURE

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ARTICLE 11

NON-CONFORMING USES

SECTION 11.010, PURPOSE: Non-Conforming Uses are those buildings and structures including: signs, land use, or continuing activities which were lawfully established or conducted prior to the effective date of this ordinance but do not conform with one or more standards or permit requirements of this ordinance. The purpose of this article is to control, improve, or terminate Non-Conforming Uses.

SECTION 11.015, RIGHT TO CONTINUE NON-CONFORMING USE: A Non-Conforming Use established prior to the effective date of this ordinance, or prior to any subsequent amendment which creates such nonconformity, may be continued and maintained except as otherwise provided by this article. Continuation of a Non-Conforming Use may include a change of ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

SECTION 11.020, NON-CONFORMITY DUE TO LACK OF CONDITIONAL USE PERMIT: Any Non-Conforming Use which is non-conforming only because of the absence of a conditional use permit shall be deemed a conforming use upon securing the approval of such permit.

SECTION 11.025, NON-CONFORMING EXPANSION OR CHANGE: A non-conforming structure or use may be expanded or changed to another Non-Conforming Use subject to the public hearing review process. A request for expansion or change of use of a Non-Conforming Use shall be reviewed for compliance with the following:

01. The existing development is sufficiently substantial so that compared to the cost of conversion to comply with requirements for new development makes conversion impractical.
02. The proposed development and its use will be more compatible with the surrounding area than the current development and use considering the following:
 - A. The character and history of the use and of development in the surrounding area.
 - B. The comparing degree of noise, vibration, dust, odor, fume, glare, or smoke detectable at the property boundary.
 - C. The comparing amount and nature of outside storage, loading, and

NON-CONFORMING USES

parking.

- D. The comparing visual appearance, hours of operation, and traffic generation.
- E. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

03. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

SECTION 11.030, TERMINATION OF NON-CONFORMING USE OR STRUCTURE:

A Non-Conforming Use or structure shall be terminated when:

- 01. The Non-Conforming Use has been discontinued for a period of 12 months or more.
- 02. The non-conforming structure has been destroyed to an extent exceeding 80 percent of its assessed value as indicated by the records of the County Assessor.

SECTION 11.035, RESTORATION AND REPAIR: Restoration and repair to a non-conforming structure will be permitted, subject to Ministerial Review, where the restoration or repair is necessary to continue the use in a reasonable manner, subject to Section 11.015, or where the restoration or repair is necessary to comply with any lawful requirement for continued use.

NON-CONFORMING USES

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ARTICLE 12

ZONING PERMIT

SECTION 12.010, PURPOSE: The purpose of the Zoning Permit process is to ensure compliance with this ordinance by the establishment of any use or development which is permitted by the land use zone. Zoning Permits will be required prior to the construction, reconstruction, alteration, or change of use of a structure or lot and prior to issuance of an electrical permit for new residential service.

SECTION 12.015, REVIEW PROCEDURE: Application for a Zoning Permit shall be subject to Ministerial Review. The Ministerial Review authority will refer the application to the public hearing review authority if: in the opinion of the Ministerial Review authority, the proposal may conflict with the purposes and intent of this ordinance or land use plan.

SECTION 12.020, REVIEW CRITERIA: In granting a Zoning Permit the following criteria must be satisfied:

01. The proposed use is listed as a permitted use in the zone in which it is proposed for establishment.
02. The requirements of the zone in which the use is proposed have been met, such as: set backs, lot size, and other development requirements.
03. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration, or the review authority finds Ministerial Review to be adequate. In determining if the Ministerial Review is allowed, the review authority shall find all the following:
 - A. Except where excavation or fill does not exceed 50 yards, the proposed structure or use is at least 300 feet from any surface water (as identified on the USGS Topographical Map) and is at least 300 feet from wetlands (as identified on the National Wetlands Inventory); and
 - B. The structure or use will not be sited on a slope that exceeds 35 percent; and
 - C. No road construction will be required in conjunction with the proposed use.

SECTION 12.025, AUTHORIZATION OF SIMILAR USES: The public review authority may permit in a particular zone a use not listed in that zone provided the use

ZONING PERMIT

ARTICLE 12/PAGE 1 OF 2

is of the same general type as the uses permitted in that zone by this ordinance and further provided that it is not specifically listed as an allowed use in any other zone.

SECTION 12,030, TIME LIMIT ON ZONE PERMITS: A Zone Permit shall expire two years from the date of final decision unless:

01. The applicant submits a written request to the County Planning department for a one year extension prior to the expiration date of the permit; or
02. The permit is “perfected” by initiation of the approved use as evidenced by:
03. In the case of new construction, completion of any two of four substantial development actions:
 01. A domestic water well (or connection to a permanent water system).
 02. A septic system (or connection to a permanent sewer system).
 03. Electric power to the residence site (or permanent alternative electric generating system adequate for the proposed use).
 04. Construction of the foundation of the principal residence.
04. In the case of reconstruction, remodeling, alteration or other approved uses, evidence similar to that required for new construction may be accepted by the Planning Department.
 1. When construction is not included in the approved action, commencement of the approved activity within the approval period.
05. Validation of commencement of the approved activity or completion of substantial development action shall be accomplished by delivery of written evidence acceptable to the County Planning Department that the approved action has been initiated and a finding by the Department that the permit has been exercised and perfected.
06. Zone Permits that were valid as of initial application of this ordinance (September 7, 1998) are eligible for one year extensions from the date of permit expiration and are eligible to be “perfected” under the procedures of 9.030(02)(03).
07. A Zone Permit, once exercised and perfected, shall become invalid, null, and void if the use approved by the Zone Permit is discontinued for any reason for a continuous year.

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NOTE: Permittees who were not informed of their rights to extend or perfect their permits, may receive those rights upon application to the Planning Department and a finding by the Department that the applicant was not informed of their rights.

ZONING PERMIT

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ARTICLE 13

TEMPORARY USE PERMIT

SECTION 13.010, PURPOSE: A Temporary Use Permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No Temporary Use Permit shall be issued that would have the effect of permanently re-zoning or granting a special use privilege not shared by other properties in the same zoning district.

SECTION 13.015, REVIEW PROCEDURE: Application for a Temporary Use Permit shall be subject to Administrative Review. If, in the opinion of the Administrative Review authority, the proposed use may be in conflict with the purposes of this ordinance, the application will be referred to the public hearing review process.

SECTION 13.020, REVIEW CRITERIA: Temporary Use Permits may be issued upon finding:

01. The proposed use or structure is necessary to provide for housing, storage, and use of supplies and equipment or other uses not specified in this ordinance and not so recurrent as to require a specific or general regulation to control them.
02. The proposed use or structure will not become permanent.
03. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration, or the review authority finds Ministerial Review to be adequate. In determining if the Ministerial Review is allowed, the review authority shall find all the following:
 - A. Except where excavation or fill does not exceed 50 yards, the proposed structure or use is at least 300 feet from any surface water (as identified on the USGS Topographical Map) and is at least 300 feet from wetlands (as identified on the National Wetlands Inventory); and
 - B. The structure or use will not be sited on a slope that exceeds 35 percent; and
 - C. No road construction will be required in conjunction with the proposed use.

SECTION 13.025, CONDITIONS:

01. Reasonable conditions may be imposed by the review authority to minimize the potential impact of the proposed use to other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include but are not limited to:
 - A. Special yards and spaces.
 - B. Control of points of vehicular ingress/egress.
 - C. Landscaping and maintenance thereof.
 - D. Control of noise, odors, or other nuisances.
 - E. Limitation for certain activities.
02. Any temporary permit shall clearly set forth conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant.
03. All structures and uses for which a temporary permit is issued:
 - A. Shall meet all other requirements of the zoning district in which they are located.
 - B. Shall meet all applicable health and sanitation requirements.
 - C. Shall meet all applicable building code requirements.
 - D. Shall be removed upon expiration of the temporary permit unless renewed.

SECTION 13.030, ISSUANCE OF PERMITS:

01. Temporary permits shall be issued for the time period specified by the review authority but may be renewable upon expiration by re-applying in the manner prescribed by this article.
02. In no case shall a temporary permit be issued for a period exceeding one year unless the temporary permit is renewed.

ARTICLE 14

ZONES AND SPECIAL PURPOSE DISTRICTS

SECTION 14.010, ESTABLISHMENT OF ZONES: For the purpose of implementing the policies and intent of the land use plan, the following zones are hereby established:

ZONE AND ABBREVIATED DESIGNATION

DESTINATION RESORT	DR
EXCLUSIVE FARM USE	EFU
EXISTING LOT	EL-1
INDUSTRIAL	M-1
COMMERCIAL RECREATION	CR-2
RURAL RESIDENTIAL	R-1
RECREATION RESIDENTIAL	R-2
RURAL SERVICE	R-3
SELECT RESIDENTIAL	R-4
RURAL COMMERCIAL	R/C
TIMBER COMMERCIAL	T/C
TIMBER/GRAZING	T/G
URBAN GROWTH	UGR

SECTION 14.015, SPECIAL PURPOSE DISTRICTS: A special purpose district is an overlay district which may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of a special purpose district consists of additional sections of this ordinance and additional standards. These will be supplementary to the regulations of the underlying zone, and the regulations of the special purpose district and the zone shall apply. Where these regulations conflict, the regulations that are most restrictive shall control the boundaries of special purpose districts.

SECTION 14.020, APPLICATION OF ZONES: The boundaries for the zones listed in this ordinance are indicated on the Wallowa County Zoning Map which is hereby adopted by reference.

SECTION 14.025, ZONE BOUNDARIES: Zone boundaries are section lines; subdivision lines; lot lines; center lines of streets, alleys, river; or railroad right-of-way or such lines extended.

SECTION 14.030, COMPLIANCE WITH ORDINANCE PROVISIONS: A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

ARTICLE 15

EXCLUSIVE FARM USE

SECTION 15.010, PURPOSE: The purpose of the Exclusive Farm Use Zone is to provide areas for the continuation of existing commercial agricultural activities and permit the establishment of only those new uses which are compatible with agricultural activities. The intention of the Exclusive Farm Use Zone is to guarantee the preservation of the areas classified as farm use free from conflicting non-farm uses.

SECTION 15.015, PERMITTED USES: In the Exclusive Farm Use Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

01. Farm uses. (No Review)
02. The propagation or harvesting of a forest product. (No Review)
03. Subject to the provisions of Article 3, Ministerial Review, a single-family dwelling customarily provided in conjunction with farm use on a tract not identified as high-value farmland if:
 - A. The parcel on which the dwelling will be located is at least 160 acres; and
 - B. The subject tract is currently employed for farm use, as defined in ORS 215.203; and
 - C. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale; and
 - D. There is no other dwelling on the subject tract; and
 - E. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

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04. Subject to the provisions of Article 3, Ministerial Review, a single-family dwelling customarily provided in conjunction with farm use on a tract not identified as high-value farmland if:
- A. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and
 - B. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection 4(A); and
 - C. The subject tract is currently employed for farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection 4(B); and
 - D. Subsection 4(A) notwithstanding, the subject lot or parcel on which the dwelling is proposed is not less than 20 acres; and
 - E. There is no other dwelling on the subject tract; and
 - F. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no siting permit may be issued prior to the establishment of the farm use required by subsection 4(C); and
 - G. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.
05. Subject to the provisions of Article 3, Ministerial Review, a single-family dwelling customarily provided in conjunction with farm use if sited on a tract not identified as high-value farmland and the subject tract is currently employed for farm use - as defined in ORS 215.203 - that produced in the last two years or three of the last five years at least

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five years at least \$40,000 (1994 dollars) in the gross annual income from the sale of farm products if:

- A. There is no other dwelling on the subject tract; and
- B. The dwelling will be occupied by the person or persons who produced the commodities which grossed the income in subsection 5; and
- C. In determining the gross income required in this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
- D. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

06. Subject to the provisions of Article 3, Ministerial Review, a single-family dwelling customarily provided in conjunction with farm use if sited on a tract identified as high-value farmland and the subject tract is currently employed for the farm use - as defined in ORS 215.203 - that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years if:

- A. There is no other dwelling on the subject tract; and
- B. The dwelling will be occupied by the person or persons who produced the commodities which grossed the income in subsection 6; and
- C. In determining the gross income required in this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
- D. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

07. Subject to the provisions of Article 3, Ministerial Review, a dwelling may be approved if:

- A. The lot or parcel on which the dwelling will be sited

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was lawfully created and was acquired by the present owner:

1. Prior to January 1, 1985; or
 2. By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985; and
- B. The tract on which the dwelling will be sited does not include a dwelling; and
- C. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan, land use regulations, and other provisions of law; and
- D. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in OAR 660-33-130(3)(c); and
- E. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the permit for siting of the dwelling will not be considered to conflict with the habitat if located on a parcel of 160 acres. If a dwelling is located on a lesser size parcel, the Oregon Department of Fish and Wildlife shall be solicited for comment on potential conflict; and
- F. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed; and
- G. Notwithstanding the provisions of subsection 7 (D), a single-family dwelling may be sited on high-value farmland if:
1. It meets the other requirements of A through F of this subsection; and
 2. The lot or parcel is protected as high-value farmland as defined in section 660-33-020(8)(a); and

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3. A hearing officer of the State Department of Agriculture, under the provisions of ORS 183.413 to 183.497, determines that:
 - a. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; and
 - b. The dwelling will comply with the provisions of ORS 215.296(1); and
 - c. The dwelling will not materially alter the stability of the overall land use pattern in the area.
- H. An application for a dwelling as provided for in this subsection may be denied in any area where the review authority determines that approval of the dwelling would:
 1. Exceed the facilities and service capabilities of the area;
 2. Materially alter the stability of the overall land use pattern of the area; or
 3. Create conditions or circumstances that the review authority determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.
- I. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.
- J. The County assessor shall be notified that the review authority intends to allow the dwelling.
- K. The application satisfies the pertinent criteria of

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Article 36, Salmon Habitat Restoration.

- L. If a single-family dwelling is established on a lot or parcel as set forth in this subsection, no additional dwelling may later be sited under the provisions of Section 15.020(1).
08. Subject to the provisions of Article 3, Ministerial Review, a single-family dwelling may be altered, restored, or replaced providing:
- A. The dwelling to be replaced meets all of the following criteria:
 - 1. It was lawfully created; and
 - 2. Has intact exterior walls and roof structure; and
 - 3. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; and
 - 4. Has interior wiring for interior lights; and
 - 5. Has a heating system; and
 - 6. Will be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling; and
 - 7. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.
 - B. If the dwelling to be replaced was authorized as an accessory-farm dwelling pursuant to Section 15.020(3)(A)(2)(c):
 - 1. It meets the criteria of subsection 8(A) above; and
 - 2. It may only be replaced by a manufactured dwelling.
09. Nonresidential buildings customarily provided in conjunction with farm use. (Ministerial Review)

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10. Other than on lands designated as high value, public and/or private schools - including all buildings essential to the operation of a school. The location of this use is not permitted within three miles of an urban growth boundary unless an exception is approved. Existing facilities may be maintained, enhanced, or expanded. (Administrative Review)

SECTION 15.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY:

In the Exclusive Farm Use Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Article 9 (Public Hearing Review).

01. A single-family residential dwelling not provided in conjunction with farm use may be established on a lot or parcel. Approval shall be based upon written findings showing all of the following:
 - A. The dwelling partition shall meet all applicable provisions of House Bill 3326 - 2001 legislative session, amending ORS Chapters 197, 215, and 657, which became effective January 1, 2002 and which is adopted by reference into this article. Copies of House Bill 3326 and explanatory attachments are available from the Wallowa County Planning Department.
 - B. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; and
 - C. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the parcel. A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable". A lot or parcel is presumed to be suitable if it is composed predominantly of Class I through VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the parcel is under forest

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assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented, or otherwise managed as part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment and found to be compatible and not seriously interfere with forest uses on surrounding land, it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and

- D. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the review authority shall consider the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated. If the application involves the creation of a new parcel for the non-farm dwelling, the review authority shall consider whether creation of the parcel will lead to the creation of other non-farm parcels to the detriment of agriculture in the area; and
 - E. The lot or parcel upon which the dwelling is to be established has existing improved access. Such access will not be maintained by the County. The review authority may require a statement of understanding to be recorded with the deed in the form of a deed restriction.
 - F. As a condition of approval, the owner of the lot or parcel upon which the dwelling is to be established must provide evidence that the parcel has been disqualified for valuation at true cash value for farm use under ORS 308.370.
 - G. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.
 - H. The dwelling complies with such other conditions as the governing body (or its designate) considers necessary.
 - I. If a single-family dwelling is established on a lot or parcel as set forth in subsection 7 of Section 15.015 (lot of record), no additional dwelling may later be sited under subsection 1 of this section.
02. A dwelling located on the same lot or parcel as the dwelling of the farm operator and which will be occupied by a relative - which means grandparent, grandchild, parent, child, brother, sister or spouse of the farm operator - whose assistance in management for the farm use is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and

marketing. The application shall satisfy the pertinent criteria of Article 36, Salmon Habitat Restoration.

03. An accessory-farm dwelling may be considered customarily provided in conjunction with farm use if:

A. It meets all the following requirements:

1. The accessory-farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
2. The accessory dwelling will be located:
 - a. On the same lot or parcel as the dwelling of the principal farm dwelling; or
 - b. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - c. On a lot or parcel that the principal farm dwelling is not located, when the accessory-farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory-farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is re-approved under these rules; and
3. There is no other dwelling on lands designated for Exclusive Farm Use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory-farm dwelling.

B. In addition to the requirements of A above, the principal farm dwelling to which the proposed dwelling would be an accessory meets the criteria of Section 15.015(4), (5), or (6) whichever applies.

C. Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.

- D. Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.
 - E. A division of a lot or parcel approved pursuant to this subsection shall not be allowed unless it is determined that the accessory-farm dwelling satisfies the criteria of Section 15.015(4), (5), or (6) and the parcel created is consistent with the minimum parcel size requirements of Section 15.025.
- 04. An accessory-farm dwelling approved pursuant to Section 15.020(3)(A) or (B) cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section 15.020(1).
 - 05. The propagation, cultivation, maintenance, and harvesting of aquatic species.
 - 06. A temporary facility for the primary processing of forest products, (timber grown upon a tract where the primary processing facility is located) provided that:
 - A. Such facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 213.203(2); and
 - B. Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. For purposes of this section, the primary process of a forest product means the use of a portable chipper, stud mill, or other similar methods of initial treatment of a forest product in order to enable its shipment to market.
 - 07. Commercial activities that are in conjunction with farm use.
 - 08. Home-based occupations as described in Article 35, Home-Based Occupation. Home-based occupations may not be authorized in structures accessory to resource use. A home-based occupation located on high-value farmland may employ only residents of the home.
 - 09. Other than on lands designated as high value, private parks, playgrounds, hunting and fishing preserves, and campgrounds. Existing facilities may be maintained, expanded, or enhanced.
 - 10. Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization.
 - 11. Other than on lands designated as high value, golf courses pursuant to OAR 660-33-130(20).
 - 12. Other than on lands designated as high value, churches or other places of assembly owned and operated by non-profit groups. Existing facilities may be maintained, expanded, or enhanced.

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13. Utility facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet high if it must be situated in an agricultural zone in order for the service to be provided).
14. Commercial utility facilities for the purpose of generating power for public use by sale. Such facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant OAR 660, Division 4. If the power generation facility is to be located on lands designated as high value, such facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.
15. Operations for the exploration of geothermal resources as defined by ORS 522.005 or other subsurface aggregate or mineral resources.
16. Operations conducted for the mining and processing of geothermal, aggregate, or mineral resources as defined by ORS 522.005 - including crushing and stockpiling of aggregate and other subsurface resources, and the processing as defined by ORS 517.750 of aggregate into asphalt or cement.
17. Personal-use airports for airplanes and helicopter pads - including a associated hangar, maintenance, and service facilities. A personal-use airport, as used in this section, means an airstrip restricted - except for aircraft emergencies - to use by the owner, by invited guests on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

Exceptions to the activities permitted under this definition may be granted through waiver action by the Department of Transportation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Transportation.

18. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the existing resident. If personal hardship relating to the aged, infirmity, or other persons incapable of maintaining a separate residence necessitates someone living on the same premises, the following conditions shall apply:
 - A. The applicant must have a signed physician's statement

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indicating the need for care.

- B. The permit shall be issued for a specific person and for a period of one year requiring annual review and renewal. No change in occupancy shall take place without review of the Planning Commission. The temporary dwelling shall be removed after the original need has ceased.
 - C. The placement of the temporary dwelling shall be located in such a way to utilize existing water, sewer, electricity, and access. The Department of Environmental Quality shall approve the sewer provisions.
 - D. Granting of the permit shall not constitute an approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.
- 19. On lands not designated as high value, a Destination Resort which is approved consistent with the requirements of Article 20, Destination Resort Zone.
 - 20. Residential home or facility as defined in Section 1.065.
 - 21. Room and board arrangements for a maximum of five unrelated persons in existing residences.
 - 22. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed on the National Register of Historic Places and the County inventory of historic property as defined in ORS 358.480.
 - 23. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
 - 24. Transmission towers over 200 feet in height.
 - 25. Dog kennels except for those provided for in ORS 215.283(1)(j).
 - 26. Construction of additional passing and travel lanes

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requiring the acquisition of right of way but not resulting in the creation of new land parcels.

27. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
28. Improvement of public road and highway related facilities, such as: maintenance yards, weigh stations, and rest areas where additional property or right-of-way is required but not resulting in the creation of new land parcels.
29. Roads, highways, and other transportation facilities and improvements not allowed under subsections 27 and 28 of this section may be established subject to the approval of the governing body (or its designate) in areas zoned for Exclusive Farm Use subject to:
 - A. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or
 - B. ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in Section 3, Chapter 529, Oregon Laws 1993.

SECTION 15.025, PROPERTY DEVELOPMENT STANDARDS:

01. **PARCEL SIZE:** The minimum lot size for creation of a new lot or parcel in the Exclusive Farm Use Zone shall be 160 acres.
02. A non-farm parcel will be allowed where the parcel is being created for the purpose of siting a dwelling not in conjunction with farm use if:
 - A. The dwelling satisfies the criteria of Section 15.020(1); and
 - B. In addition to the provisions of 4(A) below, access shall not be from a United States Forest Service Road or Bureau of Land Management Road and will be maintained - either paved or surfaced with rock; and
 - C. No other partitions for this purpose have occurred on

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the subject parcel parent.

03. A new non-farm parcel may be created for non-farm uses. Such new parcels shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required under OAR 660-33-100(11)(a)(D).

04. **ACCESS:**

A. When considering creation of a new parcel or parcels, those less than the minimum lot size must have existing public access and must be within existing public school bus service.

B. When considering creation of a new parcel or parcels, those meeting the minimum lot size may be served by a private easement.

05. **SETBACKS:**

PROPERTY LINES - Not less than 25 feet - exceptions fences and/or signs.

STATE HIGHWAYS, STREAMS, RIVERS, AND LAKES - Not less than 100 feet.

06. **FRONTAGE:**

Minimum lot frontage for all parcels abutting a public road shall be 200 feet.

SECTION 15.030, SPECIAL NOTIFICATION: Ditch companies that may be affected by a partition, subdivision, or change in land use being considered for approval shall receive notification.

SECTION 15.035, APPLICABLE REVIEW CRITERIA:

All uses and development described in this Article shall be subject to the following criteria:

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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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TIMBER GRAZING

SECTION 16.010, PURPOSE: The purpose of the Timber Grazing Zone is to provide areas for commercial farm and forest activities and permit the establishment of only those new uses which are compatible with agricultural and forest activities. The intention of the Timber Grazing Zone is to guarantee the preservation of the areas so classified for farm and forest use free from conflicting non-farm, non-forest use.

SECTION 16.015, PERMITTED USES: In the Timber Grazing Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance. Applicable review standards for dwelling and structure applications will be determined by the Planning Department based on the predominant use of the tract on January 1, 1993. Where the predominant use as of January 1, 1993, was forest; the standards of this article shall apply. In which case, the provisions of Section 16.025(7) shall only apply to that portion of the subject property in forest use on that date. Where the predominant use of the tract on January 1, 1993, was agriculture; the standards of Article 15, Exclusive Farm Use shall apply.

01. Cultivation, management, protection, and harvest of forest crops.
02. Farm uses.
03. Nonresidential buildings customarily provided in conjunction with farm and forest uses subject to the provisions of Article 3, Ministerial Review; and Article 4, Administrative Review.
04. A single-family dwelling on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall not be a United States Forest Service road or Bureau of Land Management road and shall be maintained and either paved or surfaced with rock. In addition, the following standards

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standards shall apply:

- A. The tract or parcel upon which the dwelling is to be located was lawfully created prior to January 1, 1985; and
 - B. The criteria of Section 16.025 (5), (6), and(7) shall be met; and
 - C. Application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - D. If the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the permit will not be considered to conflict with the habitat if located on a parcel of 160 acres. If a dwelling is located on a lesser size parcel, the Oregon Department of Fish and Wildlife shall be solicited for comment on potential conflict; and
 - E. If the lot or parcel on which the dwelling is to be sited was lawfully created; then
 - F. The lot or parcel on which the dwelling is to be sited must have been acquired by the present owner prior to January 1, 1985, or by devise or by intestate succession for a person who acquired the lot or parcel prior to January 1, 1985. Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or combination of these family members; and
 - G. No other dwelling exists on the tract; and
 - H. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
05. A single-family dwelling on a tract of at least 240 contiguous acres if:
- A. No other dwelling exists on the tract; and

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- B. The criteria of Section 16.025 (5), (6) and (7) is met; and
 - C. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - D. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
06. A single-family dwelling on a tract of at least 320 acres in one ownership that is not contiguous but is in the same county or adjacent counties and zoned for forest use where no dwelling exists on the tract. The applicant shall provide evidence of the following:
- A. That the covenants, conditions, and restrictions form provided by the Planning Department has been recorded with the County Clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located; and
 - B. The criteria of Section 16.025 (5), (6), and (7) is met; and
 - C. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - D. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
07. A single-family dwelling on a lot or parcel where no dwelling exists if the lot or parcel is composed of soils that are:
- A. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 - 1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

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2. At least three dwellings existed on January 1, 1993, on the other lots or parcels; and
 3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract.
- B. Or, capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993, on the other lots or parcels; and
 3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract.
- C. Or, capable of producing more than 50 cubic feet per acre per year of wood fiber if:
1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1,

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1993, on the other lots or parcels; and

3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract.
- D. Or, if the tract contains 60 acres or more and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and, to the maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
1. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and, to the maximum extent possible, aligned with the road or stream; and
 2. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and be on the same side of the road or stream as the tract.
- E. If the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and, to the maximum extent possible, aligned with the road; and

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- F. The criteria of Section 16.025 (5), (6) and (7) shall be met. The pertinent criteria of Article 36, Salmon Habitat Restoration, shall be satisfied; and the application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
08. Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
 09. Farm use as defined in ORS 215.203.
 10. Local distribution lines, such as: electricity, telephone, natural gas, etc.; and accessory equipment, such as: electricity distribution transformers, poles, meter cabinets, terminal boxes, pedestals, or equipment which provides service hookups - including water service hookups.
 11. Temporary, portable facility for the primary processing of forest products.
 12. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
 13. Private hunting and fishing operations without any lodging accommodations.
 14. Towers and fire stations for forest fire protection.
 15. Water intake facilities, canals, and distribution lines for farm irrigation and ponds.
 16. Caretaker residences for public parks and fish hatcheries.
 17. Uninhabitable structures accessory to fish and wildlife enhancement.
 18. Temporary forest labor camps.
 19. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons - including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to the well head.
 20. Destination resorts reviewed and approved pursuant to ORS

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197.435 to ORS 197.465, Goal 8, Recreational Needs; and Article 20, Destination Resort Zone.

21. Subject to the provisions of Article 3, Ministerial Review, a single-family dwelling may be altered, restored, or replaced providing:

A. The dwelling to be replaced meets the following criteria:

1. Was lawfully created; and
2. Has intact exterior walls and roof structure; and
3. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; and
4. Has interior wiring for interior lights; and
5. Has a heating system; and
6. In the case of replacement is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and
7. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

B. If the dwelling to be replaced was authorized as an accessory-farm dwelling pursuant to Section 15.020 (3)(A)(2)(c):

1. It meets the criteria of subsection 21(A) above; and
2. It may only be replaced by a manufactured dwelling.

SECTION 16.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY IN THE TIMBER GRAZING ZONE: The following uses and activities and accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permit.

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01. Permanent facility for the primary processing of forest products.
02. Permanent logging equipment repair and storage.
03. Log scaling and weigh stations.
04. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245 together with equipment, facilities, or buildings necessary for its operation.
05. Parks and campgrounds as defined in Section 1.065. Campgrounds authorized by this section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.
06. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 16.015(12) and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
07. Television, microwave, and radio communication facilities and transmission towers.
08. Fire stations for rural fire protection.
09. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
10. Aids to navigation and aviation.
11. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
12. Reservoirs and water impoundment.
13. Firearms training facility.
14. Cemeteries.

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15. Private seasonal accommodations for fee hunting operations may be allowed subject to Article 16, Section 16.015 (4), (5), (6), or (7); Section 16.025 (5) and (6); and the following requirements:
 - A. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 - B. Only minor incidental and accessory retail sales are permitted; and
 - C. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 - D. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - E. Other conditions imposed by the review authority.
16. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines, such as: gas, oil, geothermal, etc. with rights-of-way 50 feet or less in width.
17. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
18. Home-based occupations as defined in Article 35, Home-Based Occupation.
19. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, If personal hardship relating to the aged, infirmity, or other persons incapable of maintaining a separate residence necessitates someone living on the same premises, the following conditions shall apply:
 - A. The applicant must have a signed physician's statement indicating the need for care; and
 - B. The permit shall be issued for a specific person and

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for a period of one year requiring annual review and renewal. No change in occupancy shall take place without review of the Planning Commission. The temporary dwelling shall be removed after the original need has ceased; and

- C. The placement of the temporary dwelling shall be located in such a way to utilize existing water, sewer, electrical, access and the Department of Environmental Quality shall approve the sewer provisions; and
- D. Granting of the permit shall not constitute as approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.

- 20. Personal-use airports for airplanes and helicopter pads - including associated hangar, maintenance, and service facilities. A personal-use airport, as used in this section, means an airstrip restricted - except for aircraft emergencies - to use by the owner, by invited guests on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

Exceptions to the activities permitted under this definition may be granted through waiver action by the Department of Transportation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Transportation.

- 21. Expansion of existing airports.
- 22. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Article 9; Article 16; Section 16.025 (5), (6), and (7); and the following requirements:
 - A. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 - B. Only minor incidental and accessory retail sales are permitted; and
 - C. Accommodations occupied temporarily for the purpose of

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fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

- D. Accommodations must be located within one-fourth mile of fish bearing Class I waters; and
 - E. Other conditions imposed by the review authority.
- 23. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - 24. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
 - 25. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
 - 26. Improvement of public road and highway related facilities, such as: maintenance yards, weigh stations, and rest areas where additional property or right-of-way is required but not resulting in the creation of new land parcels.
 - 27. Roads, highways, and other transportation facilities and improvements not allowed under Section 16.020, (24) and (25) may be established subject to the approval of the governing body or its designate in areas zoned for exclusive farm use subject to:
 - A. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or
 - B. ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in Section 3, Chapter 529, Oregon Laws 1993.

SECTION 16.025, PROPERTY DEVELOPMENT STANDARDS:

- 01. **PARCEL SIZE:** The minimum lot size for creation of a new lot or parcel in the Timber Grazing Zone shall be 240 acres. Land divisions of less than 240 acres in size may be allowed for uses listed in OAR 660-06-025(3)(m) through (o) and

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and (4)(a) through (n) provided that such uses were approved conditionally and that the subject parcel is the minimum necessary for the use.

02. **ACCESS:**

- A. When considering creation of a new parcel or parcels, those less than the minimum lot size must have existing public access and must be within one mile of existing public school bus service.
- B. When considering creation of a new parcel or parcels, those meeting the minimum lot size may be served by a private easement.

03. **SETBACKS:**

PROPERTY LINES - Not less than 25 feet - exception fences and signs.

STATE HIGHWAYS, STREAMS, RIVERS, AND LAKES - Not less than 100 feet.

04. **FRONTAGE:**

Minimum lot frontage for all parcels abutting a public road shall be 200 feet.

05. **SITING STANDARDS:**

- A. The siting requirements may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for growing trees. Dwellings and structures shall be sited on the parcel so that:
 - 1. They have the least impact on nearby or adjoining forest or agricultural lands; and
 - 2. The siting insures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
 - 3. The amount of forest lands used to site access roads, service corridors, the dwelling, and

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structures is minimized; and

4. The risks associated with wildfire are minimized.

B. The applicant shall provide evidence to the review authority that the domestic water supply is from a source authorized in accordance with the Water Resources Department's Administrative Rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

2. A water use permit issued by the Water Resources Department for the use described in the application; or

3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well or is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

06. FIRE SAFETY DESIGN STANDARDS:

A. Roads and driveways should be wide enough for fire equipment.

B. There should be more than one entrance or exit to a dwelling.

C. Dead-end roads and cul-de-sacs should be large enough for fire equipment to turn around.

D. A fuel break of at least 30 feet shall be provided and maintained around all structures. A secondary fuel break shall be constructed and maintained in accordance with Recommended Fire Siting Standards for Dwellings

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Dwellings and Structures and Fire Safety Design Standards for Roads (Oregon Department of Forestry, March 1, 1991).

1. All brush and trees that are touching the structures shall be removed.
 2. Trees shall have limbs pruned 8 to 10 feet above the ground.
- E. Roofs shall be made of non-flammable material.
- F. All vents and other openings should be screened.
- G. Chimneys shall have a spark arrestor.
- H. The water source for fire protection should be an independent system.
- I. Water stand pipes should be located at least 50 feet from the dwelling.
- J. A dwelling shall not be sited on a slope greater than 40 percent.
- K. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the Planning Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the Planning Director may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage, or other methods that are reasonable given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that

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from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road accesses shall be provided to within 15 feet of the water's edge for fire-fighting pump units. The road access shall accommodate turn-around ability for fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

07. STOCKING STANDARDS:

- A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry Administrative Rules.
- B. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
- C. The property owner shall submit a stocking survey report to the County Assessor, and the County Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met.
- D. Upon notification by the County Assessor the Department of Forestry will determine whether the tract meets the minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

SECTION 16.030, SPECIAL NOTIFICATION: Ditch companies that may be affected by a partition, subdivision, or change in land use being considered for approval shall receive notification.

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The Oregon Department of Fish and Wildlife and Oregon State Forestry shall receive notification of all partitions and subdivision applications.

SECTION 16.035, 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.

ARTICLE 17

RURAL RESIDENTIAL

SECTION 17.010, PURPOSE: The purpose of the Rural Residential Zone is to provide areas suitable for small acreage parcels and to maintain a buffer between urban and farm or forest uses.

SECTION 17.015, PERMITTED USES: In an Rural Residential Zone, the following uses and their accessory uses are permitted:

01. Permitted uses in an Exclusive Farm Use Zone.
02. Permitted uses in a Timber Grazing Zone.
03. Single-family dwellings.
04. Accessory buildings normally associated with single-family dwellings.

SECTION 17.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY IN A RURAL RESIDENTIAL ZONE: The following uses and their accessory uses are permitted, subject to the provisions of Article 9, Conditional Use Permit.

01. Park, playground, or community center.
02. Golf course.
03. School.
04. Radio, television station, and transmitter or tower.
05. Cemetery.
06. Home-based occupation.
07. Single-family residences on acreage less than the minimum required by Section 17.025 (1).
08. Residential care homes and facilities.

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SECTION 17.025, PROPERTY DEVELOPMENT STANDARDS:

01. PARCEL SIZE:

In an Rural Residential Zone, the minimum lot size shall be five acres. Parcels as lot of record of less than five acres in size - ORS 92.017.

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. A cul-de-sac with a radius of not less than 50 feet shall be provided at the terminus of the access.

03. SETBACKS:

PROPERTY LINES - Not less than 25 feet - exception fences and signs.

STATE HIGHWAYS - Not less than 100 feet.

04. FRONTAGE:

All lots shall have, at a minimum, 60 feet of access frontage.

SECTION 17.030, 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.

ARTICLE 18

RECREATION RESIDENTIAL--R-2

SECTION 18.010, PURPOSE: The purpose of the Recreation Residential Zone is to provide minimum standards for residential development and recreational uses in areas of Wallowa County that visitors from outside the County are attracted to for natural and man-made amenities. The minimum standards of this Article are intended to:

01. Stabilize and improve property values.
02. Preserve and enhance an area's attractiveness to visitors and residents of Wallowa County.
03. Foster civic pride in natural and man-made amenities.
04. Strengthen the economy of Wallowa County.

SECTION 18.015, PERMITTED USES: In the Recreation Residential Zone, 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. Non-conforming uses (including short-term rentals), **temporary uses (including the keeping of larger animals)**, and applications not meeting all design standards of 18.030 shall be subject to **ADMINISTRATIVE REVIEW**.

01. Single-family dwellings. Modular and manufactured homes that meet all design standards permitted.
02. Accessory structures customarily provided in conjunction with a single-family dwelling.
03. A second single-family dwelling on a lot or parcel provided the minimum **parcel size and setbacks** of Section 18.035 are met.
04. Floats and docks subject to Article 37, Wallowa Lake Float, Dock, and Surface Area.
05. Utility and communication facilities necessary for local service and excluding any facilities for generating power for public use.
06. Temporary uses subject to Article 13, Temporary Use Permit (Administrative Review).
07. The keeping of animals other than dogs, cats, and common household pets is allowed only by Temporary Use Permit.

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08. Short-term rental (thirty (30) days or less) of non-commercial residential dwellings subject to the following provisions:

A. Criteria:

1. A 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.

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, 166, 810, 196 and 459.
 - b. 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.
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.

09. Subject to the provisions of this article and the provisions of Article 3, Ministerial Review, a single family dwelling or other permitted 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. 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 18.020, CONDITIONAL USES PERMITTED: The following uses may be established in the Recreation Residential Zone subject to public hearing review for compliance with requirements of Article 9, Conditional Use Permit, and other provisions of this ordinance.

- 01. Home-based occupations subject to provisions of Article 35, Home-Based Occupation.
- 02. Schools.
- 03. Private and public parks and playgrounds.

SECTION 18.025, 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 18.030, DESIGN STANDARDS: For both Permitted and Conditional uses in the Recreation residential 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 25 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 twenty-five 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, and T-1-11 paneling. Other siding materials subject to Administrative Review. Colors shall be chosen from a color chart which is available for review in the Planning Department, shall be non-reflective, and conform 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. **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 18.035.03 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 shall conform to Article 34, Signs.

05. **PARKING:** One off-street parking place per bedroom shall be supplied. No parking shall occur in a road easement or right of way.

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 stabilized with appropriate cover vegetation.

07. **ARTIFICIAL LIGHTING:** Flickering and bright sources of illumination 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. **UTILITY SERVICES:** 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.
11. **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.
12. **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 18.035, 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

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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 Recreation Residential, R-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 18.035.03 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 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. See Article 32, road design.

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

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04. **SETBACKS:** To insure setback requirements are met, setback and service district easement lines shall be flagged. Before construction is begun, a setback inspection shall be requested by the property owner and may be performed by the Planning Department. 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.

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

REAR YARD: Not less than **15** feet from the property line.

The front or rear yard setback may be decreased to 15 and 10 feet respectively, provided there is a corresponding increase in the setback for the opposite or side yard.

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 18.040, SPECIAL LIMITATIONS: Some uses and structures have been determined to be potentially non-compatible with the Recreation 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.

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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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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.

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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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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.

ARTICLE 21

RURAL SERVICE

SECTION 21.010, PURPOSE: The purpose of the Rural Service Zone is to provide standards for establishment of commercial uses servicing the needs of rural residents and limited tourist commercial services consistent with the maintenance of the rural character of the area.

SECTION 21.015, PERMITTED USES: In the Rural Service Zone the following uses and their accessory uses are permitted.

01. Farming - excluding livestock feed or sale yards.
02. Non-farm, single-family dwelling.
03. Retail store, office, or service establishment limited to a total of 5,000 square feet.
04. Automobile service station.
05. Park, playground, or community building.
06. Church or school.
07. Utility facility.
08. Restaurant.
09. Home-based occupation, subject to Article 35, Home-Based Occupations.

SECTION 21.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY: In the Rural Service Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permit.

01. Recreational facilities and commercial activities provided in conjunction therewith.
02. Tourist or traveler accommodations.

03. Automobile repair garage.
04. Mobile home and travel trailer parks.
05. Multi-family dwellings not exceeding the property - development standards.

SECTION 21.025, PROPERTY DEVELOPMENT STANDARDS:

01. LOT SIZE:

- A. The minimum average width of lots served by an approved community or public water system and an approved community or public sewage system shall not be less than 50 feet with a minimum area of 6,000 square feet.
- B. The minimum average width of lots served by either an approved community or public water system or an approved community or public sewage system, but not served by both, shall not be less than 100 feet with a minimum area of 15,000 square feet.
- C. The minimum average width of lots not served by either an approved community or public water system or an approved community or public sewage system shall be 150 feet with a minimum of one acre.

02. DIMENSIONAL STANDARDS:

- A. **LOT COVERAGE:** The main building and accessory buildings located on any building site or lot shall not cover more than 30 percent of the total lot area.
- B. **BUILDING HEIGHT:** No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height.

03. SETBACKS:

FRONT YARD - Not less than 20 feet from a property line.

SIDE YARDS - No structural appendage (eves, overhangs, decks, etc.) shall extend within 10 feet from a property line.

REAR YARD - Not less than 10 feet from a property line.

STREAMS - Not less than 200 feet.

04. **PARKING:**

Parking shall be in accordance with Article 33, Parking.

SECTION 21.030, 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.

ARTICLE 22

INDUSTRIAL

SECTION 22.010, PURPOSE: The purpose of this zone is to provide areas for industrial activities which may require large land areas and to preserve those areas from being developed with such uses as residential that would inhibit or eliminate the future potential for industrial development.

SECTION 22.015, PERMITTED USES: The following uses, substantially similar uses, and their accessory uses are permitted in the Industrial Zone subject to Administrative Review.

01. Retail, wholesale, or service business establishment.
02. Lumber yards and retail - including mill works.
03. Machine shops.
04. Bottling works.
05. Equipment storage yards.
06. Hauling, freighting, and trucking yards or terminals.
07. Wholesale businesses, storage buildings, or warehouses.
08. Manufacturing, compounding, assembling, or treating products.
09. Concrete or ready-mix plants.
10. Resource uses of the Exclusive Farm Use and Timber Grazing Zones.
11. Home-based occupation where a new dwelling is not proposed in conjunction therewith.
12. Hospitals, healthcare, and medical facilities.
13. Correctional, emergency services, and law enforcement facilities.

14. Other industrial uses as long as the impacts on surrounding properties and uses are no greater than that of the above permitted uses.
15. Subject to the provisions of Article 3, Ministerial Review, an existing single family dwelling may be altered, restored, or replaced providing:
 - A. The dwelling to be replaced meets all of the following criteria:
 1. It was lawfully created; and
 2. Has intact exterior walls and roof structure; and
 3. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; and
 4. Has interior wiring for interior lights; and
 5. Has a heating system; and
 6. Will be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling; and
 7. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

SECTION 22.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY: In the Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permit.

01. A single-family residence necessary for the caretakers, watchperson, or the owner of the industry existing on the parcel. The residence shall be a temporary structure *like a* manufactured dwelling or an apartment in conjunction with the business as a temporary use for the term of the business. Retention of the temporary dwelling shall be examined by the review authority after the original need has ceased, or the property is sold and the review authority may require the residence, including the foundation and other related structures, to be removed or converted to a permitted use at the owners expense.
02. Automobile wrecking yard.
03. Other industrial uses where the impacts on surrounding properties and uses is greater

than that of uses permitted in Section 22.015.

SECTION 22.025, PROPERTY DEVELOPMENT STANDARDS: The following standards are applicable to permitted and conditional developments in the Industrial Zone.

01. **POTENTIAL IMPACTS**

AIR QUALITY - The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone.

NOISE - As permitted under all laws and regulations.

STORAGE - Materials shall be enclosed within a structure or concealed behind sight-obscuring screening.

BUFFER - Where the Industrial Zone adjoins a zone other than the Industrial or Recreation Commercial Zone there shall be a buffer area of a depth adequate to provide for a natural visual landscape buffer or such other screening measure as may be prescribed by the review authority.

VIBRATION - No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.

HEAT AND GLARE - Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.

LIGHTING - Exterior lighting shall be directed away from adjacent property.

ELECTRICAL - No electrical interference shall be permitted which is discernible at the property line of the use concerned.

02. **PARCEL SIZE:** In the Industrial Zone the minimum lot size shall be five acres except if either a community water or sewer system is available for use then minimum lot area may be two acres, or if both are available for use the minimum lot area shall be determined by the user provided that in no instance shall the lot be less than 0.5 acre.

03. **SETBACKS:**

PROPERTY LINE - Not less than 25 feet - exception fences, roads, and signs.

STREAMS OR WETLANDS - Not less than 100 feet.

04. **FRONTAGE:** All lots shall have a minimum 60 feet of access frontage.
05. **PARKING:** Off-street parking shall be required in accordance with Article 33, Parking.
06. **MAXIMUM INDUSTRIAL USE FLOOR AREA:** The maximum square footage in a building for a single allowable permitted use shall not exceed 35,000 square feet of floor area.
New buildings for industrial use or uses exceeding 35,000 square feet may be approved as a Conditional Use if found, through the Public Hearing process, to maintain the industrial zone as “rural” consistent with Goal 14, and if the proposed development or use does not exceed the carrying capacity of the land, the scale of development is appropriate to the size of the parcel and the surrounding area, and there is an adequate plan for infrastructure including, but not limited to, transportation, parking, water, and sewer.

There is no size limitation for uses that are for the primary processing of raw materials produced in rural areas or for commercial or industrial uses related to agriculture.
07. **LAWFULLY ESTABLISHED PREEXISTING USES:** A lawfully established use that existed on or before the date of adoption of this amended Article may be expanded to a maximum of 35,000 square feet of floor area per use or an additional 25 percent of the floor area currently occupied by the existing use, whichever is greater.
08. **SALMON HABITAT RESTORATION:** Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.
09. **SCENIC WATERWAYS, WILDLIFE HABITAT, WETLANDS AND RIPARIAN CORRIDORS:** Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.

ARTICLE 23

RURAL COMMERCIAL

SECTION 23.010, PURPOSE: The primary purpose of the Rural Commercial Zone is to provide a district for a limited number and type of commercial enterprises which depend on proximity to major streets or arterials for trade or transportation, require lot sizes larger than are typically available within Urban Growth Boundaries, and are compatible with surrounding areas.

SECTION 23.015, PERMITTED USES: In the Rural Commercial Zone the following uses and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Farm uses and associated accessory buildings.
02. Single-family dwellings.

Section 23.020 BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY: In an Rural Commercial Zone the following uses may be established, subject to the requirements of Article 9, Conditional Use Permit:

01. Public/private outdoor recreation facilities.
02. A casting foundry with associated retail sales.
03. Home-Based occupations as described in Article 35, Home-Based Occupation.
04. Commercial activities in conjunction with farm use.
05. Office spaces.
06. Structures and facilities for non-profit agencies and governmental agencies rendering specialized services not involving retail trade with the general public nor maintaining a stock of goods for sale.
07. Assembly/meeting halls owned by non-profit organizations, churches, and other buildings of worship.

worship.

08. Private and public stables.
09. Horticultural nurseries and commercial greenhouses.
10. Limited expansion or remodeling of those structures in non-conforming use existing as of August 1, 1985.

SECTION 23.025, PROPERTY DEVELOPMENT STANDARDS:

01. **LOT SIZE:** In the Rural Commercial Zone the minimum lot size shall be determined by the Department of Environmental Quality evaluation of adequacy to the lot to support a subsurface sewage system and independent water source. Department of Environmental Quality evaluation will be required for every proposed partition. In no situation will the lot be less than five acres in size.

02. **SET BACK:** The setbacks in the Rural Commercial Zone shall be as follows:

FRONT YARD - Not less than 25 feet.

SIDE YARD - Not less than 20 feet.

REAR YARD - Not less than 20 feet.

STATE HIGHWAY - Not less than 100 feet.

03. The following standards shall govern the application of uses in

A. If the parcel abuts a state or county road, proof of access permission from the responsible agency must be secured.

B. In the Rural Commercial Zone, off-street parking shall be provided in accordance with Article 33, Parking.

C. Visual barriers will be employed to shield new construction.

SECTION 23.030, 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.

ARTICLE 24

WATERSHED PROTECTION AREA

SECTION 24.010, PURPOSE: It is the finding of Wallowa County that continued residential development, selected agricultural practices, and certain industrial and commercial uses pose a threat to the City of Enterprise's municipal water source, and if left unregulated, such use and development poses an immediate and unacceptable threat to the public health, safety, and welfare of more than 2,000 residents dependent upon that water source. The purpose of this Watershed Protection Area is to provide additional restrictions upon uses permitted outright or conditionally in the underlying zones in order to protect the purity of the City of Enterprise's municipal water source. The zoning maps for Wallowa County shall designate areas to be encompassed by the Watershed Protection Area designation. The Watershed Protection Area designation on the zoning maps shall be in addition to the zone as described by this ordinance as applied to the area within described by this ordinance as applied to the area within the Watershed Protection Area.

SECTION 24.015, ADDITIONAL RESTRICTIONS: Within the Watershed Protection Area designated on the zoning maps, the additional restrictions, prohibitions, and requirements set forth in Sections 24.010 through 24.080 shall apply and where inconsistent with the provisions of the underlying zone or other provisions of this ordinance or other ordinance shall supersede same.

SECTION 24.020, LIVESTOCK RESTRICTIONS: Maintenance of domestic livestock within the Watershed Protection Area is subject to the following restrictions and limitations:

01. **DEFINITIONS:**

- A. As used herein; animal unit means: one cow and calf; one horse, donkey or mule; two pigs; or five sheep.
- B. Density means: the number of animal units carried per acre of pasture or other fenced enclosure shall be calculated based upon the number of animal units maintained in a fenced enclosure. Enclosure of livestock for limited times and durations, on portions of a parcel at night for customary or usual calving and normal and customary animal husbandry purposes (other than livestock feeding) shall not be subject to the density limitations of this section.

02. **LIMITATIONS ON DENSITY:** In the Watershed Protection Area the following

limitations shall apply to the keeping of domestic livestock:

- A. Within 1,000 feet of a spring utilized as a municipal water source, the maximum density shall be two animals units per acre.
- B. In all other areas of the Watershed Protection Area, the maximum density shall be ten animal units per acre.
- C. At no time shall the maintenance of domestic livestock up to the density limits set forth above be such as to result in an accumulation of animal waste that could cause, materially contribute to, or create a material risk of any adverse effect upon the city of Enterprise's municipal water source.

03. **APPLICABILITY OF DENSITY RESTRICTIONS:** Restrictions contained in this section shall be applicable to all livestock operations within the Watershed Protection Area - including those established prior to the effective date hereof. Existing livestock uses not in conformance with the limitations contained herein shall be in compliance with the terms hereof within 120 days of the effective date of this ordinance.

SECTION 24.025, STORAGE OF CROPS: No storage of potatoes or other putrescent crops which are likely to ferment or rot is permitted within 1,000 feet of the diversion point for any of the City of Enterprise's springs as marked upon the ground by the City. Beyond 1,000 feet storage of potatoes or other putrescence crops likely to ferment or rot is permitted if stored in silos or other storage facility adequate to insure there will be no leaching into the groundwater.

SECTION 24.030, CHEMICAL APPLICATIONS: Application of fertilizer pesticide, and herbicide is prohibited within 500 feet of the City of Enterprise's springs unless authorization for such application is received from the Wallowa County Court. Aerial application of fertilizer, pesticide, and herbicide is prohibited within one-fourth mile of the City of Enterprise's springs as designated on the ground.

SECTION 24.035, FUEL STORAGE: Storage of gasoline, fuel oil, diesel or other petroleum distillates (hereafter "fuel storage") is subject to the following restrictions and limitations.

- 01. **PROHIBITED FUEL STORAGE:** No fuel storage is permitted within 1,000 feet of the City of Enterprise's springs.
- 02. **FUEL STORAGE PERMITTED OUTRIGHT:** At a distance in excess of 1,000 feet of the City of Enterprise's springs, fuel storage is permitted outright in above-ground tanks not to exceed 500 gallons in capacity provided that a

buried tank may be installed for the purpose of storing fuel of a type which is required to be stored in buried tanks under provisions of Oregon Law. Up to four separate 500 gallon fuel storage tanks, which are not cross-connected for storage of a particular fuel type, may be permitted outright under this subparagraph.

03. **FUEL STORAGE PERMITTED CONDITIONALLY:** Fuel storage tanks in excess of 500 gallons are permitted only as a conditional use within the Watershed Protection Area upon the Planning Commission's findings that:
- A. There is a need for said fuel tank within the Watershed Protection Area that cannot be reasonably satisfied by the applicant in an alternate location outside the Watershed Protection Area
 - B. The applicant has a need for storage of fuels in tanks of the capacity requested that cannot reasonably be met by fuel tanks permitted outright or of a size smaller than requested.
 - C. In the event of a major spill or leak involving the proposed tank and after consideration of any impoundment or other mitigating measures proposed or required by this ordinance or the Planning Commission; said spill will not cause, materially contribute to, create a material risk of, or have an adverse effect upon the City of Enterprise's water source. All such permits shall require (as condition thereof) compliance with the standards contained in 24.035(4).
04. **REQUIRED PROTECTIVE MEASURES:** In the event a permit is granted for a fuel storage tank under this 24.035 (3), the Planning Commission shall require all above ground tanks of 1,000 gallons or more to have a berm and an impervious surface installed to provide a catch basin to contain any fuel spills. In the event a buried fuel storage tank of 1,000 gallons capacity or more is approved; installation of monitoring wells adequate in number, location, and design to detect any leakage from said fuel tank shall be required.
05. **PRE-EXISTING BURIED TANKS:** Within one year from the effective date of this ordinance, all existing buried fuel tanks of 1,000 gallons capacity, or more, shall be abated unless a permit is obtained for said tank and monitoring wells installed within the said one year period or within such other time as may be imposed by the Planning Commission. It is the intent of this subsection to require all existing buried fuel storage tanks over 1,000 gallons to be removed unless they meet the criteria specified in 24.035(3)(4) - including installation of monitoring wells.
06. **PRE-EXISTING ABOVE GROUND TANKS:** All existing above ground tanks

in excess of 5,000 gallons capacity shall be abated within one year of the effective date of this ordinance unless a permit is received under 24.035(3) above. It is the intent of this subsection to require removal of all such tanks that are not in compliance with the criteria specified in 24.035(3) (4) - including installation of a berm and impervious surfaces.

07. **PUBLIC NUISANCE:** All leaking fuel storage tanks within the Watershed Protection Area are hereby declared a public nuisance; therefore, Wallowa County, the City of Enterprise, or any affected person may maintain an action in circuit court for the State of Oregon to obtain an order requiring the abatement of any such leaking fuel tank.
08. **MONITORING WELLS:** Whenever monitoring wells are required to be installed under the provisions of 24.035(4); a monitoring well or wells adequate in depth, design, and proximity to the fuel tank to have reasonable assurance of detection of leaking fuel into the ground water shall be required and, depending upon topography, more than one monitoring well may be required. The monitoring well facilities required may be varied in accordance with the risk to the City of Enterprise's water source created by the proposed fuel tank and a greater number of wells and more stringent specifications may be required for fuel tanks which, due to size or proximity to the water source, create serious risks to the purity of such water source.
09. **PERMISSION TO DRAW SAMPLES:** Under the provisions of 24.035 (4), it shall be a condition of any permit for a fuel storage tank which requires monitoring wells that the owner of the property on which said monitoring wells are installed shall grant permission to responsible officials of either the City of Enterprise, the County of Wallowa, the State of Oregon, or the United States Government to enter said premises at reasonable times and reasonable hours for the purpose of drawing water samples from said monitoring wells. In the event that a property owner refuses to allow access to his property for said purpose, the permit to install the fuel storage tank shall immediately terminate, and the fuel storage tank shall be immediately abated.

SECTION 24.040, CHEMICAL STORAGE: Storage of chemicals - including pesticides, herbicides, and fertilizers - is prohibited in the Watershed Protection Area (except as permitted by this Section or in conjunction with a use permitted by Section 24.050). Storage of chemicals in conjunction with farm and domestic use is permitted, but only in amounts customarily required for continuing the farm operation or for domestic use if stored above ground on a site protected from weather and stored in the manufacturer's containers or other approved storage means. Disposal of used or empty containers shall only be in the manner required by Oregon Law and at sites approved under Oregon Law. Storage of chemicals in conjunction with a commercial application business is prohibited in the Watershed Protection Area

(except as permitted at the Joseph Airport). Storage and handling of chemicals in exclusive conjunction with an aerial application business is prohibited at the Joseph Airport unless the airport has a pesticide management site plan in full compliance with Federal and Oregon Law and as approved by the Oregon Department of Environmental Quality. Pending development and implementation of a pesticide management site plan, aerial application activity may occur from the airport provided the Planning Director issues a zoning permit, and the applicant provides evidence that an interim management plan has been accepted by the Department of Environment Quality for the operation. The Planning Director's permit shall be good for a period of 12 months. Utilization of the airport for application of fire retardant shall comply with the provisions required for other chemicals associated with aerial application.

SECTION 24.045, SOLID WASTE DISPOSAL: On-site disposal of putrescent waste, garbage, or other solid waste is prohibited within the Watershed Protection Area. Solid waste transfer sites, as cited and approved by the Department of Environmental Quality, may be permitted within the Watershed Protection Area provided the site is found to present no threat to the City of Enterprise's springs.

SECTION 24.050, COMMERCIAL AND INDUSTRIAL USES: Commercial and industrial uses are permitted when allowed in the underlying zone subject to the procedures and restrictions in the underlying zone and subject to the following additional limitations and restrictions:

01. New commercial and industrial uses or change in uses or the enlargement and alteration of commercial and industrial uses existing as of the effective date of this ordinance and permitted outright in the underlying zone are permitted outright in the Watershed Protection Area when no chemicals or other products are used, produced by, or commonly associated with the activity which (in the event of introduction of a large quantity thereof into the ground water) might cause or materially contribute to or create a material risk of or cause any adverse effect upon the City of Enterprise's municipal water source.

02. A new commercial or industrial use or change in use not permitted outright under 24.050(1) may be permitted by the Planning Commission after issuance of a special use permit following public hearing and upon a finding that the proposed use (considering the quantity and character of the chemical or other product, the methods of use, and the distance from the City of Enterprise's municipal water source) would not have an adverse effect upon the City of Enterprise's municipal water source in the event of a major spill, improper storage and handling, or improper disposal of said chemical or other product. If said use is permitted outright in the underlying zone, review by the Planning Commission shall be limited to the determination of whether the standard contained in this subparagraph is met. Conditions may be imposed upon the

permit by the Planning Commission to insure protection of the City of Enterprise's municipal water source.

03. Enlargement or alteration of a commercial or industrial use existing as of the effective date of this ordinance or the addition of a process or ancillary facility in conjunction with a use existing as of the effective date of this ordinance, but not permitted outright under 24.050(1) may be permitted in the Watershed Protection Area. This may take place after issuance of a special use permit and upon finding the proposed enlargement or expansion of the use (considering the quantities and character of the chemical or other product, the method of use, and the distance from the City of Enterprise's water source) would not have an adverse effect, materially contribute to an adverse effect, or create a material risk of an adverse effect upon the City of Enterprise's municipal water source but only after consideration of any impoundment or other mitigating measures imposed by State and Federal Law, this ordinance, the Planning Director, or the Planning Commission.

Upon receipt of an application to enlarge or alter an existing commercial or industrial use or to add a process or ancillary facility in conjunction with a pre-existing use, said permit not reviewable under the provisions of 24.050(1), the Planning Director shall notify the City of Enterprise. Prior to scheduling a public hearing before the Planning Commission, shall arrange a conference to be attended by the applicant, the City's representative, and the Planning Director. The purpose of the conference shall be to review the application, the nature of the processes, chemicals, and the impoundment and other mitigating measures to be employed by the applicant to comply with the standards of 24.050(3). If, following the conference, the City of Enterprise and the applicant are in agreement and the application meets the burden of proof set forth in 24.050(3), the Planning Director shall proceed to review and issue the special use permit under the procedures set forth in Section 24.080(1). If, following the conference, the City of Enterprise and the applicant cannot reach agreement as to the compliance of the application to the standards set forth in 24.050(3), the Planning Director shall schedule a public hearing before the Planning Commission as required by Section 24.080(1). Failure to conduct the conference within 45 days of the date of the application's submission shall require the Planning Director to schedule the hearing before the Planning Commission. If the proposed use or development is permitted outright in the underlying zone, review by the Planning Director or Planning Commission shall be limited to determination of the application's compliance with the standards set forth in 24.050(3). In the event the proposed use complies with Federal and State Laws and Regulations, the City of Enterprise, or other opponent, shall have the burden of coming forth with evidence sufficient to provide a reasonable basis for concluding that said State and Federal Laws and Regulations are inadequate to assure compliance with the standards set forth

in 24.050(3). Upon presentation of such evidence, the burden shall shift to the Planning Director or Planning Commission which insure the protection of the City of Enterprise's municipal water source.

SECTION 24.055, RESIDENTIAL USES: Within the Watershed Protection Area the minimum lot size allowed for single-family dwellings shall be five acres.

SECTION 24.060, SEPTIC TANKS: No septic tank or other on-site subsurface sewage disposal system shall be installed within 300 feet of the City of Enterprise's springs. Privies shall not be permitted within the Watershed Protection Area - except for portable privies used on a temporary basis in conjunction with construction activity.

SECTION 24.065, OTHER USES: In the event that any use otherwise permitted, either outright or conditionally, in the underlying zone will cause, materially contribute to, or create a material risk of any adverse effect upon the City of Enterprise's municipal water source; said use is prohibited unless permitted by the Planning Commission subject to conditions adequate to assure the protection of the City of Enterprise's water source. The burden of proving the adverse effect shall be upon the City of Enterprise or other opponent of the use.

SECTION 24.070, USE REVIEW REQUIRED: In addition to the uses and developments requiring permit application and review under the provisions of the underlying zones, the following uses and developments shall require review and authorization by the Planning Director or Planning Commission.

01. Storage of crops pursuant to Section 24.080(1).
02. Fuel storage as provided for in Section 24.050.
03. Chemical storage at the Joseph Airport pursuant to Section 24.080(2), the Planning Commission to be the review authority.

SECTION 24.075, VARIANCE: Following public hearing, a Variance to a regulation or restriction enacted through the Watershed Protection Area which affects a use or development permitted by or unregulated within the underlying zone may be permitted by the Planning Commission provided the requested variance:

01. Relates solely to a regulation or restriction of the Watershed Protection Area and is not a variance which can be heard pursuant to the provisions of Article 8, Amendments.
02. The variance is the minimum variance necessary to alleviate a hardship on the property owner related to the use and enjoyment of the property caused by the regulation or restriction as enacted within the Watershed Protection Area.

03. The Planning Commission finds the variance will not cause, materially contribute to, or create a material risk of any adverse effect upon the City of Enterprise's municipal water source - under reasonably possible hydrological or geological conditions.

SECTION 24.080, BURDEN OF PROOF: The burden of proof shall be upon the applicant except where specifically provided to the contrary.

SECTION 24.085, PROCEDURES: In addition to the review procedures specified in this ordinance, the following review procedures shall apply to all land within the Watershed Protection Area.

01. **ADMINISTRATIVE ACTION:** The following procedures shall apply to review and authorization of uses and developments permitted outright in the underlying zone or requiring review and authorization under Section 3.010 and 3.015 and which do not require notice be given or public hearing be conducted.
 - A. The Wallowa County Planning Department shall provide the City of Enterprise written notice of review for all applications requiring administrative action. The notice of review shall provide the City no less than 30 days to review the application and provide a written response.
 - B. The Planning Director shall take final action on an application brought forth under this 24.085 no sooner than 31 days following the date of the notice of review or upon receipt of the City of Enterprise's written response whichever occurs first. The Planning Director shall inform the city of all final actions taken on applications reviewed administratively. The notice of final action given to the City of Enterprise shall include the findings of act used to establish conformance with the requirements and restrictions of the Watershed Protection Area and any conditions of approval related to the requirements and restrictions contained herein on the grounds for denial of the application.
 - C. Applications for single-family dwellings permitted in the underlying zone shall be exempt from the notice of review procedures of the above provided the residence is to be sited on a lot or parcel no less than five acres in size, and the residence is to be sited no closer than one-fourth mile from the City of Enterprise's springs.
02. **REVIEWS REQUIRING NOTICE OF HEARING:** The following procedures shall apply to all permit reviews which require notice and/or hearing. These include home-based occupation permits, conditional uses, non-conforming

uses, variances, reviews, zone ordinance text and/or map amendment, land use plan text and/or map amendments and uses or developments requiring such review.

- A. The City of Enterprise shall be given written notice of all applications to the Planning Department which fall within the above categories and which relate to lands within the Watershed Protection Area.
 - B. The City of Enterprise shall be given no less than 30 days to review the application and prepare a written response to the Planning Director or for submission into the record of the hearing before the Planning Commission whichever is the review authority.
 - C. The City of Enterprise shall be notified, in a timely manner, of all final actions taken on applications subject to these review procedures. The decision of the Planning Director shall be rendered no sooner than 31 days from the date of notice to the City of Enterprise or upon receipt and review of the City of Enterprise's written response whichever occurs first. The notice of decision by the Planning Director or Planning Commission shall include the findings of fact used to establish conformance with the regulations and restrictions of the Watershed Protection Area. The conditions of approval related to the Watershed Protection Area regulations and restrictions are the grounds for denial of the application.
 - D. Hearings before the Planning Commission initiated solely by provisions of the Watershed Protection Area and not otherwise required shall be restricted to the single issue of the application's compliance with the relevant regulations and restrictions of the Watershed Protection Area.
03. **APPEAL:** The City of Enterprise shall have standing to appeal any actions taken by the Planning Director or Planning Commission on permits and other reviews within the Watershed Protection Area and for which the City of Enterprise is entitled to notice.

SECTION 24.090, SPECIAL PROCEDURES: In addition to the review procedures specified in this ordinance, the following review procedures shall apply to all land located within the Watershed Protection Area as designated in The Wallowa County Ordinance - Section 24.010 through 24.080.

- 01. **EXCLUDED DEVELOPMENTS:** There shall be excluded from the procedures and requirements of 24.090 all residential minor partition applications if the site thereof is more than 1,320 feet from the exterior boundary of the City of Enterprise's municipal water source provided the residential use is permitted

outright in the underlying zone and none of the parcels are less than five acres in size. All other partitions and subdivisions shall be subject to review under the procedures of this section.

02. REVIEWS REQUIRING NOTICE:

- A. The City of Enterprise shall be given written notice of all applications submitted to the Planning Department for minor partitions, major partitions, subdivisions, and amendments to the text of this ordinance which relate to any lands and zones within the Watershed Protection Area.
- B. Notice of review to the City of Enterprise shall give the City no less than 30 days to review the requests and prepare a written response to the Wallowa County Planning Director or Planning Commission whichever is responsible for the review and decision.
- C. The Planning Director shall inform the City of Enterprise of all final actions taken on applications for minor partitions, major partitions, subdivisions, or amendments to the text of this ordinance relating to lands within the Watershed Protection Area. Said notice of action given to the City of Enterprise shall include the factual evidence used to establish conformance with the requirements and restrictions of the Watershed Protection Area contained in the Wallowa County zoning ordinance or grounds for denial of the application.
- D. The City of Enterprise has standing to appeal any action taken by the Planning Director or Planning Commission on land division applications issued within the Watershed Protection Area and for which the City of Enterprise is to receive notice.

ARTICLE 25

FLOOD and NATURAL HAZARDS

SECTION 25.010, PURPOSE: It is the finding of Wallowa County that some areas of unincorporated Wallowa County are subject to periodic inundation and other natural hazards which adversely affect the public health, safety, and general welfare. The purpose of the Flood and Natural Hazards Article is to provide additional restrictions upon uses permitted outright or conditionally in the underlying zones in order to minimize public and private losses due to flood conditions and other natural hazards and to promote the public health, safety, and general welfare. This article shall apply to all special flood hazard areas and areas prone to other natural hazards within the jurisdiction of Wallowa County.

SECTION 25.015, DEFINITIONS: In addition to definitions listed in Article 1, 1.065, the following definitions shall apply to this Article. In the event of a conflict, the definitions in this article shall apply. Unless specifically defined, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

01. **Area of shallow flooding** means a designated AO or AH zone on the Flood Insurance Rate Map. The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
02. **Area of special flood hazard** means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year (100 year flood zone). Designation on maps always includes the letters A or V.
03. **Base flood** means: flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100 year flood zone. Designation on maps always includes the letters A or V.
04. **Basement** means: any area of the building having its floor subgrade (below ground level) on all sides.
05. **Development** means: any man-made change to improved or unimproved real estate, including but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of

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special flood hazard.

06. **Existing Manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain regulations.
07. **Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
08. **Flood or flooding** means: a general and temporary condition of partial or complete inundation of normally dry land area from:
 - A. The overflow of inland or tidal waters, and/or
 - B. The unusual and rapid accumulation of run off or surface waters from any source.
09. **Flood insurance rate map form** means the official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
10. **Flood insurance study** means the official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.
11. **Floodplain** means a land area adjacent to a river, stream, lake, estuary, or other body of water that is subject to flooding.
12. **Floodway** means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
13. **Lowest floor** means the lowest floor of the lowest enclosed area including a basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to

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render the structure in violation of the applicable non-elevation design requirements of Section 25.065(1)(B).

14. **Manufactured home** means a structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include “recreational vehicles.”
15. **New construction** means structures for which the start of construction commenced on or after the effective date of this article.
16. **Natural Hazard** means the following hazards, including but not limited to:
 - *Earthquakes,
 - *Slow or fast moving Landslides,
 - *Rock fall,
 - *Wildfires,
 - *Lahars (volcanic mud flows), Debris flows, Mud flows (plastic or liquid movements in which mass (e.g. soil and rock) breaks up and flows).
 - *Mudslides, debris flows or blocked culverts which cause or result from Section 25.015(08)(B),
 - *Severe wind events.

A Natural Hazard area is an area which has a history of, or is known or believed to be prone to or is discovered to be prone to site specific damage from the above hazards.

17. **Recreational Vehicle** means a vehicle which is:
 - A. Built on a single chassis;
 - B. 400 square feet or less when measured from the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a one ton or less truck;
and;
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
18. **Start of construction** includes substantial improvement and means the date the

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building permit was issued provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means: either the first placement of permanent construction of a structure on a site; such as, the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation; such as, clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings; such as, garages or sheds not occupied as dwelling units or not part of the main structure.

19. **Structure:** In addition to the definition in Article 1, Section 1.065 (101), structure means a walled roofed building including a gas or liquid storage tank that is principally above ground.
20. **Substantial Damage** means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
21. **Substantial Improvement** means any repair, reconstruction, or improvement of a structure where the cost equals or exceeds 50 percent of the market value of the structure either:
 - A. Before the improvement or repair is started, or
 - B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences - whether or not that alteration affects the external dimensions of the structure.

However, the terms do not include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- B. Any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

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22. **Variance** means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article. See Article 10, Variance.
23. **Water Dependent Use** means a structure for commerce or industry which cannot exist in any other location because the intrinsic nature of its operations is dependent on water.

SECTION 25.020, DESIGNATION OF THE ADMINISTRATOR: In accordance with the provisions of Article 1, Section 1.030, the Planning Director is hereby appointed to administer and implement this article.

SECTION 25.025, DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR: The duties of the Administrator shall include, but not be limited to:

01. Permit Review

- A. Review all development permits to determine that the permit requirements of this article have been satisfied.
- B. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development is located in a floodway. If located in a floodway, assure that the provisions of Section 25.075 are met.
- D. Review all development permits to determine if the proposed development is located in an area which might be impacted by a Natural Hazard. If located in such an area, insure that the provisions of Section 25.080 are met.

02. Use of Other Base Flood Data

When base flood elevation data is not available, the Administrator shall obtain, review and reasonably utilize available base flood elevation and floodway data as per Section 25.055.

03. Information to be Obtained and Maintained

The Administrator shall obtain and maintain information as per section 25.045.

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04. Interpretation of FIRM Boundaries

The Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location shall be given reasonable opportunity to appeal the interpretation as provided in Section 25.030.

SECTION 25.030, VARIANCE AND APPEAL PROCEDURE

01. Appeal Board

- A. The Wallowa County Planning Commission as established by the Wallowa County Board of Commissioners shall hear and decide requests for variances per Article 10, from the requirements of this article.
- B. The Wallowa County Planning Commission shall hear and decide appeals per Article 7, when it is alleged there is an error in any requirement, decision, or determination made in the enforcement or administration of this article.
- C. In reviewing such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding and erosion damage and due to Natural Hazard damage;
 3. The susceptibility of the proposed facility and its contents to flood and Natural Hazard damage and the effect of such damage on the individual owner;
 4. The importance of services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location or a location in a Natural Hazard area, where applicable;
 6. The availability of the alternative locations for the proposed use which are not subject to flooding or erosion damage or to Natural Hazard

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damage;

7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and the flood plain management program for that area;
 9. The safety of access to the property in times of flood or Natural Hazard for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
and;
 11. The cost of providing governmental services during and after flood or Natural Hazard conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E. Upon consideration of the factors of Section 25.030(D) and the purposes of this article, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- F. The Wallowa County Planning Department shall maintain the records of all appeal actions and report any variances involving flood hazards to the Federal Insurance Administration upon request.

02. Conditions for Variances

- A. Generally, the only condition under which a variance from the flood elevation standard may be issued is for new construction or substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 25.030(01)(D) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National

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Register of Historic Places, without regard to the procedures set forth in this section.

- C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon the determination that the variance is the minimum necessary, considering the flood hazard or Natural Hazard, to afford relief.
- E. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as described in Section 25.030(D), or conflict with existing local laws or ordinances.
- F. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- G. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 25.030(A) and otherwise complies with Sections 25.060(01 and 02) of the GENERAL FLOOD HAZARD STANDARDS.
- H. Any applicant to whom a variance in a flood hazard area is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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SECTION 25.035 ZONING PERMIT: A zoning permit shall be obtained before construction or development begins within any flood or natural hazard area - including filling. A zoning permit for development in a flood hazard area shall not be approved without all necessary permits having been acquired from those Federal, State, or local governmental agencies from which prior approval is required.

SECTION 25.040, APPLICATION: Application for a zoning permit shall be made on forms furnished by Wallowa County and must include but not be limited to plans drawn to scale on a topographic map showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, if located in a flood hazard area, the following information is required:

01. Elevation, in relation to mean sea level, of the lowest floor - including basement of all structures.
02. Elevation, in relation to mean sea level, to which any structure has been flood proofed.
03. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 25.065(2).
04. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

SECTION 25.045, INFORMATION TO BE OBTAINED AND MAINTAINED: Wallowa County shall:

01. Where base flood elevation data is provided through the flood insurance study or required as in Section 25.055, obtain and record the actual elevation in relation to mean sea level of the lowest floor including basements of all new or substantially improved structures and whether or not the structure contains a basement.
02. For all new or substantially improved flood proofed structures:
 - A. Verify and record the actual elevation in relation to mean sea level.
 - B. Maintain the flood proofing certifications required in Section 25.040(3).
03. Maintain for public inspection all records pertaining to the provisions of this article.

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04. Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
05. Require that periodic maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
6. Create and maintain County maps indicating areas prone to Natural Hazards.
 - A. Evaluate the risks to people and property from development in identified Natural Hazard areas.
7. Maintain Permit records for development within areas prone to Natural Hazards. These records shall include, but not be limited to:
 - A. An evaluation of the effects of the proposed development on existing development.
 - B. An evaluation of the effects of the proposed development on the management of natural resources.

SECTION 25.050, FLOOD HAZARD AREA: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, The Flood Insurance Study for Wallowa County, dated February 17, 1988 with accompanying flood insurance rate maps is hereby adopted by reference and declared to be a part of this article. The Flood Insurance Study is on file at the Wallowa County Planning Department.

SECTION 25.055, USE OF OTHER BASE FLOOD DATA: When base flood elevation data has not been provided in accordance with Section 25.050 flood hazard areas; Wallowa County shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources in order to administer Sections 25.065 and 25.075. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for zoning permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding and will not have a negative impact on existing downstream structures.

The test of reasonableness is a local judgment and includes use of historical data, high-water marks, photographs of past flooding, etc. where available. Failure to elevate at least two feet above natural grade in these zones may result in higher insurance rates and denial of requested permit.

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SECTION 25.060, GENERAL FLOOD HAZARD STANDARDS: Applicants should understand that within the historical flood plain, streams and rivers can unpredictably change course and endanger property and structures. Wallowa County is under no obligation to protect private property or structures at public expense located within the floodplain. In addition to the following regulations, Wallowa County cautions that those who build within a floodplain do so at their own risk as far as the County is concerned.

The following standards are required in all flood hazard areas. In addition to flood hazard areas established by the Flood Insurance Study for Wallowa County, a flood hazard area may be established by side hill flows and by the potential disruption of side hill flows by mudslides, debris flows or blocked culverts.

01. Anchoring:

- A. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
- B. All manufactured homes must be anchored to prevent floatation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Reference FEMA's Manufactured Home Installation In Flood Hazard Area Guidebook for additional techniques, and State of Oregon Building Codes (2000 Oregon One and Two Family Dwelling Code and 1998 Oregon Structural Specialty Code).

02. Construction Materials and Methods:

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

03. Utilities:

- A. All new and replacement water supply systems shall be designed to minimize or

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eliminate infiltration of flood water into the system.

- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters and must be approved by DEQ.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

04. Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have roads designed and constructed to ensure access during flooding and to not cause flooding or make flooding worse.
- D. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and;
- E. Where base flood damage elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

SECTION 25.065, SPECIFIC FLOOD HAZARD STANDARDS: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 25.050, flood hazard area or Section 25.055, use of other base flood data, the following provisions are required:

01. **RESIDENTIAL CONSTRUCTION:**

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basements, elevated to one foot or more above base flood elevation, or two feet above the surrounding grade in unmapped areas.
- B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior

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walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.

1. A minimum of two openings having a total net area of not less than one square inch per square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one foot above grade.
 3. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
02. **NONRESIDENTIAL CONSTRUCTION:** New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- A. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - B. Have structural components capable of resisting hydro-static and hydrodynamic loads and effects of buoyancy.
 - C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to Wallowa County as set forth in Section 25.045(2).
 - D. Insure that nonresidential structures that are elevated but not flood proofed meet the same standards for space below the lowest floor as described in Section 25.065 (1)(B).
 - E. Insure that an applicant who is flood proofing nonresidential buildings be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level, for example, a building constructed to the base flood level will be rated as one foot below that level.
03. **MANUFACTURED HOMES:** All manufactured homes to be placed or substantially improved within zone A, no base flood elevations determined; AH, flood depths of 1 to 3

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feet [usually areas of ponding], base flood elevations determined; and AE, base flood elevations determined; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at one foot or more above the base flood elevation and securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 25.060(2)(B).

04. **RECREATIONAL VEHICLES:** Recreational vehicles placed on sites within Zone A, AH, and AE must either:
- A. Be on the site for fewer than 180 consecutive days;
 - B. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site by only quick disconnect type utilities and security devices, and have no permanently attached additions,
or;
 - C. Meet the requirements of Section 25.065(03) above and the elevation and anchoring requirements for manufactured homes.

SECTION 25.070, STANDARDS FOR SHALLOW FLOODING AREAS AO ZONE: Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- 01. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor - including the basement - elevated above the highest adjacent grade of the building site to one foot or more above the depth number specified on the FIRM - at least two feet above the natural grade if no depth number is specified.
- 02. New construction and substantial improvements of non-residential structures within AO zones shall either:
 - A. Have the lowest floor - including the basement - elevated above the highest adjacent grade of the building site to one foot or more above the depth number specified on the FIRM - at least two feet above the natural grade if no depth number is specified,
or
 - B. Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components

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having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 25.065(2)(C).

03. Provide adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures.

SECTION 25.075, FLOODWAY: Located within areas of special flood hazard established in Section 25.050 are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential; the following provisions apply:

01. Prohibit encroachments - including fill - new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
02. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 25.060 through 25.070.

SECTION 25.080, NATURAL HAZARDS: The purpose of this section is the identification of, and placement of additional restrictions on uses permitted outright and conditionally within areas subject to natural hazards other than flooding which adversely affect the public health, safety, and general welfare.

A. Permit Evaluation:

01. Initial Evaluation: Each development permit shall be initially evaluated on forms provided by the Planning Department to ascertain if the development is within a potential Natural Hazard area. This initial evaluation will be done by the Planning Department or its designee and shall be based on inventories, maps, area history and current status, photographs and other information. A Site Investigation is required if the area in question has experienced a mass earth movement or has a slope greater than 25%. The Planning Department or its designee may ask the Wallowa County Natural Resources Technical Advisory Committee to participate in the initial evaluation.
02. Site Investigation: If the Planning Department or its designee finds the development to be within a Natural Hazard area, then a Site Evaluation must be done by the applicant including an evaluation of the risk to people and property from developing in a permit specific Natural

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Hazard area. This evaluation shall include an assessment of:

- A. The type of Natural Hazard.
- B. The effects of new development in identified hazard areas on existing development, adjoining properties, and public rights of way; and
- C. The evaluation of the risk to people and property from natural hazards and shall include provisions to:
 - 1. Evaluate the risk to people and property from natural hazards. The evaluation shall include, but not be limited to:
 - A. The frequency and severity of the hazard, and
 - B. The limitations of identified hazard areas to sustain different types and intensities of land use. Open space, recreation and low density uses should be preferred in hazard areas; and the beneficial impact on natural resources and the environment from the occurrence of natural disasters.
 - 2. Avoid development in areas of high risk; and
 - 3. Prohibit, where appropriate, development of essential facilities (defined in ORS 455.447(1)(a)) in identified hazard areas.
- D. The effects of development in a Natural Hazard area on the management of natural resources.
- E. Expert analysis by a Registered Professional Engineer or Certified Engineering Geologist, at the expense of the applicant, in areas of extreme hazard or when requested by the Planning Director or Commission.
- F. The Planning Department or Commission may request an independent expert analysis. This analysis may be in addition to the applicant's analysis and, the permit fee shall be raised to cover the expense of the independent analysis.

B. PROTECTION STANDARDS

- 01. Earthquake - as Wallowa County is not an earthquake prone area and no areas of high seismic risk are known to exist, any development which meets existing siting and code standards is

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in compliance with this Article.

02. Wildfire - When a proposed development is determined to be in an area of Wildfire Hazard, if located within a resource zone, the development must meet the Fire Safety Design Standards of Article 16, Timber/Grazing. If located within a residential zone or an Exception Area, the development must meet the Fire Safety Standards of Article 18, Recreation Residential and if fire protection is not available, then the development must also meet the criteria of Article 16.025(06)(J and K).

03. Earth Movement and Debris Flow (Landslide, debris flow, rock fall, mud flow, Lahar)

A. The site evaluation for a development in an area of earth movement and debris flow must also include:

1. The adequacy of the grading and drainage plan for the collection and transmission of storm and ground water in order that the drainage from the proposed development will not adversely affect adjoining properties or public rights of way.
2. the effects of slope alteration (cut and fill) on erosion and run off for surrounding properties.
3. an evaluation of where the retention of existing vegetation and natural topographic features will be beneficial as a soil stabilizer or is of scenic significance.

B. The Wallowa County Natural Resources Technical Advisory Committee will review the site evaluation and make recommendations to the Review Authority.

04. Severe Wind Event - Wallowa County has been known to experience high winds. Due to the topography of the County, micro bursts from thunderstorms and winds channeled by valleys have done considerable damage. As it is difficult to predict where these events will occur, any development which meets existing siting and code standards is in compliance with this Article. However, in areas known to be prone to such events, buildings should be constructed to exceed normal standards, and siting and construction standards should take the likelihood of severe wind events into account.

C. AGENCY COORDINATION

01. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with

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hazard inventory information and technical assistance.

02. Local governments shall coordinate their land use plans and decisions with emergency preparedness and response programs. Special attention should be given to emergency access when considering development in identified hazard areas.
03. State hazard agencies shall assist local governments by developing model ordinances and hazard evaluation and risk assessment methodologies.

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ARTICLE 26

URBAN GROWTH - RESIDENTIAL

SECTION 26.010, PURPOSE: The purpose of the Urban Growth Zone is to provide areas for urbanized lands within established urban growth boundaries.

SECTION 26.015, PERMITTED USES: In the Urban Growth Zone, the following uses and accessory uses are permitted:

01. Uses allowed outright in an Exclusive Farm Use Zone.
02. Uses allowed outright in a Timber Grazing Zone.
03. Single-family dwellings.
04. Out buildings normally associated with single-family dwellings.

SECTION 26.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY: In the Urban Growth Zone, the following uses and their accessory uses are permitted, subject to the provisions of Article 9, Conditional Use Permit:

01. Park, playground, or community center.
02. Golf course.
03. School.
04. Hospital and nursing or retirement home.
05. Radio and television station transmitter or tower.
06. Cemetery.
07. Home-based occupations.
08. Single-family residences on acreage less than the minimum require by Section 26.025 of this ordinance.
09. Mobile home and/or trailer park.
10. Multiple-family dwellings.

SECTION 26.025, PROPERTY DEVELOPMENT STANDARDS:

01. **PARCEL SIZE IN THE URBAN GROWTH ZONE:** The minimum lot size shall be five acres. Exception: if a community water or sewer system is available for use then the minimum lot area shall be determined by the use provided that in no instance shall the lot be less than that required in a residential zone of the nearest incorporated city.

In the case of Section 26.020(10) - if neither a community water or sewer facility is available, the lot size shall be determined by the adequacy to support a subsurface sewage system and an independent domestic water source.

02. **ACCESS:** Residential lots shall be served by improved public access - exception: private access will be allowed where no more than two residential lots are to be served by the access and where there is no potential for further division to be served by the private access.

Where private access is to be used, the access shall be limited to 600 feet in length. A cul-de-sac with a radius of not less than 50 feet shall be provided at the terminus of the access.

03. **SETBACKS:**

PROPERTY LINES - Not less than 25 feet - exception: fences and signs.

~~**STATE HIGHWAY** - Not less than 100 feet.~~

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

05. **REDEVELOPMENT PLAN:** For placement of a dwelling, a redevelopment plan coordinated with future expansion of utilities.

ARTICLE 27

TIMBER COMMERCIAL

SECTION 27.010, PURPOSE: The purpose of the Timber Commercial is to provide areas for commercial forest activities and permit the establishment of only those new uses which are compatible with forest activities. The intention of the Timber Commercial Zone is to guarantee the preservation of the areas so classified for forest use free from conflicting non-farm, non-forest uses.

SECTION 27.015, PERMITTED USES: In the Timber Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

01. Cultivation, management, protection, and harvest of forest crops.
02. Farm uses.
03. Nonresidential buildings customarily provided in conjunction with farm and forest uses.
04. A single-family dwelling on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall not be a United States Forest Service road or Bureau of Land Management Road and shall be maintained and either paved or surfaced with rock. In addition, the following standards shall apply:
 - A. The tract or parcel upon which the dwelling is to be located was lawfully created prior to January 1, 1985;
 - B. The criteria of Section 16.025(5), (6) and (7) shall be met;
 - C. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat

Restoration;

- D. If the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the permit will not be considered to conflict with the habitat if located on a parcel of 160 acres. If a dwelling is located on a lesser size parcel, the Oregon Department of Fish and Wildlife shall be solicited for comment on potential conflict;
 - E. If the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed;
 - F. The lot or parcel on which the dwelling is to be sited must have been lawfully created;
 - G. The lot or parcel on which the dwelling is to be sited must have been acquired by the present owner prior to January 1, 1985 or by devise or by intestate succession for a person who acquired the lot or parcel prior to January 1, 1985. (Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.)
 - H. No other dwelling exists on the tract.
 - I. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
05. A single-family dwelling on a tract of at least 240 contiguous acres if no other dwelling exists on the tract. The criteria of Section 16.025(5), (6) and (7) shall be met. The application for the dwelling shall satisfy the pertinent criteria of Article 36, Salmon Habitat Restoration, and the requirements of the Wallowa

Wallowa County Comprehensive Land Use Plan and Zoning Articles.

06. A single-family dwelling on a tract of at least 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use where no dwelling exists on the tract. The applicant shall provide evidence that the covenants, conditions, and restrictions form provided by the Planning Department has been recorded with the Wallowa County Clerk or with the county where the property subject to the covenants, conditions, and restrictions is located. The criteria of Section 16.025(5), (6), and (7) shall be met. The application for the dwelling shall satisfy the pertinent criteria of Article 36, Salmon Habitat Restoration. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.

07. A single-family dwelling on a lot or parcel where no dwelling exists if the lot or parcel is composed of soils that are:
 - A. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993, on the other lots or parcels; and
 3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6 of this section shall be recorded with the Wallowa County Clerk for the other lots or parcels that make up the tract.

- B. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber it:
1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993, on the other lots or parcels; and
 3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6 of this section shall be recorded with the Wallowa County Clerk for the other lots or parcels that make up the tract.
- C. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993, on the other lots or parcels; and
 3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6 of this section shall be recorded with the Wallowa County Clerk for the other lots or parcels that make up the tract.

- D. If the tract contains 60 acres or more and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
1. Be located within a 160-acre rectangle one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream;
 2. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle and on the same side of the road or stream as the tract.
- E. If the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and is, to the maximum extent possible, aligned with the road.
- F. The criteria of Section 16.025(5), (6) and (7) shall be met, the pertinent criteria of Article 36, Salmon Habitat Restoration, shall be satisfied, and the application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
08. Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
09. Farm use as defined in ORS 215.203.

10. Local distribution lines, such as: electric, telephone, natural gas, etc.; accessory equipment, such as: electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals; or equipment which provides service hookups - including water service hookups.
11. Temporary portable facility for the primary processing of forest products.
12. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
13. Private hunting and fishing operations without any lodging accommodations.
14. Towers and fire stations for forest-fire protection.
15. Water intake facilities, canals, and distribution lines for farm irrigation and ponds.
16. Caretaker residences for public parks and fish hatcheries.
17. Uninhabitable structures accessory to fish and wildlife enhancement.
18. Temporary forest labor camps.
19. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons - including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to the well head.
20. Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465, Goal 8, Recreational Needs; and Article 20, Destination Resort Zone.
21. Alteration, restoration, or replacement of a lawfully established dwelling that:
 - A. Has intact exterior walls and roof structure; and

- B. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; and
- C. Has interior wiring for interior lights; and
- D. Has a heating system; and
- E. In the case of replacement is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

SECTION 27.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY: In the Timber Commercial Zone, the following uses and activities and accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permits.

- 01. Permanent facility for the primary processing of forest products.
- 02. Permanent logging equipment repair and storage.
- 03. Log scaling and weigh stations.
- 04. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit - under ORS 459.245 - together with equipment, facilities, or buildings necessary for its operation.
- 05. Parks and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes - but not for residential purposes. A camping site may be occupied by a tent, travel trailer, or recreational vehicle - but shall not include intensively developed recreational uses, such as: swimming pools, tennis courts, retail stores, or gas stations.
- 06. Mining and processing of oil, gas, or other subsurface resources as defined in ORS Chapter 520 and not otherwise permitted under Section 16.015(12) and mining

and processing of aggregate and mineral resources as defined in ORS Chapter 517.

07. Television, microwave, and radio communication facilities and transmission towers.
08. Fire stations for rural fire protection.
09. Utility facilities for the purpose of generating of power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
10. Aids to navigation and aviation.
11. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
12. Reservoirs and water impoundments.
13. Firearms training facility.
14. Cemeteries.
15. Private seasonal accommodations for fee hunting operations may be allowed subject to Article 9, Conditional Use Permit, Section 9.020(7); and Article 27, Section 27.025(5), (6), and (7); and the following requirements:
 - A. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 - B. Only minor, incidental, and accessory retail sales are permitted; and
 - C. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 - D. Other conditions imposed by the review authority.

16. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines, such as: gas, oil, geothermal, etc., with rights-of-way of 50 feet or less in width.
17. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
18. Home occupations as defined in Article 35, Home-Based Occupations.
19. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident and such personal hardship relating to the aged, infirmed, or other persons incapable of maintaining a separate residence necessitating someone living on the same premises. The following conditions shall apply:
 - A. The applicant must have a signed physician's statement indicating the need for care.
 - B. The permit shall be issued for a specific person and for a period of one year requiring annual review and renewal. No change in occupancy shall take place without review of the Planning Commission. The temporary dwelling shall be removed after the original need has ceased.
 - C. The placement of the temporary dwelling shall be located in such a way to utilize existing water, sewer, electrical, and access - Department of Environmental Quality shall approve the sewer provisions.
 - D. Granting of the permit shall not constitute approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.
20. Expansion of existing airports.

21. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Article 9, Conditional Use Permit, Section 9.020(7); and Article 27, Section 27.025(5), (6), (7); and the following requirements:
 - A. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 - B. Only minor, incidental, and accessory retail sales are permitted; and
 - C. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - D. Accommodations must be located within one-fourth mile of fish-bearing, Class I waters; and
 - E. Other conditions imposed by the review authority.
22. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

SECTION 27.025, PROPERTY DEVELOPMENT STANDARDS:

01. **PARCEL SIZE:** The minimum lot size for creation of a new lot or parcel in the Timber Commercial Zone shall be 240 acres. Land divisions of less than 240 acres in size may be allowed for uses listed in OAR 660-06-025(3)(m) through (o) and (4)(a) through (n) provided that such uses were approved conditionally, and the subject parcel is the minimum necessary for the use.
02. **ACCESS:**
 - A. Parcels less than the minimum lot size must have existing public access and must be within existing public school bus service.

B. Parcels meeting the minimum lot size may be served by a private easement.

03. **SETBACKS:**

PROPERTY LINE: Not less than 25 feet - exception: fences and signs.

STATE HIGHWAY: Not less than 100 feet.

04. **FRONTAGE:** Minimum lot frontage for all parcels abutting a public road shall be 200 feet.

05. **SITING STANDARDS:**

A. The siting requirements may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for growing trees. Dwellings and structures shall be sited on the parcel so that:

1. They have the least impact on nearby or adjoining forest or agricultural lands; and
2. The siting insures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
3. The amount of forest lands used to site access roads, service corridors, the dwelling, and structures is minimized; and
4. The risks associated with wildfire are minimized.

B. The applicant shall provide evidence to the review authority that the domestic water supply is from a source authorized in accordance with the Water Resources Department Administrative Rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
2. A water use permit issued by the Water Resources Department for the use described in the application; or
3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well or is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

06. FIRE SAFETY DESIGN STANDARDS:

- A. Roads and driveways should be wide enough for fire equipment.
- B. There should be more than one entrance/exit to a dwelling.
- C. Dead-end roads and cul-de-sacs should be large enough for fire equipment to turn around.
- D. A fuel break of at least 30 feet shall be provided and maintained around all structures. A secondary fuel break shall be constructed and maintained in accordance with Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads (Oregon Department of Forestry, March 1, 1991).
- E. All brush and trees that are touching the structures shall be removed.
- F. Trees should have limbs pruned 8 to 10 feet above the ground.

- G. Roofs shall be made of non-flammable material.
- H. All vents and other openings shall be screened.
- I. Chimneys shall have a spark arrestor.
- J. The water source for fire protection shall be an independent system.
- K. Water stand pipes shall be located at least 50 feet from the dwelling.
- L. A dwelling shall not be sited on a slope greater than 40 percent.
- M. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that he/she has asked to be included within the nearest such district. If the Planning Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the Planning Director may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment, and water storage, or given the site conditions, other methods that are reasonable. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that contains at all times at least 4,000 gallons, or a stream that has a continuous year around flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road accesses shall be provided to within 15 feet of the water's edge for fire-fighting pumping units. The road access shall accommodate the turn around of fire-fighting equipment during the fire season.

season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

07. STOCKING STANDARDS:

- A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry Administrative Rules.
- B. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
- C. The property owner shall submit a stocking survey report to the County Assessor, and the Assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met.
- D. Upon notification by the County Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department shall notify the owner and the assessor that the land is not being managed as forest land. The assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

SECTION 27.030, SPECIAL NOTIFICATION: Ditch companies that may be affected by a partition, subdivision, or change in land use being considered for approval shall receive notification. The Oregon Department of Fish and Wildlife and

Oregon State Forestry shall receive notification of all partitions and subdivision applications.

SECTION 27.035, 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.

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

WHEREAS, _____ the _____ undersigned _____, hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein; and

WHEREAS, the Declarant desires to declare his/her/their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rules (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions, and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions, and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides, by statute, that these covenants, conditions, and restrictions may be removed, and the authorized representative of Wallowa County or other counties

counties in which the property subject to these covenants, conditions, and restrictions are located executes and records a release of the covenants, conditions, and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, 20 ____.

State of Oregon)
)ss:
County of Wallowa)

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this_____ day of __, 20____.

By_____

Notary Public of Oregon _____
My Commission expires: _____

ARTICLE 28

GOAL V and VI RESOURCE OVERLAY

SECTION 28.010, PURPOSE: The Goal V and VI Resource Overlay Zone is applied to those areas as designated on the Goal V and VI Resource Maps of the Wallowa County Land Use Plan for the purpose of protection of identified Goal V and VI Resources.

SECTION 28.015, REVIEW PROCEDURE: Application for any permit authorized by this ordinance shall be subject to Administrative Review for compliance with the protection standards of Section 28.020. If, in the opinion of the administrative review authority, the proposed use may be in conflict with the protection standards, the application will be referred to the public hearing review process.

SECTION 28.020, PROTECTION STANDARDS: The following standards shall apply to all applications authorized under this ordinance.

01. RIPARIAN MANAGEMENT CORRIDORS: Except as provided under Residential zoning Articles 18, 19, 21, 38, and 42, and except in the R-1 and UG-R zones where the setback shall be 25 feet, there shall be a 100 foot setback for structures, from the top of each bank (synonymous with normal high water, see definitions, Article 1), from fish bearing streams for the purpose of preserving habitat and water quality for game birds, fur bearers, fish, and non-game wildlife. This setback may be varied to the minimums listed below in accordance with Article 36 upon recommendation by the WCNRTAC.

The following provisions shall apply to ensure that riparian corridors identified in the County's Goal 5 riparian corridor inventory as critical for the survival of fish species and wildlife are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act:

A. Definition of Riparian Area and Management corridors: The riparian area is the area adjacent to a river, lake or stream, consisting of the area of transition from aquatic ecosystem to a terrestrial ecosystem (OAR 660-023-0090(1)(b)).

The riparian management corridor to be protected by the provisions of this section is defined as follows:

1. Along all streams with an average stream flow greater than 1,000 cubic feet per second (cfs) (Snake and Grande Ronde

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Rivers), the riparian management corridor boundary shall be 75 feet from the top of each bank.

2. Along all lakes, and fish bearing streams with an average annual stream flow less than 1,000 cfs (All other streams within Wallowa County), the riparian management corridor boundary shall be 50 feet from the top of each bank.
3. Where the riparian management corridor includes all or a portion of an identified significant wetland as determined during the County assessment process, the distance to the riparian management corridor boundary shall include the wetland.

B. Limitations and Uses Permitted: Uses permitted or conditionally permitted in the underlying zone(s) are permitted or conditionally permitted in a riparian management corridor subject to the additional procedure and requirements of subsection C, below. The provisions of subsection C, below, do not regulate forest practices subject to ORS 527.610 to 527.770 and the rules adopted pursuant thereto or to farm practices defined by ORS 30.947(2).

C. Procedures and Requirements: The following regulations apply within the riparian management corridor as defined in subsection A, above:

1. Permanent alteration of the riparian area by placement of structures, grading or impervious surfaces is prohibited.
2. Removal of vegetation in the riparian area is prohibited, except:
 - a. As necessary for restoration activities, such as replacement of vegetation with native or WCNRTAC approved riparian species; or
 - b. As necessary for the development of water-related or water-dependent uses; or
 - c. As necessary for uses and activities involving forest practices subject to ORS 527.610 to 527.770 and involving farm practices defined in ORS 30.947(2).
 - d. As necessary to comply with A10/10 regulations (ORS 468)

If authorized in the underlying zone(s), the following uses are permitted in the riparian management corridor subject to Site Plan Review under Article 36 and provided they are designed to minimize intrusion into the riparian area;

- a. Streets, roads, and paths;
- b. Drainage facilities, utilities, and irrigation pumps;
- c. Water-related or water-dependent uses; and

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- d. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

D. Hardship Variance: If a property owner of a lawfully created lot or parcel, preexisting as of January 21, 2003, can show that the application of these provisions render that lot or parcel un-buildable, a hardship variance may be allowed.

E. Hardship Variance Criteria:

1. By application of subsection C, above, the applicant shall demonstrate that the lot or parcel has been rendered un-buildable;
2. If, a lot or parcel is determined to be rendered un-buildable, then a plan showing how much riparian vegetation is to be removed shall be provided. In no case shall more than 50% of the width of the riparian area as measured from the upland edge of the corridor be altered; and
3. The plan shall demonstrate that a re-vegetation plan will equal or better the protection of the identified resources through restoration of riparian areas, enhanced buffer treatment or similar measures;
4. An alternative management plan, per Article 36, applying recommendations for mitigation offered by the Wallowa County Natural Resources Technical Advisory Committee and approved by the Wallowa County Planning Commission, shall govern permitted development.

02. WETLAND AREAS: A wetland is the area that is “inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (OAR 660-023-0100) and which includes all or a portion of a wetland as defined during the Division of State Lands (DSL) Fill and Removal Permit process or as identified by the WCNRTAC, which ever includes the larger area.

Should the DSL require that a Fill and Removal permit be issued, their determination shall be “ground truthed” and the boundaries of the wetland interpreted consistent with recommendations by the WCNRTAC, on a case by case basis, based on assessment by an individual properly certified in wetlands delineation. Documented evidence shall be supplied to Wallowa County which details the ecological criteria met and the location of the wetland.

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Except as provided under Residential zoning Articles 18, 19, 21, 38, and 42, where the setbacks for wetlands shall be the same as for streams, and except in the R-1 and UG-R zones where the setback shall be 25 feet, there shall be a 100 foot setback for structures from wetlands, as identified during the D S L permit process or as identified by the WCNRTAC which ever includes the larger area, based on assessment by an individual properly certified in wetlands delineation, for the purpose of preserving habitat and water quality for game birds, fur bearers, fish, and non-game wildlife. The proposed development shall meet the requirements of the County or the Division of State Lands, whichever is more restrictive.

The following provisions shall apply to ensure that identified wetlands are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act:

With regard to the DSL Permit process (Fill and Removal Permits):

A. The County shall notify the Division of State Lands, the applicant, and the owner of record, within 5 working days of the acceptance of any complete application for development that are wholly or partially within areas identified as wetlands on the State Wetlands Inventory Maps. Competent local wetlands experts, via the County Natural Resources Technical Advisory Committee, may advise and make recommendations to the Division of State Lands, with regard to State Lands permits which may be required.

B. Permits involving wetlands may also be subject to review by the Wallowa County Natural Resources Technical Advisory Committee (see below).

C. Approval of any activity described above shall include one of the following statements

a. Issuance of a permit from the Division of State Lands under ORS 196.665 and 196.800 to 196.900 for the development before any physical alteration takes place within the wetlands.

b. Notice from the Division of State Lands that no permit is required.

c. Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill, or alter the wetlands are submitted.

D. If the Division of State Lands fails to respond within 30 days of notice, County approval may be issued with written notice to the applicant and owner of record that the proposed development may require State or federal permits.

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E. The County may issue local approval for development on parcels identified as or including wetlands on the State Wetlands Inventory Maps upon providing the applicant and the owner of record written notice of the possible presence of wetlands and the potential need for State and federal permits and providing the Division of State Lands with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties, if applicable.

F. Failure by the County to provide notice as required above will not invalidate County approval.

With regard to the County Zone Permit process:

G. Limitations and Uses Permitted: Uses permitted or conditionally permitted in the underlying zone(s) are permitted or conditionally permitted in a wetland subject to the additional procedure and requirements of subsection C, below. The provisions of subsection C, below, does not regulate forest practices subject to ORS 527.610 to 527.770 and the rules adopted pursuant thereto or to farm practices defined by ORS 30.947(2).

H. Procedures and Requirements:

1. Notice to the Division of State Lands (DSL) is required for all development permits affecting wetlands identified in the adopted wetland map of the land use plan (National Wetland Inventory) per OAR 660-22-100(7) (see above) and no permit for development affecting an identified wetland shall be issued by Wallowa County over the objection of the Division of State Lands.
2. For development that may be wholly or partially within areas identified as wetlands on the State Wetlands Inventory Maps, the Planning Department will do an initial evaluation of a wetland, which may be impacted by development. The Department will report its findings to the WCNRTAC and the committee will decide if the development takes place on a parcel which includes a wetland and, therefore, requires a “management plan”. The WCNRTAC may ask for additional evaluation.
- 3.
4. Development of a parcel including an identified wetland shall be subject to approval of a “management plan” detailing the impacts of proposed development on the wetland and any proposed mitigation which has been reviewed and recommended by the Wallowa County Natural Resources_Technical Advisory Committee pursuant to the procedures outlined in Article 36. County setbacks from identified

wetlands may be varied via the Hardship Variance procedure (see below). WCNRTAC recommendations may become Conditions of Approval as part of the County Zone Permit process and shall be forwarded to the DSL.

- 5.
4. If the applicant does not agree with the recommendations of the WCNRTAC, the applicant may, at his or her own expense, arrange for an independent evaluation of the wetland by an individual properly certified in wetlands delineation and will be entitled to an additional hearing before the WCNRTAC.
5. The following uses are prohibited within a wetland area as defined in subsection A, above:
 - a. The permanent alteration of the wetland area by placement of structures, grading or impervious surfaces.
 - b. Removal of vegetation in the wetland area, except:
 1. As necessary for restoration activities, such as replacement of vegetation with native wetland species; or
 2. As necessary for the development of water-related or water-dependent uses; or
 3. As necessary for uses and activities involving forest practices subject to ORS 527.610 to 527.770 and involving farm practices defined in ORS 30.947(2).
 4. As necessary to comply with "10/10" regulations (ORS 468)
6. If authorized in the underlying zone(s), the following uses are permitted in identified wetlands, and County setbacks from wetlands do not apply, subject to Site Plan Review under Article 36 and provided they are designed to minimize intrusion into the wetland area;
 - a. Streets, roads, and paths;
 - b. Drainage facilities, utilities, and irrigation pumps;
 - c. Water-related or water-dependent uses; and
 - d. Replacement of existing structures with structures in the same location that do not disturb additional wetland surface area.

- I. Hardship Variance:** If a property owner of a lawfully created lot or parcel, preexisting as of [date these provisions are adopted], can show that the application of these provisions render that lot or parcel un-buildable, a hardship variance may be allowed.

J. Hardship Variance Criteria:

1. By application of subsection C, above, the applicant shall demonstrate that the lot or parcel has been rendered un-buildable;
2. If, a lot or parcel is determined to be rendered un-buildable, then a plan showing how much wetland vegetation is to be removed or disturbed shall be provided. In no case shall more than 50% of the of the wetland area as measured from the upland edge be altered; and
3. The plan shall demonstrate that a re-vegetation plan will equal or better the protection of the identified resources through restoration of wetland areas, enhanced buffer treatment or similar measures.
4. An alternative management plan, per Article 36, applying recommendations for mitigation offered by the Wallowa County Natural Resources Technical Advisory Committee and approved by the Wallowa County Planning Commission shall govern permitted development.

03. WILDLIFE HABITAT: Fish habitat is addressed by Article 36 and the Wallowa County/Nez Perce Tribe Salmon Habitat Plan and not by this Article. Only those areas inventoried and mapped by the Oregon Department of Fish and Wildlife as habitat for a wildlife species of concern and/or habitat of concern are subject to the provisions of this article.

A. Big Game: If a structure is proposed for siting within an area identified as elk/deer habitat on the habitat map of the land use plan, the permit will not be considered to conflict with the habitat if located on a parcel of at least 160 acres.

If a structure is located on a lesser size parcel, the applicant must supply a plan, acceptable to the review authority, for the mitigation of adverse effect on wildlife habitat. The review authority shall solicit the Wallowa County office of the Oregon Department of Fish and Wildlife or other competent local review authority, including but not limited to the WCNRTAC, for comment on potential conflict with wildlife habitat.

Comment by ODFW or other competent local wildlife authority that a plan is not satisfactory may be sufficient cause for rejection of the proposed use if the review authority determines the adverse impacts cannot be adequately mitigated.

B. Migration Corridors, Bird and Small Mammal Habitat, and Big Game Release Sites: If a structure is proposed for siting within an area identified as a Migration Corridor on the sensitive migration corridor area habitat map of the land use plan, or bird or small mammal habitat, within 500 feet of a rookery or nesting site or, within 100 feet of a big game release site on the habitat map of the land use plan, the applicant must supply a plan, acceptable to the review authority, for the mitigation of adverse effect on the corridor or habitat. The review authority shall solicit the

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Wallowa County office of the Oregon Department of Fish and Wildlife or other competent local wildlife authority for comment on potential conflicts with migration corridors or wildlife habitat.

At the time of adoption, Migration Corridor and Small Mammal Habitat Maps have not yet been supplied by ODF&W. Until these maps are supplied and adopted, the discussion supplied here is for information purposes only. Additional Goal V Wildlife Maps and additions to the Goal V Comprehensive Wildlife Habitat Map may be adopted via the Post Acknowledgment Plan Amendment procedure.

Said mitigation plan shall include setbacks as follows:

1. In resource zones there shall be a 100 foot minimum setback for structures from small mammal habitat, rookeries, nesting sites, big game release sites, and migration corridors for the purpose of preserving habitat for game birds, fur bearers, fish, and non-game wildlife.

2. In non-resource zones there shall be a 25 foot minimum setback for structures from small mammal habitat, rookeries, nesting sites, big game release sites, and migration corridors for the purpose of preserving habitat for game birds, fur bearers, fish, and non-game wildlife.

Comment by ODFW or other local competent authority that a plan is not satisfactory may be sufficient cause for rejection of the proposed use if the review authority determines the adverse impacts cannot be adequately mitigated.

04. HYDRO-ELECTRIC SITES: If a site is proposed for hydro-electric development on a river that is considered to be a potential scenic waterway in the Oregon State System Plan 1975-1985, a hearing shall be held to assess whether the river is still a scenic waterway. If it can be determined that the river no longer is potentially scenic, the application shall be approved.

05. AGGREGATE SITES: If a dwelling is proposed for siting on a parcel adjacent to a tax lot identified as an aggregate site in the Comprehensive Land Use Plan, the owner of the aggregate site shall be notified for comment on potential conflict. There will be a 300 foot setback requirement from the aggregate site.

06. SCENIC RIVERS: Fish habitat is addressed by Article 36 and the Wallowa County/Nez Perce Tribe Salmon Habitat Recovery Plan and not by this Article.

A. Wallowa County has, within its boundaries, a number of rivers designated as Federal Wild and Scenic Rivers and State Scenic Waterways. These designated rivers are listed in Appendix 5-7 of the County's Comprehensive Land Use Plan, along with

a list of applicable management plans, and a description of the management of private lands within the boundaries of the designated areas. All development within these designated areas will conform to the regulations of the underlying zone within this Land Development Ordinance, except as regulated by the Forest Practices Act, and the applicable regulations of the State and/or Federal Management Plans, whichever is more restrictive. All development, except as regulated by the Forest Practices Act, within these designated areas will require a County land use permit. The Wallowa County Planning Department and the applicable State or Federal agency will mutually coordinate the processing of all permit applications within these designated areas, per MOUs, when available.

B. If a hydro-electric project is proposed for development within the boundaries of a designated area, a public hearing shall be held in order to assess the impact of the proposal on current and future scenic designations. By Federal law, all hydro-electric projects are prohibited on Federal Wild and Scenic Rivers and diversions on the Grande Ronde are also not allowed.

07. **ARCHEOLOGICAL SITES:** Development permits for known archeological sites will not be approved without proof of an applicant's compliance with applicable State and Federal requirements protecting known and suspected sites.
08. **GROUND WATER:** New uses which could significantly deplete groundwater resources or contaminate groundwater shall be subject to public review.

ARTICLE 29

AIRPORT PROTECTION ZONE

SECTION 29.010, PURPOSE: In order to carry out the provisions of this protection zone, there is hereby created an overlay zone which includes all of the land lying beneath the airport imaginary surfaces. This protection zone is intended to encourage and support the continued operation and vitality of public use airports with non-precision instrument approaches by preventing the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls deemed essential to reduce potential safety hazards in order to protect the health, safety, and welfare of the people of Wallowa County.

SECTION 29.015, COMPLIANCE: In addition to complying with the provisions of the underlying zones, uses and activities shall comply with the provisions of this protection zone. In the event of any conflict between any provisions of this protection zone and the underlying zones, the more restrictive provision shall apply. This Article shall apply to all County lands beneath the imaginary surfaces and impact areas generated by a public airport. Private airports shall conform to applicable State and federal regulations.

SECTION 29.020, SPECIAL DEFINITIONS:

01. **AIRPORT PROTECTION ZONE:** An overlay zone whose boundaries include all lands lying beneath a public airport's imaginary surfaces. See Table 1 for limitations and restrictions on allowed uses in the Airport Protection Zone.
02. **AIRPORT ELEVATION:** The highest point of an airport's useable runway, measured in feet above mean sea level.
03. **AIRPORT NOISE IMPACT BOUNDARY:** Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Dnl.
04. **AIRPORT OBSTRUCTION:** Any structure, tree, plant, or use of land which exceeds height limits established by the airport imaginary surfaces.
05. **AIRPORT SPONSOR:** The owner, manager, or other person or entity designated to represent the interests of an airport.
06. **AIRPORT IMAGINARY SURFACES:** Imaginary areas in space and on the

ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface. The dimensions of the imaginary surfaces are based on a non-precision instrument approach utility runway.

Approach Surface: A surface longitudinally centered on the extended runway centerline

and extending outward and upward from each end of the primary surface.

A. The inner edge of the approach surface is the same width as the primary surface and

it expands uniformly to a width of 2000 ft.

B. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20

feet outward for each foot upward.

C. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Horizontal Surface: A horizontal plane 150 feet above the established airport elevation,

the perimeter of which is constructed by swinging arcs of specified radii from the center

of each end of the primary surface of each runway of each airport and connecting the

adjacent arcs by lines tangent to those arcs. The radius of each arc is 5000 feet.

Primary Surface: A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard

surface, the primary surface ends at each end of that runway. The elevation of any point

on the primary surface is the same as the elevation of the nearest point on the runway

centerline. The width of the primary surface is 500 ft.

Runway Protection Zone (RPZ): An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end.

The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet. [NOTE: the outer width of the RPZ is specified by airport type in OAR 660, Division 13, Exhibit 4]

Transitional Surface: Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

07. **PLACE OF PUBLIC ASSEMBLY:** A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

08. **UTILITY RUNWAY:** A runway that is constructed and intended to be used by aircraft of 12,500 pounds maximum gross weight or less.

29.022 NOTICE OF LAND USE AND PERMIT APPLICATIONS: Except as

otherwise provided herein, written notice of applications for permitted land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within the imaginary surfaces of this protection zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of permitted land use or limited land use applications.

01. Notice of land use shall be provided for by the relevant level of review as specified by Section 29.025.

02. In addition to the notice provided for above, notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 5,000 feet of the sides or ends of a runway.

SECTION 29.024, AVIGATION EASEMENT

Within the imaginary surfaces of the protection zone, the owners of properties that are the subjects of applications for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50% or 1000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

SECTION 29.025, USES NOT ALLOWED, PERMITTED USES, AND CONDITIONAL USES WITHIN THE AIRPORT APPROACH SAFETY ZONE:

Applications for land use or building permits for properties within the boundaries of this protection zone shall comply with the requirements of this chapter as provided herein.

01. To meet the standards and reporting requirements established in FAA regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces as defined above under Section 29.025.

02. Conflicts. Whenever there is a conflict in height limitations prescribed by

this protection zone and the underlying zone, the lowest height limitation fixed shall govern; however, the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

03. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Dnl, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Dnl. [NOTE: FAA Order 5100.38A, Chapter 7 provides that interior noise levels should not exceed 45 decibels in all habitable zones.]

04. Outdoor lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

05. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

06. Industrial emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

07. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this protection zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or

radiocommunication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

08. Limitations and Restrictions on Allowed Uses in the Runway Protection Zone (RPZ), Approach Surface, and Airport Direct and Secondary Impact Areas:

The land uses identified in Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use.

Table 1: Limitations and Restrictions on Allowed Uses

	RPZ ¹	Approach Surface	Horizontal Surface	Conical Surface
ic Airport	L ²	L ⁹	P	P
ential	N	L ¹⁰	L ¹⁴	P
ercial	N	L ⁹	L ¹⁵	P
rial	N	L ⁹	P	P
tional	N	L ⁹	L ¹⁵	P
Use	P ³	P ³	P ³	P ³
y/Parking	L ⁴	P	P	P
s	L ⁵	L ⁵	L ⁵	L ⁵
Open Space	L ⁶	P	P	P
ourses	L ⁷	L ^{7 9}	L ⁷	L ⁷
c Fields	N	L ⁹	L ¹⁴	P
ry Landfills	N	N	N	N
Treatment Plants	N	N ¹²	N ¹⁶	N ¹⁶
	N	L ¹¹	L ¹¹	L ¹¹
Impoundments	N	N ¹²	N ¹⁶	N ¹⁶

nd Mitigation	N	L ¹³	L ¹³	L ¹³
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P = Use is Permitted

L = Use is Allowed Under Limited Circumstances (See Footnotes)

N = Use is Not Allowed

Table 1 Footnotes:

1. No structures shall be allowed within the Runway Protection Zone. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Farming practices that minimize wildlife attractants are encouraged.
4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
5. In the RPZ, utilities, powerlines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation.
6. Public assembly facilities are prohibited within the RPZ.
7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of this Chapter, tee markers, tee signs, pin cups and pins are not considered to be structures.
8. Within 10,000 feet from the end of the primary surface of a nonprecision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
9. Public assembly may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should not be permitted within airport approach surfaces, and nonresidential structures should be located outside approach surfaces unless no practicable alternatives exist.
10. Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit/acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units/acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units/acre.
11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this Chapter regulating water impoundments.
12. Water impoundments are prohibited within 5,000 feet from the edge or end of a runway.
13. Wetland mitigation required for projects located within an approach surface or airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA, and wetland permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

See Section .090 for best management practices for airports located near significant wetlands or wildlife habitat areas.

14. Within the transition surface, residential uses and athletic fields are not permitted.

15. Within the transition surface, overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.

16. See Section .035 prohibiting or regulating water impoundments within 5,000 and 10,000 feet of the end or edge of a runway.

SECTION 29.026, LEVEL OF REVIEW: As determined in Table 1 of Section 29.025, Permitted Uses will be subject to Administrative Review and Limited Uses will be considered as Conditional Uses and will be subject to Public Hearing Review.

SECTION 29.028, HEIGHT LIMITATIONS ON ALLOWED USES: All uses permitted

by the underlying zone shall comply with the height limitations in this Section. When height

limitations of the underlying zone are more restrictive than those of this protection zone, the

underlying zone height limitations shall control.

01. Except as provided in subsections 02 and 03 of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

02. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport

imaginary surfaces, the review authority may authorize structures up to 35 feet in height.

03. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

SECTION 29.030, PROCEDURES: An applicant seeking a land use or limited land use approval in an area within this protection zone shall provide the following information in addition to any other information required in the permit application:

01. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with appropriate base maps upon which to locate the property.

02. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

03. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA.

SECTION 29.035, WATER IMPOUNDMENTS

01. No new or expanded water impoundments of one-quarter acre in size or larger are permitted within 5,000 feet from the end or edge of a runway.

02. The establishment of a new water impoundment one-quarter acre in size or larger within 5,000 to 10,000 feet from the edge or end of a runway may be permitted only upon determination that such water impoundment, with reasonable and practicable mitigation measures, is not likely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces. [NOTE: FAA Part 77 discourages water impoundments within 50,000 feet of a runway within an approach surface.]

A. Process. An application for approval of a new water impoundment shall be considered utilizing the review process applied to applications for conditional use permits. In addition to the parties required by law to be mailed written notice of the public hearing on the application, written notice of the hearing shall be mailed to the airport sponsor, the Department of Aviation, the FAA, and the FAA's technical representative.

1. Prior to filing its application, the applicant shall coordinate with movements of birds feeding, watering or roosting in areas across runways or approach surfaces, and proposed mitigation.

the airport

(a) For water impoundments individually or cumulatively exceeding five (5) acres in size on the subject property, the applicant shall prepare a draft bird strike study as provided in subsection .2 of this section. The airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative shall have 45 days to review the study draft. Their comments shall be included and addressed in a final bird strike study.

(b). For water impoundments that do not individually or cumulatively exceed five (5) acres in size on the subject property, the bird strike study requirements in subsection 2 of this section may be reduced or waived upon agreement by the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative if the applicant can demonstrate, to the satisfaction of the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative that the proposed water impoundment, with appropriate short and long term mitigation, will not result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways or

approach surfaces. As used herein, "appropriate mitigation" means small scale measures of proven reliability that can be applied in perpetuity and that the applicant has the financial resources to support.

2. An application shall not be deemed complete for land use review purposes until the applicant has filed with the Director the final bird strike study addressing comments from the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative. When no bird strike study is required, the application shall not be deemed complete until the applicant has filed with the Director correspondence or other proof demonstrating agreement among the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative that no bird strike study is required.

B. Bird Strike Study. A bird strike study required under this section shall contain at least the following information:

1. A description of the proposed project, its location in relation to the airport, and the bird strike study area, which shall include at least the project site, the airport property, all lands within 10,000 feet from the end or edge of the airport runway, and other surrounding habitat areas which form the local bird ecosystem.

2. A description of bird feeding, watering and roosting habitats in the bird strike study area, including discussion of feeding behavior and food sources and identification of loafing, watering, roosting and nesting area locations.

3. A description of existing and planned airport operations and air traffic patterns and any available history of bird strike incidents.

4. Wildlife surveys and documentation of existing bird species, populations, activities and flight patterns in the bird strike study area. The surveys shall address bird species and their composition; bird population estimates and densities per unit area; feeding behavior; food sources; seasonal use patterns; frequency of occurrence; location of loafing, roosting and nesting areas; and analysis of the relation of bird flight movements to airport traffic patterns and navigational safety. The airport sponsor shall provide approach and departure air space information up to five statutory miles from the airport.

5. An evaluation of the anticipated effects of the proposal on the population density, behavior patterns, movements and species composition of birds within the bird strike study area and of the impact of these effects on air navigation and safety considering possible mitigation.

6. Identification and evaluation of proposed and alternative short

and long term mitigation measures that would prevent a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces that otherwise might result from the proposed use. The evaluation shall discuss the proven reliability of proposed measures, their effectiveness over both the short and long term, their costs, and the applicant's financial ability to assure their perpetual implementation, i.e. ongoing implementation for as long as a potential bird strike hazard persists.

7. Such other information as is recommended by the FAA's technical representative or is required to demonstrate compliance with the requirements of subsection .3 of this section.

C. Required Findings. The determination whether a proposed new water impoundment, with reasonable and practicable mitigation measures, is likely to significantly increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces shall be based upon the proposal's potential, both in the short term and in the long term, to significantly increase bird strike hazards to air navigation, and the appropriateness, effectiveness and affordability of proposed mitigation measures or other conditions needed to reduce bird strike hazards. In determining compliance with this standard, the findings shall address each of the following factors:

1. The demonstrated overall effectiveness and reliability of proposed measures and conditions, in both the short and long term and under similar circumstances and conditions, to avoid a significant increase in bird strike hazards to air navigation. Experimental measures or measures not based on accepted technology and industry practices shall be considered ineffective, inappropriate and of unproven reliability.
2. The economic, social and environmental impacts of proposed measures to the neighboring community and the affected natural environment.
3. The applicant's ability to pay for necessary short and long-term mitigation measures, including fallback measures that may be required if initially proposed mitigation measures prove ineffective, and to assure the perpetual implementation of those measures for as long as a potential bird strike hazard persists. An applicant's failure to demonstrate its financial ability to assure the perpetual implementation of necessary and appropriate measures shall render those measures unreasonable and impracticable for purposes of the application.
4. The applicant's ability to accurately monitor the effectiveness of mitigation over time.

5. The potential impacts to navigational safety and air travel if the applicant cannot perform necessary mitigation measures or maintain those measures in perpetuity, or if those measures prove to be ineffective at avoiding a significant increase in bird strike hazards to air navigation.

6. The applicant's reclamation plan.

D. Mitigation Measures and Approval Conditions. A decision approving an application shall require, as conditions of approval, all measures and conditions deemed appropriate and necessary to prevent in perpetuity a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces.

1. Only customary measures based on accepted technology and industry practice may be considered and imposed as approval conditions.

2. Serious consideration shall be given to all measures and conditions recommended by the Department of Aviation and the FAA and FAA's technical representative. Generally, such measures and conditions shall be attached to a decision approving an application unless findings are adopted, supported by substantial evidence, demonstrating why such measures and conditions are not necessary to reduce bird hazard impacts resulting from the water impoundment to an insignificant level.

3. A decision to approve shall require from the applicant a performance bond or other form of secure financial support. Such bond or security shall be in an amount sufficient to assure perpetual implementation of appropriate and necessary mitigation measures for as long as a potential bird strike hazard persists.

4. A decision to approve shall require appropriate monitoring of the effectiveness of mitigation over time. Upon request, monitoring data and reports shall be made available to the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative. The decision shall allow for modifications to approval conditions should existing mitigation measures prove ineffective at preventing a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces. Modifications to approval conditions shall be considered utilizing the review process applied to applications for conditional use permits.

E. Exemptions. The requirements of this section shall not apply to:

1. Storm water management basins established by an airport identified under ORS 836.610.

2. Seaplane landing areas within airports identified under ORS

836.610

SECTION 29.040, WETLANDS MITIGATION

01. Notwithstanding the requirements of Section 29.040, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Section 29.040 shall be allowed upon demonstration of compliance with this requirements of this Section.

02. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under Section 29.040 are recognized as lawfully existing uses.

03. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas regulated under Section 29.040 is encouraged.

04. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under Section 29.040 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

- A. It is not practicable to provide off-site mitigation; or
- B. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.

05. Wetland mitigation permitted under subsection 04 of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.

06. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under Section 29.040, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

- A. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and

B. The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.

07. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

08. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

SECTION 29.045, NONCONFORMING USES

01. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this protection zone.

02. Notwithstanding subsection 1. of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

03. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this protection zone.

ARTICLE 30

LAND PARTITION

SECTION 30.010, PURPOSE: The purpose of the land partitions procedure is to insure that the division of lands into parcels or subsequent use and development is conducted in an orderly manner and in compliance with this ordinance.

SECTION 30.015, REVIEW PROCEDURE: Application for the review or a tentative plan of a partition shall be subject to Administrative Review unless specified otherwise by requirements of the zone in which the partition is proposed.

SECTION 30.020, REVIEW CRITERIA: Application for the review of a tentative plan for a partition may be approved only if the reviewing authority shall find that it satisfies the following criteria.

01. The proposed tentative plan is in conformance with all applicable provisions of this ordinance.
02. The proposed partitioning of land does not land lock or prevent access to adjacent properties or prohibit the extension of dedicated streets or roads.
03. The proposed partitioning will not conflict with easements or access within or adjacent to the proposed land partition.
04. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.
05. The proposed partition size meets the minimum lot size of the zone in which it is located.

SECTION 30.025, PROCESSING: In processing a land partition, the following procedures shall be followed:

01. **INITIATION:** An application for land partition shall be initiated by the owner of the property for which the partition is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.
02. **FILING:** An application for a land partition shall be filed on forms provided by the Planning Department and shall set forth in detail all the information requested and include an assessor's map indicating the proposed partition boundaries and any required road improvements.

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03. **CONDITIONS:** The tentative plan for a partition may be approved subject to conditions.
04. **SURVEY OF PARCELS:** Following the approval of a tentative plan for partition, the partitioner shall cause the parcels created to be accurately surveyed and monumented in accordance with standards established in ORS 209.250, as revised, unless the review authority waives the requirement for a survey requirement for some or all of the parcels created only if it makes one of the following findings.
 - A. Given the size, number, and proposed use of the parcels created; the requirement for the survey would impose an undue financial burden on the partitioner.
 - B. An accurate property description, acceptable to the Wallowa County Surveyor, as evidenced by his written statement to this effect, can be provided.
05. **SUBMISSION OF FINAL MAP:** Within six months of the date of approval of a tentative plan, the partitioner shall prepare and submit a final map which conforms with the approved tentative plan.
06. **EXTENSION OF TIME LIMIT:** Prior to the expiration date of the time limit for the submission of a final map, a partitioner may request a time extension. A maximum of one such extension for six months may be granted by the Planning Director upon a written finding that the facts upon which the approval of the tentative plan was based have not changed to an extent sufficient to warrant refile of the tentative plan and after a finding that no other development approval would be affected. If a final map is not submitted within the time limit, as it may be extended, the partitioner shall file a new application for review of the tentative plan.
07. **APPROVAL OF COUNTY SURVEYOR:** Upon its receipt, the Wallowa County Planning Director shall transmit the final map and other related information to the Wallowa County Surveyor who shall review the final map and information to determine that there has been full compliance with all applicable statutes and provisions that the map is technically correct and in conformance with the approved tentative plan.
08. **FILING OF FINAL MAP:** After obtaining approval of the Wallowa County Surveyor, the partitioner shall file the final map with the Wallowa County Clerk. Approval of the final map shall be null and void if the map is not filed within 30 days after the Wallowa County Surveyor's approval.
09. **APPEAL:** The applicant or any interested deed holder or contract vendee of property within 250 feet of the property affected by decisions pursuant to this section may, within ten days from the date of the decision regarding approval or denial of a

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tentative plan, appeal the decision pursuant to the provisions of Article 7, Appeals.

LAND PARTITION

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ARTICLE 31

SUBDIVISION PROCEDURES

SECTION 31.010, PURPOSE: The purpose of this article is to set forth the requirements and standards regulating the preliminary and final platting procedures for subdivisions. All subdivisions shall be governed by the standards and specifications set forth by this article, which are consistent with the Wallowa County Transportation System Plan. Subdivisions may be allowed where consistent with the Wallowa County Comprehensive Land Use Plan and Land Development Ordinance Articles.

SECTION 31.015, DEFINITIONS: In addition to the definitions listed in Article 1, 1.065, the definitions for this article shall be those shown in Article 32, Road Standards, Section 32.015.

SECTION 31.020, REVIEW PROCEDURE: Application for the review of a subdivision shall be subject to the Public Hearing process.

SECTION 31.025, PRELIMINARY PLAT INFORMATION:

01. It shall be the applicant's responsibility to provide the following information on the preliminary plat. A minimum of 10 copies shall be submitted (7 for the Planning Commission, 1 for the Planning Department, 1 for ODOT, and 1 for the public).

General Information

- A. Proposed name of subdivision.
- B. North point, scale, date of the completed drawing, approximate acreage, and boundary lines.
- C. Appropriate identification clearly stating the map is a preliminary plat.
- D. Location of the subdivision by Township, Range, Section, Tax Lot or Lots, or other means sufficient to define the location and boundaries of the proposed subdivision.

- E. Names, addresses, phone numbers, and zip codes of all owners, subdividers, engineers, or surveyors responsible for laying out the subdivision.
- F. Location, acreage, and dimensions of all lots and the proposed lot numbers.
- G. Location, acreage, and dimensions of areas proposed for public use.
- H. Sites, if any, allocated for a purpose other than single-family dwellings.
- I. Location and direction of all water courses and/or bodies of water and the location of all areas subject to flooding.
- J. Additional information as the Planning Director deems appropriate.

Roadway Information

- K. All subdivisions that include road and street improvements shall provide the nature and findings regarding the desired improvements, and give notice to each transportation facility provider.
- L. All proposed road improvements should conform to this Article and Article 32, Road Standards. The Preliminary Plat shall also show:
 - a. Location of proposed and existing access point(s) on both sides of the road where applicable.
 - b. Distances to neighboring access points, intersections and other transportation features on both sides of the property, and across roads being accessed.
 - c. Number and direction of lanes to be constructed on the driveway and striping plans.
 - d. All planned transportation features.
 - e. Parking and internal circulation plans including walkways and

bikeways.

- f. A detailed description of any requested variance and the reasons the variance is requested.
- M. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.

The determination of impact or effect and the scope of the impact study should be coordinated with the affected transportation provider(s).
- N. Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- O. Existing locations, widths, and names of both opened and unopened roads within or adjacent to the subdivision together with easements or rights-of-way and other important features, such as: section lines, corners, city boundary lines, and monuments.
- P. Location, width, name, approximate grade, and radius of curves of all proposed roads and the relationship of such roads to any projected or existing roads adjoining the proposed subdivision. If direct access to a state highway is proposed, access must be provided in a manner consistent within the access management provisions of the Transportation System Plan and existing ODOT standards.
- Q. Location, width, and purpose of proposed easements of road access and private roads for private use where permitted; and all reservations or restrictions relating to such easements and private roads for private use where permitted; and all reservations or restrictions relating to such easements and private roads.
- R. Notations indicating any limitations on right-of-access to or from roads and lots or other parcels of land proposed by the developer.

Pedestrian and Bicycle Information

- S. A plan for bicycle and pedestrian facilities and improvements within the subdivision, including access ways as necessary to provide connectivity throughout subdivision. The tentative plan shall demonstrate how the subdivision's internal pedestrian and bikeway system provides safe and convenient connections to the surrounding transportation system.

Utility Information

- T. Location of all underground utility lines. 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.
 - U. An acceptable and approved method of sewage disposal for each of the proposed lots which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.
 - V. An adequate and approved method of potable water supply. And, a sufficient supply of water for firefighting, including fire hydrants to be spaced at intervals not greater than 400 feet.
02. The following information shall accompany the preliminary plat.
- A. The nature and type of improvements proposed for the subdivision and a timetable for their installation.
 - B. Subdividers shall provide a list of any proposed restrictive covenants.
 - C. Proposed plan for draining surface water, including location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties.

SECTION 31.030, REVIEW CRITERIA:

- 01. In reviewing preliminary plats all of the following criteria shall be met prior to approval.
 - A. All of the required information pursuant to Section 31.020 shall be found to be included with the request.

- B. All of the proposed lots must conform to the minimum standards for lot designs as set out in the respective zones.
- C. The preliminary plat complies with all applicable Wallowa County Ordinances including the purposes and intent of this article.
- D. The road design meets the required road standards as found in the Wallowa County Transportation System Plan and Article 32, Road Design, and if a bond is required to be posted; the subdivider has so agreed, in writing, to post such a bond. Additional access criteria are:
 - 1. If any lot abuts a street right-of-way that does not conform to the design specifications of this article, the owner may be required to dedicate all of the total right-of-way width required.
 - 2. All proposed road shall follow the natural topography and preserve natural features of the site where possible and practical. Alignments shall be planned to minimize grading/fills.
 - 3. An internal accessway system of sidewalks or paths shall provide continuous connections to parking areas, entrances to the development, open space, and recreational and community facilities associated with the development. Sidewalks shall also connect with the peripheral street system and be adjacent to all residential properties.
- D. Any application that involves the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with State access management standards.
- E. Each lot has an approved method of sewage disposal in accordance with State requirements.
- G. The subdivision is in the public interest and is not contrary to the public health, safety, and welfare.
- H. Other requirements as deemed necessary by the review authority.
- I. Clustering of dwellings may be allowed by the review authority if an appropriate variance is obtained by the developer and open space is made

available to mitigate overall dwelling density.

- J. Variances shall be reviewed in accordance with Article 10, Variance Procedure. Specifically, variances for access shall be considered as Use Variances and the applicant shall provide proof that:
 - 1. Indirect or restricted access cannot be obtained.
 - 2. No engineering or construction solutions can be applied to mitigate the condition.
 - 3. No alternative access is available from a street with a lower functional classification than the primary roadway.
02. In the event of conditional approval, the review authority may require the subdivider to file a map within 30 days of the date of approval showing the revised design as approved by the review authority.

SECTION 31.035, PRELIMINARY PLAT APPROVAL:

- 01. Preliminary plat approval shall be binding upon Wallowa County and the subdivider for the purpose of preparing the final plat provided the preliminary plat is not substantially changed after the approval unless the approval requires such changes, and the final plat complies with all conditions as set forth by the review authority. If substantial changes not mandated by the review authority are made on the final plat, the Wallowa County Planning Director may refer the proposal back to the review authority for another public hearing. The review authority shall have the authority to revoke, revise, amend, or alter the prior approval, and shall have sole authority to determine whether a change is substantial.
- 02. The determination of the review authority shall become final twelve working days after the decision unless appealed pursuant to Article 7, Appeals.
- 03. Written notice of the decision rendered by the review authority shall be mailed within five working days of the date of decision to the applicant and to any person who has specifically requested such notification.
- 04. Approval of a preliminary plat shall be valid for twelve months from the effective date of approval. Unless an extension is granted for the filing of a final plat, approval of a preliminary plat shall be voided twelve months after the effective date of approval; and

a new hearing shall be held on the proposal prior to the filing of a final plat.

05. Where a preliminary plat has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the new application is substantially different from the previous application.

SECTION 31.040, EXTENSION OF TIME:

01. The Planning Director shall have the authority to grant one extension of up to twelve months of the preliminary plat approval.
02. A subdivider wishing to gain an extension shall file a written request setting forth the reasons why an extension should be granted. After receiving the written request from the subdivider, the Planning Director shall review the facts presented and, upon those facts, may grant an extension of up to twelve months and establish any conditions necessary for the implementation of this article. The Planning Director shall have the sole authority to establish criteria for a decision.
03. The Wallowa County Board of Commissioners shall review all requests for extensions which exceed twelve months.

SECTION 31.045, SUBMISSION OF FINAL PLAT:

01. Within twelve months after the effective date of the preliminary plat approval or within such time set forth by the Wallowa County Planning Director or the Wallowa County Board of Commissioners per Section 31.035, the subdivider shall cause the subdivision to be surveyed and a final plat drawn in accord with the approved preliminary plat and any changes mandated by the review authority. The developer shall file with the Wallowa County Surveyor one complete set of original tracings, two complete sets of prints of the final plat or map, and one copy of the deed restrictions applicable to the subdivision.
02. **INFORMATION ON FINAL MAP:** The final map or plat shall include all information which is required on the preliminary plat plus the additional requirements set forth in this section.
03. **FORM OF FINAL PLAT:** The final plat shall be made in black India ink on 18 by 24 inch material suitable for copying and binding, as specified in ORS 92.080.
04. **MONUMENTATION:** All exterior boundary corners, street intersections, and

interior lot or parcel corners shall be monumented as specified by ORS 92.060. The exterior boundary corners must be set prior to approval of the final plat, but post monumentation of street intersections and lot corners is permissible provided that the surveyor or engineer doing the survey certifies that the monumentation will be done by a specified date and bond or cash deposit is made to this effect by the developer, as provided by ORS 92.070.

05. **SURVEY REQUIREMENTS:**

- A. A complete and accurate survey of the land to be subdivided shall be made by an engineer or surveyor licensed to practice in the State of Oregon and in accordance with standard practices and principles of land surveying.
- B. The traverse of the exterior boundaries of a subdivision plat and of each block and lot or parcel shall close within an accuracy such that the error of closure shall not exceed one foot in 4,000 feet.

06. **CERTIFICATES ON FINAL PLATS OR MAPS:** The following certificates and acknowledgments and others required by State Law shall appear on the final plat or map. Such certificates may be combined where appropriate.

- A. A certificate of ownership, signed and acknowledged by the record owner and all parties owning an interest in the property, consenting to the preparation and recordation of the final plat or map; and offering for dedication all parcels of land, streets, alleys, pedestrian-ways, drainage channels, easements, and other rights-of-way intended for public use; and offering for dedication rights of access to and from prescribed streets, lots, and parcels of land.
- B. A certificate of the registered engineer or licensed surveyor who prepared the survey and the final plat or map.
- C. A certificate for execution by the chairman of the Wallowa County Planning Commission on behalf of the Wallowa County Planning Commission.
- D. A certificate for execution by the Wallowa County Surveyor.
- E. A certificate for execution by the Wallowa County Tax Collector.
- F. A certificate for execution by the Wallowa County Assessor.

- G. A certificate for execution by the irrigation district where applicable.
- H. A certificate for execution by the Wallowa County Board of Commissioners.

07. **DEDICATIONS AND PUBLIC UTILITY REQUIREMENTS:**

- A. All lots and parcels shown on the final plat or map as intended for public use shall be offered for dedication for public use at the time the plat or map is filed except those lots or parcels which are intended for the exclusive use of land owners in the subdivision, their licensees, visitors, tenants, and servants.
- B. All streets, pedestrian-ways, drainage channels, easements, and other rights-of-way shown on the final plat or map as intended for public use shall be offered for dedication for public use at the time the final plat or map is filed.
- C. All rights of access to and from streets, lots, and parcels shown on the final plat or map intended to be surrendered shall be offered for dedication at the time the final plat or map is filed.
- D. Reserve strips across the end of stubbed streets shall be offered to Wallowa County for dedication for public use at the time the final plat or map is recorded.

08. **IMPROVEMENTS AGREEMENT:**

- A. The subdivider shall improve - or agree to improve - all lands dedicated for streets, alleys, pedestrian-ways, drainage channels, easements, and other rights-of-way as a condition precedent to acceptance thereof and approval of the final plat or map subject to exceptions prescribed by Article 6, Design Review. Transportation system improvements shall be supported by appropriate documentation as proof of completing any required Traffic Impact Study, and ODOT Access Regulation. All such improvements shall be in conformance to that specification of design and materials as provided in the standard specifications found in this Article and Article 32, Road Standards, and by the Wallowa County Board of Commissioners. The subdivider shall give notice to the Wallowa County Road Department prior to commencement of construction of improvements. Wallowa County shall have the right to enter upon the sites of improvements for the purpose of inspecting them.
- B. Prior to the approval by the Wallowa County Board of Commissioners of the

final plat or map, the subdivider shall execute and file an agreement between himself and the Wallowa County Board of Commissioners specifying the period within which he/she or his/her agent or contractor shall complete all improvement work, and providing if he shall fail to complete such work within such period, Wallowa County shall call on the surety to complete the same. The agreement shall provide for inspection of all improvements by the Wallowa County Board of Commissioners. Such agreement may provide:

1. For the construction of the improvements in unit.
 2. For an extension of time under conditions therein specified.
 3. For progress payment.
- C. The subdivider shall file with the agreement, to assure his full and faithful performance, a bond for such sum as is deemed sufficient by the County Road Department to cover the cost of said improvements and incidental expenses and to cover replacement and repair of existing streets and other improvements damaged in the development of the subdivision. Such bond shall be executed by a surety company authorized by the District Attorney(s) as to form. In lieu of said bonds, the subdivider may elect any one of the following alternatives to assure full and faithful performance.
1. The subdivider may deposit with Wallowa County cash money in an amount fixed by Wallowa County.
 2. The subdivider may submit written certification by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and it will be released only upon authorization of Wallowa County as in case of cash.
 3. The subdivider may submit bonds acceptable to the Wallowa County Board of Commissioners.
 4. The subdivider may enter into an agreement with the Wallowa County Board of Commissioners setting forth the period of time within which he plans to construct improvements either in whole or in part. Such agreement shall specify that the subdivider deposit in an escrow account, for the benefit of Wallowa County an amount of money equal to twice the pro-rata share of improvement costs for the entire

subdivision attributable to a single lot or parcel at the time of sale of said lot or parcel provided that:

- a. This alternative procedure shall be permitted only for a final plat or map not exceeding 20 lots.
- b. This alternative procedure shall not be permitted for subsequent phases on development until the improvements in the initial final plat or map have been completed.
- c. Such agreement will not extend more than 12 months from the date of execution unless extended by the Wallowa County Board of Commissioners as an amendment to the agreement.

SECTION 31.050, PROCEDURE FOR PROCESSING FINAL PLAT OR MAP: The Wallowa County Planning Director, who is responsible to the Wallowa County Planning Commission and Wallowa County Board of Commissioners for the administration of this article, shall be responsible for final plat or map conformance to preliminary plat or map approval and final plat or map processing and submittal to the Wallowa County Planning Commission and the Wallowa County Board of Commissioners pursuant to the provisions of this section.

01. The final plat or map shall be submitted to the Wallowa County Surveyor who shall examine the final plat or map and determine the sufficiency of affidavits and acknowledgments, the correctness of surveying data, mathematical data, and computation and determine whether the provisions of the Subdivision Act and the requirements of this article have been complied with. The subdivider shall provide traverse sheets and work sheets or accurate and complete electronic computations showing the closure of the exterior boundaries of the subdivision as required by the Wallowa County Surveyor. The final plat or map shall be returned to the subdivider with notations as to errors or omissions, if any. If the final plat or map is found to be correct, the matters shown thereon are sufficient, and all applicable provisions of the subdivision act and this article have been complied with; the Wallowa County Surveyor shall certify this approval on the original plat or map.
02. Any required improvement plans, profiles, and specifications of proposed improvements shall be submitted to the Wallowa County Road Department for verification of conformance to this Article and Article 32, Road Standards, at the time the final plat or map is submitted for approval. Such plans and profiles shall show the full details of the proposed improvements. Where standards and specifications are in

compliance with this Article and Article 32, Road Standards, they may be submitted by reference. The Wallowa County Road Department may sign off on and approve the proposed transportation improvements if they are found to conform to regulations and specifications.

03. After the final plat or map has been checked and certified by the Wallowa County Surveyor, it shall be submitted to the Wallowa County Planning Director who shall deliver it to the Wallowa County Assessor, Tax Collector, and applicable irrigation district for certifications unless done by the subdivider, or agent. If the final plat or map conforms to the preliminary plat or map as approved and no changes have been made which have not been approved by the Wallowa County Planning Commission or Planning Director, the Planning Director shall then submit the final plat to the chairman of the Wallowa County Planning Commission who shall certify the final plat or map on behalf of the Planning Commission.
04. After the final plat or map has been checked and approved as provided in this section, and when all the certificates which appear on the final plat or map - except the approval certificates of the Wallowa County Board of Commissioners and Clerk - have been signed and, where necessary, acknowledged; the Wallowa County Planning Director shall certify the final plat or map and submit it along with any proposed improvements agreement to the Wallowa County Board of Commissioners for approval. The Wallowa County Planning Director shall so notify the subdivider.
06. Upon receipt of the final plat or map; the Wallowa County Board of Commissioners shall consider said plat or map, the plan of the subdivision, and the offers of dedication in accordance with the requirements of this article. If the subdivider has entered with the provisions of Article 40, Performance Guarantee; the Wallowa County Board of Commissioners shall approve the final plat or map. No plat or map shall have any force or effect until the same has been approved by the Wallowa County Board of Commissioners, and no title to any property described in any offer of dedication shall pass until the final plat or map has been recorded.

ARTICLE 32

ROAD STANDARDS

SECTION 32.010, PURPOSE: The purpose of this article is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. This article shall also provide specifications and standards required when constructing, maintaining or improving roads. All road improvements shall be governed by the standards and specifications set forth by this article, which are consistent with the Wallowa County Transportation System Plan. However, this article applies only to roads constructed or substantially improved after the date of its adoption.

Except for Section 32.015, Wallowa County/Nez Perce Salmon Habitat Recovery Plan, the following are exempt from the requirements of this article:

01. Roads, driveways, trails, cat roads, stock driveways, and other non-conforming access features existing prior to the adoption date of this article,
02. Driveway and private road improvements not resulting in an increased traffic flow of 10% or greater;
03. Driveways less than 100 ft. in length;
04. Roads built to the standards of the Forest Practices Act for purposes of forest practices as per Article 16, Timber/Grazing and Article 27 Timber/Commercial; and
05. Roads built for farm uses as defined in Article 1, Introductory Provisions.

32.015, WALLOWA COUNTY/NEZ PERCE SALMON HABITAT RECOVERY PLAN: Any road that is constructed or substantially improved and is subject to review for erosion or other adverse impacts to watershed and habitat prior to development, shall be found to conform to the provisions of the Wallowa County/Nez Perce Salmon Habitat Recovery Plan, and Article 36, Salmon Habitat Restoration, WCLDO.

SECTION 32.020, DEFINITIONS: In addition to definitions listed in Article 1, 1.065, the following definitions shall apply to this Article. In the event of a conflict, the definitions in this article shall apply. Unless specifically defined, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this

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article its most reasonable application.

Access: The place, means, or way by which pedestrians, bicycles, vehicles, or other lawful means of transportation shall have ingress or egress to a property or use.

Access Classification: A ranking system for roadways used to determine the appropriate degree of access management. Factors include functional classification, the local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

Access Connection: Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

Access management: The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.

Accessway: A walkway that provides pedestrian and/or bicycle passage between streets or from a street to a building or other destination such as a school, park, or transit stop.

Bikeway: Any road, path, or way that is in some manner specifically open to bicycle travel. Bikeways may be shared with other transportation modes.

Corner Clearance: The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

Corner Lot: Any lot having at least two contiguous sides abutting upon one or more streets, providing that the two sides intersect at an angle of less than 135 degrees.

Cross Access: A service drive providing vehicular access between two or more contiguous sites so the vehicle need not enter the street system.

Cul-de-sac: A minor public road, serving more than two lots or parcels, having only one outlet for vehicular traffic with a turn around at the opposite end, which is not intended to be extended or continued to serve future subdivision or development on adjacent lands.

Driveway: A privately owned and maintained road which provides access from the edge of a property to a dwelling or other building within that property.

Easement: A grant of the right of the public, a person, or an entity to use the property of another for a specific purpose. An easement may be appurtenant or in gross.

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Flag Lot: A lot-where the frontage width is equal to or less than the minimum frontage requirement, but in no case is less than 30 feet and where access to the public road is by a narrow, private right-of-way,.

Frontage Road: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. (See also Service Roads)

Functional Area (Intersection): That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

Functional Classification: A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Half Street: A street having only a portion of its width provided in one property with the remainder of its width to be provided from adjacent property.

Joint (or Shared) Access: A driveway connecting two or more contiguous parcels or lots to the public street system.

Lot: A parcel, or area of land, legally established and recognized, which has frontage upon a public or private street and complies with the dimensional requirements of the WCLDO. Normally within a subdivision.

Lot Depth: The average distance from the front lot line to the rear lot line.

Lot Frontage: That portion of a lot extending along a street right-of-way line.

Nonconforming Access Features: Features of the property access that existed prior to the date of adoption of this article and which do not conform with its requirements.

Parcel: A unit or area of land, legally established and recognized, which was created by partitioning land and which complies with the dimensional requirements of the Wallowa County Land Development Ordinance (WCLDO). Normally not within a subdivision.

Pedestrian Facilities: (Walkway) A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Plat: A final map, diagram, drawing replat, or other writing containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision as specified by the WCLDO.

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Private Road: The entire right-of-way of any roadway for vehicular or other legal means of travel which is privately owned and maintained and which provides the principle means of access to abutting parcels or lots. A private road does not provide for continuous unrestricted public access, unless the road is dedicated to provide public access. Easements may provide specific access rights.

Public Road: A road under the jurisdiction of a public body that provides the principle means of access to abutting properties.

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway.

Right-of-Way: The land between the boundary lines of a highway, street, road, alley, walkway, drainage facility, easement, or other transportation facility.

Rural Road: Any road which is outside urban growth boundaries and subdivisions.

Significant Change in Trip generation: A change in the use of a property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) County - 10% more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under County jurisdiction; or (2) State - exceeding 25% more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

Stub Out: (Sub-street or Stubbed Street) A portion of a street or cross access drive having only one outlet for traffic, used as an extension to an abutting property that may be developed in the future.

Substantially Improved or Extended: A 20% increase in existing square footage, a relocation, an upgrade in classification or capacity, or a change in the design function of a road, except for improvements to existing driveways.

Taper Length: The distance along a road where the road expands out to or contracts from a turnout.

Through Lot: (double frontage lot) A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

Transportation Provider: A provider of public transportation, including the provider of the

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roadway itself. May also include but is not limited to the operators of: buses, taxis, or vans.

SECTION 32.025, PERMITTED USES: Except where otherwise specifically regulated by this article, the following improvements are permitted uses, requiring a permit to be issued prior to the activity permitted, and shall conform to Section 32.015:

01. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing ODOT right-of-way, subject to ministerial review.
02. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation, subject to ministerial review.
03. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use, timber/grazing, or timber/commercial zones, subject to administrative review.
04. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division article, subject to ministerial review.
05. Exceptions to the permitting process, not requiring a permit, are: Normal operation, maintenance, repair, and preservation activities of existing transportation facilities and landscaping as part of a transportation facility.
06. Emergency measures necessary for the safety and protection of property also do not require a permit, but shall be coordinated, when reasonable and appropriate, with the Wallowa County Road Department, and the Wallowa County Planning Department.

SECTION 32.030, USES PERMITTED CONDITIONALLY: All uses shall conform to Section 32.015.

01. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA may be reviewed and used as documentation for findings to comply with all the following criteria:
 - A. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - B. The project is designed to minimize avoidable environmental impacts to the following identified resources: wetlands, wildlife habitat, air and water quality, cultural, and scenic.

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- C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this article.
- 02. Construction of rest areas, weigh stations, temporary storage, and processing sites.
 - 03. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
 - 04. Uses conditionally permitted in Article 15, Exclusive Farm Use, Section 15.020 (26)-(29) and Article 16, Timber / Grazing, Section 16.020(23)-(26).

SECTION 32.035, REVIEW PROCEDURE:

- 01. Work shall not commence until plans have been reviewed for adequacy and approved by the review authority. As part of the review, affected transportation providers shall be notified and given appropriate time to review and respond to the proposal.
- 02. Road improvements shall be completed in accordance with the specifications and standards as set forth in this article, which are consistent with the Wallowa County Transportation System Plan.
- 03. Once roads have been completed to standards as set forth in this article and are approved by the review authority, they are to be offered to the Wallowa County Board of Commissioners for approval as a public road. A public road may or may not be maintained by the County (see paragraph 04, below).
- 04. The Wallowa County Board of Commissioners may, upon recommendation of the road master, accept the road as a County maintained road. Acceptance as a County maintained road must be requested in addition to the normal subdivision or partition procedures, and such acceptance cannot be construed from approval of a subdivision or partition plat. The petitioning for acceptance process, separate from the approval of a subdivision or partition, must be initiated by the subdivider. Maintenance of County roads within the County road maintenance system shall conform to the County road maintenance plan.
- 05. The review authority may require road improvements to existing roads when deemed necessary to accomplish the purpose and intent of standards as set forth in this article.

SECTION 32.040, REVIEW CRITERIA: The following are specifications and standards for construction of new roads and substantial improvements to existing roads.

- 01. **GENERAL:** The location, width, and grade of roads shall be considered in their relation to existing and planned roads, topographical conditions, public convenience, maintenance costs and safety, and the proposed use of the land to be served by the road.

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02. **ALIGNMENT:** As far as practical, roads shall be in alignment with existing roads by continuations of center lines thereof. Staggered road alignment resulting in T intersections shall, whenever practical, leave a minimum distance between the center lines of roads having approximately the same direction, as determined by the spacing standards in the adopted TSP, Chapter 7.
03. **EXISTING ROADS:** Whenever existing roads adjacent to or within a tract are of substandard width, additional right-of-way shall be provided at the time of the subdivision or partition in accordance with the standards prescribed in this article.
04. **FUTURE EXTENSION OF ROADS:** Where necessary to give access to or permit a satisfactory future subdivision of adjoining lands, roads shall be extended to the boundary of the subdivision, and the resulting dead end roads must be provided with cul-de-sacs.
05. **CUL-DE-SACS:** Cul-de-sacs shall not have a length of more than 600 feet and shall terminate with a turn around with a radius of not less than 40 feet, to be increased to 50 feet with on street parking. The maximum grade for a cul-de-sac turn around shall be 4%. Cul-de-sacs may be used as part of a development plan; however, through streets are encouraged except where topographical, environmental, or adjacent land use constraints make connecting streets not feasible.
06. **ACCESSWAYS:** Where required, accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 14 foot wide right-of-way or easement. Rights-of-way or easements may be reduced in width to a minimum of 12 ft via the Variance procedure. Accessway width may be appropriately increased by the review authority if necessary to accommodate equestrian use. Accessways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than 600 feet. Where cul-de-sacs are planned, the review authority may require that accessways be provided to connect the ends of cul-de-sacs to each other, to other streets, or to neighborhood activity centers.

The Review Authority may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include but is not limited to:

- A. Physical or topographic conditions make an accessway connection impractical. Such conditions include but are not limited to extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonably be provided.
- B. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.
- C. Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995

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that preclude a required accessway connection.

07. **HALF-STREETS:** Half streets proposed adjacent and parallel to the boundary line of the subdivision or partition, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with other requirements of this article and when the review authority finds it will be practical to require the dedication and improvement of the other half streets when the adjoining property is subdivided. Half streets shall not be permitted where lots would front on such streets. Where half streets are provided, a performance bond may be required to insure full improvements at such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing half street is adjacent and parallel to the boundary line of a proposed subdivision or partition, the subdivider or partitioner shall dedicate and improve such additional right-of-way as may be necessary to meet the standards prescribed in this article for the type of street involved.
08. **STREET NAMES:** Except for continuations of existing streets, street names shall conform to Wallowa County Road Naming and Rural Addressing Ordinance 90-001.
09. **PRIVATE ROADS:** Any road that is to be constructed for access serving a partition or subdivision shall at a minimum, meet the applicable road standards of this article and may be required by the review authority to provide public access. The review authority may allow non-dedicated private roads, built to the applicable road standards, where it has been determined:
- A. The private road would not violate the provisions of the land use plan and land development ordinances.
 - B. There are no needs for public right-of-way acquisition in the area, either now or in the future.
10. **DRIVEWAY AND PRIVATE ROAD STANDARDS:**
Some private roads and driveways are exempt from the standards of this article (see section 32.010). Private roads and driveways not exempted from this article shall be 14 ft wide with 3 ft shoulders on either side and shall meet the standards of Table 1, Road Standards. However, the review authority may allow a lesser width, down to 12 ft, with turnouts or other mitigation to be determined. For example, where a 14 ft width with shoulders is not feasible, a segment of road 12 ft wide without shoulders might be allowed provided that a turnout is provided at either end of the segment or within line of sight, whichever is shorter. In addition:
- A. For private roads and driveways greater than 100 ft. in length, a turning radius of 30 ft. shall be at the terminus of the driveway in the vicinity of the dwelling (this assumes parking in the turn around). "T", "Y", or Hammerhead turnarounds may also be used, but they must meet width and load standards, have a minimum connecting radius of 25 ft., and be

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at least 30 ft. in total length. See attached illustration of alternative turnarounds.

- F. Where required, Turnouts shall be large enough to accommodate emergency equipment (be 12 ft wide and meet load standards, have a minimum taper length of 25 ft., and be at least 100 ft. long, including tapers).
11. **ROAD DESIGN STANDARDS:** Standards are delineated in Table 1, "ROAD STANDARDS." State highways must meet State and County standards as shown in the adopted TSP.

SECTION 32.045 ACCESS MANAGEMENT:

01.General

The intent of this section is to manage access to land development to preserve the transportation system in terms of safety, capacity, and function. This section shall apply to all arterials and collectors within Wallowa County and to all properties that abut these roadways and is adopted to implement the access management policies of Wallowa County as set forth in its Transportation System Plan.

02.Corner Clearance

- A. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway found in the adopted TSP.
- B. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of the adopted TSP, unless no other reasonable access to the property is available.
- C. Where no other alternatives exist, the county may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections and signage (i.e., right in/out, right in only, or right out only) may be required.

03.Joint and Cross Access

- A. Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites, without entering the street system.
- B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - 2. A design speed of 10 mph and a maximum width of 20 feet to accommodate

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two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

3. Stub-outs and other design features to make it visually obvious that the abutting properties are cross accessed via a service drive;
 4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
 5. Shared parking areas shall permit a reduction in required parking spaces if peak demands will not occur during the same time periods.
- C. Pursuant to this section, property owners shall:
1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drives;
 2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the county and pre-existing driveways will be closed and eliminated after construction of the joint use driveway;
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- E. The County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided in accordance with this section.
 2. The site plan incorporates a unified access and circulation system in accordance with this section.
 3. The property owner enters into a written agreement with the county, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- F. The county may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

04. Access Connection and Driveway Design

- A. Except where exempted (see section 32.010), driveways shall meet the design standards in Section 32.040(10).
- B. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the

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potential for vehicular weaving conflicts.

- C. The minimum length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on site circulation.

05. Requirements for Phased Development Plans

- A. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this article. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. The owner and all lessees within the affected area are responsible for compliance with the requirements of this article.
- B. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

06. Nonconforming Access Features

- A. Legal access connections in place, as of the date of adoption of this article, that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - 1. When new access connection permits are requested;
 - 2. The connection causes a significant change in trip generation.

07. Reverse Frontage (Through Lots)

- A. A through lot shall be required to locate motor vehicle accesses on the road with the lower functional classification.
- B. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to Wallowa County and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located with the public right-of-way.

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08.Flag Lot Standards

- A. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System.
- B. Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential road, or preserving natural or historic resources, under the following conditions:
 - 1. Flag lot driveways shall be separated from each other by at least twice the minimum frontage requirement of that zoning district.
 - 2. The flag lot driveway shall meet the design standards of Section 32.040(10).
 - 3. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots, whichever is greater.
 - 4. The review authority shall determine if the lot area occupied by the flag driveway shall be counted as part of the required minimum lot area of that zoning district.
 - 5. The review authority shall determine if more than one flag lot shall be permitted per private right-of-way or access easement.

09.Lot Width-to-Depth Ratios

- A. To provide for proper site design and prevent the creation of irregularly shaped parcels, parcels shall be located and laid out to properly relate to adjoining or nearby lots or parcel lines, utilities, streets, or other existing planned facilities, unless there are existing topographical, environmental or man made constraints.

10. Shared Access

- A. Subdivisions with frontage on the state highway system shall be designed to share access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary road is possible, then access should not be allowed onto the state highway. If access off of a secondary road becomes available, then conversion to that access is encouraged, along with closing the state highway access.
- B. New direct access from State highways to individual one and two family dwellings shall require ODOT approval and conform to spacing standards from the adopted TSP.

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11. Connectivity

- A. The road system of proposed subdivisions shall be designed to connect with existing, proposed, and planned roads outside of the subdivision as provided in this section.
- B. Wherever a proposed development abuts unplatted land or a future development phase of the same development, road stubs, meeting the standards of Section 32.040(11), shall be provided to provide access to abutting properties or to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn around unless specifically exempted by the Wallowa County Road Department, and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land.
- C. Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four way stops and traffic calming measures are the preferred means of discouraging through traffic.

SECTION 32.050, VARIANCES:

- 01. Variances shall be processed in accordance with Article 10, Variance Procedure.
- 02. Applicants for a variance from access standards shall include proof that:
 - A. Indirect or restricted access cannot be obtained;
 - B. No reasonable engineering or construction solutions can be applied to mitigate the condition; and
 - C. No alternative access is available from a road with a lower functional classification than the primary roadway.

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**Table 1
ROAD STANDARDS**

ROAD TYPE	GRADE	RIGHT-OF-WAY	MIN SURFACE WIDTH	SHOULDERS	ROAD WIDTH INCLUDING SHOULDERS	RADIUS OF CURVATURE	LOAD CAPACITY	BASE SEE NOTE 1	SURFACING
PAVED ROADS									
ARTERIAL & FRONTAGE	MAX. 8%	MIN. 60	24	6-8	36-40	SEE NOTE 2	60K LBS	PIT RUN MIN. 6' COMPACTEC	0.75 " MINUS CRUSHED ROCK MIN. 4" COMPACTEC
COLLECTOR	MAX. 10%	MIN. 60	24	4-8	32-40	SEE NOTE 2	60K LBS	PIT RUN MIN. 6' COMPACTEC	0.75 " MINUS CRUSHED ROCK MIN. 4" COMPACTEC
PRIVATE, LOCAL PUBLIC	MAX. 12%	MIN. 30 SEE NOTE 4	20	3	26	SEE NOTE 2	60K LBS	PIT RUN	0.75 " MINUS
DRIVEWAYS			14	3	20	MIN 30' RADIUS TURNAROUND		MIN. 6'	CRUSHED ROCK
& CUL-DE-SAC	MAX. 4%					MIN 40' RADIUS TURNAROUND		COMPACTEC	MIN. 4" COMPACTEC
GRAVEL ROADS									
PRIVATE, LOCAL PUBLIC	MAX. 12%	MIN. 30 SEE NOTE 4	14 SEE NOTE 3	3	20	SEE NOTE 2	60K LBS	PIT RUN	0.75 " MINUS
DRIVEWAYS						MIN 30' RADIUS TURNAROUND		MIN. 6'	CRUSHED ROCK
& CUL-DE-SAC	MAX. 4%					MIN 40' RADIUS TURNAROUND		COMPACTEC	MIN. 4" COMPACTEC
NATIVE ROADS									
PRIVATE, LOCAL PUBLIC	MAX. 12%	MIN. 30 SEE NOTE 4	14 SEE NOTE 3	3	20	SEE NOTE 2	60K LBS		
DRIVEWAYS						MIN 30' RADIUS TURNAROUND			
& CUL-DE-SAC	MAX. 4%					MIN 40' RADIUS TURNAROUND			

Table 1 ROAD STANDARDS

NOTES

SUB-GRADE: Sub-grade shall be uniform and of sufficient width to provide adequate drainage of the road. Selected material shall be used when possible and all unstable material shall be removed and wasted outside of the fill.

DRAINAGE: Adequate to prevent erosion of road, maintain integrity of road, eliminate ponding, and prevent damage/siltation to adjoining property and water courses. Plans subject to WCNRIAC review.

NOTE 1, LOAD CAPACITY: The standards for maximum load capacity are to facilitate occasional use by fire fighting equipment. Minimum base and surfacing requirements may not be sufficient or may not be necessary in the case of “native” rocked roads. The load carrying capacity must meet 60,000 lbs. in any weather condition.

NOTE 2, RADIUS OF CURVATURE: For roads, see “A Policy on Geometric Design of Highways and Streets (2001),” American Association of State Highway and Transportation Officials, ISBN 1-56051-001-3..

CUL-DE-SAC: Maximum grade is 4%, 50 FT minimum radius of curvature if street parking is allowed.

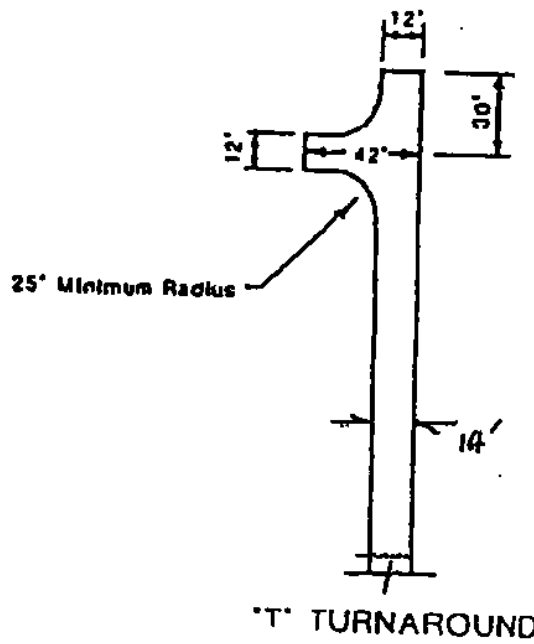
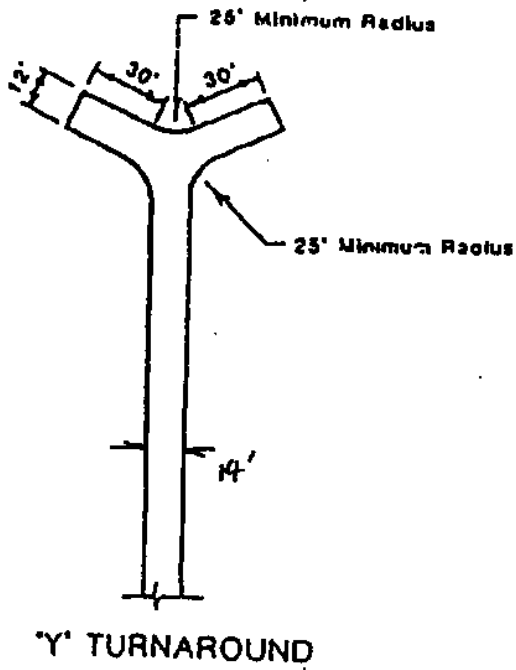
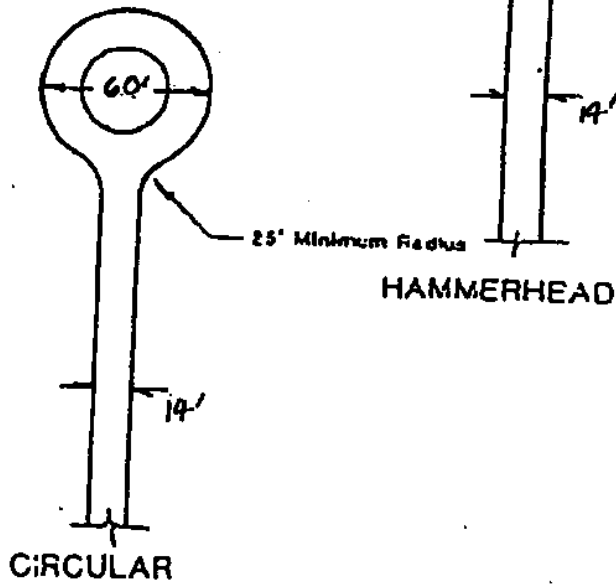
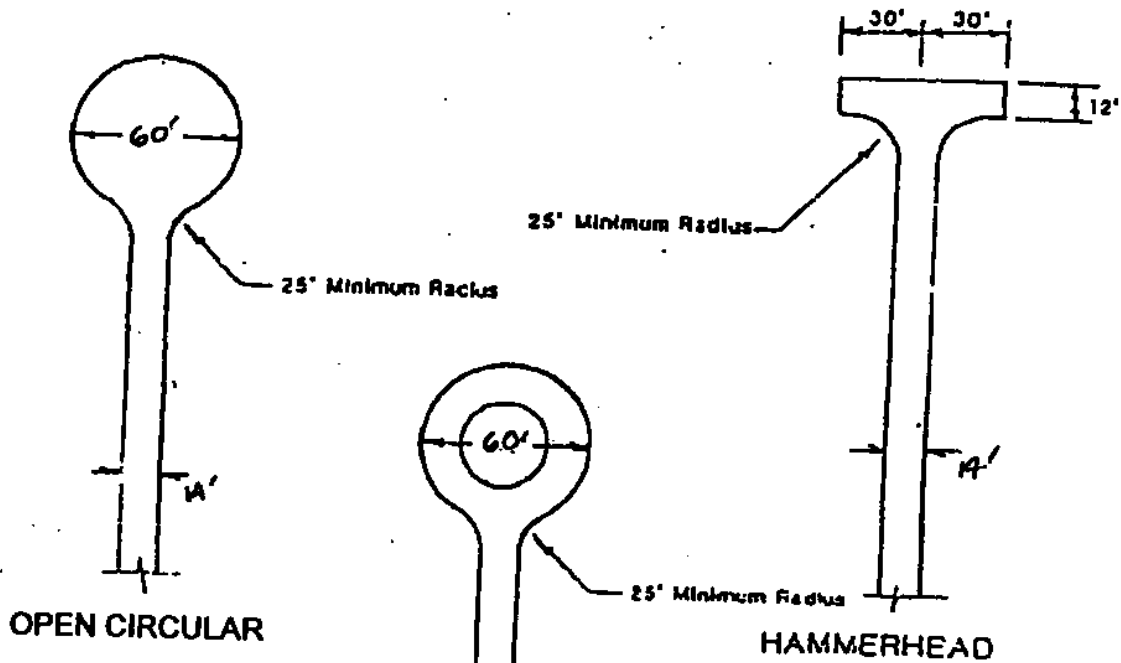
NOTE 3, PRIVATE ROADS & DRIVEWAYS: Minimum width allowed with a variance and mitigation is 12 FT.

SIDEWALKS: Sidewalks are not required outside urban growth boundaries and subdivisions..

NOTE 4, PRIVATE ROADS & DRIVEWAYS: A right-of-way is required for all roads except driveways. See section 32.010 for “driveway” exceptions.

SEIBACKS: Development must meet the set back requirements of the zone, and must not encroach upon Clear Zone requirements as established by ODOT

DRIVEWAY AND PRIVATE ROAD STANDARD TURNAROUNDS/LANDING



ARTICLE 33

PARKING

SECTION 33.010, PURPOSE: The purpose of this Article is to provide standards for off-street parking accommodations.

SECTION 33.015, REVIEW PROCEDURE: The review authority shall insure that new developments are provided with adequate parking in accordance with this ordinance.

01. **ELIGIBILITY OF STREET PARKING SPACES:** A public or private road shall not be eligible as fulfilling any part of the parking requirements.
02. **SHARED PARKING FACILITIES:** Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap, such as; uses primarily of a daytime versus nighttime nature and provide that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
03. **COMPUTATION RULE BASED ON NUMBER OF EMPLOYEES:** When the parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaging in the specified activity on the lot during the largest shift of the peak season.
04. **COMPUTATION RULE BASED ON NUMBER OF SEATS:** When the parking requirement is based on the number of seats, each twenty inches of pew, benches or similar facilities shall be counted as one seat.
05. **NON-SPECIFIED NUMBER OF PARKING SPACES:** When a required number of parking spaces is not specified for a particular use or facility, the Wallowa County Planning Director shall prescribe a number of parking spaces based on the traffic generation of the activity, time of operation, location, and other factors as created the need for off-street parking.

SECTION 33.020, REVIEW CRITERIA:

RESIDENTIAL TYPES	
<u>USE</u>	<u>PARKING SPACE REQUIRED</u>

PARKING

- A. DWELLINGS ONE PER DWELLING
- B. HOTELS, MOTELS,
AND APARTMENTS ONE PER UNIT

INSTITUTIONAL TYPES

- | <u>USE</u> | <u>PARKING SPACE REQUIRED</u> |
|------------------------------|---------------------------------------|
| A. CHURCHES AND LODGES | ONE PER FOUR SEATS |
| B. SCHOOLS | ONE PER 300 SQ FT OF GROSS FLOOR AREA |

COMMERCIAL TYPES

- | <u>USE</u> | <u>PARKING SPACE REQUIRED</u> |
|--|---------------------------------------|
| A. RETAIL | ONE PER 300 SQ FT OF GROSS FLOOR AREA |
| B. ESTABLISHMENTS FOR RECREATION
OR AN ENTERTAINMENT NATURE | ONE PER FOUR SEATS |
| C. OFFICE, BUSINESS,
AND PROFESSIONAL BUILDINGS | ONE PER 400 SQ FT OF GROSS FLOOR AREA |
| D. OTHER UNSPECIFIED
COMMERCIAL USES | ONE PER 300 SQ FT OF GROSS FLOOR AREA |

INDUSTRIAL TYPES

- | <u>USE</u> | <u>PARKING SPACE REQUIRED</u> |
|---|---------------------------------------|
| A. WHOLESALE AND STORAGE
OPERATIONS | ONE PER 700 SQ FT OF GROSS FLOOR AREA |
| B. OTHER UNSPECIFIED
INDUSTRIAL USES | ONE PER 400 SQ FT OF GROSS FLOOR AREA |

ARTICLE 34

SIGNS

SECTION 34.010, PURPOSE: The purpose of this article is to establish sign regulations which are intended to:

01. Establish a comprehensive system for the regulation of signs.
02. Support the use of signing for orientation, identify business and activities, express local history, or serve other information purposes.
03. Protect the ability of the public to identify uses and premises without confusion by encouraging signs to be designed with a scale, graphic character, and type of lighting compatible with the appearance of the buildings and uses in the vicinity.
04. Support the use of signing which is maintained in a safe and attractive condition which does not:
 - A. Create distractions that may jeopardize the safety of vehicular traffic.
 - B. Produce glare which adversely affects residential uses.

SECTION 34.015, REVIEW PROCESS: No person shall place, erect, construct, or otherwise maintain any signs which are not in compliance with the provisions contained in this ordinance. The provisions of this ordinance pertaining to signs shall not apply to the following signs:

01. Directional, warning, or information signs required or authorized by law which are erected by Federal, State, County, or Municipal Offices.
02. Official notices issued by a court or public body posted in the performance of a public duty.
03. Danger signs, railroad crossing signs, and signs of public utility companies indicating danger.
04. House numbers and sign not exceeding four square feet indicating the name of occupant of a residence of the premises on which the sign is located.
05. No trespassing, no parking, and similar warning signs.

SIGNS

06. Signs which are not intended to be viewed from public streets and are not legible from stated public streets nor from adjacent properties.
07. Signs offering premises for sale or rent.
08. Temporary signs.

SECTION 34.020, REVIEW CRITERIA:

01. GENERAL:

- A. No signs or advertising structures shall be permitted within any road right-of-way.
- B. All signs and advertising structures shall be maintained.
- C. In the event that a use having signs is discontinued for a period exceeding one year, all signs identifying the use and associated structure are to be removed from the site, or in the case of painted signs, painted out.
- D. Illuminated signs are to be indirectly lighted by continuous, stationary, or shielded light sources directed at the sign in such a manner as to prevent glare and annoyance to the public.
- E. Signs consisting of any moving, rotating, flashing displays, except for time/temperature displays, are to be prohibited.

02. **HEIGHT:** No sign or sign support shall extend beyond 25 feet above the average ground elevation beneath the sign or no higher than the building or structure on which the sign is attached.

03. NUMBER OF SIGNS:

- A. In residential zones, no more than one sign shall be posted within public view.
- B. In commercial and industrial zones no more than two signs per contiguous ownership shall be posted on the premises within public view. Requests for additional signs shall be subject to review by the review authority.

04. AREA:

- A. In residential zones, a sign for identification of the occupant or address shall be no larger than four square feet.

SIGNS

- B. In commercial and industrial zones the total square feet of signs in public view shall not exceed 32 square feet.
05. **LOCATION:** Permanent signs shall be affixed to buildings, fences, or other permanent structures.

SIGNS

ARTICLE 35

HOME-BASED OCCUPATION

SECTION 35.010, PURPOSE: The purpose of this article is to provide standards for establishment of Home-Based Occupations.

SECTION 35.015, REVIEW PROCEDURE: Applications for permits to allow Home-Based Occupations shall be subject to the public hearing process, except that:

01. Home-Based Occupation applications for zones where a Home-Based Occupation is an outright use shall be subject to Administrative Review.

SECTION 35.020, DEFINITION: Home-Based Occupation shall mean an activity carried on within a residence, within an accessory structure, or on the premise of a residence, which is intended to produce an income. The occupation must be accessory to the primary residential use and in compliance with the applicable requirements of this ordinance.

01. A Home-Based Occupation permit will not be required for:
 - A. Storage of tools used to generate off-premise income.
 - B. Farm and forest uses.
 - C. Activities which have no material negative impacts including:
 1. The making of objects in the residence which are sold elsewhere, including but not limited to: arts and crafts, quilting, sewing, or toys, or
 2. A mail order business, including but not limited to: selling Avon (or other cosmetics), Fuller Brush, toys, or other items, or
 3. A service which is conducted within the residence, including but not limited to: computer programming, data entry, consulting, accounting, and bookkeeping, if
 - a. The business does not have any employees.
 - b. The business does not have a sign.
 - c. Customers do not come to the residence to conduct business.

HOME-BASED OCCUPATION
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- d. The business does not produce noise, dust, odor, or other nuisance that is in excess of that which is usual and customary in the zone where the property is located.

SECTION 35.025, REVIEW CRITERIA: Applications for Home-Based Occupations shall be found to comply with the following criteria:

- 01. **AREA:** A Home-Based Occupation shall be restricted to no more than 25 percent of the gross square feet of the principal residence and 2,000 square feet of accessory buildings normally associated with uses permitted in the zone in which the property is located EXCEPT:
 - A. Bed and Breakfasts are excluded from the square footage criteria.
 - B. Other uses that provide overnight accommodations in conjunction with a home-based occupation.
- 02. **PARTICIPATION/EMPLOYEES:** A Home-Based Occupation shall employ, on site, no more than three full-time or part-time persons.
- 03. **COMPATIBILITY OF ACTIVITY:** The residence, accessory buildings, or any new structures or reconstruction approved for use by the Home-Based Occupation shall conform to the area and shall not be non-conforming in terms of color, materials, design, construction, lighting, landscaping or the lack of landscaping. Also, the proposed use shall not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- 04. **TRAFFIC GENERATION:** The permitted activity should not generate a greater volume of vehicular traffic than is usual and customary in the zone where the property is located.
- 05. **NOISE:** The permitted activity shall not generate any noise that is in excess of that which is usual and customary in the zone where this property is located.
- 06. **EQUIPMENT/RESTRICTIONS:** Any equipment used in the activity and processes shall not create vibrations, glare, fumes, odors, or electrical interference that is detectable to normal sensory perception at the property lines.
- 07. **HAZARDS:** Within a residence; no equipment, process, or materials shall be used which will change the fire-rating or structure separation, fire wall, or ventilation requirements of the building shall be permitted. Attached garages shall not be considered part of the residence for the purpose of this ordinance. Accessory

HOME-BASED OCCUPATION
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buildings, attached garages, or new structures permitted with the use shall meet all structural and life safety requirements for the use and activity. No hazardous materials shall be stored or used on the premise in quantities greater than customary for residential use unless specified and approved at the time of application. No Home-Based Occupation shall be permitted which presents a potential health or safety hazard to the area from discharges into the air, water, or ground; from surface run-off; or from increased need for vector control.

08. **STORAGE AND USE OF YARD:** All storage of materials and equipment associated with the Home-Based Occupation shall be enclosed unless specified and approved at the time of the application.
09. **SIGNS:** Signs shall conform to the provisions of Article 34, Signs.
10. **PARKING:** Parking shall be off-street and conform to the provisions of Article 33, Parking, Section 33.015(03).

NOTE: The existence of home-based occupations shall not be used as justification for a zone change [ors 215.448(4)].

HOME-BASED OCCUPATION
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ARTICLE 36

SALMON HABITAT RESTORATION

SECTION 36.010, PURPOSE: The purpose of this article is to create a system for plans on lands within Wallowa County that will restore and maintain habitat for Chinook salmon and, potentially, other salmonoid fish. The goals for salmon recovery are to provide spawning, rearing, and migration habitat within Wallowa County to assist in the recovery of Snake River salmonoids. Wallowa County recognizes that suitable in-stream habitat for salmon is dependent upon conditions throughout the watershed from the stream itself to the crests of ridges. For example, adequate crown density in forests contributes to the buildup of snowpack and the slower snowmelt needed to maintain streamflows beyond the spring runoff. Without healthy vegetation, soils can erode and fine sediment can flow into streams to suffocate fish eggs and small fry. Wallowa County finds that the salmonoid ecosystem includes the entire watershed not just the in-stream habitat.

SECTION 36.015, MANAGEMENT PLANS: Management plans shall be required prior to approval of watershed, streambank, and in-stream project applications. Plans shall conform to the requirements as provided by the Planning Department for this purpose.

SECTION 36.020, DEVELOPMENT PLANS: Development plans shall be required as provided for in this ordinance and shall include consideration of the following:

01. Provisions for protection of water quantity including:
 - A. Roads shall be maintained and designed to avoid quick runoff and improve infiltration.
 - B. Roads shall be relocated outside riparian areas and placed on less compactable soils.
 - C. Healthy riparian plant communities shall be developed and/or maintained.
 - D. In forested areas, protect the shaded snowpack (tree spacing) through measures prescribed in the Wallowa County/Nez Perce Salmon Recovery Plan.
 - E. Implement and maintain measures to decrease sediment input.
02. Provisions for protection of water quality including:
 - A. Develop and/or maintain thermal cover in riparian areas by planting and/or

protecting conifers.

- B. Provide filter strips along roads to help catch sediment.
- C. Implement dust limitation measures on roads.
- D. Design and maintain roads to prevent direct runoff from road(s) into streams which may include relocation of a road to better sites.
- E. Protect water corridors/road fords with rock of appropriate size.
- F. Develop and/or enhance watershed vegetation to protect banks from erosion.
- G. Reduce fuels through controlled and/or seasonal grazing management.
- H. Identify, monitor, and correct noxious weed problems in consultation with the Wallowa County Weed Control Department.
- I. Improve any existing septic systems to Department of Environmental Quality Standards.
- J. Follow current use regulations and water quality standards when utilizing herbicides and/or pesticides.
- K. Avoid runoff into streams of fertilizer/herbicides and/or pesticides.

03. Provisions for protection of stream structure including:

- A. Add and/or preserve large woody debris in streams.
- B. Prohibit further channelization along stream.
- C. Develop mitigation strategies for necessary channel-ization and/or bank protection.
- D. Avoid building in a floodplain.
- E. Develop hardened fords for machinery and livestock use.
- F. Avoid excess flow, peak flow, and bank erosion.

04. Provisions for protection of stream substrate including:

- A. Provide passages through swimming hole dams.

- B. Prohibit dredging in streams.
05. Provisions for protection of habitat including:
- A. Preserve and/or restore riparian vegetation.
 - B. Avoid pesticide use.
 - C. Avoid planting competing fish species.

ARTICLE 37

WALLOWA LAKE FLOAT/DOCK/SURFACE AREA

SECTION 37.010, PURPOSE: The purpose of the Wallowa Lake Float, Dock and Surface Area standards is to preserve, protect, and promote the public health, safety, convenience, prosperity, and general welfare with the following objectives:

01. Maintain the unspoiled character of Wallowa Lake by regulating construction, maintenance, number, and location of floats and docks.
02. Promote the public safety by eliminating boating hazards caused by submerged and floating portions of disintegrated floats and docks and to identify owners by means of registration.
03. Provide public recreational use of the waters of Wallowa Lake.
04. Protect the water quality of Wallowa Lake by prohibiting unsanitary facilities on floats and docks.
05. Protect and enhance adjacent private property.

SECTION 37.015, FLOAT AND DOCK DESIGN STANDARDS: The following regulations shall apply to floats and docks utilizing the surface water of Wallowa Lake.

01. All structures must comply with current Oregon State Marine Board Rules for new construction.
02. Styrofoam of a type approved for marine use by the Oregon State Marine Board Rules for new construction may be used for buoyancy.
03. Only approved anchoring devices shall be used as defined in Article 1, Section 1.065.
04. Plastic barrels approved by the Oregon State Marine Board may be used and shall be securely fastened to the bottom of the float or dock as specified by the Oregon State Marine Board Administrative Rules, OAR 250, Division 14.

WALLOWA LAKE FLOAT, DOCK , AND SURFACE AREA
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05. Sizes of floats and docks shall be determined by the owner in compliance with the provisions of this article. The Wallowa County Planning Commission reserves the right to specify size if considered so necessary in fulfilling the purposes and objectives of this ordinance.

SECTION 37.020, REGISTRATION REQUIREMENTS: With the exception of County, State, or Federally owned facilities, each float or dock owner shall purchase a permit to register their float or dock with the Wallowa County Planning Department.

01. Before being issued a registration number, a float or dock owner shall submit plans of the structure as required by the Wallowa County Planning Director showing method of construction and specification of materials.
02. The Public Works Director shall review the float or dock's structure for compliance with standards of 37.015 and 37.040 prior to issuing a registration number.
03. There shall be an initial registration fee and an annual fee each year thereafter. Annual fees shall be due and payable on or before March 1 of each ensuing year.
04. Any changes in structure or placement of existing registered floats and docks must be updated and approved upon annual renewal. Substantive changes may be subject to the initial registration fee.
05. Registered floats must be physically placed to insure registration renewal.
06. Registered floats not utilized for two consecutive years will result in non-renewal of permit/registration.

SECTION 37.025, PERMIT REQUIREMENTS: Registration and renewal shall be obtained through a permit process in accordance with the provisions of this Article. Permit application shall be made on a prescribed form obtainable from the Wallowa County Planning Department.

01. A permit issued for placement of a float shall not be transferable.
02. A permit issued for placement of a dock may be transferred upon approval by the Wallowa County Planning Director.
03. Permits will be issued for docks only on the West side and for floats only on

the East side of Wallowa Lake.

SECTION 37.030, COMMERCIAL DOCKS: Commercial docks require the approval of the Wallowa County Planning Commission pursuant to the provisions of Article 9, Conditional Use Permit, and the approval of the Division of State Lands. Fees and registration shall be in accordance with the current fee schedule of the Wallowa County Planning Department and the applicable State laws and regulations.

SECTION 37.035, ADMINISTRATIVE PROCEDURES: The Wallowa County Planning Commission may establish a maximum number of floats and docks on the lake if considered so necessary to carry out the purposes and objectives of this ordinance.

01. In establishing such a number, the Wallowa County Planning Commission shall use the number of the preceding year floats and docks as a base.
02. With the exception of publicly owned facilities, the Wallowa County Planning Commission hereby limits the number of floats to ten until such time as further study and assessment determines that a greater number could be accommodated without violating the intent of this ordinance.
03. Appeals shall be filed in accordance with the provisions of Article 7, Appeals.

SECTION 37.040, RESTRICTIONS: For the purpose of fulfilling the intent of this ordinance, the following restrictions shall be adhered to:

01. Each dock not owned by the immediately adjacent property owners shall be restricted to areas designated by the Wallowa County Planning Commission and shall be reviewed under the provisions of Article 9, Conditional Use.
02. Floats and docks shall be located where they will not substantially detract from the public's view of the lake or interfere with other amenities normally attributed to Wallowa Lake.
03. With the exception of the Yacht Club and Oregon State Park's leased docks, no float or dock shall be placed on the lake prior to March 1 or breakup of the ice - whichever comes first.
04. With the exception of the Yacht Club and Oregon State Park's leased

WALLOWA LAKE FLOAT, DOCK , AND SURFACE AREA
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docks, each float shall be removed from the lake no later than October 15 of each calendar year and each dock shall be removed from the lake no later than November 5 of each calendar year. Failure to do so will subject the owner to penalties as provided in Section 37.050.

05. No piling shall be constructed for the purpose of anchoring private floats or docks.
06. There shall be no "to-shore" sewage hookups from boats, floats or docks. Only self contained and portable toilets approved by the Department of Environmental Quality shall be allowed for use on houseboats, floats, or docks. The floor area of any structure housing such a sanitary facility or dressing room shall not exceed 25 square feet and the height shall not exceed 7 feet.
07. No float or dock shall extend beyond 200' from the high water mark of Wallowa Lake.
08. Placement of booms shall be subject to prior approval by the Wallowa County Planning Department.
09. Except for the dock permitted on the Timber/Grazing portion of the property located between the Lake and Highway 351 on the East side of the lake, docks will not be permitted on the East and floats will not be permitted on the West side of Wallowa Lake.
10. Steel drums to be used as floatation devices will not be allowed.
11. No float shall exceed 320 square feet of surface area and should be so designed to facilitate removal from the water to minimize damage to floatation devices.

SECTION 37.045, EXCEPTIONS AUTHORIZED: Exceptions and conditional exceptions to the regulations prescribed by this article may be authorized by the Wallowa County Planning Commission when it can make all the following findings:

01. That there are special circumstances or conditions that do not normally apply to other floats and docks and that such circumstances or conditions make it impossible or impractical to comply.
02. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.

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03. That the granting of the exception is in accordance with the purposes and objectives prescribed in Section 37.010.
04. That the exception is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.

SECTION 37.050, PENALTIES: In addition to penalties otherwise prescribed by this ordinance, failure to comply with the provisions of this article will subject the owner of the float or dock to confiscation of said float or dock and removal from the water of Wallowa Lake with all associated costs charged against the owner.

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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:

01. Livestock animals: One sheep or goat per 1/4 acre, or one adult cow, 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, 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.

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
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.

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.

ARTICLE 39

LOT LINE ADJUSTMENT

SECTION 39.010, PURPOSE: The purpose of a standardized Lot Line Adjustment procedure is to insure that the adjustment of property lines is conducted in an orderly manner and in compliance with this ordinance.

SECTION 39.015, DEFINITION: For the purpose of this Article a Lot Line Adjustment shall be the relocation of a common property line between two abutting properties.

SECTION 39.020, REVIEW PROCEDURE: Requests for Lot Line Adjustments shall be reviewed for conformance to the applicable criteria:

01. **MINISTERIAL REVIEW:**

- A. The proposed Lot Line Adjustment will not result in the creation of a new parcel.
- B. Both contiguous parcels involved in the Lot Line Adjustment were lawfully created.
- C. The subject parcels, lots, or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone [ORS 92.010 (7)(b)].
 - 1. Adjustments to non-conforming lots or parcels shall not result in greater non-conformity except that:
 - a. A reduction in the size of a non-conforming lot or parcel may be approved if it contributes substantially to bringing an adjacent non.-conforming parcel closer to conformance.
 - 2. The proposed parcels, lots, or tracts of land as adjusted will comply with other area dimension requirements including, but not limited to, setbacks, frontage, width, depth, and area as prescribed by the applicable use zone. Where the original subject properties do not conform to dimension requirements in the applicable zone, any proposed property line adjustment shall not increase the degree of nonconformity.
- D. The proposed lot line adjustment will not, by itself, qualify a lot or parcel for a use or partition otherwise not permitted or requiring review and approval in the applicable use zone.
- E. A property line adjustment shall be surveyed in compliance with ORS 92.060

(7)(8)(9), except that a survey is not required under the following conditions:

1. The relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary.

02. PUBLIC HEARING REVIEW:

- A. The proposed Lot Line Adjustment will not result in the creation of a new parcel.
- B. Both contiguous parcels involved in the Lot Line Adjustment were lawfully created.
- C. The subject parcels, lots, or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone [ORS 92.010 (7)(b)].
 1. Adjustments to non-conforming lots or parcels shall not result in greater non-conformity except that:
 - a. A reduction in the size of a non-conforming lot or parcel may be approved if it contributes substantially to bringing an adjacent non-conforming parcel closer to conformance.
 2. The proposed parcels, lots, or tracts of land as adjusted will- comply with other area dimension requirements including, but not limited to, setbacks, frontage, width, depth, and area as prescribed by the applicable use zone. Where the original subject properties do not conform, to area dimension requirements in the applicable zone, any proposed property line adjustment shall not increase the degree of nonconformity.
- D. A lot line adjustment which proposes to further diminish the area of a lot or parcel already smaller than the minimum lot size must not be inconsistent with the purpose and intent of the zone in which it is located.
- E. An application for a lot line adjustment, which by its execution, would qualify a lot or parcel for a use otherwise not permitted in the zone(s) or requiring review and approval., must show that the specific new use is not inconsistent with the purpose and intent of the zone(s) in which it is located.
- F. A property line adjustment shall be surveyed in compliance with ORS 92.060 (7)(8)(9), except that a survey is not required under the following conditions:
 1. The relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property 'line is a distance of even width along the common boundary.

39.030, PROCESSING: In processing a Lot Line Adjustment, the following procedures shall be followed:

01. **INITIATION:** An application for a Lot Line Adjustment shall be initiated by the owner (or agent of the owner with written authorization) of the subject property.
02. **FILING:** An application for a Lot Line Adjustment shall be filed on forms provided by the Planning Department and shall include all of the following information:
 - A. Wallowa County Assessor's Plat Maps (Two maps, one "before", the other "after" the lot line adjustment) indicating:
 1. The existing boundary lines.
 2. The proposed boundary lines.
 3. Dimensions of all of the lots or parcels, both before and after the Lot Line Adjustment.
 4. All existing improvements and their distances from the proposed boundary line(s).
 5. Any required road improvements.
03. **FILING OF FINAL APPROVAL:** Within one year of the date of approval of a Lot Line Adjustment, the applicant must:
 - A. Record the approved Lot Line Adjustment application and Wallowa County Assessor's Plat Maps with the Wallowa County Clerk.
 1. The document must include the names of the property owner(s) involved, the signature of the applicant(s), the -qap descriptions (township, range, section, tax lot) of both parcels involved before the Lot Line Adjustment, legal descriptions of both parcels before and after the lot line adjustment, and the signatures of the Wallowa County Planning Department and the Wallowa County Surveyor.
 - B. Provide a copy of the recorded application to the Wallowa County Planning Department to be added to the lot line adjustment file.

SECTION 19.035, APPEAL: The applicant or any interested deed holder or contract vendee of property within 250 feet of the property affected by decisions pursuant to this section may, within 10 days from the date of the decision regarding approval or denial, appeal the decision pursuant to

the provisions of Article 7, Appeals.

NOTE: APPROVAL OF A LOT LINE ADJUSTMENT AND RECORDING OF THE APPLICATION DOES NOT TRANSFER TITLE OR CHANGE OWNERSHIP. A DEED OR OTHER CONVEYANCE MUST BE RECORDED TO TRANSFER TITLE OR CHANGE OWNERSHIP. See ORS 92.190(3)(4).

IN THE CASE OF A LOT LINE ADJUSTMENT INVOLVING A SINGLE OWNER OF ADJOINING LOTS, AN AFFIDAVIT STATING THE OWNER'S DESIRE THAT THE LOT LINE ADJUSTMENT BE MAPPED MAY BE RECORDED AND THAT WILL CAUSE THE MAP TO BE CHANGED TO SHOW THE APPROVED LOT LINE ADJUSTMENT.

ARTICLE 40

PERFORMANCE GUARANTEE

SECTION 40.010, PURPOSE: Performance guarantees may be required by the review authority for applications requiring Administrative or Public Hearing Review. The purpose of the performance guarantee is to insure compliance with this ordinance or conditions of approval.

SECTION 40.015, REVIEW PROCEDURE: If improvements required by this ordinance or conditions of approval are not fulfilled prior to the time of final decision or action on a development permit, Wallowa County may accept a performance agreement and/or bond executed by the applicant. And, his surety with the County Court, conditioned upon faithful performance, of completion of all specified improvements or conditions within the period of time specified in such agreement. The performance agreement shall follow the procedure set forth below.

01. The applicant shall have cost estimates prepared by an engineer or contractor and signed by same. All costs shall be based on standards as designated by this ordinance or other specifications ordinance.
02. All estimates shall be submitted to the Wallowa County Planning Director who shall forward the estimates to the appropriate agencies or departments for review.
03. The Wallowa County Planning Director shall notify the applicant as to any changes in bond or guarantee amount of conditions necessary for acceptance by Wallowa County.
04. The applicant shall submit to the Wallowa County Planning Director the bond or other guarantee and a copy, thereof, written in favor of Wallowa County. When the Planning Director finds the bond or other guarantee is in order, the agreement shall be forwarded to the Wallowa County Court for their review and proper execution.
05. All guarantees and bonds shall specify the time limit for completion of the performance agreement by the applicant. The time limit shall not exceed 12 months unless justification for a longer period of time is set forth in writing. Time extensions may be granted by the Wallowa County Court upon written request stating grounds for such a request.
06. The monetary amount of all bonds or other guarantees shall be 120 percent of the estimated cost.

SECTION 40.020, EXTENSION AND ADJUSTMENT OF PERFORMANCE AGREEMENT:

PERFORMANCE GUARANTEE

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01. The time limit for satisfactory completion of any bonded or guaranteed improvements or conditions of approval may be extended by the Wallowa County Court upon written request from the applicant. The Wallowa County Court may extend the time limit for periods not to exceed 12 months with each written request.
02. In the process of reviewing a bond or guarantee time limit extension, the Wallowa County Court shall reassess and may require an adjustment in the bond or other guarantee amount to address the current costs of meeting the existing obligations of the applicant.
03. In the case of an obligation to perform at a future date exceeding 12 months, the amount of the bond shall be adjusted annually to reflect changing estimates of the costs of fulfilling the obligation.

SECTION 40.025, NONCOMPLIANCE WITH OBLIGATION:

01. If the Wallowa County Planning Director finds that a permittee is not fulfilling an obligation, the Planning Director shall notify the applicant in writing of the agreement violation and shall specify the details of noncompliance. Within 30 days of the notice, the applicant shall correct the situation - unless the Planning Director allows additional time for compliance because of circumstances beyond the control of the applicant.
02. If the applicant does not take action within 30 days to correct the situation or fails to diligently work to complete the compliance or the compliance is otherwise not completed within the time specified in the performance agreement, Wallowa County may take the following action.
 - A. Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon.
 - B. Notify the applicant of his/her failure to perform as required.
 - C. Demand payment from the applicant for the unfulfilled obligation.
03. If the guarantee is not sufficient to compensate Wallowa County for expenses necessary to fulfill the obligation, the amount due to the Wallowa County for the obligation is a lien in favor of the Wallowa County and upon the entire contiguous real property of the owner of the land subject to the obligation.
04. The lien attaches upon the filing with the Wallowa County Clerk of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the guarantee, and allege the applicant's failure to do the required obligation.

PERFORMANCE GUARANTEE

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05. The lien may be foreclosed in the manner prescribed by law for foreclosing liens on real property.

PERFORMANCE GUARANTEE

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ARTICLE 41

HISTORIC STRUCTURES

SECTION 41.010 HISTORICALLY SIGNIFICANT BUILDINGS: The following provisions shall apply to buildings currently listed as being of historical importance in the Wallowa County Comprehensive Land Use Plan and future additions to that list. Uses, alterations, or demolition of historical buildings shall be according to the following:

01. Historical buildings may be used for purposes not otherwise authorized in the zone in which they are located as conditional uses. Such conditional uses shall be granted only as they will preserve the integrity of the building and historic value and will be subject to review by the review authority who will follow the provisions of Article 6, Design Review.
02. Exterior alterations shall be in accordance with the following:
 - A. Upon receipt of an application for exterior alteration of a historic structure listed on the significant buildings list, the review authority at public hearing, shall review the proposed alteration to determine whether the proposed changes will alter the resource's historical significance. This review shall be based on the criteria for determining historic significance contained in the Wallowa County Comprehensive Land Use Plan.
 - B. Exterior alterations as governed by this ordinance include any change or alteration of a facade, texture, design, material, fixtures, or other treatment.
 - C. All applications for exterior alteration shall be accompanied by plans and specifications of the proposed alteration. The review authority may request additional sketches and other information deemed necessary to make an informed decision.
 - D. The review authority shall approve the change if the treatment proposed is determined to be harmonious and compatible with the character of the resource. In order to approve the application, the review authority shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials; and/or find that the alteration will enhance the historical value of the resource. Conditions may be attached to the approval. The review authority shall disapprove the request if the proposal would

HISTORIC STRUCTURES

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reduce the resource's value or historic significance. Conditions attached to a permit for exterior alteration of a significant historic structure shall be limited to permit requirements addressing architectural design, surface, texture, materials, fixtures, or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved. The review authority shall not make any recommendations or requirements except for the purpose of preventing developments out of character with the historic aspects of the resource.

- E. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design or the construction, reconstruction, or alteration of such features which the building inspector shall certify is required by public safety because of an unsafe condition.
03. A demolition permit shall be applied for when a historical building is to be destroyed. The permit application shall be reviewed by the review authority in a public hearing. If the permit is tentatively approved, demolition will not commence for a minimum of 90 days in order that an alternative to demolition may be devised. If no alternative is forthcoming at the end of the 90 day period, demolition may proceed.

ARTICLE 42

EXISTING LOT

SECTION 42.010, PURPOSE: The purpose of the Existing Lot Zone is to allow the establishment of non-farm, non-forest residential use in areas predominantly comprised of lots or parcels of insufficient size required for farm or forest use and/or where further creation of additional lots or parcels could potentially increase the need for public services, such as; road maintenance, school bus service, or law enforcement.

SECTION 42.015, PERMITTED USES: In the Existing Lot Zone, the following uses and activities and their accessory buildings are permitted subject to Ministerial Review of compliance with general provisions set forth by this ordinance:

01. Single-family residences.
02. Accessory structures customarily provided in conjunction with a residence.
03. Utility and communication facilities necessary for local service and excluding any facilities for generating power for public use.
04. Farm and forest uses.
05. Temporary uses subject to Article 13, Temporary Use Permit.

SECTION 42.020, CONDITIONAL USES PERMITTED: The following uses may be established in the Existing Lot Zone subject to Public Hearing Review for compliance with requirements of Article 9, Conditional Use Permit, and other provisions of this ordinance:

01. Home-based occupations.
02. Private and public parks and playgrounds.

EXISTING LOT

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Revised 4/30/02

SECTION 42.025, PROPERTY DEVELOPMENT STANDARDS:

01. **EXISTING LOT:** A lawfully created discrete parcel created on or before July 20, 1988 or lots in a platted subdivision created on or before July 20, 1988.
02. **LOT SIZE:** Partition of an existing lot that is not comprised of platted lots is prohibited. The minimum lot size for purpose of transferring or retaining ownership of platted lots comprising an existing lot shall be five acres, except for the High Lostine Subdivision where the minimum lot size shall be two acres.
03. **DENSITY:** One residence shall be allowed per existing lot providing setbacks and Oregon State Department of environmental Quality requirements can be satisfied.
04. **SETBACKS:**
- FRONT YARD:** Not less than 25 feet from a lot line.
- SIDE YARD:** No structural appendage shall extend within seven feet from a lot line.
- REAR YARD:** Not less than 15 feet from a lot line.
- STREAMS:** All 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 100 feet measured at right angles.
- ~~**HIGHWAYS:** There shall be a 100 foot setback from all highways.~~
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.

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EXISTING LOT

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ARTICLE 43

ENFORCEMENT

(Wallowa County Land Use Enforcement Article)

SECTION 43.010, PURPOSE:

The purpose of this Ordinance Article is to authorize certain designated officers of Wallowa County to enforce any of the provisions of the Wallowa County Land Development Ordinance, the Wallowa County Comprehensive Land Use Plan, to provide procedural guidelines for enforcement of those ordinances, rules, and regulations and to adopt sanctions for violations. This Article is intended to provide an efficient and fair method of enforcing the ordinance, rules, and regulations governing land use planning.

SECTION 43.015, AUTHORITY:

The enforcement of County ordinances is authorized by ORS 203.065.

SECTION 43.020, DEFINITIONS:

- (1) "County Ordinance" or "ordinance" means any ordinance adopted by Wallowa County, dealing with land use zoning and planning.
- (2) "Person " includes the United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor- or combination thereof. For the purposes of this chapter, "person" also includes those residing or conducting business or activities in Wallowa County.
- (3) "Violator" means a person who has been accused of a violation of a this ordinance or a person who has admitted or been adjudicated to have violated a this ordinance.
- (4) "Enforcement Officer" means a person authorized to represent the County in the investigation and resolution of alleged and actual violations of this ordinance, in the preparation of letters of notification and warning, in the preparation of citations, complaints, consent or stop work orders, and to carry out other provisions of this article.

SECTION 43.026, VIOLATION CLASSIFIED:

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All offenses subject to this enforcement article are punishable as Class A Violations under Oregon law.

SECTION 43.027, COORDINATION OF PERMITS REQUIRED:

- (1) No permits shall be issued by a building official for the construction, reconstruction, alteration, or change the use of a structure or lot that does not conform to the requirements of this ordinance.
- (2) No person, firm, or corporation shall connect electrical service to any construction site, structure, or mobile home erected, installed, or altered within Wallowa County for which a zone or conditional use permit or building permit or mobile home installation permit has not been obtained.
- (3) Nothing in this ordinance shall prevent the reconnection of existing electrical services which have been temporarily disrupted.

SECTION 43.030, CITATIONS AUTHORIZED AND ENFORCEMENT OFFICERS APPOINTED:

- (1) The following persons are authorized to issue citations:
 - (A) The Wallowa County Sheriff and all deputies in the Sheriff's Office;
 - (B) Any other person specifically authorized by order of the Wallowa Board of Commissioners.
- (2) The following persons are authorized to act as enforcement officers pursuant to this article:
 - (A) The Wallowa County Planning Director or acting Planning Director and others authorized by the Director, and:
 - (B) Any other person specifically authorized by order of the Wallowa Board of Commissioners.

SECTION 43.031, ADMINISTRATIVE RESOLUTION PROCEDURES:

The Enforcement Officer (hereinafter "EO") shall follow the sequential steps and time lines set forth herein in processing all enforcement complaints and actions:

A. INTAKE AND PRELIMINARY INVESTIGATION:

1. Complaint is received or discovered by EO.
2. EO opens Enforcement file.
3. Preliminary EO investigation.

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4. Referral to other agency where appropriate.
5. Letter of Notification to alleged violator shall:
 - (a) state complaint received;
 - (b) describe nature of alleged violation;
 - (c) state any applicable ordinance requirements;
 - (d) request violator to contact EO within 10 days of receipt; and
 - (e) provide address and phone number at which EO can be contacted;
 - (f) be sent by certified or registered mail, return receipt requested.
6. If problem/violation is resolved, referred or determined not to be a violation, EO notifies complainant, if any. If resolution of the violation involves the filing of a permit application, further enforcement action shall be suspended pending completion of the permit process.

B. ENFORCEMENT ACTION: If preliminary investigation and inquiry reveals evidence of a violation that is not resolved through initial contact with violator(s):

1. EO conducts site visit (collect evidence, photos, etc.)
2. EO develops plan of correction.
3. EO sends a Letter of Warning (optional—see Section 43.033) to violator(s) which shall:
 - (a) reference letter of inquiry and attach copy;
 - (b) restate complaint received;
 - (c) restate nature of alleged violation;
 - (d) cite applicable ordinance requirements;
 - (e) cite ordinance section(s) violated;
 - (f) describe corrective measures which must be taken;
 - (g) state that violator(s) has 20 days from receipt to either contact EO or take corrective measures within a time specified by the EO;
 - (h) state that if correction or contact is not made within the time specified, a citation may be issued and describe the potential penalties for the alleged violations;
 - (i) restate address and phone number to contact EO; and
 - (j) be sent by certified or registered mail, return receipt requested.
4. If contact is made by the violator, EO has the authority to work with the violator without formal time limitations so long as progress continues on correcting the violation, including but not limited to development of a consent agreement. If in the discretion of the EO sufficient progress is not made to correct the violation, EO shall proceed to the next step.
5. If there is still no response or correction within the time specified, or if the violator(s) has failed to cooperate with the EO, or if correction of the violation has failed to progress within a reasonable time, the EO shall proceed to request that a citation be issued.

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6. If a citation is issued, the EO shall prepare the complaint for the court and appear at the hearing.
7. The EO shall provide copies of all Stop Work/Use Orders, Citations, and complaints to
County Counsel.
8. If a violator(s) is cited, or if a stop work/use order is issued, the EO shall notify complainant, if any, of the hearing date.

SECTION 43.033, WARNING OPTIONAL:

(A) Warning of a violation made prior to citation, may be omitted, at the sole discretion of the enforcement officer, based on one or more of the following circumstances:

- (1) The gravity of the violation(s);
- (2) The degree to which the violation(s) affects others;
- (3) Whether the person in violation knew or reasonably should have known that a condition or action is in violation of a Wallowa County ordinance;
- (4) Whether there is a history of previous violations or enforcement actions concerning the violator or the property in violation;
- (5) The presence or absence of other mitigating factors.

(B) Warnings as described in Section 43.032 may be given in person or by mail to the owner and/or occupant of property in violation of this chapter and the warning may include such additional information as the enforcement officer deems appropriate.

SECTION 43.034 , CONSENT AGREEMENTS:

(A) Contents. The County and the violator(s) may enter into a consent agreement at any time. The consent agreement shall specify a time limit and the corrections necessary to cure the violation(s). As long as the violator complies with the consent agreement, the enforcement action will be suspended. If the violator fails in any manner to comply with the consent agreement, the enforcement action may be resumed at the point at which it was suspended.

(B) Signers. The violator(s) and legal representative, if any, will sign the consent agreement. The County Counsel will approve and sign the consent agreement on behalf of the County.

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(C) Violation of the Consent Agreement. Failure to comply with the consent agreement is a separate violation for which the County may issue a separate citation and seek additional penalties. In addition, the County may seek additional remedies and penalties provided for by this or any other ordinance or law.

SECTION 43.035, RIGHT OF ENTRY:

When it may be necessary to inspect to enforce the provisions of this Ordinance or the authorized enforcement officer has reasonable cause to believe there exists in a building or upon a premises a condition which is contrary to, in violation of this ordinance, or which otherwise makes the building or premises unsafe, dangerous or hazardous, the authorized enforcement officer may enter said building or premises at reasonable times to inspect or to perform the duties imposed by that ordinance provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the authorized enforcement officer shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the authorized enforcement officer shall have recourse to the remedies provided by ORS to secure entry.

SECTION 43.040, STOP USE ORDER:

A Stop Use Order may be issued whenever any building or structure or equipment or use regulated by is used contrary to the provisions of this Ordinance, and the authorized enforcement officer may order such use discontinued and the structure vacated. All persons using the structure shall discontinue the use within the time prescribed by the enforcement officer in his/her notice. Such person(s) shall stop such use until specifically authorized by the enforcement officer.

SECTION 43.045, STOP WORK ORDER:

A Stop Work Order may be issued whenever the follow-up of permits and approvals reveals construction, installation and/or land use activity not permitted under the permit or approval; and whenever the enforcement officer discovers or receives a verified complaint for unpermitted construction, installation or land use being done contrary to the provisions of this Ordinance (or other pertinent laws or ordinances implemented through its enforcement).

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SECTION 43.050, VIOLATION OF STOP WORK/USE ORDER:

If construction, installation or land use activity continues after the issuance of a stop work order, appropriate follow-up enforcement action shall be taken. Such action may include, but is not limited to, the issuance of a citation.

SECTION 43.055, WORK WITHOUT A PERMIT:

Whenever any work for which a permit is required by this Ordinance has been commenced without first obtaining said permit, the applicant may be assessed an additional fee of up to \$500 before a permit may be issued for such work. The payment of a fee and any penalty prescribed by law shall not exempt any person from compliance with all other provisions of County Ordinances or from any penalty prescribed by law.

SECTION 43.060, AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES:

The authorized enforcement officer shall have the authority to disconnect fuel-gas utility service, and other energy supplies to a building, structure, premises or equipment regulated by County Ordinance when necessary to eliminate an immediate hazard to life or property. The authorized enforcement officer shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within three business days thereafter.

SECTION 43.065, CITATION:

A citation conforming to the requirements of this section may be requested by the authorized enforcement officer to prosecute any violation of this ordinance.

The Citation to appear shall consist of at least four parts. Additional parts may be inserted for administrative purposes by departments charged with the enforcement of the ordinance. The required parts are:

- 153.048. (1) A complaint in the form prescribed by ORS
- (2) The abstract of court record.
- (3) The Police record.
- 153.01. (4) A summons in the form prescribed by ORS

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The citation shall also contain the following information, or shall have blank spaces in which such information shall be entered:

- number, (1) The name of the court and the court's docket or file
- (2) The name of the entity who has brought the action;
- (3) The name of the defendant cited for the violation;
- (4) The offense charged, with the ordinance provision violated, the time and place of the violation; the date on which the citation was issued; the name of the enforcement officer; and the zone in which the violation occurred;
- (5) The hour and date when the person cited is to appear in court; and
- (6) The bail, if any, fixed for the offense by schedule.

Each of the parts may also contain such identifying and additional information as may be necessary or appropriate for administrative departments of the County. This may include an indication of whether a written warning was previously issued to defendant for the same violation. A written warning is not a prerequisite to the issuing of a citation under this Article.

The complaint shall contain a form of verification by the enforcement officer to the effect that he or she swears that he or she has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to a Wallowa County ordinance or a State regulation enforced by this Article.

Nothing in this section shall be construed to prevent the use of a complaint charging a violation of an ordinance in the form and manner otherwise prescribed by law for criminal complaints, and a person or persons may be charged jointly on such a complaint where otherwise permitted by law.

SECTION 43.070, SERVICE FOR THE SUMMONS AND COMPLAINT:

- (1) The enforcement officer requesting the citation shall cause the summons to be served to the person cited or to an office of the corporation, if a corporation

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is cited, and shall cause the complaint to be delivered to the Court.

(2) Service shall be made in accordance with Rule 7, Oregon Rules of Civil Procedure. Such service includes, but is not limited to, personal delivery or service by mail. Service by mail shall be made by mailing a true copy of the summons and complaint to the person cited by certified or registered mail, return receipt requested.

SECTION 43.075, APPEARANCE; HEARING; DEFAULT:

(1) The violator shall appear in Circuit Court at the time indicated in the summons, or prior to such time may:

(a) Request a hearing before the Circuit Court.

(b) Admit violation of the Wallowa County ordinance and give a statement to the Circuit Court of matters in explanation or mitigation of the violation.

(c) Submit to the Circuit Court an executed appearance, waiver of hearing, and admission of violation as set forth on the summons, together with cash, check or money order in the amount of bail set forth on the summons. A statement in explanation or mitigation may also be submitted with the admission of violation of a Wallowa County ordinance.

(2) In any case in which the violator personally appears in court at the time indicated in the summons, and the violator desires to admit the violation of the Wallowa County ordinance and the court accepts the admission, the court shall hear any statement in explanation or mitigation that the violator desires to make.

(3) If the violator does not appear in court at the time indicated in the summons, and has not, prior to such time, submitted an executed

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appearance and waiver hearing to the court, together with cash, check or money order in the amount of the bail set forth in the summons, or requested in writing a continuance of the time to appear in court, the court shall enter a judgment against the violator in an amount equal to the bail set forth on the face of the summons, together with court costs and any special costs.

SECTION 43.080, EFFECT OF ADMISSION AND STATEMENT OF VIOLATOR:

If a violator has not requested a hearing but has submitted to the court a written statement in explanation or mitigation of the ordinance violation, the statement constitutes a waiver of hearing and consent to the entry of a judgment against the violator. The court may declare a forfeiture of the bail or portion thereof on the basis of the statement and any testimony or written statement of the enforcement officer or other person, if any, which may be presented to the court.

If the defendant requests a hearing or if, pursuant to Section 43.080, the court directs that a hearing be held, the court shall fix the date and time for hearing and unless notice is waived, shall, at least five (5) days in advance of the hearing, mail to the defendant notice of the date and time so fixed. The notice shall set forth a warning that, in the event that the defendant fails to appear, the court may issue a warrant of arrest.

Notice to the defendant required pursuant to Section 43.080 shall be made in the form of a court "Notice to Appear" and be placed in the United States Mail addressed to the defendant at his last known address with postage pre-paid thereon.

SECTION 43.085, JUDGMENT:

If the defendant admits guilt or if the court finds him/her guilty, the court may direct that a hearing be held. Otherwise, the court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant, and remit to the defendant any amount by which the bail exceeds the fine. No fine may be imposed in excess of the bail deposited by the defendant, unless a hearing is held.

SECTION 43.090, SHOW CAUSE ORDER:

If a person fails to make a first appearance on a citation for a violation, or fails to appear at any other subsequent time set for trial or other appearance, the court may issue an order that requires the defendant to appear and show cause why the defendant should not be held in

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contempt. The show cause order may be mailed to the defendant by certified mail return receipt requested. If service cannot be accomplished by mail, the defendant must be personally served. If the defendant is served and fails to appear at the time specified in the show cause order, the court may issue an arrest warrant for the defendant for the purpose of bringing the defendant before the court.

SECTION 43.095, BAIL:

The Board of Commissioners shall set the appropriate amount of bail to be scheduled for ordinance violations.

Such bail schedules may be changed from time to time by Board order. Until such change by Board order, the bail shall be set at:

- (a) For a single offense/occurrence, an amount not to exceed \$500.
- (b) For a continuing or subsequent offense/occurrence, an amount not to exceed \$500 per day.

SECTION 43.100, FINES AND DISPOSITION OF FINE AND BAIL MONEY RECEIVED:

The court may assess a fine, upon a finding that an ordinance violation has occurred, of not to exceed \$500 for a single, non-continuing offense. The fine for an offense which continues for more than one day shall not exceed \$500 per day.

In accordance with ORS 203.065(4), fines recovered and bail amounts forfeited shall be paid to the Clerk of the presiding Court. After first deducting court costs in the proceedings, the Clerk shall pay the remainder to the Wallowa County Treasurer for the General Fund of Wallowa County.

SECTION 43.105, COUNTY COUNSEL:

The Wallowa County Counsel or counsel appointed by the Wallowa County Board of Commissioners shall act as legal counsel for any enforcement proceeding conducted pursuant to this Article. The County Counsel or appointed counsel may prosecute the violator of the Land Development Ordinance in the name of the County.

SECTION 43.110, OTHER REMEDIES PRESERVED:

Notwithstanding this Article, 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.

ENFORCEMENT

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Adopted Wallowa County BOC November 6, 2000

ARTICLE 44

Important note: Items 01-08 of adopted Article 28 relate to county-wide Goal 5 resources and will be further revised and adopted through Periodic Review Task Eight. The remainder of the present Article 28 (section 09 onward) will be repealed when Article 44 is adopted at the County Commission level--along with any necessary changes to the Comprehensive plan and ESEE studies. Article 44 applies only to the Goal 5 Overlay zone for the Wallowa Lake Moraines and needs to be adopted and made effective immediately upon adoption since the current Article 28 provisions are not satisfactory to LUBA, DLCD, or Wallowa County.

ARTICLE 44

WALLOWA LAKE MORAINES GOAL 5 RESOURCE OVERLAY

SECTION 44.010, PURPOSE: In that area of the Wallowa Lake Moraines identified in the Wallowa County Comprehensive Land Use Plan (WCCLUP) as being of Goal 5 resource importance, the following standards shall apply, in addition to those of the underlying zone. In the Overlay Zone, conflicting uses may be prohibited, limited, or allowed, depending upon the impact on the resource (OAR 660.023.0040 (5)). For the purpose of this article, conflicting uses are considered to be anything which may alter the existing character of this area. Conflicting uses include, but are not limited to: development of residential, non-residential, or commercial structures, roads, agricultural practices and forest practices which are intensive or non-traditional, and other activities which would require any facilities, structural or otherwise, to be developed.

Forest operations regulated by Forest Practices Act (FPA) as administered by the Oregon Department of Forestry (ODF) are not subject to this Article. State Statute (ORS 527.670) requires that the operator, timber owner or landowner notify the State Forester before commencing any FPA forest operation activity. ODF will enter into a Memorandum of Understanding with Wallowa County to provide notification to the County of these operations within the Goal Five boundary. (See Goal V Policy 23, WCCLUP).

The design, siting and construction standards of this article require structures and uses to maintain the scenic integrity of the Moraines and to be visually subordinate to the surrounding scenic landscape. Scenic integrity is determined by the degree of

intactness and wholeness of the landscape character; conversely, scenic integrity can also be a measure of the degree of visible disruption of the landscape character. Please see Definitions in Article 1, Section 1.065. Wallowa County has adopted the following handbook as an authoritative source on landscape character preservation:

LANDSCAPE AESTHETICS: A HANDBOOK FOR SCENERY MANAGEMENT, USDA Forest Service Agriculture Handbook Number 701, December, 1995 (Supersedes AH462, National Forest Landscape Management, Volume 2, Chapter 1, THE VISUAL MANAGEMENT SYSTEM). Hereafter referred to as Aesthetics.

Prior to development, an applicant shall submit and receive review authority approval of a scenic management plan. The management plan shall be prepared following the procedures described in this article for accomplishing visual subordination in a scenic management plan.

Accepted farming practices as defined by ORS 930.947(2) and fencing that continues the traditional land use pattern of the property are generally considered visually subordinate to the scenic and historic landscape and are not subject to the provisions of this article.

The review authority shall consider the effect of a proposal on all Goal V resources. To achieve an overall minimum developmental impact on the resources, the review authority may allow a variance to the standards of this article. Such a variance shall be clearly documented and become part of the record.

SECTION 44.015, REVIEW PROCEDURE: Application for any permit authorized by this ordinance shall be subject to Administrative Review for compliance with the protection standards of this article. If, in the opinion of the Administrative Review authority, the proposed use may be in conflict with the protection standards, the application will be referred to the Public Hearing Review Process.

SECTION 44.020, SCENIC MANAGEMENT PLAN PROCEDURES:

01. Any structure or use must be visually subordinate to the scenic resource. Applications must include information in the form of drawings, a site plan, and narrative that are found by the review authority to provide sufficient detail to demonstrate compliance with this article.

Drawings: The drawings shall portray the general landscape of property and design of all proposed buildings and uses. The complexity of these drawings will depend on the intensity of the proposed development and potential impacts on the scenic integrity as seen from identified viewpoints and viewshed.

Site Plans: The site plan shall identify the specific location of all proposed and existing buildings and uses on the subject property, including setbacks from property lines and key features. The site plan shall be mapped accurately, normally to a scale of one(1) inch equals 50 feet. The site map scale may be adjusted, subject to approval by the review authority, depending on the size of the property, location of uses and intensity of the proposed development. The site plan shall include the topography of the property by mapping general contour lines at not more than two foot intervals. Additional or more detailed information, including a detailed architectural drawing or a series of maps, may be required by the review authority in order to demonstrate compliance with this article. I.e, if the property is sufficiently large, the review authority may request a plot map in addition to the site map, to locate the development within the property.

Narrative: The narrative shall provide a word picture which describes the unique character of the existing scenic landscape into which the structure or use will be introduced.

02. Applicant shall propose appropriate strategies for conforming the structure/use to the landscape (according to the landscape aesthetics handbook). Proposals shall include a narrative, color artist's sketches or photographs, and architectural drawings sufficient to satisfy the review committee and review authority that visual subordination goals will be met.

03. A technical review committee, composed of the Wallowa County Natural Resources Technical Advisory Committee, with the addition of engineers and architects qualified to evaluate visual subordination plans, shall review applications deemed complete by the review authority and provide recommendations for action.

04. If the degree of retention of the scenic landscape to be achieved by the applicant meets the minimum standard for the area, then the proposed structure/use shall be permitted by the review authority, provided that the other criteria of the overlay and underlying zones are met.

05. The completed structure/use shall be compared with the approved plan to assure compliance.

SECTION 44.025, REQUIREMENTS AND STRATEGIES FOR ACCOMPLISHING VISUAL SUBORDINATION IN A SCENIC MANAGEMENT PLAN:

Performance Standards: Visual subordination is to be determined by how well the proposed design, siting, construction and operation of the proposed structure or use achieves all of the following standards.

01. Meets at least the minimum level of scenic integrity preservation established for the area;

A. Conforms with and emulates, rather than conflicts with, original landscape character and is subordinate rather than dominant;

B. Is visually subordinated by the use of color, materials, configuration, line and form, and topography;

C. Utilizes low or non-reflective materials, camouflage techniques, and other means to achieve at least the required level of visual subordination. Structures and improvements blend into rather than contrast with surrounding landscapes. Assures that windows and other materials used are low in contrast and reflectivity;

D. Existing landforms are retained and structures fit into rather than dominate existing topography;

E. Created openings borrow form from the existing natural landscape and utilize appropriate scale, shape, configuration, line, and horizontal or vertical orientation to imitate and blend into the existing landform. Unnatural forms that are too symmetric or uniform are avoided and all structures fit into existing topography.

General Requirements: The following apply in addition to other provisions of this article:

01. Existing timber or vegetative plantings alone shall not be sufficient to accomplish visual subordination and any plan submitted must show, to the satisfaction of the review authority, that the structure or use would remain visually subordinate even if the timber screen or vegetative cover were removed by fire or other cause. Planted vegetation is to be compatible with existing vegetation. For example, on the bare east side of the East Moraine, trees would not fit in, and should not be planted. In such areas, only topography and other camouflage techniques, rather than vegetative screening, shall be used to make a structure or use visually subordinate. In other areas, existing trees and vegetation may be an important part of a visual subordination plan, but are not sufficient in themselves. In general, vegetation alone should not be depended upon for visual subordination as vegetative screening is inappropriate to consider in long term, broad scale planning (Aesthetics, sec. 4 p. 50).

02. Exterior lighting shall be directed downward and appropriately sited, shielded, or hooded in a manner that prevents lights from being highly visible from sensitive viewing areas (Map G5-2) 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.

03. New utility service, such as electric, cable TV, and phone lines shall be placed underground unless evidence satisfactory to the review authority is presented that underground placement is not feasible.

04. New utility transmission lines, transportation and communication facilities, docks, floats, and piers and maintenance of existing lines, roads and facilities shall be made visually subordinate to the maximum extent practicable.

SECTION 44.030, DEFINITION OF AREAS AND PROTECTION LEVELS BY AREA:

There are four inventoried resources, each with a boundary that is different from the others, given protection by the Goal 5 Overlay: Wildlife Habitat, Scenic, Natural (geologic), and Historical/Cultural. Although the boundaries do not coincide, the protections which follow are interlocking in the sense that each protection helps to preserve not just one resource but several. For example, the restriction against building on the crest or breaking the skyline offers protection to all four resources, and the requirement for a soils report from a licensed geological engineer demonstrating that a site will physically support the proposed use not only prevents landslides and protects the geologic/natural resource, but also protects the scenic resource. The historic resources are mapped and designated as 3C areas and are protected by their inclusion in 3A or 3C designated areas (Map G5-7 Historic Resource Areas--see also maps G5-1 through 8 Goal 5 Appendix WCCLUP).

The Wallowa Lake Unincorporated Community (R-2 and CR-2) is specifically excluded from Protection Status within all the Goal V Resources.

Within the unincorporated community only the criteria of the underlying zones applies.

The Goal V area within the Joseph Urban Growth Boundary (UG-R), the properties within the Wahluna Terrace area zoned R-2 (as of 01/01/96), and the properties zoned R-2 (as of 01/01/96) on the west side of Wallowa Lake are specifically excluded from Protection Status within the scenic resource, but are subject to the design standards of the underlying zone.

The entire surface area of Wallowa Lake is considered to be within the Scenic Resource of the Wallowa Lake Moraines, (p. 111 Appendix, WCCLUP) and thus structures or activities proposed for the surface area are subject to the visual subordination standards of this article and must preserve scenic integrity to the standard of moderate (partial retention). The surface of the lake is also

protected by Wallowa County zoning article 37--Wallowa Lake Float, Dock, and Surface Area.

The Wallowa Lake Moraines Goal 5 Overlay is divided into six basic areas with 3 levels of protection. A minimum level of scenic integrity preservation is specified for each of these protection areas. Structures and uses subject to the visually subordinate requirement of this section must meet at least the following levels of retention of scenic integrity:

A. 3A PROTECTION AREA (No Conflicting Uses). Scenic Integrity: Very High (Preservation).

B. 3C PROTECTION AREA -MORE RESTRICTIVE (No conditional uses allowed, permitted uses allowed, with restrictions). Scenic Integrity: High (Retention).

C. 3C PROTECTION AREA - LESS RESTRICTIVE (Permitted and conditional uses allowed, with restrictions). Scenic Integrity: Moderate (Partial Retention).

1. 3C EXCEPTION AREA PROTECTIONS (Permitted and conditional uses allowed, with restrictions,). Scenic Integrity: Moderate (Partial Retention).

2. 3C EXCEPTION AREA FOR TRAMWAY SKI RUN CONNECTION (Permitted and conditional uses allowed, with restrictions). Scenic Integrity: Moderate (Partial Retention).

Use of the existing ski run corridor from the upper terminus of the Wallowa Lake Tram to the lower terminus which transits the Goal 5 area in the W ½ of Section 27, W ½ of Section 34, Section 28, SW 1/4 of Section 22, SE ½ of Section 21, and S1/2 of the NE 1/4 of Section 21 for recreational uses and related facilities may be allowed subject to a finding that wildlife habitat will not be compromised, and shall otherwise be subject to all of the applicable requirements of this article.

D. EAST BANK OF LAKE PROTECTION (The strip of land between the eastern boundary of the right of way of State Highway 351 and the surface of Wallowa Lake). The scenic protection of the east bank shall mirror the protection level in effect on the east side of State Highway 351:

a. 3A PROTECTION AREA (No Conflicting Uses). Scenic Integrity: Very High (Preservation).

b. 3C PROTECTION AREA -MORE RESTRICTIVE (No conditional uses allowed, permitted uses allowed, with restrictions). Scenic Integrity: High (Retention).

SECTION 44.035, PROGRAMS OF PROTECTION BY AREA

A. ENTIRE GOAL V AREA

Protection of Historic, Cultural, and Archaeological Resources

Development proposals for sites involving known or highly probable potential cultural resources including historic or prehistoric sites, buildings, objects, and properties related to American and Native American history, architecture, archaeology and culture, such as settler or Native American artifacts, must include a survey and assessment of the site and resources by authorities judged competent by the review authority, and a management plan, if indicated, responsive to the findings of the assessment, for historic/cultural resource protection.

The Review Authority shall communicate with representatives of the tribes listed at the end of this section with regard to the choice of the assessment authorities.

The review authority may consult with any competent authority to assist in evaluation of an assessment or a management plan for historic/cultural resource protection and to assure that the plan is in compliance with applicable Federal laws and regulations including the American Antiquities Act of 1906 (16 U.S.C. 431-433), National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) and the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470 aa et seq.) and applicable laws and administrative rules of the State of Oregon including ORS 97.740-760, 358.905-955, and 390.235. The County recognizes that historical and cultural sites are present in the Goal V area, but are not listed in this document to protect the sites. Site lists of Native American sites may be obtained from the tribes, at tribal discretion, listed at the end of this section.

If, in the course of development, such cultural resources are encountered, the developer shall cease development, carry out an assessment, and present to the review authority a plan for development that assures protection of the resource. The review authority shall notify the State Historic Preservation Officer and the tribes representatives, listed below, of the find, and may consult with any competent authority to assist in evaluation of a management plan for historic/cultural resource protection.

If, during any activity, human remains (full or partial) are discovered, all activity shall cease. Local law enforcement officials, the Oregon State Police, local

government, and the Tribal Governments listed below shall be contacted immediately. The County Medical Examiner shall inspect the remains to determine whether they are modern or historic and representatives of Tribal Governments listed below shall be notified prior to the inspection and have an opportunity to monitor the inspection. If the remains are historic, they shall be treated in accordance with the above provisions of law and the procedures set forth in ORS 97.740-760. In the event that the remains are modern, appropriate law enforcement officials shall assume jurisdiction.

Groups that shall be noticed for review of a proposal or contacted in the case of a find include: The Legislative Commission on Indian Services (see ORS 146.505), Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Colville Reservation, the Nez Perce Tribe, the Nez Perce National Historical Park, and Nez Perce National Historical Trail Foundation.

Wildlife Habitat

The wildlife habitat resource zone map includes the entire Goal 5 area and is designated as a 3C protection area. With the exception of properties zoned CR-2 and R-2 (as of 01/01/96), all development shall be reviewed by the local office of ODF&W. ODF&W may request the clustering of buildings associated with the development or with buildings on adjacent parcels, to lessen the developmental affect on wildlife.

The programs of protection for those areas designated 3A, 3C more restrictive, 3C less restrictive scenic resource area, or especially sensitive big game habitat, are more rigorous than for those areas outside of those boundaries.

For the areas outside of those boundaries, the following rules apply (Exception-- those areas described in 44.030 (C1) and (C2)):

1. In resource zones there shall be a 100 foot setback for residential use from streams for the purpose of preserving habitat for game birds, fur bearers, fish, and non-game wildlife.
2. There shall be a 100 foot setback for residential use from rookeries and wetland areas identified on the habitat map of the land use plan.

B. 3C PROTECTION -- AREA WILDLIFE HABITAT(more restrictive-East Moraine)

The East Moraine provides habitat for big game animals and a variety of upland game and nongame species. The local office of ODF&W has mapped a portion of the East Moraine as Goal V Deer Habitat. That portion of the Moraine considered Goal V Deer Habitat is defined as follows: The west face of the East Moraine to within 300 feet of Highway 351 and that area within 200 yards

(ground distance) east of the crest beginning at the north end of the Moraine in section 5 and continuing south to the Forest Service boundary. This area should be managed to maximize open space. Development within the 3A protection area will be in conflict with the wildlife resource.

Dwellings and other structures should be sited within 300 feet (ground distance) of Highway 351. Proposals to locate dwellings, other structures, or roads (except for maintenance of existing roads) beyond 300 feet ground distance from the highway are subject to special review for adverse impacts (see paragraph d, in sections D and F). The review authority may deny the application upon a finding that the proposed site is not consistent with the intent of this section.

C. 3A PROTECTION AREA (No Conflicting Uses):

Within that area on the lake side of the East Moraine (the West side of the Eastern Moraine) which has been designated 3A protection status, conflicting uses will not be allowed. Permitted uses will be allowed, with restrictions.

1. No conflicting uses may take place within the 3A protection area. Fencing necessary to continue the traditional land use pattern of the property is permitted.
2. Projects conducted for the purpose of enhancing, improving, or maintaining the existing character of this area may be exempt from the criteria of Section 44.035(C)(1) if the public-hearing review authority finds the project to be consistent with the protection of this area from conflicting uses.

D. 3C PROTECTION AREA (more restrictive--No conditional uses allowed, permitted uses with restrictions allowed):

The properties zoned R-2 (as of 01/01/96) on the west side of Wallowa Lake, which have undergone extensive residential development, are excluded from Protection Status within the Natural Resource.

Within those areas on the lake side of the Moraines (the West side of the Eastern Moraine and the East side of the Western Moraine) which have been designated 3C protection status (more restrictive), conflicting uses will be specifically limited to a minimum.

1. Uses may be allowed subject to the requirements of Article 9 Conditional Use Permit, provided that:
 - a. It is a permitted use in the underlying zone.
 - b. The use will be visually subordinate to the retention

level and conform to the design standards of structure height, color, and other considerations required by Article 18, Recreation Residential Zone.

c. Cuts or fills shall not significantly alter the essential integrity of the geologic formation of a moraine or visual character of the area when construction is complete. All topography external to buildings shall be returned to within two feet of pre-existing conditions unless visual subordination and geologic integrity and appearance is determined by the review authority to be enhanced by not meeting a two-foot standard. Cuts and fills of more than two feet shall be rounded on top above the road and filled below so as to make the terrain appear more natural and reseeded. Prior to construction permit approval and subsequent to construction, the applicant shall submit topographic site surveys on two foot intervals as proof of compliance.

d. The minimum lot size for newly created parcels and for new dwellings on existing or new parcels shall be that of the underlying zone. Legally established parcels of less than 160 acres in resource zones may be eligible for a dwelling provided that, in addition to all other criteria of this article, the following criteria are also met:

i. The parcel would have qualified for a dwelling either as a lot of record or under the template or multi-tract test prior to the adoption of this article.

ii. The dwelling and related structures can be made visually subordinate to the retention level.

iii. Within the East Moraine Goal V Deer Habitat Area, the applicant has submitted a plan to mitigate or prevent adverse impact on existing wildlife habitat due to loss of open space and increased human activity, which has been prepared in consultation with the Wallowa County office of the Oregon Department of Fish and Wildlife or other competent local review authority. The plan shall be deemed by the review authority to properly mitigate or prevent loss of wildlife habitat if through enhancement of feed availability, removal of livestock, and other measures, the carrying capacity of the property which is the subject of the application will not be reduced.

Comment by ODFW or other competent authority that a plan is not satisfactory may be sufficient cause for rejection of the proposed use if the review authority determines the adverse impacts cannot be adequately mitigated.

e. The review authority may require specific siting standards, including but not limited to, a requirement that approved structures must be located

within 200 feet of any other similar structures which are either existing or proposed on that same parcel.

f. Evidence is provided by the applicant that the site on which any development or use proposed is suitable to physically sustain the use. This evidence shall be in the form of a structural design and geological soils report supporting the development submitted and signed by a licensed geological engineer. This requirement may be waived by the review authority when the natural grade of the immediate area where development will be sited and other areas directly affected by the development are less than 20%.

g. Evidence is supplied by the applicant which shows that the proposed development is not located in an area containing a Federal or State sensitive, endangered or threatened listed plant species. If the development is located in a resource zone, and no Federal or State monies are involved or permits required, the owner must develop an inventory of State listed plant species present, and participate in applicable State and local programs to mitigate the impact of the development on the listed species. If Federal or State monies are involved or permits required, the development must also conform to applicable Federal and State regulations.

h. No development will be allowed on the Crest of the Moraines. In addition, any development must be below the skyline as seen from the sensitive view areas (Map G5-2). Therefore, the highest point of any use or structure including, but not limited to, an antenna, satellite dish, and/or chimney shall be at least 20 vertical feet below the line of sight to the skyline from all points in the sensitive view areas. These measurements shall be performed by a licensed surveyor or engineer at the applicant's expense and shall be measured from the edge of the traveled way (in the case of a road) or viewing area nearest the proposed structure from a viewer height of 5 feet above the surface through the proposed structure normal to the moraine skyline. Compliance may be demonstrated by engineered or computer assisted drawings but in the case of a dispute, a performance test utilizing a physical representation of the height of the structure may be required.

A structure or use whose highest point is 60 vertical feet below the crest line of the nearest moraine, measured in a circumference from the highest point of the structure to the crest line of the moraine, shall be considered to have met the requirements of this section.

The applicant may propose and the review authority may approve an alternative plan to protect the scenic resource, skyline, and crest.

i. Excavation for roads shall be subject to the provisions of Article 36 (Salmon Habitat Preservation) and Article 32, (Road Design), shall follow the terrain, shall be visually subordinate to the landscape as viewed from sensitive view areas (Map G5-2), and shall not have cuts or fills that exceed two feet.

However, if less impact may occur by using methods that would violate the above stated cut and fill requirements, the applicant, may propose and the Wallowa County Natural Resources Technical Advisory Committee may recommend other standards which may be approved if visual subordination and geologic integrity and appearance is determined by the review authority to be enhanced by not meeting a two-foot standard.

Prior to construction of a road, a road design which includes quantified grade measurements and an erosion control plan addressing all ground disturbance activities must be reviewed and recommended to the review authority by the Wallowa County Natural Resources Technical Advisory Committee and may be submitted to the public hearing review process at the sole discretion of the Planning Director.

Roads constructed for the purpose of forest practices must comply with the provisions of the State Forest Practices Act (May 1998). Upon notification from the Oregon Department of Forestry, Wallowa County intends to contact the owner and/or individual forest manager for the purpose of informing the land owner about the county's desire to maintain the scenic and geologic integrity of the Moraines. Under the county's scenic management program, the county is willing to work with individual land owners or forest managers to prepare a voluntary plan that achieves a mutually beneficial result.

j. Vegetation for landscaping shall correspond with the surrounding flora and shall only consist of species native to the immediate area or non-native species substantially similar to existing vegetation. Parking, gardens, orchards and other development in conflict with the original landscape shall be visually subordinate if visible from sensitive view areas (Map G5-2).

k. The review authority may require provisions of Article 40, Performance Guarantee, to be satisfied in order to insure compliance with the provisions set forth herein.

E. 3C PROTECTION AREA (more restrictive -West Moraine)

The crest and east face of the Moraine should be managed to maximize open space as mitigation of adverse effect on wildlife habitat. The area along the crest of the Moraine is most important for wintering and resident deer and should not

be developed in any manner. Dwellings should be located within 150 feet (ground distance) of Lake Shore Road. Proposals to locate dwellings beyond 150 feet ground distance from the road are subject to special review for adverse impacts, and the review authority may deny the application upon a finding that the proposed site is not consistent with the intent of this section. The applicant must supply a plan for open space mitigation. The Wallowa County office of the Oregon Department of Fish and Wildlife or other competent local review authority will be solicited for comment on potential conflict. Comment that a plan is not satisfactory may be sufficient cause for rejection of the proposed use if the review authority determines the adverse impacts cannot be adequately mitigated.

F. 3C PROTECTION AREA (Less restrictive--Conditional and permitted uses allowed, with restrictions):

Within those areas on the back side of the Moraines (the East side of the Eastern Moraine and the West side of the Western Moraine which have been designated a 3C protection status (less restrictive), conflicting uses will be specifically limited.

1. Uses may be allowed subject to the requirements of Article 9, Conditional Use Permit, provided that:
 - a. It is a permitted or conditional use in the underlying zone.
 - b. The use will be visually subordinate to the partial retention level and conform to design standards of structure height, color, and other considerations required of Article 18, Recreation Residential Zone.
 - c. Cuts or fills shall not significantly alter the essential integrity of the geologic formation of a moraine or the visual character of the area when construction is complete. All topography shall be returned to within two feet of pre existing conditions unless visual subordination and geologic integrity and appearance is determined by the review authority to be enhanced by not meeting a two-foot standard. Cuts and fills of more than two feet shall be rounded on top above the road and filled below so as to make the terrain appear more natural and reseeded. Prior to construction permit approval and subsequent to construction, the applicant shall submit topographic site surveys on two foot intervals as proof of compliance.
 - d. The minimum lot size for newly created parcels and for new dwellings on existing or new parcels shall be that of the underlying zone. Legally established parcels of less than 160 acres in resource zones may be eligible for a dwelling provided that, in addition to all other criteria of this article, the following criteria are also met:

i. The parcel would have qualified for a dwelling either as a lot of record or under the template or multi-tract test prior to the adoption of this article.

ii. The structure or use can be made visually subordinate to the partial retention level by use of the existing landscape, or by other means acceptable to the review authority.

iii. Within the East Moraine Goal V Deer Habitat Area, the applicant supplies a plan, acceptable to the review authority, for the mitigation of adverse effect on wildlife habitat. The review authority shall solicit the Wallowa County office of the Oregon Department of Fish and Wildlife or other competent local review authority for comment on potential conflict with wildlife habitat.

Comment by ODFW or other competent authority that a plan is not satisfactory may be sufficient cause for rejection of the proposed use if the review authority determines the adverse impacts cannot be adequately mitigated.

e. The review authority may require specific siting standards including but not limited to, a requirement that approved structures must be located in close proximity to existing similar structures which are either existing or proposed on that same parcel, so as to minimize impact on the resource.

f. Evidence is provided by the applicant that the site on which any development or use proposed is suitable to physically sustain the use. This evidence shall be in the form of a structural design and geological soils report supporting the development submitted and signed by a licensed geological engineer. This requirement may be waived by the review authority when the natural grade of the immediate area where development will be sited or other areas directly affected by the development are less than 20%.

g. Evidence is supplied by the applicant which shows that the proposed development is not located in an area containing a Federal or State sensitive, endangered or threatened listed plant species. If the development is located in a resource zone, and no Federal or State monies are involved or permits required, the owner must develop an inventory of State sensitive, endangered or threatened listed plant species present, and participate in applicable State and local programs to mitigate the impact of the development on the sensitive, endangered or threatened listed species. If Federal or State monies are involved or permits required, the development must also conform to applicable Federal and State regulations.

h. No development will be allowed on the Crest of the Moraines. In addition, any development must be below the skyline as seen from the sensitive view areas (Map G5-2). Therefore, the highest point of any use or structure including, but not limited to, an antenna, satellite dish, and/or chimney shall be at least 20 vertical feet below the line of sight to the skyline from all points in the sensitive view areas. These measurements shall be performed by a licensed surveyor or engineer at the applicant's expense and shall be measured from the edge of the traveled way (in the case of a road) or viewing area nearest the proposed structure from a viewer height of 5 feet above the surface through the proposed structure normal to the Moraine skyline. Compliance may be demonstrated by engineered or computer assisted drawings but in the case of a dispute, a performance test utilizing a physical representation of the height of the structure may be required.

A structure or use whose highest point is 60 vertical feet below the crest line of the nearest moraine, measured in a circumference from the highest point of the structure to the crest line of the Moraine, shall be considered to have met the requirements of this section.

The applicant may propose and the review authority may approve an alternative plan to protect the scenic resource, skyline, and crest.

i. Excavation for roads shall be subject to the provisions of Article 36 (Salmon Habitat Preservation) and Article 32 (Road Design), shall follow the terrain, shall be visually subordinate to the landscape as viewed from sensitive view areas (Map G5-2), and shall not have cuts or fills that exceed two feet.

However, if less impact may occur by using methods that would violate the above stated cut and fill requirements, the applicant may propose, and the Wallowa County Natural Resources Technical Advisory Committee may recommend other standards which may be approved if visual subordination and geologic integrity and appearance is determined by the review authority to be enhanced by not meeting a two-foot standard.

Prior to construction of a road, a road design which includes quantified grade measurements and an erosion control plan addressing all ground disturbance activities must be reviewed and recommended to the review authority by the Wallowa County Natural Resources Technical Advisory Committee and may be submitted to the public hearing review process at the sole discretion of the Planning Director.

Roads constructed for the purpose of forest practices must comply with the provisions of the State Forest Practices Act (May 1998). Upon notification from the Oregon Department of Forestry, Wallowa County

intends to contact the owner and/or individual forest manager for the purpose of informing the land owner about the county's desire to maintain the scenic and geologic integrity of the Moraines. Under the county's scenic management program, the county is willing to work with individual land owners or forest managers to prepare a voluntary plan that achieves a mutually beneficial result.

j. Vegetation for landscaping shall correspond with the surrounding flora and shall only consist of species native to the immediate area or non-native species substantially similar to existing vegetation. Parking, gardens, orchards and other development in conflict with the original landscape shall be visually subordinate if visible from sensitive view areas (Map G5-2).

k. The review authority may require provisions of Article 40, Performance Guarantee, to be satisfied in order to ensure compliance with the provisions set forth herein.

l. Wildlife Habitat--3C Protection Area (less restrictive). Dwellings or other structures may not be sited within 200 yards (ground distance) east of the crest of the East Moraine, unless the development meets the criteria of section d above. Development beyond the 200 yard boundary should be clustered per ODF&W request to maximize available open space as mitigation of adverse effect on wildlife habitat.

m. The review authority may consider a development of clustered dwellings provided that all other applicable requirements of this article are met, the average density of dwellings within the development is no more than one per 160 acres, and the resulting open space within the development is preserved by a conservation easement. The conservation easement shall be recorded with the county clerk.

Article 45 and 46

Unincorporated Community Zones-Rural Community of Imnaha

SECTION 45.010, PURPOSE: The primary purpose of the **IMNAHA Commercial / Residential Zone** is allow small scale, non disruptive commercial activity within those portions of town which also contain residential dwellings sited upon oversized lots.

SECTION 45.015, PERMITTED USES: In the **IMNAHA Commercial / Residential Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Office spaces
02. Bed and breakfast facilities
03. Sign (Low voltage, shielded illumination)
04. Public park
06. Home occupation
07. Parking lot
08. Antique store/ secondhand store / gift shop / bookstore/ coffeehouse / bakery
09. Single family dwellings, not to exceed 2,500 square feet per floor.
10. Plant nursery, produce stand, truck garden or orchard .
11. Keeping of livestock, excluding swine (see conditional uses).
12. Art gallery
13. Educational / sightseeing / hunting / fishing services
14. Rental cabins

SECTION 45.020 BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY. In the **Imnaha Commercial / Residential Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for compliance with the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Traveler accommodations, including hotels, motels, lodges, and RV camps not to exceed 10 R. V. hook-up spaces, or 10 accommodation units, and, for RV camps or expansion of existing facilities, only if served by a DEQ approved on site sewage system, or, for new hotels, motels, or lodges, only if served by a community sewer system..
02. Church
03. Retail or wholesale sales establishment
04. Community center
05. Small scale manufacturing and production of arts/ crafts/ sporting goods/ tack gear or clothing.
06. Eating or drinking establishment
07. Equipment storage (enclosed or mini-storage, excluding junkyards)
08. Private campground
09. Museum
10. Gas station/auto repair facility
11. Private or public outdoor recreation facility/horse stables
12. Shop welding/supply/repair of farm equipment
13. Non-polluting, processing of specialty food items.
14. Keeping of swine.

SECTION 45.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In a **IMNAHA Commercial / Residential Zone**, the minimum lot size shall be either the pre-existing parcel, or the minimum size required to provide water service, and satisfy both structural setbacks and DEQ requirements, whichever is larger.
02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32,
Road Standards.
03. **LANDSCAPE:** The lot shall be landscaped with a minimum of one(1) shade or fruit tree, and two (2) shrubs. Groundcover, garden or lawn shall occupy a reasonable

portion of the remaining lot. All noxious weeds will be removed and controlled. River front portions of the lot shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.

04. **BUILDING SPECIFICATIONS:** Proposed development must comply with any applicable "River Community" standards under Federal Wild and Scenic River Management Plan for this segment of the Imnaha River designated "recreational".

In addition, proposed development of properties within the boundaries of the Hells Canyon National Recreational Area must demonstrate compliance with applicable federal regulations governing development of private lands within the HCNRA, which are administered by the United States Forest Service, Enterprise office. Applicants for County permits should contact the federal plan administrator for current federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa County. The County will consult with federal plan administrator prior to a decision on an application, pursuant to its Memorandum of Understanding with the Forest Service.

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no commercial use portion of a building shall exceed 4,000 square feet. All outside lights, including security lights, shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. **STREAM CORRIDOR MANAGEMENT:** All new building construction shall be set back a minimum of 75' from the normal high water mark of the Imnaha River and comply with applicable Federal Wild and Scenic River Corridor management plans (see above).

All development must also comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. **FIRE SAFETY:** Appropriate spark arrestor must be provided on all chimneys. All roof materials shall be non-combustible. Appropriate fire suppression devices shall be installed or always available and maintained on site. Screen-covered burn barrels are allowed, but shall not be lit after 12 noon.

07. **STRUCTURE SETBACKS:** Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front yard: 20' Side and Rear yard: 10'

SECTION 46.010, PURPOSE: The primary purpose of the **IMNAHA Public /Utilities Zone** is to recognize Public owned areas which may allow free access, or be designated closed from public access for utility uses

SECTION 46.015, PERMITTED USES: In the **IMNAHA Public/Utilities Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Public school buildings, playgrounds, library, and teachers' residence.
02. Equipment storage and repair facilities (enclosed)
03. Public parks and campgrounds
04. Community center
05. Museum
06. Communication facilities
07. Church

SECTION 46.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY. In the **Imnaha Public/Utilities Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for compliance with the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Fire Station

SECTION 46.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In a **Imnaha Public/Utilities Zone**, the minimum lot size shall be either the pre-existing parcel, or the minimum size required to provide water service, and satisfy both structural setbacks and DEQ requirements, whichever is larger.
02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32 Road Standards.
03. **LANDSCAPE:** The lot shall be landscaped with a minimum of one (1) shade or fruit tree, and two (2) shrubs. Groundcover, garden or lawn shall occupy a reasonable portion of the remaining lot. All noxious weeds will be removed and controlled. River front portions of the lot shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.
04. **BUILDING SPECIFICATIONS:** Proposed development must comply with any applicable "River Community" standards under the Federal Wild and Scenic River Management Plan

for this segment of the Imnaha River designated “recreational”.

In addition, proposed development of properties within the boundaries of the Hells Canyon National Recreational Area must demonstrate compliance with applicable federal regulations governing development of private lands within the HCNRA, which are administered by the United States Forest Service, Enterprise office. Applicants for County permits should contact the federal plan administrator for current federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa County. The County will consult with federal plan administrator prior to a decision on an application, pursuant to its Memorandum of Understanding with the Forest Service.

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no commercial use building shall exceed 4000 square feet. All outside lights, including security lights, shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. **STREAM CORRIDOR MANAGEMENT:** All new building construction shall be set back a minimum of 75’ from the normal high water mark of the Imnaha River and comply with applicable Federal Wild and Scenic River Corridor management plans (see above). All development must comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. **FIRE SAFETY:** Appropriate spark arrestor must be provided on all chimneys. All roof materials shall be non-combustible. Appropriate fire suppression devices shall be installed or always available and maintained on site. Screen-covered burn barrels are allowed, but shall not be lit after 12 noon.

07. **STRUCTURE SETBACKS:** Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front yard: 20’ Side and rear yard: 10’

Article 47 and 48

Unincorporated Community Zones-Resort Community of Minam

SECTION 47.010, PURPOSE: The primary purpose of the **Minam Commercial / Residential Zone** is allow small scale, non-disruptive commercial activity on individual lots within portions of the community which also contain residential dwellings.

SECTION 47.015, PERMITTED USES: In the **Minam Commercial / Residential Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Schools
02. Bed and breakfast facilities
03. Signs
04. Public parks
06. Home occupations
07. Public laundromat and shower facilities
08. Antique store/ gift shop / bookstore/ coffeehouse / bakery/ art gallery
09. Single family dwellings
10. Plant nursery, produce stand, truck garden or orchard with sales stand
11. Keeping and grazing of livestock.
12. Rental cabins
13. Educational / sightseeing / hunting / fishing services
14. R. V. parks
15. Private campgrounds
16. Recreation centers

SECTION 47.020 BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY. In the **Minam Commercial / Residential Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for compliance with the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Traveler accommodations, including hotels, motels, lodges, and RV camps not to exceed 25 R. V. hook-up spaces, or 25 accommodation units, and, for RV camps or expansion of existing facilities (Minam Motel) not to exceed 25 total units, only if served by a DEQ approved on site sewage system, or, for new hotels, motels, or lodges, only if served by a community sewer system.
02. Church facilities
03. Retail or Wholesale businesses
04. Eating or drinking establishments
05. Small scale manufacturing and production of arts and crafts/ sporting goods/ tack gear or clothing.
06. Community centers
07. Equipment storage (excluding junkyards)
08. Office spaces

SECTION 47.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In the **Minam Commercial / Residential Zone**, the minimum lot size shall be either the pre-existing town plat lot, or the minimum size required to provide water service and to satisfy both structural setbacks and DEQ requirements, whichever is larger.
02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32, Road Standards.
03. **LANDSCAPE:** All noxious weeds will be removed and controlled. River front portions of the lot shall be maintained in existing condition or, if enhanced, shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.

04. BUILDING SPECIFICATIONS: Must meet OAR Chapter 736, division 40 - Oregon Scenic Waterways regulation 736-40-035 and 040 (l) and (f) and also comply with any other applicable "river community" standards under the Oregon Scenic Waterway and Federal Wild and Scenic River management plans. Applicants for County permits should contact the plan administrator, Oregon State Parks and Recreation Department, Baker City Office, for current state and federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa County. The County will consult with federal and state plan administrators prior to a decision on an application.

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no commercial use building shall exceed 4,000 square feet. All outside lights shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. STREAM CORRIDOR MANAGEMENT: All new building construction shall be set back a minimum of 100' from the normal high water mark of the Wallowa or Minam rivers.

All development must comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. FIRE SAFETY: Appropriate spark arrestors must be provided on all chimneys. Appropriate fire suppression devices shall be installed or always available and maintained on site. All roof materials shall be non-combustible.

07. STRUCTURE SETBACKS: Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front Yard: 20' Side and rear yard: 10'

SECTION 48.010, PURPOSE: The primary purpose of the **Minam Commercial Zone** is to provide areas suitable and desirable for those retail service, tourist, and other similar commercial activities needed in the community.

SECTION 48.015, PERMITTED USES: In the **Minam Commercial Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Traveler accommodations, including hotels, motels, lodges, and RV camps not to exceed 25 R. V. hook-up spaces, or 25 accommodation units, and, for RV camps or expansion of existing facilities, only if served by a DEQ approved on site sewage system, or, for new hotels, motels, or lodges, only if served by a community sewer system.
02. R. V. sites and campgrounds
03. Retail sports store
04. Art gallery / Art or camera supplies store
05. Agriculture or building supply store
06. General merchandise and grocery store
07. Rental cabins
08. Single family dwelling
09. Private or public recreation facility
10. Educational / sightseeing / hunting / fishing services
11. Small scale manufacturing and production of arts/ crafts/ sporting goods/ tack gear or clothing.
12. Museum
13. Office spaces

SECTION 48.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY: In the **Minam Commercial Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for compliance with

the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Gas stations

02. Public restrooms and laundromats

SECTION 48.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In the **Minam Commercial Zone**, the minimum lot size shall be either the pre-existing town plat lot, or the minimum size required to provide water service and to satisfy both structural setbacks and DEQ requirements, whichever is larger.

02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32, Road Standards.

03. **LANDSCAPE:** All noxious weeds will be removed and controlled. River front portions of the lot shall be maintained in existing condition or, if enhanced, shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.

04. **BUILDING SPECIFICATIONS:** Must meet OAR Chapter 736, division 40 - Oregon Scenic Waterways regulation 736-40-035 and 040 (l) and (f) and also comply with any other applicable "river community" standards under the Oregon Scenic Waterway and Federal Wild and Scenic River management plans. Applicants for County permits should contact the plan administrator, Oregon State Parks and Recreation Department, Baker City Office, for current state and federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa County. The County will consult with federal and state plan administrators prior to a decision on an application.

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no commercial use building shall exceed 4,000 square feet. All outside lights shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. STREAM CORRIDOR MANAGEMENT: All new building construction shall be set back a minimum of 100' from the high water mark of the Wallowa or Minam rivers.

All development must comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. FIRE SAFETY: Appropriate spark arrestors must be provided on all chimneys. Appropriate fire suppression devices shall be installed or always available and maintained on site.

All roof materials shall be non-combustible.

07. STRUCTURE SETBACKS: Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front Yard: 20'

Side and Rear Yard: 10'

Article 49-52

Unincorporated Community Zones-Rural Community of Troy

SECTION 49.010, PURPOSE: The primary purpose of the **Troy Commercial / Residential Zone** is allow small scale, non disruptive commercial activity on individual lots within portions of the community which also contain residential dwellings.

SECTION 49.015, PERMITTED USES: In the **Troy Commercial / Residential Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Office spaces
02. Bed and Breakfast facilities
03. Signs (Low voltage. Downward directed and shielded illumination.)
04. Public park
06. Home occupations
07. Public laundromat and shower facilities
08. Antique store/ gift shop / bookstore/ coffeehouse / bakery/ art gallery
09. Single family dwellings
10. Plant nursery, produce stand, truck garden or orchard with sales stand.
11. Keeping of goats, sheep, llamas, calves, and poultry; horses excluded.
12. Rental cabins
13. Educational / sightseeing / hunting / fishing services
14. R. V. park
15. Private campgrounds
16. Recreation center

SECTION 49.020 BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY. In the **Troy Commercial / Residential Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for

compliance with the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Traveler accommodations, including hotels, motels, lodges, and RV camps not to exceed 25 R. V. hook-up spaces, or 25 accommodation units, and, for RV camps or expansion of existing facilities, only if served by a DEQ approved on site sewage system, or, for new hotels, motels, or lodges, only if served by a community sewer system.
02. Church
03. Retail or wholesale business
04. Eating or drinking establishment
05. Small scale manufacturing and production of arts and crafts/ sporting goods/ tack gear or clothing.
06. Community center
07. Equipment storage: screened from view or within building, (excluding junkyards).

SECTION 49.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In a **Troy Commercial / Residential Zone**, the minimum lot size shall be either the pre-existing town plat lot, or the minimum size required to provide water service, and satisfy both structural setbacks and DEQ requirements, whichever is larger.
02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32, Road Standards.
03. **LANDSCAPE:** All noxious weeds will be removed and controlled. River front portions of the lot shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.
04. **BUILDING SPECIFICATIONS:** Must meet OAR Chapter 736, division 40 - Oregon Scenic Waterways regulation 736-40-035 and 040 (l) and (f) and also comply with any other applicable "river community" standards under the Oregon Scenic Waterway and Federal Wild and Scenic River management plans. Applicants for County permits should contact the plan administrator, Oregon State Parks and Recreation Department, Baker City

Office, for current state and federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa County. The County will consult with federal and state plan administrators prior to a decision on an application.

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no commercial use building shall exceed 3,000 square feet. All outside lights, including security lights, shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. **STREAM CORRIDOR MANAGEMENT:** All new building construction shall be set back a minimum of 75' from the normal high water mark of the Grande Ronde or Wenaha rivers and comply with applicable state or federal river corridor management plans (see above).

All development must also comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. **FIRE SAFETY:** Appropriate spark arrestor must be provided on all chimneys. All roof materials shall be non-combustible. Appropriate fire suppression devices shall be installed or always available and maintained on site. Screen-covered burn barrels are allowed, but shall not be lit after 12 noon.

07. **STRUCTURE SETBACKS:** Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front yard: 15' Side and rear yards: 10'

SECTION 50.010 PURPOSE: The primary purpose of the **Troy Residential/Commercial Zone** is to provide areas suitable and desirable for single family dwellings, and business activity regulated to reduce noise, traffic and operating hour conflicts with residential uses.

SECTION 50.015, PERMITTED USES: In the **Troy Residential/ Commercial Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Produce, truck gardens with sales stand
02. Bed and Breakfasts

03. Home occupations
04. Single family dwellings, permanent or seasonal, not to exceed 2000 square feet per floor.
05. Keeping of goats, sheep, llamas, calves, and poultry. Horses excluded.

SECTION 50.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY.

In the **Troy Residential/Commercial Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for compliance with the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Antique / gift shop / bookstore / coffee shop or bakery
02. Educational / sightseeing / hunting / fishing services
03. Equipment storage (excluding junkyards)
04. Keeping of horses

SECTION 50.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In the **Troy Residential / Commercial Zone**, the minimum lot size shall be either the pre-existing town plat lot, or the minimum size required to provide water service, and satisfy both structural setbacks and DEQ requirements, whichever is larger.
02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32, Road Standards.
03. **LANDSCAPE:** All noxious weeds will be removed and controlled. River front portions of the lot shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.
04. **BUILDING SPECIFICATIONS:** Must meet OAR Chapter 736, division 40 - Oregon Scenic Waterways regulation 736-40-035 and 040 (l) and (f) and also comply with any other applicable "river community" standards under the Oregon Scenic Waterway and Federal Wild and Scenic River management plans. Applicants for County permits should contact the plan administrator, Oregon State Parks and Recreation Department, Baker City Office, for current state and federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa

County. The County will consult with federal and state plan administrators prior to a decision on an application

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no commercial use building shall exceed 2,000 square feet. All outside lights, including security lights, shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. STREAM CORRIDOR MANAGEMENT: All new building construction shall be set back a minimum of 75' from the normal high water mark of the Grande Ronde or Wenaha Rivers and comply with applicable state or federal river corridor management plans (see above).

All development must comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. FIRE SAFETY: Appropriate spark arrestor must be provided on all chimneys. All roof materials shall be non-combustible. Appropriate fire suppression devices shall be installed or always available and maintained on site. Screen-covered burn barrels are allowed, but shall not be lit after 12 noon.

07. STRUCTURE SETBACKS: Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front Yard: 15' Side and Rear yard: 15'

SECTION 51.010, PURPOSE: The primary purpose of the **Troy Commercial Zone** is to provide areas suitable and desirable for those retail service, tourist, and other similar commercial activities needed in the community.

SECTION 51.015, PERMITTED USES: In the **Troy Commercial Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Traveler accommodations, including hotels, motels, lodges, and RV camps not to exceed 25 R. V. hook-up spaces, or 25 accommodation units, and, for RV camps or expansion of existing facilities, only if served by a DEQ approved on site sewage system, or, for new hotels, motels, or lodges, only if served by a community sewer system..

02. Retail sports store
03. Art gallery / Art and camera supplies store
04. Agriculture or building supply store
05. General merchandise and grocery store
06. Rental cabins
07. Single family dwellings
08. Private or public outdoor recreation facility/horse stables
09. Educational / sightseeing / hunting / fishing services
10. Small scale manufacturing and production of arts/ crafts/ sporting goods/
tack gear or clothing
11. Plant nursery, produce stand, truck garden or orchard with sales stand.

SECTION 51.020, BUILDING AND ACTIVITIES PERMITTED

CONDITIONALLY. In the **Troy Commercial Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for compliance with the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Gas station and auto repair facility
02. Shop welding, farm equipment supply or repair
03. Rental cabins and R. V. pad sites

SECTION 51.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In the **Troy Commercial Zone**, the minimum lot size shall be either the pre-existing town plat lot, or the minimum size required to provide water service, and satisfy both structural setbacks and DEQ requirements, whichever is larger.
02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32, Road Standards.

03. LANDSCAPE: All noxious weeds will be removed and controlled. River front portions of the lot shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.

04. BUILDING SPECIFICATIONS: Must meet OAR Chapter 736, division 40 - Oregon Scenic Waterways regulation 736-40-035 and 040 (l) and (f) and also comply with any other applicable "river community" standards under the Oregon Scenic Waterway and Federal Wild and Scenic River management plans. Applicants for County permits should contact the plan administrator, Oregon State Parks and Recreation Department, Baker City Office, for current state and federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa County. The County will consult with federal and state plan administrators prior to a decision on an application

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no commercial use building shall exceed 2,500 square feet. All outside lights, including security lights, shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. STREAM CORRIDOR MANAGEMENT: All new building construction shall be set back a minimum of 75' from the normal high water mark of the Grande Ronde or Wenaha Rivers and comply with applicable state or federal river corridor management plans (see above). All development must also comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. FIRE SAFETY: Appropriate spark arrestor must be provided on all chimneys. All roof materials shall be non-combustible. Appropriate fire suppression devices shall be installed or always available and maintained on site. Screen-covered burn barrels are allowed, but shall not be lit after 12 noon.

07. STRUCTURE SETBACKS: Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front Yard: 5' Side and Rear yard: 10'

SECTION 52.010, PURPOSE: The primary purpose of the **Troy Public/Utilities Zone** is to recognize publicly owned areas which may allow free access, or be designated closed from public access for utility purposes.

SECTION 52.015, PERMITTED USES: In the **Troy Public/Utilities Zone** the following uses, other substantially similar uses, and their accessory uses are permitted in accordance with Article 3, Ministerial Review:

01. Public school buildings, playgrounds, library, and teachers' residence.
02. Equipment storage, repair facilities and fuel systems.
03. Public parks
04. Facility maintenance employee residence

SECTION 52.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY. In the **Troy Public/Utilities Zone**, the following uses, other substantially similar uses, and their accessory uses may be established subject to public hearing review for compliance with the requirements of Article 9, Conditional Use Permit, and other applicable provisions of this ordinance.

01. Fire station

SECTION 52.025 PROPERTY DEVELOPMENT STANDARDS

01. **PARCEL SIZE:** In the **Troy Public/Utilities Zone**, the minimum lot size shall be either the pre-existing town plat lot, or the minimum size required to provide water service, and satisfy both structural setbacks and DEQ requirements, whichever is larger.
02. **ACCESS:** Shall be by an improved access meeting the requirements of Article 32, Road Standards.
03. **LANDSCAPE:** All noxious weeds will be removed and controlled. River front portions of the lot shall be vegetated by shrubs or trees, with a minimum of 30% bank-cover.
04. **BUILDING SPECIFICATIONS:** Must meet OAR Chapter 736, division 40 - Oregon Scenic Waterways regulation 736-40-035 and 040 (l) and (f) and also comply with any other applicable "river community" standards under the Oregon Scenic Waterway and Federal Wild and Scenic River management plans. Applicants for County permits should contact the plan administrator, Oregon State Parks and Recreation Department, Baker City Office, for current state and federal regulations and be sure to show how applicable rules will be complied with in the application submitted to Wallowa

County. The County will consult with federal and state plan administrators prior to a decision on an application

No building shall exceed the height of 25 feet (except a church spire). Except for existing structures, no public use building shall exceed 3,000 square feet. All outside lights, including security lights, shall be shielded and directed downwards and brightness shall not exceed the minimum functional requirement.

05. STREAM CORRIDOR MANAGEMENT: All new building construction shall be set back a minimum of 75' from the normal high water mark of the Grande Ronde or Wenaha Rivers and comply with applicable state or federal river corridor management plans (see above).

All development must comply with any applicable provisions of Article 36, Salmon Habitat Restoration, and water resource projects below normal high water, including bank stabilization, may also require prior approval of the USFS, the Oregon Department of State Lands, and the US Army Corps of Engineers.

06. FIRE SAFETY: Appropriate spark arrestor must be provided on all chimneys. All roof materials shall be non-combustible. Appropriate fire suppression devices shall be installed or always available and maintained on site. Screen-covered burn barrels are allowed, but shall not be lit after 12 noon.

07. STRUCTURE SETBACKS: Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front Yard: 15' Rear and Side yard: 10'

Article 53

Unincorporated Community Zones-Rural Service Community of Flora

SECTION 53.010, PURPOSE: The Purpose of the Flora Rural Service Zone is to provide standards for establishment of residential and commercial uses servicing the needs of rural residents and limited tourist commercial services consistent with the maintenance of the rural character of the area.

SECTION 53.015, PERMITTED USES: In the Flora Rural Service Zone the following uses, and other substantially similar uses, and their accessory uses are permitted.

01. Farming-excluding livestock feed lots or sale yards.
02. Keeping of livestock or poultry.
03. Signs.
04. Public parks, playgrounds or community buildings.
06. Home occupations, subject to Article 35, Home-Based Occupations.
07. Retail stores, offices, wholesale facilities or service establishments limited to a total of 4000 square feet, except for existing structures.
08. Restaurants.
09. Non-farm, single family dwellings.
10. Plant nurseries, produce stands, truck gardens or orchards.
11. Bed and Breakfast facilities.
12. Art galleries.
13. Educational / sightseeing / hunting / fishing services
14. Rental cabins.
15. Traveler accommodations including hotels, motels, lodges, and RV camps not to exceed 25 R. V. hook-up spaces, or 25 accommodation units; only allowable if adequate water services are available and, for RV camps, if served by a DEQ approved on site sewage system, and, for new hotels, motels, or lodges, only if served by a community sewer system.
15. Private campgrounds.

- 16. Museums.
- 18. Schools.

SECTION 53.020 BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY

- 01. Small scale manufacturing and production of arts/ crafts/ sporting goods/ agricultural products/ educational materials. Buildings limited to 10,000 square feet, except for existing structures.
- 02. Equipment storage (Excluding junkyard).

SECTION 53.025 PROPERTY DEVELOPMENT STANDARDS

- 01. **PARCEL SIZE:** In **Flora Rural Service**, the minimum lot size shall be either the pre-existing town plat lot, or the minimum size required to provide water service, and satisfy both structural setbacks and DEQ requirements, whichever is larger.
- 02. **ACCESS:** Shall be served by an improved access meeting the requirements of Article 32, Road Standards.
- 03. **LANDSCAPE:** All noxious weeds will be removed and controlled.
- 04. **BUILDING SPECIFICATIONS:** Except for existing structures, no commercial use building shall exceed 4,000 square feet, nor shall a new industrial structure exceed 10,000 square feet. All outside lights, including security lights, shall be shielded and directed downwards, and brightness shall not exceed the minimum functional requirement.
- 05. **STREAM CORRIDOR MANAGEMENT:** All new building construction shall be set back a minimum of 25' from open ponds, springs or ditches. All development must comply with any applicable provisions of Article 36, Salmon Habitat protection.
- 06. **FIRE SAFETY:** Appropriate spark arrestor must be provided on all chimneys. All roof materials shall be non-combustible. Appropriate fire suppression devices shall be installed or always available and maintained on site. Screen-covered burn barrels are allowed, but shall not be lit after 12 noon.
- 07. **STRUCTURE SETBACKS:** Setback measurements shall be to the nearest permanent structure or structural appendage, including patios, decks, eaves or overhangs.

Front Yard: 15' Side and Rear Yards: 10'

Article 54: South Wallowa Lake

Unincorporated Resort Community

RESORT RESIDENTIAL (R-3)

SECTION 54.010, PURPOSE: The purpose of the Resort Residential Zone is to provide minimum standards for residential development and recreational uses in the unincorporated Resort community of South Wallowa Lake where residents and visitors from within and outside the County are attracted for natural and man-made amenities. The minimum standards of this Article are intended to:

01. Stabilize and improve property values.
02. Preserve and enhance an area's attractiveness to visitors and residents of Wallowa County.
03. Foster civic pride in natural and man-made amenities.
04. Strengthen the economy of Wallowa County.

SECTION 54.015, PERMITTED USES: In the Resort Residential 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. Non-conforming uses (including short-term rentals), temporary uses (including the keeping of larger animals), and applications not meeting all design standards of 54.030 shall be subject to **ADMINISTRATIVE REVIEW**.

01. Single-family dwellings. Modular and manufactured homes that meet all design standards permitted.
02. Accessory structures customarily provided in conjunction with a single-family dwelling.
03. A second single-family dwelling on a lot or parcel provided the minimum parcel size and setbacks of Section 54.035 are met.
04. Floats and docks subject to Article 37, Wallowa Lake Float, Dock, and Surface Area.
05. Utility and communication facilities necessary for local service and excluding any facilities for generating power for public use.
06. Temporary uses subject to Article 13, Temporary Use Permit (Administrative Review).
07. The keeping of animals other than dogs, cats, and common household pets is allowed only by Temporary Use Permit.
08. Short-term rental (thirty (30) days or less) of non-commercial residential dwellings subject to the following provisions:

A. Criteria:

1. A permit for short-term rental use shall be required for structures used for that purpose. The basic fee for a Zone Permit-Administrative Review 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.

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, 166, 810, 196 and 459.
 - b. 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.
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.

09. Subject to the provisions of this article and the provisions of Article 3, Ministerial Review, a single family dwelling or other permitted 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. 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 54.020, CONDITIONAL USES PERMITTED: The following uses, and other substantially similar uses, may be established in the Resort Residential Zone subject to public hearing review for compliance with requirements of Article 9, Conditional Use Permit, and other provisions of this ordinance.

- 01. Home-based occupations subject to provisions of Article 35, Home-Based Occupation, including, but not limited to, Bed and Breakfast facilities.
- 02. Schools, church camps, and convention facilities and related uses.
- 03. Private and public parks and playgrounds.
- 04. Utility or communication facilities necessary for public services, including transmission and receiving towers.

SECTION 54.025, 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.

SECTION 54.030, DESIGN STANDARDS: For both Permitted and Conditional uses in the Resort Residential 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 25 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 twenty-five 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 54.035.03 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 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.

05. **SIGNS:** Signs shall conform to Article 34, Signs.

06. **PARKING:** One off-street parking place per bedroom shall be supplied. No parking shall occur in a road easement or right of way.

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 stabilized with appropriate cover vegetation.

08. **ARTIFICIAL LIGHTING:** Flickering and bright sources of illumination shall be controlled by down shielding or aiming the light source away from roads and nearby sites.

09. **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 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 54.025.01 (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 SERVICES:** 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 requirement 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 54.035, 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 54.035.03 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 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. Before construction is begun, a setback inspection shall be requested by the property owner and may be performed by the Planning Department. 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.

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

REAR YARD: Not less than 15 feet from the property line.

The front or rear yard setback may be decreased to 15 and 10 feet respectively, provided there is a corresponding increase in the setback for the opposite or side yard.

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 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.

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:
 1. **Criteria:**
 - a. A zone permit for short-term rental use shall be required for structures used for that purpose. The fee for a Zone Permit–Administrative Review 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, 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.

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:** 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 56.035.02 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 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.

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).
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.
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.
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.

House Bill HB 3326

(5) In eastern Oregon, as defined in ORS 321.405, the governing body of a county or its designee:

(a) May approve a division of land in an exclusive farm use zone to create up to two new parcels smaller than the minimum size established under ORS 215.780, each to contain a dwelling not provided in conjunction with farm use if:

(A) The nonfarm dwellings have been approved under ORS 215.284 (7);

(B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;

(C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size established under ORS 215.780;

(D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under ORS 215.780; and

(E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

(b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use if:

(A) The nonfarm dwellings have been approved under ORS 215.284 (7);

(B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;

(C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

(D) The parcels for the nonfarm dwellings are:

(i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use Enrolled House Bill 3326 (HB 3326-A) Page 3 the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level;

(E) The parcels for the nonfarm dwellings do not have established water rights for irrigation; and (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land. + }

CITIZEN INVOLVEMENT

I.

Summary: Extensive citizen involvement has been incorporated into Wallowa County's planning process.

CITIZEN INVOLVEMENT GUIDELINES

Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Findings: The findings below are the basis of Wallowa's County's Citizen Involvement Program.

1. The extent of citizen involvement is suitable for Wallowa County, which has a land area of 2,033,820 acres and a population of 6,630 people (.001 persons per acre).
2. Most County inhabitants reside in the incorporated towns and adjacent agricultural areas, and since much of the timber/grazing area is uninhabited, most citizen involvement was by valley residents.
3. The Wallowa County Planning Commission represents a broad cross-section of geographic locations and business interests. (appendix ID)
4. Provisions have been established for Planning staff to respond to citizen inquiries. Such responses will be reviewed yearly by the Planning Commission.
5. Planning Commission meetings are open to the public. Written records are maintained and made available to the public upon request.
6. Two-way communication between the Planning Commission and Citizens has been by both word-of-mouth and by written responses being provided where inquiries or requests have been made.
7. Planning Commission members and other county residents participated in subcommittee work involving the assembly and analysis of inventory information, development of preliminary policies

and recommendations, and preparation of maps. This has provided citizens an opportunity to participate in all phases of the planning process.

8. Technical assistance has been provided by the County Planning staff, agency personnel, and consulting planners. Such assistance is available on a continual basis to interpret technical information for citizens.
9. Written records of Planning Commission and staff decisions are maintained in order that citizens may be assured that decisions are documented.
10. The County has provided human, financial and informational resources to assist citizens in obtaining planning information and related decisions. Such assistance will be continued.

Policies: The following policies are a part of the Wallowa County Land Use Plan and will be taken into consideration by both private and public interests in making land use decisions. The policies supplement the plan map and have the same regulatory effect.

1. Wallowa County Planning Commission members will represent a broad cross-section of geographic and professional interests, and will be selected through an open, well-publicized process.
2. Notification of planning activities be made in newspapers and by radio as well as other means, in an attempt to make affected residents aware of up-coming decisions.
3. Inventory maps and other data utilized as the basis for planning discussions be available to citizens upon request, and interpretative assistance be provided.
4. Presentations of planning materials be made to civic groups and other interests upon request to explain land use planning and related concerns.
5. Opportunities be provided for the public to respond to preliminary planning documents prior

- to their finalizations.
6. Committee assistance be used to make recommendations related to specific areas or concerns in order to provide additional citizen input into the planning process.
 7. Written responses be made to planning inquiries, and records of such responses will be maintained for public inspection.

Recommendations: The following recommendations are implementation measures identified in the planning process:

1. Material be prepared for distribution to citizens in order that they might better understand planning.
2. Each year the Planning Commission and County Court meet to evaluate involvement procedures and opportunities and to make recommendations as to how citizen involvement can be improved.
3. Greater involvement be incorporated into planning decision-making.
4. A citizen involvement program will be developed by a citizen involvement committee.

APPENDIX 1 - 1
WALLOWA COUNTY PLANNING PROCESS

01. INITIATE STUDY BY EVALUATION OF EXISTING USE:

- A. Evaluate existing Zoning Ordinance and Land Uses.
- B. Define conflicts with existing use and Land Conservation and Development Commission goals.
- C. Evaluate existing Subdivision Ordinance.
- D. Define conflicts and areas of improvement in Subdivision Ordinance.

02. IDENTIFY PROBLEMS AND NEEDS AND CONSIDER LAND USE OBJECTIVES:

- A. Collect technical data and inventory and involve local, State, and Federal agencies.
- B. Draft preliminary goals using Land Conservation and Development Commission goals and guidelines.
- C. Request that the Wallowa County Planning Commission be designated as the Citizen Involvement Committee.
- D. Assign drafted preliminary goals to members of the CIC and set up subcommittees for each goal from local interested citizens.
- E. Informal and open-ended subcommittee meetings to alter, correct, and evaluate each goal.

03. COLLECT NECESSARY DATA AND INVENTORY:

- A. Prepare and publish informational questionnaire to involve the public in establishing land use goals.
- B. Tabulate and evaluate returns on questionnaire and provide feedback to the public on returns.
- C. Publish three or four alternative graphic maps to provide a selection for the public on land use.
- D. Tabulate and evaluate returns on land use maps and provide feedback to the public on returns.
- E. Conclude inventories, data collection, and continue agency involvement.
- F. Continue series of informal public meetings for additional public involvement.

04. FORMULATE DRAFT PLAN:

- A. Evaluate all collected inventories, data, and public

- involvement processes.
- B. Draft preliminary comprehensive plan.

05. PRESENT DRAFT TO PUBLIC:

- A. Provide draft plan to the public, organizations, and participating agencies requesting comments by a specific date.
- B. Evaluate draft plan comments. Continue series of meetings with local organizations, agencies, and public.

06. ANALYZE PUBLIC REACTION AND RESOLVE CONFLICTS:

- A. Evaluate public response to draft plan record responses for public inspection.

07. PREPARE FINAL DRAFT:

- A. Revise draft plan to incorporate appropriate changes and modifications. Draft Zoning and Subdivision Ordinances.
- B. Evaluate revised Draft Plan, Zoning, and Subdivision Ordinances.
- C. Draft final plan.

08. ADOPT FINAL COMPREHENSIVE PLAN:

- A. Public Hearing by County Planning Commission to be advertised three weeks prior to date set for hearing.
- B. Public Hearing by the Wallowa County Court.
- C. Adopt final plan.
- D. Draft final Zoning and Subdivision Ordinances.
- E. Hold Public Hearings and adopt Zoning and Subdivision Ordinances.

EVALUATION: Evaluation will be conducted by citizens identified on the Land Use Questionnaire as expressing an interest in the Citizen Involvement Program.

SIGNED AND DATED:

3 March 1976

BY:

Claude H. Hall, Judge

William M. DeGrofft, Commissioner
Marion W. McCrae, Commissioner

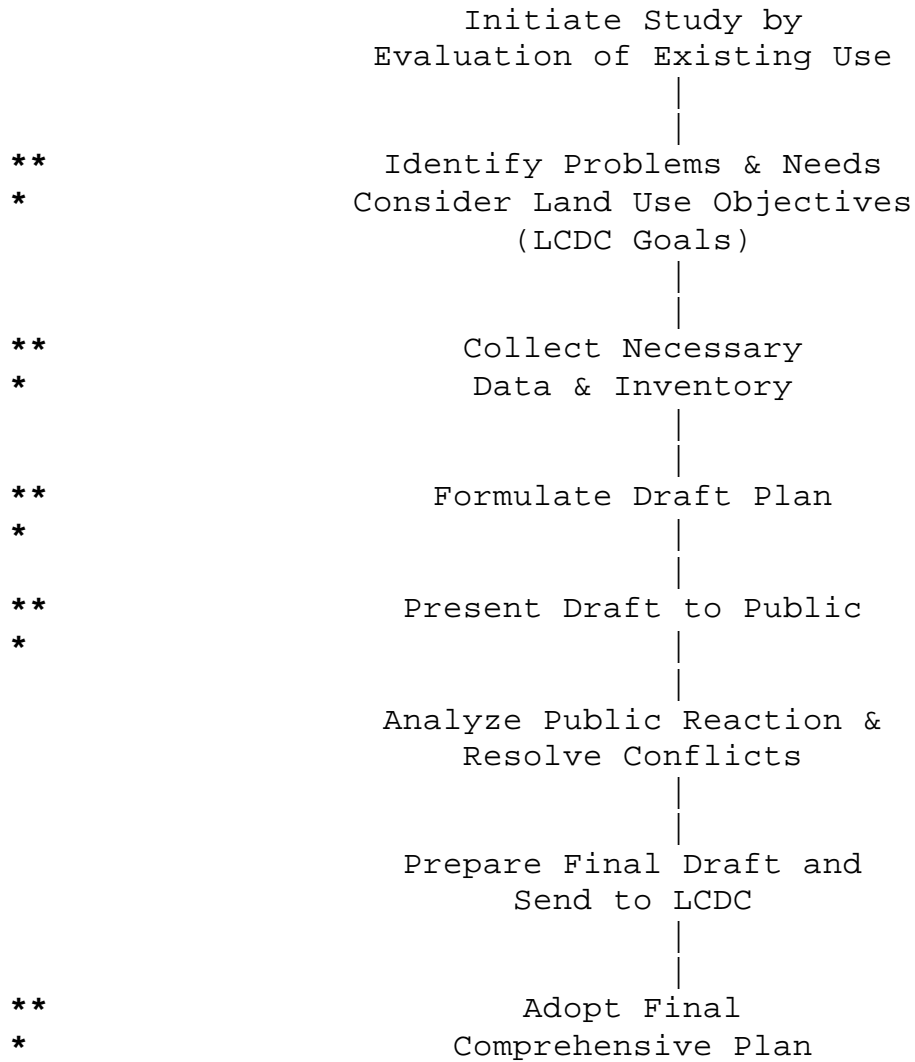
The procedures below apply to the Comprehensive Land Use Plan adoption:

01. Thirty days notice of public hearing will be given.
02. Public meeting(s) will be held on the fourth Tuesday of as many months as necessary to finalize the Comprehensive Land Use Plan.
03. Upon Planning Commission approval, Comprehensive Land Use Plan recommendations are forwarded to the County Court.
04. Ten days notice of the County Court's public hearing will be given.
05. Upon County Court approval, the Comprehensive Land Use Plan (or an exact copy thereof) is filed with the County Clerk and becomes effective.

Once adopted, Comprehensive Land Use Plan changes require specific notification to each property owner within the area proposed for change and to those property owners within 250 feet of such area.

Procedures for adoption of Ordinances or Comprehensive Land Use Plan amendments are basically the same as those above for Plan adoption.

WALLOWA COUNTY PLANNING PROCESS



** Indicates areas of governmental involvement.

* Indicates areas of citizen involvement.

SIGNED AND DATED:

17 December 1975

BY:

Claude H. Hall, Judge
Marion W. McCrae, Commissioner

APPENDIX 1 - 2
ORS 197 & 215 EXCERPTS

COMPREHENSIVE PLANNING COORDINATION
(GENERAL PROVISIONS)

197.005, LEGISLATIVE FINDINGS: The Legislative Assembly finds that:

01. Uncoordinated use of lands within this State threaten the orderly development and the environment of this State as well as the health, safety, order, convenience, prosperity, and welfare of the people of this State.
02. To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the State, it is necessary to establish a process for the review of State agencies, cities, County, and special district land conservation and development plans for compliance with State-wide planning goals and guidelines.
03. Except as otherwise provided in 04 of this section, cities and counties should remain as the agencies to consider, promote, and manage the local aspect of land conservation and development for the best interest of the people within their jurisdictions.
04. The promotion of coordinated State-wide land conservation and development requires the creation of a State-wide planning agency to prescribe planning goals and objectives to be applied by State agencies, cities, counties, and special districts throughout the State.
05. The impact of proposed development projects constituting activities of State-wide significance upon the public health, safety, and welfare requires a system of permits reviewed by a State-wide agency to carry out State-wide planning goals and guidelines prescribed for application for activities of State-wide significance throughout the State.
(1973 c. 80S1)

197.010, POLICY: The Legislative Assembly declares: in order to assure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas, and the State as a whole. These comprehensive plans:

01. Must be adopted by the appropriate governing body at the local and State levels; and
02. Are expressions of public policy in the form of policy Statements, generalized maps, and standards and guidelines; and
03. Shall be the basis for more specific rules, regulations, and ordinances which implement the policies expressed through the comprehensive plans;
04. Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and
05. Shall be regularly reviewed and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve. (1973 c. 80 S2)

197.015, DEFINITIONS (Selected):

COMPREHENSIVE PLAN: A generalized, coordinated land use map and policy statement of the governing body of a State agency, city, County, or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to: sewer and water systems, transportation systems, educational systems, recreational facilities, natural resources, and air and water quality management programs. "Comprehensive" means: all-inclusive - both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means: a summary of policies and proposals in broad categories and doesn't necessarily indicate specific locations of any area, activity, or use.

A plan is coordinated when the needs of all levels of governments, semi-private agencies, and the citizens of Oregon have been considered and accommodated as much as possible. Land includes water, both surface and subsurface, and the air. (1973 c. 80 S24.)

COMPREHENSIVE PLANNING RESPONSIBILITIES

197.175: Cities and counties planning responsibilities; compliance with State-wide goals, and guidelines.

01. Cities and counties shall exercise their planning and zoning responsibilities in accordance with ORS 197 and 215.
02. Pursuant to ORS 197, 215, and 453.345, each city and County in this State shall:
 - A. Prepare and adopt comprehensive plans consistent with State-wide planning goals and guidelines approved by the commission; and
 - B. Enact zoning, subdivision, and other ordinances or regulations to implement their comprehensive plans. (1973 c. 80 S17, 18)

197.190: Regional coordination of planning activities; alternatives.

01. In addition to the responsibilities Stated in ORS 197.175, each County through its governing body shall be responsible for coordinating all planning activities affecting land uses within the County, including those of the County, cities, special districts, and State agencies to assure an integrated comprehensive plan for the entire area of the County. (1973 c. 80 S19)

197.255: County review of comprehensive plans required compliance advice:

Following the approval by the commission (LCDC) of State-wide planning goals and guidelines, each County governing body shall review all comprehensive plans for land conservation and development within the County - both those adopted and those being prepared. The County governing body shall advise the State agency, city, County, or special district preparing the comprehensive plans whether or not the comprehensive plans are in conformity with the State-wide planning goals. (1973 c. 80 S39)

COUNTY PLANNING

215.055, STANDARDS FOR PLAN:

01. Any comprehensive plan and all zoning, subdivision, or other ordinances and regulations authorized by ORS 215.010 to 215.233 and 215.402 to 215.422 and adopted prior to the expiration of one year following the date of the approval of State-wide planning goals and guidelines under ORS 197.240 shall be designed to promote the public health, safety, and general welfare and shall be based on the following considerations (among others):
 - A. The various characteristics of the various areas in the County; and
 - B. The suitability of the areas for particular land uses and improvements; and
 - C. The land uses and improvements in the areas; and
 - D. Trends in land improvements; and
 - E. Density of development; and
 - F. Property values; and
 - G. The needs of economic enterprises in the future development of the areas; and
 - H. Needed access to particular sites in the areas; and
 - I. Natural resources of the County and prospective needs for development thereof; and
 - J. The public need for healthful, safe, and aesthetic surroundings and conditions.
02. Any plan and all zoning, subdivision, or other ordinances and regulations authorized by ORS 215.010 to 215.233 and 215.402 to 215.422 and adopted after the expiration of one year after the date of the approval of State-wide planning goals and guidelines under ORS 197.240 shall be designed to comply with such State-wide planning goals and any subsequent revisions or amendments thereof.
03. In order to conserve natural resources of the State, any land use plan, zoning, subdivision, or other ordinance

adopted by a County shall take into consideration lands that are, can, or should be utilized for sources or processing of mineral aggregates. (1955 c. 439 S3; 1963 c. 619 S4; 1971 c. 13 S2; 1971 c. 739 S1; 1973 c. 80 S43)

215.243, AGRICULTURAL LAND USE POLICY: The Legislative Assembly finds and declares that:

01. Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic, and economic asset to all of the people of this State whether living in rural, urban, or metropolitan areas of this State.
02. The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the State's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the State and for the assurance of adequate, healthful, and nutritious food for the people of this State and the nation.
03. Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities, and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
04. Exclusive farm use zoning, as provided by law, substantially limits alternatives to the use of rural land; and with the importance of rural lands to the public, it justifies incentives and privileges offered to encourage owners of rural lands in exclusive farm use zones. (1973 c. 503 S1)

215.515, COMPREHENSIVE PHYSICAL PLANNING OBJECTIVES:

01. Comprehensive physical planning, adopted by the commission prior to the expiration of one year following the date of the approval of State-wide planning goals and guidelines under ORS 197.240, should provide guidance for physical development within the State responsive to economic development, human resource development, natural resource development, and regional and metropolitan area development. Comprehensive physical planning should assist in attainment of the optimum living environment for the State's citizenry

State's citizenry and assure sound housing, employment opportunities, educational fulfillment, and health facilities. State plans should relate to intermediate and long-range growth objectives. The plans should set a pattern upon which State agencies and local government may base their programs and local area plans. Goals for comprehensive physical planning are:

- A. To preserve the quality of the air, water, and land resources of the State.
- B. To conserve open space and protect natural and Scenic Resources.
- C. To provide for the recreational needs of citizens of the State and visitors.
- D. To conserve prime farm lands for the production of crops.
- E. To provide for an orderly and efficient transition from rural to urban land use.
- F. To protect life and property in areas subject to floods, landslides, and other natural disasters.
- G. To provide and encourage a safe, convenient, and economic transportation system - including all modes of transportation, such as: air, water, rail, highway, and mass transit and recognizing differences in the social costs in the various modes of transportation.
- H. To develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban rural development.
- I. To diversify and improve the economy of the State.
- J. To insure that the development of properties within the State is commensurate with the character and the physical limitations of the land.

APPENDIX 1 - 3
LAND USE SURVEY RESULTS (1976)

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
01. In which area do you reside?				
Wallowa	16	6.8%	NA	6.8%
Lostine	12	5.0%	NA	5.0%
Enterprise	71	30.1%	NA	30.1%
Joseph	55	23.3%	NA	23.3%
Rural	82	34.7%	NA	34.7%
<u>TOTALS:</u>	<u>236</u>	<u>100.0%</u>		<u>100.0%</u>
02. How long have you lived in this area?				
0-2 years	20	8.5%		8.5%
2-5 years	30	12.7%		13.0%
6-10 years	23	9.7%		10.0%
11-20 years	31	13.1%		13.5%
20+ years	126	53.4%		54.8%
<u>TOTALS:</u>	<u>230</u>	<u>97.5%</u>	<u>6</u>	<u>100.0%</u>
03. What is your age?				
15-24	13	5.5%		5.6%
25-34	37	15.7%		15.8%
35-44	40	16.9%		17.1%
45-54	46	19.5%		19.7%
55-64	52	22.0%		22.2%
65+	46	19.5%		9.7%
<u>TOTALS:</u>	<u>234</u>	<u>99.1%</u>	<u>2</u>	<u>100.0%</u>
04. Are you presently employed?				
Retired	36	15.3%		16.4%
Student	1	0.4%		0.5%
Forest/Lumber	30	12.7%		13.7%
Farmer	71	30.1%		32.4%
Public Employ	32	13.6%		14.6%
Professional	19	8.1%		8.7%
Business	19	8.1%		8.7%
Tourist	3	1.3%		1.4%
Other	8	3.4%		3.6%
<u>TOTALS:</u>	<u>219</u>	<u>93.0%</u>	<u>17</u>	<u>100.0%</u>
	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
Yes	165	69.9%		80.9%

No	39	16.5%		19.1%
<u>TOTALS:</u>	<u>204</u>	<u>86.4%</u>	<u>32</u>	<u>100.0%</u>

05. Do you feel that you are being adequately informed about land use planning?

Yes	76	32.2%		33.8%
No	149	63.1%		66.2%
<u>TOTALS:</u>	<u>225</u>	<u>95.3%</u>	<u>11</u>	<u>100.0%</u>

06. Do you belong to an organization that would like to have further information?

Yes	48	20.3%		25.1%
No	143	63.1%		74.9%
<u>TOTALS:</u>	<u>191</u>	<u>80.9%</u>	<u>45</u>	<u>100.0%</u>

07. Do you favor Wallowa County preparing a Comprehensive Land Use Plan?

Yes	165	69.9%		75.3%
No	54	24.7%		24.7%
<u>TOTALS:</u>	<u>191</u>	<u>94.6%</u>	<u>17</u>	<u>100.0%</u>

08. Do you feel the Planning Commission is doing an adequate job?

Yes	112	47.5%		65.9%
No	58	24.7%		34.1%
<u>TOTALS:</u>	<u>170</u>	<u>72.1%</u>	<u>66</u>	<u>100.0%</u>

09. Would you favor more information in the local paper?

Yes	197	83.5%		89.1%
No	24	10.2%		10.9%
<u>TOTALS:</u>	<u>221</u>	<u>93.7%</u>	<u>15</u>	<u>100.0%</u>

10. Do you feel that radio coverage is also needed?

Yes	155	65.7%		69.8%
No	67	28.4%		30.2%
<u>TOTALS:</u>	<u>222</u>	<u>94.1%</u>	<u>14</u>	<u>100.0%</u>

<u>RESPONSE</u>	<u>TOTAL</u>	<u>%</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
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11. If you sign the questionnaire, would you like to be put on our mailing list for information?

Yes	162	68.6%		81.8%
No	36	15.3%		18.2%

<u>TOTALS:</u>	<u>198</u>	<u>83.9%</u>	<u>38</u>	<u>100.0%</u>
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12. Would you be interested in serving on a Citizen Involvement Committee?

Yes	75	31.8%		40.1%
No	112	47.6%		59.9%
<u>TOTALS:</u>	<u>187</u>	<u>79.4%</u>	<u>49</u>	<u>100.0%</u>

13. Have you been involved with any County, State, City or other Planning Process?

Yes	60	25.4%		26.4%
No	167	70.8%		73.6%
<u>TOTALS:</u>	<u>227</u>	<u>96.2%</u>	<u>9</u>	<u>100.0%</u>

14. Have you had any difficulty with existing County zoning or Subdivision?

Yes	32	13.6%		14.1%
No	195	82.6%		85.9%
<u>TOTALS:</u>	<u>227</u>	<u>96.2%</u>	<u>9</u>	<u>100.0%</u>

15. Would you prefer that defined areas be set aside for subdivision development?

Yes	137	58.0%		65.2%
No	73	30.0%		34.8%
<u>TOTALS:</u>	<u>210</u>	<u>88.0%</u>	<u>36</u>	<u>100.0%</u>

Rural	27	11.0%		28.4%
Urban	68	28.0%		71.6%
<u>TOTALS:</u>	<u>95</u>	<u>39.0%</u>	<u>141</u>	<u>100.0%</u>

<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
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16. Are you familiar with the United States Forest Service plan for the Wallowa Valley Planning Unit?

Yes	163	69.1%		73.1%
No	60	25.4%		26.9%
<u>TOTALS:</u>	<u>223</u>	<u>94.5%</u>	<u>13</u>	<u>100.0%</u>

17. Do you favor the selected Alternative "D"?

Yes	13	5.5%		6.6%
No	185	78.4%		93.4%
<u>TOTALS:</u>	<u>198</u>	<u>83.9%</u>	<u>38</u>	<u>100.0%</u>

18. Would you like to have the prime farm land set aside for Exclusive Farm Use?

Yes	175	74.2%		82.9%
No	36	15.3%		17.1%
<u>TOTALS:</u>	<u>211</u>	<u>89.5%</u>	<u>25</u>	<u>100.0%</u>

80 Acres	57	24.2%		31.8%
40 Acres	32	13.6%		17.9%
20 Acres	8	3.4%		4.5%
10 Acres	21	8.9%		11.7%
5 Acres	12	5.1%		6.7%
2 Acres	10	4.2%		5.6%
Other	27	11.4%		15.1%
None	12	5.1%		6.7%
<u>TOTALS:</u>	<u>179</u>	<u>75.9%</u>	<u>57</u>	<u>100.0%</u>

19. Would you like the non-farm lands maintained as currently zoned, General Agriculture?

Yes	174	73.7%		87.4%
No	25	10.6%		12.6%
<u>TOTALS:</u>	<u>199</u>	<u>84.3%</u>	<u>37</u>	<u>100.0%</u>

80 Acres	54	22.9%		29.8%
40 Acres	21	8.9%		11.6%
20 Acres	11	4.7%		6.1%
10 Acres	21	8.9%		11.6%
5 Acres	10	4.2%		5.5%

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
2 Acres	20	8.5%		11.0%
Other	4	1.7%		2.2%
None	40	16.9%		22.1%
<u>TOTALS:</u>	<u>113</u>	<u>62.6%</u>	<u>55</u>	<u>100.0%</u>

20. Would you like to have the Timber and Grazing lands set aside as Timber Grazing zones?

Yes	148	62.7%		77.9%
No	42	17.8%		22.1%
<u>TOTALS:</u>	<u>190</u>	<u>80.5%</u>	<u>46</u>	<u>100.0%</u>

80 Acres	59	25.0%		52.2%
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40 Acres	14	5.9%		12.4%
20 Acres	6	2.5%		5.3%
10 Acres	9	3.8%		8.0%
5 Acres	2	.8%		1.8%
2 Acres	8	3.4%		7.1%
Other	13	5.5%		11.5%
None	37	15.7%		37.7%
<u>TOTALS:</u>	<u>113</u>	<u>62.6%</u>	<u>123</u>	<u>100.0%</u>

21. Would you prefer Rural Residential zoning in the County?

Yes	93	39.4%		48.7%
No	98	41.5%		51.3%
<u>TOTALS:</u>	<u>191</u>	<u>80.9%</u>	<u>45</u>	<u>100.0%</u>

20 Acres	28	11.9%		29.8%
10 Acres	29	12.3%		30.9%
5 Acres	14	5.9%		14.9%
2 Acres	18	7.6%		19.1%
Other	5	2.1%		5.3%
<u>TOTALS:</u>	<u>94</u>	<u>39.8%</u>	<u>142</u>	<u>100.0%</u>

22. Do you feel that private forest lands are being properly managed?

Yes	149	63.1%		74.5%
No	51	21.6%		25.5%
<u>TOTALS:</u>	<u>200</u>	<u>84.7%</u>	<u>36</u>	<u>100.0%</u>

RESPONSE TOTAL % NO RESPONSE ADJUSTED %

23. Do you feel that our National Forest lands are being properly managed?

Yes	60	25.4%		29.1%
No	146	61.9%		70.9%
<u>TOTALS:</u>	<u>206</u>	<u>87.3%</u>	<u>30</u>	<u>100.0%</u>

24. Do you favor maximum sustained yield of our timber resources?

Yes	172	72.9%		82.3%
No	37	15.7%		17.7%
<u>TOTALS:</u>	<u>209</u>	<u>88.6%</u>	<u>27</u>	<u>100.0%</u>

25. Do you favor maximum allowable grazing of our grazing and timbered lands?

Yes	189	80.1%		85.9%
No	31	13.1%		14.1%
<u>TOTALS:</u>	<u>220</u>	<u>93.2%</u>	<u>16</u>	<u>100.0%</u>

26. Do you feel that more of our forest lands should be managed for wildlife habitat?

Yes	43	18.2%		19.5%
No	178	75.4%		80.5%
<u>TOTALS:</u>	<u>221</u>	<u>93.6%</u>	<u>15</u>	<u>100.0%</u>

27. Do you feel that ample recreation activity is being provided on our forest lands?

Yes	185	78.4%		84.1%
No	35	14.8%		15.9%
<u>TOTALS:</u>	<u>220</u>	<u>93.2%</u>	<u>16</u>	<u>100.0%</u>

28. Do you agree that there is enough open space in the County?

Yes	206	87.3%		93.6%
No	14	5.9%		6.4%
<u>TOTALS:</u>	<u>220</u>	<u>93.2%</u>	<u>16</u>	<u>100.0%</u>

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
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29. Do you know of any scenic, natural, or historic areas in the County?

Yes	112	47.5%		62.2%
No	71	30.1%		38.8%
<u>TOTALS:</u>	<u>183</u>	<u>77.6%</u>	<u>53</u>	<u>100.0%</u>

30. Do you favor additional wilderness area within the County?

Yes	21	8.9%		9.5%
No	199	84.3%		90.5%
<u>TOTALS:</u>	<u>220</u>	<u>93.2%</u>	<u>16</u>	<u>100.0%</u>

31. Do you approve of the streambank erosion control program now being done?

Yes	141	59.7%		69.1%
No	63	26.7%		30.9%
<u>TOTALS:</u>	<u>204</u>	<u>86.4%</u>	<u>22</u>	<u>100.0%</u>

32. Do you feel that additional air pollution controls are needed?

Yes	30	12.7%		13.4%
No	194	82.2%		86.6%
<u>TOTALS:</u>	<u>224</u>	<u>94.9%</u>	<u>12</u>	<u>100.0%</u>

33. Do you feel that our streams and lakes are in danger of being polluted?

Yes	129	54.7%		58.1%
No	93	39.4%		41.9%
<u>TOTALS:</u>	<u>222</u>	<u>94.1%</u>	<u>14</u>	<u>100.0%</u>

34. Do you favor reclaiming abandoned quarry sites and gravel sites and putting the land back into a useable condition?

Yes	51	21.6%		23.7%
No	164	69.5%		76.3%
<u>TOTALS:</u>	<u>215</u>	<u>91.1%</u>	<u>21</u>	<u>100.0%</u>

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
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35. Would you favor a building setback from streams in the County?

Yes	127	53.8%		59.9%
No	85	36.0%		40.1%
<u>TOTALS:</u>	<u>212</u>	<u>89.8%</u>	<u>24</u>	<u>100.0%</u>

100 Feet	55	23.3%		49.5%
75 Feet	21	8.9%		18.9%
50 Feet	24	10.2%		21.6%
Other	11	4.7%		9.9%
<u>TOTALS:</u>	<u>111</u>	<u>47.1%</u>	<u>125</u>	<u>100.0%</u>

36. Do you live within a flood plain area?

Yes	56	23.7%		24.5%
No	173	73.3%		75.4%
<u>TOTALS:</u>	<u>229</u>	<u>97.0%</u>	<u>7</u>	<u>100.0%</u>

37. Have you ever suffered any loss from flooding or disasters?

Yes	67	28.4%		29.1%
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No	163	69.1%		70.9%
<u>TOTALS:</u>	<u>230</u>	<u>97.5%</u>	<u>6</u>	<u>100.0%</u>

38. Are you familiar with the National Flood Insurance?

Yes	96	40.7%		43.0%
No	127	53.8%		57.0%
<u>TOTALS:</u>	<u>223</u>	<u>94.5%</u>	<u>13</u>	<u>100.0%</u>

39. Would you favor a County wide flood control district?

Yes	40	16.9%		17.9%
No	184	78.0%		82.1%
<u>TOTALS:</u>	<u>224</u>	<u>94.9%</u>	<u>19</u>	<u>100.0%</u>

40. Would you favor limitations on building and other developments in flood prone areas?

Yes	152	64.4%		70.0%
No	65	30.0%		30.0%
<u>TOTALS:</u>	<u>217</u>	<u>94.4%</u>	<u>13</u>	<u>100.0%</u>

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
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41. Do you think that an effort should be made to confine streams to their channels?

Yes	180	76.3%		80.7%
No	43	18.2%		19.3%
<u>TOTALS:</u>	<u>223</u>	<u>94.5%</u>	<u>13</u>	<u>100.0%</u>

42. Do you think that the natural over-flooding of land along the valley streams provide any benefits?

Yes	44	18.6%		21.7%
No	159	67.4%		78.3%
<u>TOTALS:</u>	<u>203</u>	<u>86.0%</u>	<u>23</u>	<u>100.0%</u>

43. Do you feel that additional recreation development is needed?

Yes	84	35.6%		36.7%
No	145	61.4%		63.3%
<u>TOTALS:</u>	<u>229</u>	<u>97.0%</u>	<u>7</u>	<u>100.0%</u>

44. Do you feel that the tourist facilities in Wallowa County are adequate?

Yes	160	67.8%		71.4%
-----	-----	-------	--	-------

No	64	27.1%		28.6%
<u>TOTALS:</u>	<u>224</u>	<u>94.9%</u>	<u>12</u>	<u>100.0%</u>

45. Do you feel that hunting and fishing opportunities are adequate?

Yes	200	84.7%		85.8%
No	33	14.0%		14.2%
<u>TOTALS:</u>	<u>233</u>	<u>98.7%</u>	<u>3</u>	<u>100.0%</u>

46. Would you financially support winter recreation?

Yes	73	30.9%		33.3%
No	146	61.8%		66.7%
<u>TOTALS:</u>	<u>219</u>	<u>92.7%</u>	<u>17</u>	<u>100.0%</u>

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
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How often?

Frequent	23	9.7%		34.8%
Moderate	30	12.7%		45.5%
Seldom	13	5.5%		19.7%
<u>TOTALS:</u>	<u>66</u>	<u>27.9%</u>	<u>170</u>	<u>100.0%</u>

47. How far would you drive to support winter recreation?

75 Miles	11	4.7%		12.8%
50 Miles	15	6.4%		17.4%
25 Miles	26	11.0%		30.2%
10 Miles	13	5.5%		15.1%
Less	14	5.9%		16.3%
Other	7	3.0%		8.1%
<u>TOTALS:</u>	<u>86</u>	<u>36.5%</u>	<u>150</u>	<u>100.0%</u>

48. Do you feel that additional scenic roads are needed?

Yes	61	25.8%		26.8%
No	167	70.8%		73.2%
<u>TOTALS:</u>	<u>228</u>	<u>96.6%</u>	<u>8</u>	<u>100.0%</u>

49. Do you favor existing limitations on roads now being enforced within the deer and elk hunting areas?

Yes	172	72.9%		77.1%
No	51	21.6%		22.9%
<u>TOTALS:</u>	<u>223</u>	<u>94.5%</u>	<u>13</u>	<u>100.0%</u>

50. Do you feel that enough hunting area has been provided in the County?

Yes	210	89.0%		93.3%
No	15	6.4%		6.7%
<u>TOTALS:</u>	<u>225</u>	<u>95.4%</u>	<u>11</u>	<u>100.0%</u>

51. Do you feel that Wallowa County contributes a great deal to the economy of the State?

Yes	157	66.5%		77.0%
No	47	19.9%		23.0%
<u>TOTALS:</u>	<u>204</u>	<u>86.4%</u>	<u>32</u>	<u>100.0%</u>
	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>

A Lot	36	15.3%		20.0%
Average	114	48.3%		63.3%
Negligible	30	12.7%		16.7%
<u>TOTALS:</u>	<u>180</u>	<u>76.3%</u>	<u>56</u>	<u>100.0%</u>

52. Besides agriculture, lumbering, tourism, & hunting, what other industry do you feel would effect the State's economy? (See Comments)

53. Do you feel that Wallowa County has the capability to attract other major industries?

Yes	52	22.0%		24.4%
No	161	68.2%		75.6%
<u>TOTALS:</u>	<u>213</u>	<u>90.2%</u>	<u>23</u>	<u>100.0%</u>

54. Would you favor other major industry, such as: manufacturing or otherwise?

Yes	104	44.1%		49.5%
No	106	44.9%		50.5%
<u>TOTALS:</u>	<u>210</u>	<u>89.0%</u>	<u>26</u>	<u>100.0%</u>

55. Do you feel that existing services, such as: power, telephone, and roads are adequate?

Yes	186	78.8%		83.0%
No	38	17.0%		17.0%
<u>TOTALS:</u>	<u>224</u>	<u>95.8%</u>	<u>12</u>	<u>100.0%</u>

56. If you live within 1 mile of town, would you favor extension of

sewer and water lines into your area?

Yes	40	16.9%		30.8%
No	90	38.1%		69.2%
TOTALS:	<u>130</u>	<u>55.0%</u>	<u>106</u>	<u>100.0%</u>

57. Would you financially support, by bonds or special districts, the installation of these services?

Yes	42	17.8%		27.5%
No	111	47.0%		72.5%
TOTALS:	<u>153</u>	<u>64.8%</u>		<u>100.0%</u>

RESPONSE TOTAL % NO RESPONSE ADJUSTED %

58. Do you feel that the road system within the County is adequate?

Yes	169	71.6%		75.1%
No	56	23.7%		24.9%
TOTALS:	<u>225</u>	<u>95.3%</u>	<u>11</u>	<u>100.0%</u>

59. Would you like to see a better access road to the Snake River?

Yes	102	43.2%		44.7%
No	126	53.4%		55.3%
TOTALS:	<u>228</u>	<u>96.6%</u>	<u>8</u>	<u>100.0%</u>

60. Would you like to see an improved Wallowa Mountain Loop Road?

Yes	102	43.2%		46.2%
No	119	50.4%		53.8%
TOTALS:	<u>221</u>	<u>93.6%</u>	<u>15</u>	<u>100.0%</u>

61. Would you be willing to financially support winter maintenance of the Wallowa Mountain Loop Road?

Yes	24	10.2%		10.8%
No	199	84.3%		89.2%
TOTALS:	<u>223</u>	<u>94.5%</u>	<u>13</u>	<u>100.0%</u>

62. Would you favor maintaining a landing strip within the Hells Canyon Scenic Corridor?

Yes	58	24.6%		26.3%
No	163	69.1%		73.8%
TOTALS:	<u>221</u>	<u>93.7%</u>	<u>15</u>	<u>100.0%</u>

63. Do you own a car?

Yes	220	93.2%		95.7%
-----	-----	-------	--	-------

No	10	4.2%		4.3%
TOTALS:	<u>230</u>	<u>97.4%</u>	<u>6</u>	<u>100.0%</u>

64. If you do not own a car, do you feel that getting to town to obtain necessary goods presents a hardship?

Yes	4	1.7%		14.8%
No	23	9.7%		85.2%
TOTALS:	<u>27</u>	<u>11.4%</u>	<u>209</u>	<u>100.0%</u>
	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>

65. Are there any other services that you feel should be provided or improved on? (see comments)

66. List, by priority, roads that need improvement. (See Comments.)

67. Would you favor coordination between SFS and County on road matters?

Yes	170	72.0%		81.7%
No	38	16.1%		18.3%
TOTALS:	<u>208</u>	<u>88.1%</u>	<u>28</u>	<u>100.0%</u>

68. What method of heating do you use in your home?

Oil	111	47.0%		35.4%
Gas	7	3.0%		2.2%
Wood	113	47.9%		36.0%
Electric	75	31.8%		23.9%
Coal	8	3.4%		2.6%
TOTALS:	<u>314</u>	<u>133.1%</u>		<u>100.0%</u>

69. Do you feel that the system you are using is adequate?

Yes	221	93.6%		94.4%
No	13	5.5%		5.6%
TOTALS:	<u>234</u>	<u>99.1%</u>	<u>2</u>	<u>100.0%</u>

70. Is your home well insulated?

Yes	162	68.6%		73.0%
No	60	25.4%		27.0%
TOTALS:	<u>222</u>	<u>94.0%</u>	<u>14</u>	<u>100.0%</u>

71. Do you approve of the exclusion of the Middle Snake River?

Yes	75	31.8%		33.8%
No	147	62.2%		66.2%
TOTALS:	<u>222</u>	<u>94.0%</u>	<u>20</u>	<u>100.0%</u>

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
72.	Would you favor additional hydroelectric-electric development on other rivers in the County?			
	Yes	124	52.5%	57.4%
	No	92	39.0%	42.6%
	<u>TOTALS:</u>	<u>216</u>	<u>91.5%</u>	<u>20</u> <u>100.0%</u>
73.	Would you favor a Nuclear Plant within the County?			
	Yes	73	30.9%	33.5%
	No	145	61.4%	66.5%
	<u>TOTALS:</u>	<u>218</u>	<u>92.3%</u>	<u>18</u> <u>100.0%</u>
74.	Would you favor Federal or State Tax incentives for energy conservation?			
	Yes	117	49.6%	54.9%
	No	96	40.7%	45.1%
	<u>TOTALS:</u>	<u>213</u>	<u>90.3%</u>	<u>23</u> <u>100.0%</u>
75.	Do you feel that enough land exists within present city boundaries for growth in oncoming 10-20 years?			
	Yes	145	61.4%	70.4%
	No	61	25.8%	29.6%
	<u>TOTALS:</u>	<u>206</u>	<u>87.2%</u>	<u>30</u> <u>100.0%</u>
76.	Do you feel that agricultural lands should be used to provide for these urban extensions?			
	Yes	41	17.4%	19.5%
	No	169	71.6%	80.5%
	<u>TOTALS:</u>	<u>210</u>	<u>89.0%</u>	<u>26</u> <u>100.0%</u>
77.	Do you foresee a radical population increase for Wallowa County?			
	Yes	20	8.5%	8.9%
	No	204	86.4%	91.1%
	<u>TOTALS:</u>	<u>224</u>	<u>94.9%</u>	<u>12</u> <u>100.0%</u>

	<u>RESPONSE</u>	<u>TOTAL %</u>	<u>NO RESPONSE</u>	<u>ADJUSTED %</u>
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78. Do you favor an urban development strip between Joseph and Enterprise along the highway?

Yes	83	35.2%		38.2%
No	134	56.8%		61.8%
<u>TOTALS:</u>	<u>217</u>	<u>92.0%</u>	<u>127</u>	<u>100.0%</u>
Residential	61	25.8%		56.0%
Commercial	48	20.3%		44.0%
<u>TOTALS:</u>	<u>109</u>	<u>46.1%</u>		<u>100.0%</u>

APPENDIX 1 - 4
LAND USE SURVEY RESULTS (1986)

The Wallowa County Planning Commission is in the process of updating the Comprehensive Land Use Plan for the County. In an effort to insure that plan policies reflect the attitudes of those who live in Wallowa County we are asking you to answer the following questions.

GENERAL:

01. In what area is your primary residence?

WALLOWA LAKE = 016	WALLOWA = 033	JOSEPH = 108
NORTH END = 018	LOSTINE = 016	IMNAHA = 26
OUTSIDE OF AREA = 19	ENTERPRISE = 097	TROY = 001
N/A = 5		

02. Do you live in town or rural area?

N/A=12	RURAL AREAS=99	TOWN=121
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03. Do you own land and pay taxes in the County?

N/A=12	YES=289	NO=31
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04. How long have you lived in the County?

N/A=8	LESS THAN 2 YRS=11	2-10
YEARS=86	MORE THAN 10 YRS=227	

05. What is your age?

N/A=7	15-24 YR=4	45-54YR=54
25-34 YR=44	55-64 YR=74	35-44 YR=71
65+ YR=83		

06. What is your occupation?

N/A=5	RETIRED=86	RANCH=60
PROFESSIONAL=39	FOREST=28	HOMEMAKER=24
GOVERNMENTAL=33	LUMBER=22	SCHOOL=13
TOURISM=17	FARM=53	BUSINESS=56
OTHER=23		

07. Do you feel that you are being adequately informed about land use planning?

N/A=20 MYB=1 YES=136
NO=142 NO OPINION=38

08. Would you like to see more information on land use planning in the local paper?

N/A=14 YES=269 NO=18
NO OPINION=31

09. Would you favor regional goals for Wallowa County rather than Statewide goals?

N/A=2 YES=255 NO=44
NO OPINION=12 BOTH=1

10. Do you feel the Planning Commission is doing an adequate job administering land use policy in Wallowa County?

N/A=71 YES=150 NO=107
MYB=3

11. What suggestions would you make that would improve the selection and operation of the Planning Commission:

ECONOMIC DEVELOPMENT: State policy requires local use plans to address changing economic conditions. Your answers to the following questions will help us to develop policies regarding economic development.

12. To what extent have you been affected by the slow down in the timber industry?

N/A=8 DIRECTLY=117 INDIRECTLY=144
UNAFFECTED=63

13. How would you be affected if one of the mills in the County closed?

N/A=7 DIRECTLY=126 INDIRECTLY=160
UNAFFECTED=40

14. What types of industry might be attracted to Wallowa County?

15. Where might that industry or commercial use be sited?

16. Do you favor the creation of more industrial land in the

County, especially near the cities and transportation corridors?

N/A=16
MYB=1

YES=199
NO OPINION=35

NO=89

17. Do you think that there is a need to separate light and heavy industrial uses and have areas set aside for each?

N/A=23
NO OPINION=34

YES=117

NO=157

18. Do you think that residential uses should be allowed in an industrial areas?

N/A=19
MYB=2

YES=155
NO OPINION=34

NO=129

19. Which of the following services do you consider inadequate to attract industrial/Commercial uses to the County?

STATE HIGHWAYS	TELEPHONE	COUNTY ROADS
BUS TRANSPORTATION	NATURAL GAS	SCHOOLS
AIR TRANSPORTATION	ELECTRICITY	RADIO & TV
RAIL TRANSPORTATION		

20. Do you favor the expansion/improvement of the Joseph Airport?

N/A=18
NO OPINION=49

YES=198

NO=68

21. Do you think that large scale surface mining of lignite coal resources could be accomplished compatibly with other land uses?

N/A=11
MYB=2

YES=170
NO OPINION=13

NO=138

22. Would you support surface mining in areas where the land could successfully be reclaimed for pre-mining uses?

N/A=13
NO OPINION=13

YES=193

NO=112

23. What types of electrical generating facilities would you favor for Wallowa County?

N/A=20 MYB=4 SOLAR=5
COAL FIRED=62 WIND=133 NUCLEAR=22
SMALL HYDRO=251 LARGE HYDRO=100

24. Do you favor the development of small-scale high-head hydroelectric projects on local streams?

N/A=19 MYB=1 YES=223
NO=65 NO OPINION=27

25. Would you favor the development of a regional water-sewer project in the Wallowa Lake Basin?

N/A=13 YES=236 NO=42
NO OPINION=44

26. Do you think that development of such a project would benefit the County?

N/A=2 YES=236 NO=40
MYB=1 NO OPINION=43

27. Would you support the development of such a project partially at County expense?

N/A=10 YES=172 NO=126
MYB=2 NO OPINION=24

RECREATION: Some people living in the County and many from outside the County feel that jobs in the business of recreation will take the place of jobs in the timber industry eventually. Your answers to the following questions will help us develop policies regarding recreation for local residents and non-residents coming to Wallowa County for hunting, fishing, hiking, skiing, etc.

28. Do you think that ample recreation opportunity is being provided on our forest lands?

N/A=19 YES=150 NO=149
NO OPINION=15

29. What recreational activities do you participate in?

HUNTING FLOATING FISHING

WOODCUTTING
HIKING

CAMPSITES
SKIING

DRIVING

30. What types of recreation do you think have potential for further development?

HUNTING
HORSE RECREATION
GUEST RANCHES
RESORTS

RIVER RAFTING
WINTER SPORTS
RV CAMPING
BACKPACKING

FISHING
BOATING
SKIING
OTHER

31. Would you support more winter recreation?

N/A=34
NO OPINION=0

YES=260

NO=43

32. What types of winter recreation should be expanded?

N/A=57
SKIING=236

NONE=8
DOWNHILL SKIING=212

SNOWMOBILING=150

CC SKIING=236

33. Would you support winter maintenance of the Little Sheep Creek/Halfway Road?

N/A=15
NO OPINION=38

YES=157
ONLY IF=5

NO=123

34. Would you support road improvements on:

<u>ROAD</u>	<u>YES</u>	<u>NO</u>
-------------	------------	-----------

Hatpoint Road	212	75	46
Ferguson Road	183	68	81
Dug Bar Road	182	79	71
Little Sheep	176	83	73

35. Do you favor the Wallowa/Grande Ronde Rivers becoming designated State scenic waterways?

N/A=4
MYB=1

YES=75
NO OPINION=18

NO=234

36. Do you favor hydroelectric dams on the Wallowa and Grande Ronde Rivers?

N/A=11

YES=117

NO=180

MYB=2 NO OPINION=22

37. Do you favor additional wilderness areas within the County?

N/A=13 YES=38 IF YES, WHERE?
NO=280 MYB=1

38. Do you think that overnight accommodations within the County are adequate?

N/A=14 YES=111 NO=187
NO OPINION=20

39. Do you favor development of tourist facilities on the East Moraine?

N/A=12 YES=137 NO=150
MYB=1 NO OPINION=32

40. If you do not favor development of the East Moraine, how do you think it should be protected?

- A. Condemnation For Public Use 27
- B. Voluntary Purchase At Market Value By Public 53
- C. Open Space Tax Incentives 49
- D. Scenic Easements 50
- E. Permanent National Monument 1
- F. Exclusive Farm Use Zone 4
- G. N/A 168

AGRICULTURE: Most of the private land in Wallowa County is used for farm, forest or grazing management. State policy calls for protection of farm use lands within areas used exclusively for farm use and to preserve forest and grazing on those lands where those activities occur.

41. Do you favor exclusive farm use zoning to protect farmland from future conflicting uses?

- | | | | |
|--|---------------|---------|--------|
| | N/A=14 | YES=173 | NO=131 |
| | NO OPINION=17 | | |
42. Do you think that regulating minimum lot sizes is an appropriate way to protect farm land?
- | | | | |
|--|--------|---------------|--------|
| | N/A=19 | YES=141 | NO=151 |
| | MYB=1 | NO OPINION=23 | |
43. What do you think should be the minimum lot size, without going through the special hearing process, in the areas of dryland farming?
- | | | | |
|--|-------------|--------------|--------------|
| | N/A=38 | 320 ACRES=43 | 160 ACRES=54 |
| | 80 ACRES=24 | 40 ACRES=34 | 20 ACRES=21 |
| | 10 ACRES=23 | 5 ACRES=87 | 2 ACRES=04 |
44. What do you think should be the minimum lot size, without going through the special hearing process, in the areas of irrigated farmland?
- | | | | |
|--|-------------|-------------|--------------|
| | N/A=45 | 320 ACRES=8 | 160 ACRES=48 |
| | 80 ACRES=45 | 40 ACRES=51 | 20 ACRES=29 |
| | 10 ACRES=27 | 5 ACRES=75 | 1 ACRE =01 |
45. Do you foresee a population increase for Wallowa County?
- | | | | |
|--|-------|--------------|--------|
| | N/A=2 | YES=120 | NO=198 |
| | MYB=3 | NO OPINION=0 | |
46. If so, is there enough land in existing residential areas for the increase?
- | | | | |
|--|--------|--------------|-------|
| | N/A=88 | YES=175 | NO=67 |
| | MYB=3 | NO OPINION=0 | |
47. Would you favor additional residential development in rural areas?
- | | | | |
|--|--------|--------------|--------|
| | N/A=26 | YES=198 | NO=106 |
| | MYB=2 | NO OPINION=0 | |
48. If so, what should be the minimum lot size?
- | | | | |
|--|-------------|-------------|------------|
| | 20 ACRES=20 | 10 ACRES=26 | 5 ACRES=83 |
| | 2 ACRES=23 | 1 ACRE=65 | 1/2 ACRE=1 |

APPENDIX 1 - 5
LIST OF CIVIC MEETING PRESENTATIONS

January 1976

- 5 Joseph City Council - Urban Growth Boundaries.
- 12 Enterprise City Council - Urban Growth Boundaries.
- 19 United States Forest Service - Update on Snake River Natural Resource Area.
- 19 WETA - Discussion United States Forest Service - Wallowa Valley Planning Unit - Alternate "D".

February 1976

- 19 Published Land Planning Questionnaire in Chieftain.
- 24 Wallowa City Council - Urban Growth Boundaries.

March 1976

- 8 Enterprise City Council - Urban Growth Boundaries.
- 11 Farm Bureau - Review of questionnaire and results.
- 12 Bureau of Land Management - Sent results of questionnaire, discussed planning objectives.
- 18 News Release - Random results of questionnaire.
- 23 Enterprise Lions Club - Review of questionnaire results.
- 25 Soroptimist Club - Review and explain land planning.

April 1976

- 1 Sent letters to 18 civic organizations requesting time to explain Land Use Planning.
- 15 Second Land Use Plan Survey.
- 16 Half-hour questions and answers period on local radio KWVR, 2:30-3:00 PM.
- 20 United States Forest Service & Imnaha Grange - Land Planning for Natural Resource Area.
- 29 Hurricane Creek Grange - Land Planning.

May 1976

- 3 Boise Cascade - Wallowa Valley Planning Unit.
- 4 Citizens Forest Road Committee meeting.
- 5 VFW - Land Use Planning presentation.

(MAY 1976 CONTINUED)

10 Enterprise City Council - Urban Growth Boundaries.
11 BLM - Grand Ronde Planning Area.
12 1:30 PM - County Coordination Meeting.
7:30 PM - Liberty Grange - Land Use Planning.
17 12:00 Noon - Enterprise Chamber of Commerce - Land Use
Planning.
8:00 PM - Enterprise Junior Chamber of Commerce -Land
Use Planning.
18 Four Towns - Urban Growth Boundaries.
21 Southfork Grange - Land Use Planning.

June 1976

1 Flora Grange & Northend Community Club.

February 1977

10 Public Hearing, Land Use Plan - Enterprise.
14 Public Hearing, Land Use Plan - Lostine.
15 Public Hearing, Land Use Plan - Joseph.
16 Public Hearing, Land Use Plan - Wallowa.
22 Public Hearing, Land Use Plan - County Courthouse.

AMENDMENT TO APPENDIX 1 - 5
LIST OF CIVIC MEETING PRESENTATIONS
PERIODIC REVIEW/UPDATE 1985 - 1987

May 1985

7 Wallowa Resource Council.

July 1985

15 Citizen Advisory Group.
23 FEMA meeting.

August 1985

13 Airport Advisory meeting.
14 Joseph City Council - Growth Boundary.
21 County Chamber of Commerce.
23 Oregon State Forestry.
28 Small Woodlands Association.
29 Blue Mountain Intergovernmental Council.

October 1985

7 Department of Geology and Mineral Industries.
29 United States Forest Service.

January 1986

9 Boise Cascade.
10 Wallowa County Legislative Committee.
13 Planning Commission Workshop.
22 ODF&W.

February 1986

6 Questionnaire circulated in Chieftain.
25 Public Hearing for Exception Areas.

March 1986

15 Hurricane Grange.
27 Imnaha Grange.

April 1986

7 Planning Commission general workshop.

12 Liberty Grange.
22 City of Wallowa Growth Boundary.
26 North End Grange.
28 Water/Sewer committee.

May 1986

8 Flood Hazard study.

June 1986

13 Flora Grange Hall.

February 1987

11 Planning Commission work session.
19 Pacific Power & Light.
20 Pacific Power & Light.
24 Public Hearing on plan update.

March 1987

31 Flood Hazard meeting.

April 1987

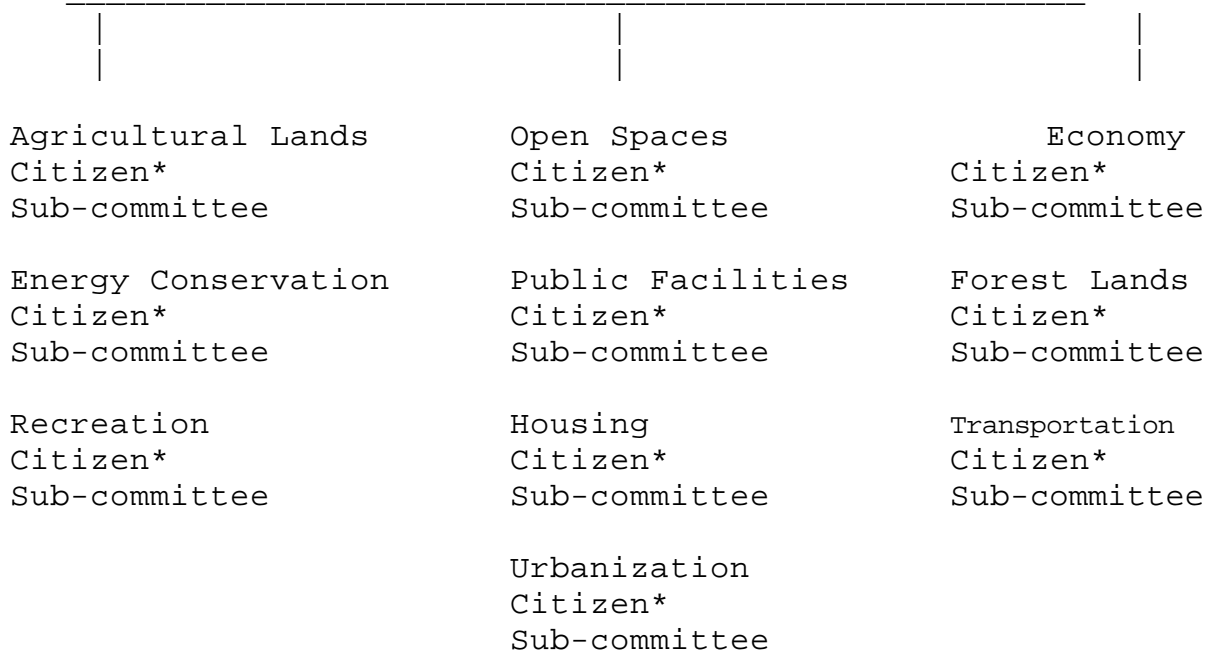
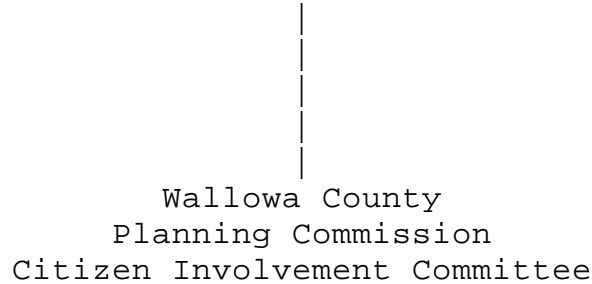
6 Wallowa Lake Tourist committee.
16 Wallowa Lake Basin Design committee.
23 Wallowa Lake Basin Design committee.
28 Public Hearing on plan update.

June 1987

22 Planning Commission workshop.
30 Public Hearing on plan update.

APPENDIX 1 - 6
SUBCOMMITTEE ORGANIZATION CHART

WALLOWA COUNTY COURT



*** All Sub-committees are composed of different individuals that represents a wide variety of interests.**

Proposed to elect one chairman for the various committees with the responsibility of evaluating the Citizen Involvement Program.

APPENDIX 1 - 7

GOAL EXCEPTION PROCEDURES

When, during the application of the State-wide goals to county land use plans; it appears that it is not possible to apply the appropriate goal to the specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and specifically noted in the notices of public hearing. The notices of hearing shall summarize the issues in an understandable and meaningful manner.

If the exception to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include;

01. Why these other uses should be provided for; and
02. What alternative locations within the area could be used for the proposed uses; and
03. What the long term environmental, economic, social, and energy consequences are to the locality, the region, or the State from not applying the goal or permitting the alternative use; and
04. A finding that the proposed uses will be compatible with other adjacent uses.

EXCEPTION AREA #1 (Amended) **Enterprise Periphery**

GENERAL INFORMATION: The Enterprise Periphery is comprised of numerous small lots approximating 5 acres in size. A majority of the lots are in residential use and hobby farms. Because of the area's marginal value as farm ground due to poor drainage, generally flat terrain, and close proximity to Enterprise, the area has historically developed as Rural Residential. The adjacent areas to the north, west, and east of Enterprise are steep rolling hills that discouraged Rural Residential use. County services of road maintenance, law enforcement, and health care are readily available to the area. A well-developed system of roads serves the area. Most lots are served by paved roads. Fire protection is available from the City of Enterprise. Cable television serves the entire area. There is a high school and elementary school in Enterprise. Most of the area is served by the City of Enterprise water system.

Map 2S 44 1C

This area is a platted subdivision known as the Valley Heights Subdivision. Valley Heights Drive is paved. All utilities, including water, are underground. Lots are two acres in size and are Department of Environmental Quality approved for subsurface sewage disposal. Seven of the lots are developed. The 34 lots are in 15 ownerships. A community water system utilizing a well on tax lot 1700 was developed to serve the subdivision. The subdivision was platted in 1979. Because services of cable TV, electric, telephone, water, and access are currently in place; the subdivision is considered irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area has been zoned Rural Residential.

Map 2S 44 1CB

This area is a low-lying area that is poorly drained. The largest parcel is five acres in size. There are 18 separate ownerships of the 18 tax lots. A fencing business, glass replacement business, and auto wrecking yard have been established. Twelve of the lots are developed with dwellings, a railroad line runs along the west side of the area, and city water is available to all parcels. Because of the small lot parcelization, high number of non-farm businesses, improved roads, existence of rail service, and the existence of services of water, electric, cable TV, and telephone, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area west of Florence Avenue where the businesses are located has been zoned Industrial, and the area to the east is zoned Rural Residential.

Map 2S 44 1CC (Amended)

This area is adjacent to rail service. The largest parcel, which is 12 acres in size, is the site of a large fertilizer company. There are three homes on the smaller lots. Road access is by private easement. There are nine parcels under eight ownerships.

Because of the lack of adequate roads, existence of small lot parcelization, and general unsuitability for agricultural use; the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area has been zoned Industrial, Rural Residential, and Select Residential.

Map 2S 44 2
Map 2S 44 2AC
Map 2S 44 2CB
Map 2S 44 2CA
Map 2S 44 2DB
Map 2S 44 3

This area is comprised of 88 lots in 79 ownerships. Fifty-eight of the lots are developed with residential use. A majority of the lots are under ten acres in size and most of the area is served by city water. The largest parcel is approximately 15 acres; none of the parcels are used for commercial farm use. Because of the small lot development pattern of the area and the existence of most public services, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area adjacent to and north of the rail line has been zoned Industrial because of the presence of the County Road Department, Wallowa County Grain Growers, and a scrap iron yard. The remaining areas have been zoned Rural Residential.

Map 2S 44
Map 2S 44 04

This area is comprised of six lots under separate ownerships ranging in size from 2 to 20 acres. In the 1940's and early 1950's, the lots were one parcel used for the production of lime. The lime kiln used in the production is still on the site. Parcelization occurred during the following years. Although the kiln is no longer used, the three largest parcels are being mined for aggregate and being used as a site for processing aggregate for asphalt concrete. An excavation company is based on one of the parcels. Because of the existing industrial use and unsuitability of the soil for agricultural use, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area is zoned Industrial.

Map 1S 44 35 Map 1S 44 35CC
Map 1S 44 35CA Map 1S 44 35CD

This area is served by two paved roads: the Enterprise-Lewiston Highway (Highway 3) and Golf Course Road. There are several businesses located in the area. A welding shop, RV park, veterinary clinic, auto body shop, second hand shop, golf club, potato storage, and gun shop plus a sewage treatment plant and electric transmission yard. There are 37 lots under separate ownerships. Three of the lots are developed for residential use. The area has poorly drained rock and clay soils that make the area unsuitable for farm use. Electric power is available to all parcels. Because of the

unsuitability of the area for farm use and small lot parcelization the area qualifies for an exception to Goals III and IV. The area is zoned for Industry. Some of the area is currently in the Urban Growth Zone.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-1	457.00	104	67	4.31
M-1, UG	307.00	67	13	
R-4	13.05	1	1	

EXCEPTION AREA #2
Alder Slope

- Map 2S 44 9
- Map 2S 44 10
- Map 2S 44 10D

This area is approximately three miles southwest of Enterprise on an 8-10 percent slope made up of colluvial deposits with thin Class III soils. There are many small braided streams throughout the area. Historically, the area has been used for grazing. Drainage is generally poor. The Alder town site on 2S 44 10D was platted in 1886. Although platted in 64 lots, there is only three ownerships. Most other parcelizations into parcels of 5 to 20 acres occurred prior to the time land use planning was instituted. The area has developed as hobby farms with the residents usually earning their living in non-farm professions. In 1977 the County's Comprehensive Land Use Plan zoned the area Rural Residential with 5 acre minimum lot sizes. Several residents of the area have purchased their property since the 1977 zoning with assumptions that non-farm homes could be authorized outright. Because of the small lot development, limited use for commercial farm, non-farm uses that have been established as a result of 1977 Rural Residential zoning; the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area is served by a limited number of services. The roads are County maintained gravel roads. Therefore the area is zoned Existing Lot in order to recognize landowners development rights for non-farm uses.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
EL-1	353.63	30	16	11.78

EXCEPTION AREA #3 (Amended)

Southeast Enterprise

Map 2S 44 12

Map 2S 44 12BB

Map 2S 44 13

This area is immediately southeast of Enterprise. Much of the area is served by lateral lines of the main water transmission line between Enterprise and its water source near the Joseph airport. The area is served by paved County maintained roads. Electric, telephone, and cable TV are available to the entire area. Most of the area is low-lying and poorly drained bottom land of Hurricane Creek, Little Hurricane Creek, the Wallowa River, Island Ditch, and numerous secondary braided streams. Because of the drainage problems of the area, it has developed as hobby farms on 10 to 20 acre parcels and residential on parcels less than 10 acres. The 1977 zoning for the area was Rural Residential as a result several of the five acre lots were created. Because of the existing small lot development, general unsuitability for commercial farming, and existing utilities/services; the area is irrevocably committed to non-farm use and is zoned Existing Lot and Select Residential in recognition of the non-farm development rights that residents have had over the past ten years.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
EL-1	860.46	88	55	9.78
R-4	4.35	1		4.35

EXCEPTION AREA #4

North Joseph

Map 2S 45 (Amended)

Map 2S 45 19DD

This area is in two portions one-half mile from each other on the west side of Highway 82 just north of Joseph. Tax lots 4701, 4800, 4801, 4802, 4900, and 5000 were parceled into their present sizes prior to zoning. All have been developed with residential or commercial uses. A motel and health club were developed on the lots. Highway 82 serves all six parcels. Tax lots 100 through 900 and 5505 through 5508, 5511, and 5512 were created prior to zoning as a residential subdivision. The 5 and 10 acre parcels are used as hobby farms; such as, pasture for horses. All but 4 of the 14 lots have dwellings. Cable TV, electric, and telephone are available to each lot. Because of the small lot development and existing non-farm uses, the area is irrevocably committed to non-farm uses. The area qualifies for an exception to Goals III

for an exception to Goals III and IV. All of the lots have been zoned for Rural Residential use except for tax lots 4701, 4800, 4801, and 4802 which have been zoned Rural Commercial. Because of the residential zoning on the south and east and the parcel size and characteristics, tax lot 5510 qualifies for an exception to goals iii and iv; therefore, the parcel is rezoned rural residential (amended 6/98).

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-1	330.14	50	27	6.60
R-C	82.55	15	12	5.50
	402.41	64	38	6.28

Map 2s 45 20

Map 2S 45 29

This area is on the east side of Highway 82. There are several businesses in the area, including: the Mountain View Church, Wallowa Valley Ranger Station, Kellerman Logging, Zacharias Logging, and Wallowa Valley Auto Body Shop. Swiss Mountain Meadows is a residential subdivision having a community water system, five of the eight lots are developed. Countryside West Subdivision (seven lots) and Rizzo Estates (five lots) were recently platted under the 1977 zoning. Electric and telephone services are in place underground. Rizzo Drive was constructed to 1977 road standards. Four of the lots in the Countryside West Subdivision are developed. The sewage treatment plant for the City of Joseph is on tax lot 2100. Other parcels in the area are a result of parcelization prior to zoning. Tax lot 2000 is still being farmed but is surrounded by residential and commercial uses. The area is composed of glacial outwash and is relatively flat. Excavation of more than a few inches is very difficult because of the unsorted gravel that includes large-to-medium sized boulders. The historic agricultural use of the area had been restricted to light grazing. For that reason, this isolated rocky area has developed primarily for residential use, is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The businesses have been zoned Rural Commercial and the remaining parcels Rural Residential.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-1	319.86	49	26	6.52
R-C	82.55	15	12	5.50
	402.41	64	38	6.28

EXCEPTION AREA #5

Joseph Airport

GENERAL INFORMATION: The Joseph Airport area is adjacent to and west of the City of Joseph. The Joseph State Airport, two lumber mills, and other businesses are located there. The area is served by County maintained Hurricane Creek Road which is paved; also serving the area is the Union Pacific Railroad. The area has electric and telephone service. Community water and sewage disposal are not available. Fire protection is by the City of Joseph.

Map 2S 45 30

Map 2S 45 31

This area has the Boise Cascade Plant on tax lots 1700, 1800, and 1600. Joseph Forest Products on tax lots 800, 802, 1000, and 1101. A vacant metal fabrication shop is on tax lot 1401. Wallowa Lake Forest Industries is on tax lots 1400, 1402, 1403, and 1700. J & N Trucking is on tax lot 502. There are five lots having six or less acres each - all five lots have existing dwellings. Because the area is currently being used for industrial uses, the area is irrevocably committed to non-farm use, qualifies for an exception to Goals III and IV, and is zoned Industrial.

Map 2S 44 25

Map 2S 44 36

This area has the Joseph State Airport hanger on tax lot 100, Joseph State Airport on tax lot 700, City of Joseph waste transfer site and aggregate site on tax lot 1,100, a dog kennel on tax lot 901, potato storage on tax lot 800 and Joseph Forest Products on tax lots 1000 and 1001. The area west of the airport has developed as residential. Tax lots 1906 - 1912 were platted as Woodland Subdivision. The other lots are a result of parcelization that occurred prior to the 1977 zoning. Of the 21 lots in the area only nine are undeveloped. All lots have electric and telephone. Because of the existing commercial/industrial uses and the existence of small lot development for residential use, the area can be considered irrevocably committed to non-farm use and

qualifies for an exception to Goals III and IV. The area adjacent to and east of the airport is zoned Industrial and the area west of the airport Rural Residential.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-1	137.74	21	12	6.56
M-1	292.62	19	11	15.40
	430.36	40	23	10.76

EXCEPTION AREA #6
Joseph Periphery

- Map 2S 45
- Map 2S 45 29
- Map 2S 45 32B
- Map 2S 45 31
- Map 2S 45 32BC

This area is on the periphery of the City of Joseph. Telephone, electric, cable TV, County maintained access, and fire protection from the City are available to all parcels. Most of the 37 parcels were created prior to the 1977 zoning. Eighteen of the parcels have dwellings. Tax lots 103, 106, 500, 501, 600, 700, and 9300 are in the City of Joseph's Urban Growth Area and are zoned Urban Growth. Because of the existing level of development, small lot size, and level of services; the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The areas not in the Urban Growth Zone have been zoned Rural Residential.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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R-1/UG	132.04			
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EXCEPTION AREA #7
North End of Wallowa Lake

- Map 3S 45

This area is comprised of five lots. Each has electric, telephone, cable TV, and improved public access. These parcels are currently being used for agricultural purposes; however, they are the last remaining relatively large parcels adjacent to or near Wallowa Lake that have a potential for a small destination resort. Other parcels fronting Wallowa Lake are either in small sized ownerships, developed for residential use, or too steep to

or too steep to be developed. These parcels are bordered on the north by the City of Joseph and on the south by the platted Truthaven Tracts Subdivision. The Wallowa County Lake Service District main sewer collection line runs through tax lot 2002; the water source for the City of Joseph originates on the same. The City of Joseph's land use plan has tax lot 1900 in its urban growth area. Because of surrounding non-farm uses and existence of city services of water and sewer, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals 3, 4, and 14. Tax lot 1900 is zoned Urban Growth and the remaining lots Rural Residential.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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R-1/UG	129.84	5	3	25.96
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EXCEPTION AREA #8
Lostine Periphery

Map 1S 43 10C
 Map 1S 43 15

This area is comprised of 124.46 acres in 16 ownerships with nine dwellings. The area is adjacent to the City of Lostine. City water is available to several of the parcels. Access to most of the parcels is by improved public access. Fire protection is available from the City of Lostine. Electric and telephone services are available to all parcels. In 1986 the City of Lostine updated its land use plan to include the entire area as its urban growth area to accommodate future needs of the city. For the foregoing reasons, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area is zoned Urban Growth.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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UG	124.46	16	9	7.77
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EXCEPTION AREA #9
Upper Lostine River

Map 2S 43 3
 Map 2S 43 3CD
 Map 2S 43 3DC

This area is platted in two subdivisions:

01. Pat's Southfork Subdivision was platted into 20 one-acre lots in 17 ownerships. Electric and telephone services are available to all lots, and a paved County road serves the area. There are nine developed lots.
02. Lostine River Acres was platted in 13 lots of approximately one acre each in six ownerships.

Both subdivisions were developed prior to zoning and are irrevocably committed to residential use because of the small lot development and level of services available. Tax lots 1000 through 1800 are 10, 20, and 40 acre lots that were created prior to zoning. Of the nine lots, three are developed with dwellings. There are three ownerships. The area west of the County road is low-lying and poorly drained. The lots to the east of the road are very rocky. None of the lots are suitable for farm use. The 1977 zoning for the area was Rural Residential.

Current owners purchased their properties with the intention of subdividing. Because of the unsuitability of the area for farm-use, the area is irrevocably committed to non-farm use. Both subdivisions and other parcels qualify for an exception to Goals III and IV. The area is zoned Existing Lot.

Map 2S 43 10C

This area is referred to as the High Lostine Subdivision which was platted in 1980. The 38 lots were platted in sizes of 2 to 3.5 acres. One parcel is 10.16 acres. A community water system with fire hydrants is in place. Electric and telephone service is available to all lots. Mountain View Lane is an improved public access. The Southfork Road is a County maintained road. Due to bankruptcy of the developers, only three parcels have been sold; however, sale of the lots in the subdivision is no longer encumbered by the bankruptcy. Each lot has been pre-approved by the Department of Environmental Quality for subsurface sewage disposal. All lots are relatively flat. Because of the existence of a community water system, electric service, telephone service, improved public access, and number of small lots; the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area is zoned Existing Lot.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT
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SIZE

EL-1 356.34 35 2 5.78
EXCEPTION AREA #10
Evans Town Site

Map 1S 43 3DB
Map 1S 43 3DC

The Evans Town Site was platted in 1910. It is adjacent to the Union Pacific Railroad. The 21.48 acres were originally platted into 228 lots but is now in seven ownerships. The current use is primarily residential. The 1977 zoning of the area was Industrial Zone. The current landowners purchased their properties with the Industrial designation with intentions to develop the area. Because of the foregoing reasons, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area is zoned Existing Lot.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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EL-1	21.48	7	4	3.06
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EXCEPTION AREA #11
Wallowa Periphery

Map 42 10DD
Map 42 15

This area is adjacent to the urban growth area of the City of Wallowa. The area is relatively flat on poorly drained soils. County maintained roads serve all the parcels. The present land pattern is the result of parcelization prior to the 1977 zoning. The primary use of the area is residential with hobby farms. Of the 32 ownerships, all have improvements (dwellings). Limited city water is available. Fire protection is available to the area from the City of Wallowa. The average size of the parcels is 5.37 acres. Because of the foregoing reasons, the area is not suitable for farm or forest use, is irrevocably committed to non-farm use, and qualifies for an exception to Goals III and IV. The Rural Residential zone has been applied to the area.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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R-1	171.95	32	33	5.37
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EXCEPTION AREA #12

Demosh

Map 3S 45 7

This area is served by a private easement that formerly had been a County road until the Ski Run Road was relocated to the east. Other private easements in the area serve parcels. The Demosh area had been timbered until a fire destroyed most of the timber. In 1968 three Realtors acquired the area and developed a subdivision plan based on 5-acre lots. Since then all lots have been sold. A community water system has been developed and provides water to all lots. There are 18 lots with dwellings. No individual parcel has been managed for forest use. For the foregoing reasons, the area is irrevocably committed to non-farm, non-forest use and qualifies for an exception to Goals III and IV. The area has been zoned Existing Lot.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
EL-1	229.00	30	18	7.06

EXCEPTION AREA #13
North Wallowa

GENERAL INFORMATION: This area is adjacent to the City of Wallowa except for the Wallowa Forest Products (formally Rogge Mill) site. Much of the area has been adopted as the urban growth boundary for the City of Wallowa.

Map 1N 42 11BC
Map 1N 42 11CB

This area is comprised of 19 lots on 17.99 acres. There are 13 lots developed with residential dwellings and 12 ownerships. City water and sewer serves some of the area. All of the lots have been adopted into the urban growth area for the City of Wallowa except for tax lots 100, 200, 300, and 400 on map 1N 42 11BC and tax lots 100 and 200 on map 1N 42 11CB. Lots within the urban growth area have been zoned Urban Growth. None of the lots are used exclusively for farm use. The pattern of land use is a result of parcelization prior to 1977 zoning. Because of the foregoing reasons, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The lots not zoned for urban growth are zoned Rural Residential.

Map 1N 42 11CC
Map 1N 42 13BC
Map 1N 42 14AA

Map 1N 42 14BB

These areas are comprised of 45 lots in 42 ownerships; there are 34 dwellings. The total acreage is 74.32 acres; the average lot size is 1.65 Acres. The entire area is adjacent to the City of Wallowa. Much of the area has water from the City. All roads are paved and maintained by the County. Fire protection is available from the City. All of the 74.32 acres are included in the urban growth area. For the foregoing reasons, the entire area is irrevocably committed to non-farm use, qualifies for an exception to Goals III and IV, and is zoned Urban Growth.

Map 1N 42

Map 1N 42 3

These areas are in industrial or commercial use. Map 1N 42, tax lot 2201 is the site of Wallowa Forest Products (formally Rogge Mill). It is 28.73 acres along the Union Pacific Railroad. Tax lots 2800 and 3000 are used by Dougherty Logging Company as a shop. Tax lot 3200 was used as part of the Bate's Mill which is no longer in business. The lot has been stripped of vegetation and natural materials and is no longer tillable or capable of growing vegetation. On map 1N 42 3 tax lots 1400 and 1401 are part of the same Bate's Mill and have the same conditions as listed above. On map 1N 42 11, tax lot 4000 is the previous site of a mill but is now used for a molding plant. Tax lot 4002 is a welding/fabrication plant. Tax lot 4091 is part of the railroad yard. All of the lots have city water and sewer as well as other city services. All of map 1N 42 11 is part of the urban growth area of the City of Wallowa. For the foregoing reasons, the described areas of the three maps are irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The areas have been zoned Industrial.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-1	28.05	5	5	5.61
M-1	146.26	11	0	13.29
UGA	82.33	52	41	1.58

**EXCEPTION AREA #14
Oxbow Subdivision**

Map 2N 48 17D

Map 2N 48 20A

Map 2N 48 20D

This area is four miles north of Imnaha on the Imnaha County Road. It is comprised of the Oxbow Subdivision that was platted in 1979 and several small parcels to the south. Oxbow Subdivision has 12 lots in separate ownerships that range in size from 5 acres to 56 acres. There are five dwellings in the subdivision. The area to the south is comprised of 13 lots in nine ownerships ranging in size from 1.6 to 18 acres. The parcelization occurred prior to zoning. Historically, the entire area has been used for orchards and hobby farms. Irrigation is available to the lots on the river. The larger parcels are generally above the valley floor and have very limited potential for grazing due to low precipitation, steep slopes, and thin rocky soils. There are very few trees outside the areas adjacent to the river. The 1977 zoning applied to the area was Rural Residential Zone. Consequently, more recent purchasers of the parcels bought with assumed rights to divide off 5 acre residential lots. There are no commercial farm operations on any of the parcels. For the foregoing reasons, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area is zoned Existing Lot to recognize the residential uses in the area.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
EL-1	269.20	20	20	13.00

EXCEPTION AREA #15
Flora

Map 5N 44 21AD

Map 5N 44 22BC
Map 5N 44 22CB

Flora was platted as a town in 1897. Its population has been as high as 1500. At one time, it had a post office, saloons, stores, etc. Although platted into over 100 lots, it now has only 45 lots under 24 ownerships. There are 11 lots with dwellings. The town has no potential for farm or forest use because of the land use pattern. The 1977 zoning for the area was Rural Service. It has been hoped by many that the town could again prosper as a tourist oriented attraction. Because of the foregoing reasons, Flora is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The area is zoned Existing Lot.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
EL-1	17.95	15	12	1.19

EXCEPTION AREA #16
Imnaha

Map 1N 48 16

Imnaha is an un-incorporated town with a gas station, tavern/grocery store, motel, post office, and school. There is a community water system serving all parcels. State Highway 350 is the primary road into Imnaha. Imnaha has existed as a town since the 1890's. Because it is at the only entrance to Hells Canyon National Recreation area, it is possible that other commercial uses may be established there. Because of the foregoing reasons, Imnaha is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. Imnaha is zoned Rural Service.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-3	17.95	15	12	1.19

EXCEPTION AREA #17
Troy

Map 5N 43 4BA

Troy was platted in 1910 as 78 lots. It has a restaurant, grocery store, bath house, lodge, trailer park, outfitting pack station, gas station, and highway maintenance station. Troy primarily is a residential/commercial area that serves the needs of the immediate area and tourists. Due to the number of residences and commercial use, the area is irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. The zoning is Rural Service.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-3	23.7	47	22	0.50

EXCEPTION AREA #18

Minam

Map 2N 41 29C

Minam is the former site of a hotel, lumber mill, and residence that existed in the early 1900's. Much of what could be considered the town is now part of the surrounding resource parcels. The remaining seven parcels that form Minam are in four ownerships. A motel, grocery store, three dwellings, and trailer park are sited on the parcels. The commercial establishments are used primarily by fishermen and rafters on the Wallowa River. For the foregoing reasons, Minam is irrevocably committed to non-farm, non-forest use, qualifies for an exception to Goals III and IV, and is zoned Rural Service.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-3	5.48	4	3	1.37

EXCEPTION AREA #19

Imnaha River Woods

Map 3S 48 27D
Map 3S 48 34B
Map 3S 48 34C
Map 3S 48 3B
Map 3S 48 4A

Imnaha River Woods was platted in 1967 and 1970 as a recreation residential development. Of the 336 lots there are 288 separate ownerships. Only 13 of the lots have dwellings. Many of the lots in the subdivision will not qualify for the Department of Environmental Quality approved sewage systems. Very often a landowner must purchase an adjacent lot in order to obtain the Department of Environmental Quality approval. Many of the roads in the subdivision are not constructed to County road standards. Electricity is available to the area. Because the subdivision is in 288 ownerships of approximately one acre each, the area is irrevocably committed to non-farm use, qualifies for an exception to Goals III and IV, and is zoned Existing Lot.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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EL-1	279	288	13	0.96
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EXCEPTION AREA #20
Davis Creek

Map 2N 44
Map 2N 44 25B

Davis Creek was partitioned into the current pattern beginning in 1983. These partitions were approved for the purpose of establishing dwellings on each parcel. There are seven ownerships within the exception area with an average size of 22.51 acres. Access has existed to the area for over 50 years. The area is composed of soils that are class 7E and not capable of producing crops at a commercial scale. Adding these parcels to nearby commercial operations would not be economically feasible due to the poor production and location of the road physically separating these parcels. Sewage disposal will be by separate Department of Environmental Quality approved systems and water will be by well. Electric is available to the area but must be installed. Because of the parcelization, presence of the exiting road, poor soil class, and the inability to economically combine these ownerships with commercial operations in the area; the area is irrevocably committed to non-farm use, qualifies for an exception to Goals III and IV, and is zoned Existing Lot.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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**EXCEPTION AREA #21
Wallowa Periphery**

Map 1N 42 15

This area is 223.5 acres on map 1N 42 15 which was zoned Rural Residential in 1977 by Wallowa County and was submitted at Periodic Review as part of Exception Area #11 - Wallowa Periphery. This area was included in the great down-zoning required of Wallowa County by the Department of Land Conservation and Development at Periodic Review. Error by the County resulted in the area being mapped as if it retained Rural Residential zoning as part of Exception Area #11. All department responses for the past 18 years and tax statements for the past three+ years have consistently treated this area as being zoned Rural Residential. The area lies within one-half to three-quarters of a mile of the Wallowa City Limits with two exception areas, Rural Residential and Urban Growth, intervening. It consists of 12 parcels and part of a 13th which range from 0.54 acres to 39.28 acres. One hundred fifty-four (154) acres consist of 11 parcels smaller than 20 acres. Of the ownerships, three parcels have no residential development. Exclusive Farm Use adjoins to the north, south, and west. Rural Residential and Urban Growth Area are to the northeast and east.

The impact of retaining the assumed Rural Residential zoning to the larger adjoining Exclusive Farm Use parcels would be minimal. Those farm lands already adjoin this block of smaller residentially developed lots. The utility of these smaller acreage parcels to nearby commercial farm operations is that of rented pasture already of a size difficult to incorporate for its higher proportion of expense and management details; for example, fencing, lease agreements, and neighbors as compared with anticipated production. This area currently serves the purpose of the Rural Residential Zone to provide a buffer between farm and urban uses.

The remainder of Exception Area #11 lies immediately east and northeast. One hundred sixty-eight (168) acres comprises 49 parcels zoned Rural Residential.

Despite being regarded officially and by common knowledge as Rural Residential continuously since 1977, no partitions have been perfected in the area in question and only two of the possible five in the balance of the exception area. As the few available parcels nearby are developed and as market pressure for rural residences continues to bear on the appropriately zoned and larger Exclusive Farm Use parcels, this area must continue to serve as a buffer by providing Rural Residential opportunity which it is already irrevocably committed to.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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R-1	223.50	13	10	17.19
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EXCEPTION AREA #22
West Enterprise Periphery

Map 2S 44 03

This area lies one-quarter to one-half mile west of the City of Enterprise. It is comprised of three tax lots (300, 302, and 304) between 2.67 acres and 10.39 acres in size. While it is surrounded entirely by Exclusive Farm Use lands, it is separated on the south by the Wallowa River, on the West by paved County road, and on the North by Highway 82. Direct impact of Rural Residential zoning on adjoining lands is minimal.

This area was part of the Rural Residential rollback at Periodic Review required by the Department of Land Conservation and Development. In consideration of this Rural Residential history, in 1992 Wallowa County began a procedure to amend the zoning map affecting this area. This procedure was left incomplete but served as the basis for a perfected partition plat in 1993 creating the 10.39, 5.04, and 5.0 acre parcels. Wallowa County determines this area to be irrevocably committed to residential use.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
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R-1	23.1	2	2	5.78
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EXCEPTION AREA #23
Troy Periphery

Map 5N 43

This area, adjacent to the platted rural Grande Ronde River community of Troy (Exception Area #17), is comprised of 13 tax lots (1000, 1100, 1200 through 1209, and 1300) ranging in size from 0.24 acres to 7.19 acres. Eleven lots of one acre or less lie in a row along the river road with only the single unimproved 7.19 acre lot lying across from them between the road and the river. Four of the small lots are improved for residential use. The 13th parcel of 4.82 acres (improved) fronts on the river and is bound on north and south by the Rural Commercial Zoned Exception Area #17. Surrounding zoning in this steep rocky canyon is Timber Grazing which is applied to the sparse seasonal range

sparse seasonal range lands used by the local cow/calf operators. Troy itself is a recreational service center and social center for the surrounding ranch families.

The impact on adjacent agricultural lands of applying an Existing Lot zoning to the area would be negligible. The change would not increase the impact of the extant residential/commercial center on agricultural concerns, and agricultural utility in the area would not be diminished. Timber capability in soils is not present. All the parcels taken together might support one cow/calf pair in season. The effect of Existing Lot zoning on the parcels themselves would be to combine five of the parcels into a single improved parcel of 2.4 acres which would reduce the number of dangling, impractical sized resource zoned parcels interspersed with dwellings. Wallowa County finds these parcels to be irrevocably committed to residential use, zoning them Existing Lot.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
EL-1	18.01	9	4	2.00

EXCEPTION AREA #24
Alpine Acres

Map 2S 43

This area was platted by Lori Ricker and approved by the Wallowa County Planning Commission and County Court as Alpine Acres in 1990. This action divided the parcel into five lots. The sizes of the lots are as follows:

- LOT #1 - 6.63 acres
- LOT #2 - 5.00 acres
- LOT #3 - 4.99 acres
- LOT # 4 - 4.74 acres
- LOT #5 - 4.24 acres

Electric and telephone service is available to all lots. A paved County maintained road services the subdivision. Each lot has been approved by the Department of Environmental Quality for subsurface septic disposal systems. All lots are relatively flat. Due to the small size of this tract, the rugged and rocky terrain, the parcelization surrounding the property, and the adverse impact of rollback to a resource zone experienced during Periodic Review, these lots are irrevocably committed to non-farm use and qualifies for an exception to Goals III and IV. This area is zoned Existing Lot.

SUMMARY ZONE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
EL-1	25.60	2		5.00

EXCEPTION AREA WL #1
South End Wallowa Lake

Map 3S 45
Map 3S 45 20D
Map 3S 45 21CB
Map 3S 45 21CC

Map 3S 45 29A
Map 3S 45 29AA
Map 3S 45 29AB
Map 3S 45 29AD

PUBLIC FACILITIES: The south end of Wallowa Lake has County services of police protection and animal control. Highway 82, a State Highway, is the access for all traffic to and from the area. Currently there are six public water systems serving the area:

Chief Joseph Water System
Spring Creek Water System
Kenneth Hall Water System
Upper Wallowa Lake Water System
Wallowa Lake State Park Water System
Methodist Church Camp Water System

Individual subsurface sewage disposal systems have been relied upon for several years.

The south end of the Wallowa Lake area was incorporated into the Wallowa County Service District in 1986. By the fall of 1988, the six separate water systems were consolidated into one water system. By the fall of 1989, a public sewer served all parcels and lots in the service district.

USES: The south end of Wallowa Lake was platted into several subdivisions:

SUBDIVISION	YEAR PLATTED	NUMBER OF LOTS
WALLOWA LAKE ADDITION	1948	86
CHIEF JOSEPH RESORT	1923	126
BENSON'S SUBDIVISION	1969	13
WALLOWA LAKE METHODIST CAMP	1957	243
RIVERCREST SUBDIVISION	1962	8
LAKEVIEW	1961	34
CRAIG GLEN ACRES	1956	14
MOUNTAIN VIEW SUBDIVISION	1939	17
SHEPPARD'S SUBDIVISION	1964	8

Another 30 parcels, that were not the result of platted subdivisions, are under non-contiguous ownerships. Altogether there are 579 lots at the south end of Wallowa Lake under 322 ownerships.

Approximately one-half of the 267.47 acres at the south end of Wallowa Lake is devoted to residential use. The other half is commercial recreation, such as: outfitting stations, lodges, go-cart tracks, mini-golf courses, restaurants, bicycle rental, etc. and public/semi-public land, such as: the Boy Scout Camp, Methodist Camp, and State Park.

Because of the existing land use pattern, high density of residential dwellings and commercial use; the area is irrevocably committed to non-farm, non-forest use and qualifies for an exception to Goals III and IV. Because of the existence of city water and sewer, the area qualifies for an exception to Goal XIV. The commercial areas have been zoned Recreation Commercial and the residential areas Recreation Residential.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
CR-2/R-2	267.47	580	166	0.46

**EXCEPTION AREA WL #2
West Side of Wallowa Lake**

Map 3S 45	Map 3S 45 8C
Map 3S 45 5BC	Map 3S 45 17A
Map 3S 45 5C	Map 3S 45 17D
Map 3S 45 8B	

PUBLIC FACILITIES: The west side of Wallowa Lake has County services of police protection and animal control. The road serving the west side is a public road. The Harris Spring Water System serves the area. Currently, there are 60 water services.

West side development has depended on individual subsurface sewage disposal systems for a number of years. In 1986 the area was incorporated into the Wallowa County Service District. The service district will, by fall of 1989, service all lots on the west side with a pressurized sewer line connected to the City of Joseph's sewage treatment plant.

USES: Approximately 47 acres know as Trouthaven Tracts is used as a commercial recreational development. Although it was platted as a subdivision of 75 lots, the ownership remains with one person. The subdivision was developed as commercial recreation before being zoned Recreation Residential in 1978 and continues to be used as commercial. There are several cabins on the property.

Approximately 63 acres of the west side was platted in three subdivision plats known as Lake Shore Tracts - 1961, Lake Shore Tracts 2 - 1966, and Lake Shore Tracts 3 - 1966. The subdivisions were platted into 213 lots. Currently, 47 lots are developed with dwellings.

The remaining 18.92 acres on the west side is known as Wallowa Lake Heights and was platted in 1968 into 24 lots of which 18 are developed with dwellings. All are under separate ownership.

For the foregoing reasons, the area is irrevocably committed to non-farm, non-forest use and qualifies for an exception to Goals III and IV. Because of the existence of city-type services of water and sewer the area also qualifies for an exception to Goal XIV. The area is zoned Recreation Residential.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-2	129.43	312	76	1.70

**EXCEPTION AREA WL #3
Wahluna Terrace**

Map 3S 45 5BA
Map 3S 45 5AB

PUBLIC FACILITIES: Wahluna Terrace is situated on Highway 82. Each lot has frontage on the highway. County services of police protection and animal control are available. The City of Joseph is one mile to the north.

Wahluna Terrace is a residential area that was developed prior to zoning. The area is part of the Wallowa Lake County Service District and will have community sewer in the near future. Because of the foregoing reasons, the area is irrevocably committed to non-farm and non-resource use and qualifies for an exception to Goals III and IV. The area is zoned Recreation Residential.

SUMMARY ZONE SIZE	ACRES	OWNERSHIPS	DWELLINGS	AVERAGE LOT SIZE
R-2	15.8	14	9	1.12

APPENDIX 1 - 8
CUSTOM, CULTURE, COMMUNITY STABILITY

CUSTOMS: Customs are the usage of practice of the people which by common adoption and acquiescence and by long and unvarying habit has become compulsory and has acquired the force of law with respect to the place of subject matter to which it relates.

CULTURE: Culture is the customary beliefs, social forms, and material traits of a group and the integrated pattern of human behavior passed to succeeding generations.

COMMUNITY STABILITY: Comprehensive plans describe the general industrial basis necessary for economic support of the County. In essence the Comprehensive Land Use Plan defines the economy of community stability.

II. PLANNING PROCESS

Findings: The findings below are the basis of decisions made with respect to the County's planning process.

1. Substantial existing and anticipated future population fluctuations resulting from periodic increases in recreation desires requires plan flexibility in order to accommodate such demands.
2. It is desirable to maintain such flexibility, providing living conditions, scenic attractiveness, and service costs are not undesirably affected by providing a number of alternative areas for different use demands.
3. Existing uses have provided the basis from which to initiate a plan.
4. A variety of types of information need to be taken into account along with existing uses to determine best future locations for various activities.

PLANNING PROCESS GUIDELINES

Goal: To establish a land use planning process and policy frame-work as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Policies: The following statements of policy are related to satisfying the above goal:

1. Planning decisions be coordinated with those other local, State and Federal agencies that may have an effect upon, or be affected by the decision.
2. In addition to Oregon Planning goals, city, regional and County goals, objectives and policies be included in plan decisions.
3. Comprehensive Land Use Plan adoption and

revision include a process of considering alternative uses for different locations within the planning area.

4. Prior to making plan changes, it be determined that changes in conditions or related uses and areas have occurred since plan adoption, or that the original plan was incorrect.
5. In considering plan revision, alternative sites for the proposed use(s) be considered, and it be determined that the area proposed to be changed compares favorably with other areas which might be available for the uses(s) proposed.
6. Plan revisions take into account the physical, social, economic and environmental effects in the area proposed to be changed, as well as, the surrounding area, and the County.
7. Planning decisions will be made on a factual basis.
8. Area, County or other public need be established prior to making plan changes to accommodate uses which are more desirable and can be developed in other locations.
9. Major plan changes follow a process similar to that utilized in plan preparation, and that such changes not be made more frequently than two year intervals.
10. The County's policy will be that exceptions to any Goal shall be consistent with the Statewide Planning Goal II and OAR 660-Division 4. Exception statements for specific exception areas exist and are identified in Appendix 1-7.
11. That minor plan changes such as corrections or boundary realignment be made by the Planning Commission and County Court utilizing a public hearing process.
12. The Wallowa County Planning Commission and the Board of Commissioners shall meet in the spring of 1994 to study ways to improve coordination between agencies (local, State and Federal),

citizens, and interest groups in all land management activities, plans programs and decisions.

13. The County demands that State and Federal agencies fully comply with all applicable intergovernmental coordination requirements involving the implementation of State and federal laws and programs - including State Agency coordination (ORS 197.180), the Endangered Species Act, and the National Environmental Policy Act.
14. The County urges State and federal agencies to review and, where necessary, improve their procedures to coordinate land management activities, plans and programs with the County and other agencies.
15. The purpose of the EFU, Exclusive Farm Use Zone is to Protect Goal 3 Agricultural Lands and is applied to areas suitable for farm use or necessary to permit farm operations on nearby or adjacent lands.
16. The purpose of the T-G, Timber-Grazing Zone is to Protect Goal 3 Agricultural Lands with interspersed farm and forest use. The zone is applied to areas suitable for mixed Farm/Forest uses.
17. The purpose of the T-C, Timber-Commercial Zone is to Protect Goal 4 Forest Lands and is applied to areas primarily used for forest management.
18. The R-1, Rural Residential Zone is applied to areas surrounding Incorporated Cities and other areas as a transition between urban and agricultural uses and where a Goal 2 exception has been taken.
19. The R-2, Recreational Residential Zone is applied to areas suitable and desirable for recreational homes.

20. The R-3, Rural Service Zone is applied to areas which serve the needs of surrounding rural development.
21. The CR-2, Commercial Recreation Zone is applied to areas within the R-2 that are suitable and desirable to serve the needs of surrounding recreational area.
22. The M-1, Industrial Zone is applied to areas currently in industrial use or suitable and needed for industrial developments.
23. The R-C, Rural-/Commercial Zone is applied to existing exception areas suitable for a limited number and type of commercial enterprises which depend on proximity to major streets or arterial for trade or transportation, require Lot sizes larger than are typically available within UGB's and are compatible with surrounding areas.
24. The UGA, Urban Growth Zone is applied to Urbanizable areas within established urban growth boundaries.
25. The EL-1, Existing Lot Zone is applied to areas which are comprise predominantly of lots of insufficient size for forest or farm use and/or where further partitioning could potentially create additional demand for public services.
26. The T-C, Timber Commercial Zone is applied to land under Federal ownership and large private timber holdings.

Recommendations: The following are implementation measures identified in the planning process.

1. A check sheet or other system be developed by the County to insure coordination with all levels of government.
2. Findings made in the course of land use planning decisions be based upon planning policies or related information and that such findings be documented.
3. The factual basis used in preparing the plan be

available in the County Planning Department, and be updated periodically to reflect changes in the information.

4. A file of suggested plan revisions and/or considerations be maintained in the Planning Department, and that the Planning Commission consider revisions at such time as they determine that conditions have changed or that the plan in effect is incorrect.
5. The Plan be reviewed yearly.

III. AGRICULTURAL LANDS

Summary: The preservation of productive agricultural lands is one of the most important planning goals of Wallowa County. Agriculture and timber-related industries are the backbone of the County's economic base.

The custom and culture associated with agricultural production in Wallowa County is necessary to the livelihood and well-being of its citizens.

The Comprehensive Land Use Plan provides for the protection of productive agricultural lands by including them in an Exclusive Farm Use classification that applies to both irrigable and non-irrigable croplands in the Wallowa Valley (approx 303,872 acres), on Grouse Flat (approx 6,784 acres), and in the Flora - Prardise area (approx 7,040 acres). Although this does not include all Class I through VI soils (see Appendix 3-3 for definitions) most of the balance of those soil classes are categorized as Timber Grazing and are afforded similar protection.

Agricultural Land is defined as all land - including that portion connected to or used for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops; the breeding, feeding, management, and sale of livestock, poultry, fur-bearing animals, or any other agricultural or horticultural use or animal husbandry or any other combination thereof. The Plan has provided for the presentation of such lands, except in areas designated for urban growth or for rural residential development, which have been minimized to the extent possible while still providing locations for that life style.

Goal: To preserve and maintain agricultural lands.

Findings: The findings below are the basis of decisions made with respect to the County's agricultural lands.

- (1) Wallowa County's economy relies heavily on agricultural activities.
- (2) A total of nearly 350,000 acres (18%) of County land is Class II through IV soils, which include the most productive agricultural lands.
- (3) Class V and VI soils play an important part in timber production and grazing, and consequently, should be

should be preserved in similar fashion to the irrigable and non-irrigable Classes II through IV soils.

- (4) Gross receipts from agricultural products totaled nearly \$14,000,000 of 1974 (Appendix 3-3).
- (5) Uncontrolled partitioning near rural residential areas diminishes the agricultural base of the County.
- (6) Public timbered and grazing lands contribute a significant portion to the agricultural base of the county.

Policies: The following statements of policy are related to satisfying the above goal.

1. Agricultural land use will be maintained through the zoning ordinances.
2. Capability classes II, III, IV, V, and VI be preserved where such land is suitable to be continued in agricultural uses (Appendix 3-1, 3-2, 3-4).
3. Conversion of agricultural land to residential or urban uses will be approved only after the following have been determined:
 - A. There is a need consistent with related plan objectives and policies.
 - B. That alternative locations suitable for the proposed uses are unavailable.
 - C. That physical, social, economic and environmental considerations have been taken into account.
 - D. That the resulting uses will not likely create undue interference with accepted farming practices in the area, and that accepted farming practices take precedence in any such disputes.
 - E. That the resulting uses will not create a burden on existing water rights and uses.
4. The rural character and open space activities of agricultural uses be protected to preserve the scenic attractiveness and living conditions desirable to farm families and other county residents.

5. Urban uses be separated from agricultural activities by a transition area where development is compatible with both urban and agricultural uses.
6. Services, such as water and sewer supplies, which extend into or pass through agricultural areas be appropriate only for the needs of agriculture, farm use and non-farm uses authorized under ORS 215.213.
7. Single family residential dwellings not provided in conjunction with farm use, as provided in ORS 215.284, may be established in areas zoned exclusive Farm Use as regulated through the zoning provisions.
8. All Parcels of 160 or more automatically qualify as a farm unit.
9. Farm or ranch dwellings may be provided in conjunction with farm use if the subject farm or ranch is currently employed for farm use.
10. Public lands be retained for multiple uses with an emphasis on the agricultural bases where compatible with other uses.
11. The private lands within the Hells Canyon national Recreation area be allowed to continue with their present usage.
12. Flood control practices will be continued to alleviate farm losses and soil erosion.
13. Wallowa County shall preserve the maximum amount of the limited supply of grazing lands, farm lands, and economic farm units in compliance with Goals 3 and 9.
14. All land uses adjacent to agricultural lands shall recognize the right to farm in the current custom and usage.
15. All State, Federal and non-profit organization activities shall be consistent with Goals 3 and 9.

16. Wallowa County shall coordinate with state and Federal agencies to develop an effective Section 8 process; as defined by the Public Rangelands Improvement Act of 1978.
17. The Board of Commissioners shall coordinate with agencies to ensure that adequate funding is provided by State, Federal and local governments to promote an adequate level of range improvement.

APPENDIX 3 - 1

CAPABILITY CLASS DEFINITIONS

- CLASS I** soils have few limitations that restrict their use. These are the most productive soils.
- CLASS II** soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.
- CLASS III** soils have severe limitations that reduce the choice of plants or require special conservation practices or both.
- CLASS IV** soils have very severe limitations that reduce the choice of plants or require very careful management or both.
- CLASS V** soils are not likely to erode but have other limitations which are impractical to overcome and limit their use largely to pasture, range, woodland, or wildlife.
- CLASS VI** soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture, range, woodland, or wildlife.
- CLASS VII** soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to pasture, range, woodland, or wildlife. Although these soils are the poorest for crop producers, they have significant importance for grazing, timber production, and/or wildlife habitat purposes.

Letter designations are often added to the capability numerals and indicate the following:

- (e) shows that the main limitation is risk of erosion unless close-growing plant cover is maintained.
- (s) shows that the soils is limited mainly because it is shallow, drought, or stony.
- (w) shows that water in or on the soil interferes with

plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage).

APPENDIX 3 - 2
ACREAGE BY CAPABILITY CLASS

CAPABILITY CLASS	I	II	III	IV	V	VI	TOTAL
Agriculture	0	19,692	93,918	56,747	0	284,173	454,530
Total	0	23,230	228,420	90,700	12,570	199,130	554,050

Of the total agriculture acreage, roughly 22 percent is currently under intensive use; the majority is located in the Wallowa Valley.

Included within the agricultural acreage or the Class I - Class VI soils are the Rural Residential classifications adjacent to the four incorporated towns. The inclusion of this zone constitutes an exception to the above goal. It was necessitated by the following rationale:

01. The land so designated is already committed to non-farm use - primarily as a result of small acreage.
02. The classification will serve as a buffer zone between the Urban Growth Boundary and the Farm Zone and is compatible with both.
03. The general lack of other viable alternatives for this particular life-style (5-10 acre parcels).
04. The need to minimize the size of the Rural Residential classification as expressed by public sentiment.

Not all areas shown as Exclusive Farm Use are productive agricultural lands and, consequently, may be desirable for Rural Residential use. The Planning Commission has determined that it is not feasible to establish minimum lot sizes for all areas of non-productive farm land; therefore, each request for Planning Commission approval of rural residence site in the exclusive farm use area will be handled on an individual basis. The Planning Commission has also determined that, should the economic base of the private lands within the Hells Canyon National Recreation

National Recreation Area be lost, the land owner will be allowed to parcel the land into acreage compatible for truck farming purposes. As a matter of expediency in the permit procedure, all areas in Exclusive Farm Use Zone with 160 or more acres will be automatically considered a farm. All areas with less acreage will be on a case-by-case basis.

01. The site is generally unsuitable for the raising of farm crops and unimportant for timber and/or livestock production. The site is suitable for a residence after considering: terrain, soil conditions, drainage, flooding, vegetation, location (and access), availability of water, suitability for sewage disposal as well as other social, physical, economic, and environmental considerations.
02. The use does not materially alter the overall land use pattern of the area.
03. The use complies with such other conditions as spelled out in the Wallowa County Zoning Ordinance.

Capability Class III soils are primarily comprised of the Tolo-Klicker-Anatone association found in much of the timber/grazing areas. Little of this association is suitable for crops although much of it is well suited for open grassland and range purposes.

Larger amounts of Tolo-Klicker-Anatone association are also in Classes V, VI and VII. The greatest portion of Class VI soils is this association.

Wallowa-Snell-Zumwalt and Snell-Powwatka-Hurwal make up the majority of the Class IV soils. Much of the latter is irrigated and is included in the exclusive farm use classification in the plan. The former association is also included within that classification but is used principally for dryland farming. These two associations account for most of the land within the County's Exclusive Farm Use Plan Category.

Class VII soils by far make up the largest acreage (1,276,870 acres) in the County and are comprised primarily of Wallowa-Snell-Zumwalt, Snell, Ruckles-Wrentha, Tolo-Klicker-Anatone, and Klicker-Snell-Tolo associations. These lands are used primarily for timber production and grazing.

Nearly the entirety of Class VIII soils is steep mountainous land found primarily in the Eagle Cap Wilderness Area. The Hells Canyon Wilderness Area is principally the Ruckles-Wrentham Association (Class VII).

In addition to crop and timber productivity; soils suitability for development and other characteristics can be determined by examining United States Department of Agriculture (USDA) Soils Conservation Service information regarding specific soils types.

APPENDIX 3 - 3

WALLOWA COUNTY AGRICULTURAL INCOME 1972 to 1975

ITEM	ESTIMATED GROSS CASH FARM INCOME			
	1972	1973	1974	1975
GRAINS	\$2,157,000	\$3,873,000	\$5,008,000	\$6,116,000
HAY	870,000	1,615,000	1,979,000	1,925,000
GRASS/LEGUME SEEDS	44,000	8,000	28,000	40,000
FIELD CROPS	269,000	565,000	971,000	868,000
ALL TRUCK CROPS	15,000	5,000	267,000	
SPECIALTY PRODUCTS	50,000	50,000	299,000	750,000
ALL CROPS	3,405,000	6,116,000	8,552,000	9,699,000
CATTLE AND CALVES	5,475,000	8,813,000	4,048,000	4,053,000
HOGS AND PIGS	446,000	580,000	360,000	231,000
SHEEP AND LAMBS	288,000	689,000	477,000	392,000
DAIRY PRODUCTS	177,000	90,000	196,000	120,000
FARM CHICKENS	1,000	1,000	0	0
CHICKEN EGGS	3,000	4,000	3,000	4,000
ANIMALS & PRODUCTS	119,000	193,000	127,000	81,000
ALL LIVESTOCK AND PRODUCTS	6,514,000	10,369,000	5,168,000	4,881,000
ALL CROPS AND LIVESTOCK	9,919,000	16,485,000	13,720,000	14,580,000

BACKGROUND: About 117,613 acres in the Wallowa River Valley are

considered irrigated (although only 45,000 acres are actually under irrigation). Such lands are found in a 5 to 6 mile band beginning south of Joseph and ending north of the City of Wallowa - including the Lostine Rivers and Hurricane, Prairie, and Bear Creeks. Class II soils comprise 23,230 acres of County land. Most of these soils are in the Chestnimus-Reavis associated soil group (see Appendix 3-4 for acreage by soils capabilities) which extends primarily north and east of Joseph. Some of the Jossett-Sturgill-Cheval and Redmont-Lostine soil associations are also Class II. The USDA Soil Conservation Service records indicate that there are 454,500 acres of agriculture-related land in the County, most of which is Class VI soils.

APPENDIX 3 - 4

SOILS INTERPRETATION FOR DEVELOPMENT IN WALLOWA COUNTY

SOIL SERIES	SOILS CAPABILITY	SOIL LIMITATION S	ROAD DRAINFIELDS	FOUNDATIONS
CHESNIMNUS	IIE, IIIS	SEVERE	MODERATE	MODERATE
HURWAL	IVE	SEVERE	MODERATE	MODERATE
HURWAL	VIIE	SEVERE	MODERATE	MODERATE
JOSSET (MATTERHORN)	IIIW	SEVERE	SEVERE	SEVERE
JOSSET	IVS	SEVERE	SEVERE	SEVERE
MATTERHORN	IIIW	SEVERE	SEVERE	SEVERE
MINAM	IIIE, IVE, VIE	SLIGHT	MODERATE	MODERATE
POWWATKA	IVC	SEVERE	SEVERE	SEVERE
REAVIS	VIIS	MODERATE	MODERATE	MODERATE
REDMONT	IIE, IIIE	SLIGHT	MODERATE	SLIGHT
RONDOWAS	IVS, VIS, VIIS	MODERATE SEVERE	MODERATE SEVERE	MODERATE SEVERE
SNELL	VIS, VIIS	SEVERE	MODERATE SEVERE	SEVERE
STURGILL	IIIW	SEVERE	SEVERE	SEVERE
TOPPER	IIIE, IVE	SLIGHT MODERATE	SEVERE	MODERATE SEVERE
ZUMWALT	IIS	SEVERE	SEVERE	SEVERE

IV. FOREST LANDS

Summary: Federal ownership accounts for more than 56 percent of forest lands in Wallowa County. With the large amount of commercial timberland in Federal ownership, management plans and decisions can and do have a direct effect on the local economy. This has been especially true with the planning effort for the Wallowa Valley Planning Unit which implemented an allocation reducing the allowable cut. While appreciable, other than a local sting from a possible decrease in employment, if such a decision was implemented for the remaining planning units in Eastern Oregon or even the immediate economic area of the Blue Mountains; the effect could be staggering and the number of spin off effects, such as: the price of housing materials, might be endless. The planning units are to be managed on a sustained yield, multiple use basis. But, as the complexity of planning for public lands increases, the necessity for emphasis or trade off has clearly been in favor of wildlife habitat. In future planning and management decisions, the Wallowa County Planning Commission would hope that a more regional perspective be used because the resulting economic impact could be more readily understood.

The County witnessed some disparaging actions in the mid-1970's. The Wallowa County Planning Commission and the Board of Commissioners were and are concerned about the continued withdrawal of timber land for other uses - specifically the withdrawal to wilderness designation and game emphasis. The two current wilderness areas comprise 15% of the total land area of the County and represent close to 600 million board feet. The inclusion of the Lower Minam and Wenaha area would add an additional 100,000 acres to the total and would represent approximately one billion board feet of timber. It is seriously questioned if this is indeed necessary and in the best interests of the local residents when considering the long range aspect of insect problems, housing costs, and the possibility of other viable management alternatives. By rough figures, it is estimated that one million board feet can mean anywhere from three to sixteen men/women in employment. The difference in employment is due to the amount of diversification of the industry. Simply put, the greater the processing of logs at the local level, the more employment it creates.

The majority of timber lands and a large portion of the grazing land is shown on the Plan as Timber Grazing. This zone is essentially the same as the Exclusive Farm use

designation with single family residences not provided in conjunction with farm or forest uses handled on a case by case basis. One of the primary considerations for allowing single family residences will be compatibility to existing services, in other words, the general economic suitability of the proposal. The Plan/Zone map does not recognize any additional wilderness designation other than the current existing areas. This is overwhelmingly supported by the County's residents.

Forest Land: Much of the area zoned for Timber Commercial is in public ownership - 1,187,809 acres. Due to the large ownerships and the restriction of residential dwellings, a minimum lot size is appropriate for maintaining resource use in the Timber Commercial zone.

The maintenance of custom and culture associated with timber and wood products and production in Wallowa County is necessary to the livelihood and well-being of the citizens.

Besides the contribution to the local economy through timber harvesting; another significant aspect of the National Forest Lands contribution to the local economy is grazing lands. County government feels that maintenance of grazing rights especially in the Hells Canyon National Recreation Area is essential for the continued well-being of the cattle ranchers.

Other significant forest uses include water shed, fish, wildlife habitat, recreation and open space.

Goal: To conserve forest lands for forest uses.

Findings: The findings below are the basis of decisions made with respect to the county's timberland resource.

1. Forest land comprise close to 50 percent of all land and contribute significantly to the county's income (Appendix 4-1).
2. Forest lands are used for a variety of purposes, including timber production, grazing, water supplies, fish and wildlife habitat, recreation and other open space uses.
3. The U.S.F.S. controls approximately 50 percent of the county's commercial timberland, and has given approval to a management alternative (Appendix 4-2, 4-3).

4. It is estimated that close to 60 percent of the timber harvested in the county is exported for production.
5. Ninety percent of the county's residents do not favor any additional wilderness designation.
6. Close to 15 percent of the county's residents are directly dependent on timber harvesting for their livelihood.
7. Withdrawal of one million board feet of timber could mean from three to fifteen jobs.
8. Harvesting (or not harvesting) of one million board feet could have the following economic impact:

		<u>\$/MMBF</u>
1	(1) Wages and Salaries	\$81,746
	(2) Contractor Payments (logging, hauling, roads)	81,461
	(3) Purchases of Equipment and Supplies	86,601
	(4) Revenue of railroads	<u>74,921</u>
	Total	\$324,729

Boise Cascade figures

9. That it appears entirely possible to increase the allowable cut and maintain a continuous yield.
10. A general policy of the Forest Service is to support the local economy.

Policies: The following statements of policy are related to satisfying the above goal.

1. The use and renewal of timber resources and the timber land base be protected in order to promote the continuation of a sustainable wood products industry by providing economic opportunity relying on self determination and ensuing open market conditions.
2. That inventories be updated as time and information are available.
3. That the forest lands will be considered for multiple forest uses.

4. That conversion of timbered or grazing lands to residential uses will be approved according to the following guidelines:
 - A. Take an exception that is consistent with Statewide Planning Goal II and OAR 660-Division 4.
 - B. The proposed use is compatible with the Oregon Forest Practices Act.
 - C. The proposed use will not interfere seriously with the physical, social, economic and environmental considerations.
 - D. It will not create an economic hardship on the county due to other needed public facilities and services.
5. Confine road development to minimum in number and rights of way width that is needed for forest uses. Revegetate temporary roads to forage producing species or erosion controlling species where necessary.
6. Confine power line and non-road rights of way to minimum width and maintain forage vegetation and small trees where compatible with purpose of approved rights of way.
7. Restock forest land logged by timber harvest according to Oregon Forest Practices Act of 1972 as amended.
8. Development and implementation of timber harvesting logging systems according to Forest Practices Act of 1972 as amended.
9. Maintain optimal sustained yield of timber and grazing resources.
10. Retention of recreational potential and support services where compatible with other uses.
11. Public land shall not be used for further designations as wilderness areas, as expressed by local, public sentiment.
12. Discourage clearing of Class I and Class II lands as defined by the Oregon State Forestry Department for agricultural purposes. Approval would require a production capability to determine best use.
13. Retention of farm practices on Class III lands where compatible with other uses.
14. Encouragement of farm forestry on Class I and Class II forest lands and management plans.

15. Development of mineral resources be allowed where compatible with other uses.
16. Prior to any further withdrawals of public timber lands, an economic impact statement be provided and that all concerned agencies and individuals be allowed an opportunity to respond.
17. Temporary roads be required to be revegetated with forage producing species or erosion controlling species.
18. Lands deforested by fire, insect or disease attack, timber harvest or other causes be reforested according to the Oregon Forest Practices Act of 1972 as amended (Appendix 4-4).
19. All State or Federal policies regarding timber management in Wallowa County shall be coordinated with the County Court to maintain and enhance both short and long-term economic and cultural viability as well as forest health.
20. Opportunities for sustainable wood products industry shall be continued at levels consistent with custom and culture as affected by prevailing market conditions.
21. Wallowa County shall promote and foster forest health practices which will significantly reduce the chance for catastrophic disaster; i.e. fire, insect infestation and disease control on its State, Federal and private lands.

APPENDIX 4 - 1

WALLOWA COUNTY TIMBER HARVESTING HISTORY 1953 - 1973

YEAR	PRIVATE	NATIONAL FOREST	BLM STATE COUNTY	TOTAL
1953	58	16		73
1955	61	25		85
1957	83	23		107
1959	75	36		111
1961	70	28	0.317	98
1963	68	79	0.191	147
1965	72	66		138
1967	60	82	0.274	142
1969	37	139	0.345	176
1971	15	72	0.172	86
1973	28	62	3.029	93
TOTAL	627	628	4.328	1256
AVERAGE	57	57	0.393	114

21 Years Data -- All data in Million Board Feet

APPENDIX 4 - 2
RESULTS OF UNITED STATES FOREST SERVICE
MANAGEMENT PROGRAM "D"

OUTPUTS	PRESENT SITUATION	PROPOSAL
WOOD MMBF / YEAR (1)	32.1	26.3
WATER ACRE FEET / YEAR (2)	1,234,845.0	1,234,016.0
LIVESTOCK AUM'S / YEAR (3)	39,542.0	37,077.0
RECREATION OPPORTUNITY INDEX (4)	400.0	386.0

- (1) MMBF -- Million Board Feet
- (2) Acre Foot -- A unit for measuring a volume of water; quantity of water required to cover one acre to a depth of one foot.
- (3) AUM -- Animal Unit Month -- An animal unit is considered to be one thousand pounds of live weight or a cow and calf. The quantity of forage consumed by the cow and her calf in one month is animal unit of forage
- (4) Recreation Opportunity Index -- A relative measure of opportunity available. Not related to how much use actually occurs.

APPENDIX 4 - 3
TIMBER OUTLOOK

OWNER	COMMERCIAL TIMBER AREA	STANDING GROWING STOCK VOLUME	STANDING SAW TIMBER VOLUME	CURRENT HARVEST (1)
NATIONAL FOREST	73.3%	80.7%	82.6%	69.0%
OTHER PUBLIC	1.9%	1.6%	1.6%	1.7%
FOREST INDUSTRY	8.5%	6.1%	5.6%	16.7%
OTHER PRIVATE	16.3%	11.6%	10.2%	12.6%
ALL CLASSES	100.0%	100.0%	100.0%	100.0%

(1) -- Trees 8 inches and larger in diameter breast high (dbh)

APPENDIX 4 - 4
EXCERPTS FROM FOREST PRACTICES ACT

24-400 PURPOSE: Prompt reforestation of forest land following harvesting operations is an important factor in assuring continuous growing and harvesting of forest tree species on economically suitable forest lands. The purpose of administrative rules relating to reforestation of such lands is to define economic suitability as a basis for designating the forest land subject to reforestation requirements, to describe the conditions under which reforestation will be required, to specify the minimum number of trees per acre, the maximum period of time allowed after an operation for establishment of such trees, and to require stabilization of soils which have become exposed as a result of operations.

24-401 LANDS AFFECTED: All Class I and II forest land classified pursuant to ORS 526.305 through 526.370 shall be considered forest land economically suited for reforestation. Class III forest land shall not be so considered.

24-402 STOCKING LEVELS/TIME LIMITS: Whenever, as a result of an operation, the stocking of acceptable species is reduced below either 25 percent - based on estimated crown closure; or 80 square feet of basal area per acre of trees 11 inches in diameter breast height and larger; or at least 100 seedlings or saplings per acre, or any combination thereof well distributed over the operation area shall be left or established within six years.

In computing basal area per acre, trees over 36 inches diameter breast high will be counted as 36" diameter breast high trees.

24-404 EXEMPTION: Ownerships smaller than 11 acres in one contiguous tract are exempt from the reforestation requirements of the Forest Practices Act regardless of the land classification.

24-405 LANDS NOT AFFECTED - ACTION REQUIRED: Within one year following harvesting on lands not subject to the reforestation requirement, and on which reforestation is not being planned, some form of vegetative cover shall be required sufficient to provide continuing soil productivity and stabilization. Consider the use of plants suitable for wildlife habitat and domestic livestock.

24-421 ROAD LOCATION: Roads should be located on stable areas and constructed in such a manner as to minimize the risk of material entering streams.

01. Fit the road to the topography so that a minimum alteration of natural features will be necessary.
02. Where practical alternatives exist; avoid steep and narrow canyons, slide areas, slumps, marshes, wet meadows, or natural drainage channels. Where alternatives do not exist, and where there is a risk of material entering streams; obtain prior approval from the State Forester.
03. Minimize the number of stream crossings.
04. When it is practical, cross streams at right angles to the main channel.
05. Leave or re-establish areas of vegetation between roads and streams to act as a buffer strip.
06. Avoid unnecessary duplication of road systems by making use of existing roads where practical. Where roads traverse land in another ownership but will adequately serve the operation, attempt to negotiate with the owner for use before resorting to location of new roads.
07. Avoid excessive side-hill cuts and fills near stream channels.

24-446 STREAM PROTECTION: During and after harvesting operations, stream beds and stream-side vegetation shall be maintained in as near natural state as possible in order to maintain water quality and aquatic habitat.

01. Avoid tractor skidding in or through any streams. When streams must be crossed, provide adequate temporary structures to carry stream flow. Remove all temporary crossings immediately after use and where applicable water bar road ends.
02. Avoid cable yarding through any Class I stream. When yarding across such streams is necessary, do it by swinging the yarded material free of the stream bed and banks.
03. Cable yarding through Class II streams should be avoided.

When unavoidable, the yarding shall be done to minimize streambank vegetation and channel disturbance.

04. Provide the shading, soil stabilizing, and water filtering effects of vegetation along Class I streams by one or more of the following:
 - A. Leave hardwood trees, shrubs, grasses, and rocks wherever they afford shade over a Class I stream or maintain the integrity of the soil near such a stream.
 - B. Where insufficient non-merchantable tree species exist to provide up to 75 percent of original shade over the stream, a fringe of undisturbed merchantable trees may be required. This requirement may be waived if an acceptable harvest plan of staggered cuttings or other means is developed which will not result in a significant increase in stream temperatures or remove a substantial amount of cover necessary for wildlife.
 - C. Carefully log the mature timber from the buffer strip in such a way that shading and filtering effects are not destroyed.
 - D. Neither an optimum nor a minimum width can be set arbitrarily for buffer strips for shading streams. It must be realized that the necessary width will vary with steepness of terrain, other topographic features, the nature of the undercover, the kind of soil, and the amount of timber that is to be removed.
 - E. Where it is difficult to leave buffer strips of timber to shade a stream, plan to re-establish cover - without delay - along the stream after cutting is completed.
05. Leave stabilization strips of undergrowth vegetation along all Class II streams in widths sufficient to prevent washing of sediment into Class I streams below.
06. Keep machine activity in beds of streams to an absolute minimum.

24-448 MAINTENANCE OF PRODUCTIVITY AND RELATED VALUES:

Harvesting practices should first be designed to assure the continuous growing and harvesting of forest tree species by suitable economic means and to protect the soil, air, water, and wildlife resources.

01. Where major scenic attractions, highways, recreation areas, or other high use areas are located within or traverse forest land, special consideration should be given to scenic values by prompt cleanup and regeneration.
02. Give special consideration toward preserving any critical wildlife or aquatic species classified by the Fish Commission and Oregon Wildlife Commission as being rare or endangered. Such habitat could be nesting trees used by large birds of prey.

**V. OPEN SPACES, SCENIC AND HISTORIC AREAS,
AND NATURAL RESOURCES**

Summary: Wallowa County encompasses over two million acres of land of which the overwhelming majority is committed to uses compatible with open space values, i.e. timber production, livestock production, cropland, and designated wilderness and recreation areas.

GOAL: To conserve open space and protect natural and scenic resources (Appendix 5-1).

Findings:

1. The Wallowa County Natural Resources Advisory Committee is coordinating with Idaho Power Company with regard to their Natural resource Management Plan for Dam Operations.

Policies. The following statements of policy are related to satisfying the above goal.

2. The Salmon recovery Plan is incorporated into the Plan as a resource document. The Salmon Habitat recovery Plan will be used as a supporting document to the Plan. Implementing measures will be contained in the zoning articles.
2. Agriculture and forest uses be continued to preserve open space (Appendix 5-2).
3. Wherever practical, mineral and aggregate, and potential hydro-electric power sites will be considered desirable for development (Appendix 5-3, 5-4).
4. Fish and wildlife habitat be protected by the Forest Practices Act and similar provisions (Appendix 5-5).
5. All Wallowa Lake Basin Moraines be preserved as scientific natural areas, significant to the County, State and nation. (Appendix 5-8)
6. Provisions for recognition be made at such times as sites of historical significance are developed or redeveloped.
7. Extension of, or additional, wilderness area in the County is opposed.
8. Annual gravel removal sites be established
9. Any proposed development adjacent to municipal watersheds be subject to the affected

town's review.

10. Developments which could alter or detract from the scenic views and sites as identified in Appendix 5-6 and 5-7 be publicly reviewed for compatibility.
11. The county will complete the Goal Five rule process when information becomes available for eighteen sites and resources.
12. The county will address Goal Five rule requirements when significant archeological sites are discovered on private lands.
13. Sites and resources classed 2A shall be managed to preserve original character.
14. Zoning provisions will be adopted to insure mineral, aggregate, and potential hydroelectric usage.
15. The County shall develop, adopt, and implement consistent with applicable laws, habitat conservation, and plans for the protection of State and federally listed, threatened, or endangered species pursuant to Land Conservation and Development Commission Goal V and OAR 660 Division 16.
16. Purchase of development rights or other means will be pursued to preserve the East Moraine without loss of County tax revenue.
17. Areas of historical significance will be indentified.
18. The County will establish density levels in the Wallowa Lake Basin at some point in the future.
19. Wallowa County shall promote and facilitate public and private recreational, cultural, wilderness, amd wildlife opportunities compatible with local customs and culture within the constraints of private property rights and local self-determination.
20. All government agencies shall coordinate their land management and acquisition programs with Wallowa County taking into account a local ordinance requiring payment in lieu of taxes.
21. Wallowa County shall develop and implement habitat conservation plans for the protection of threatened and endangered species within the County. State and federal agencies shall coordinate their management activities and plans with the County.
22. The County recognizes that the Hells Canyon Project is a valuable hydroelectric project

and that the County will work to preserve the project and to establish a mode of operation which is consistent with other Goal V policies and enhances the economic health of the project and County.

APPENDIX 5 - 1

RESOURCES

Oregon Administrative Rules, OAR 660-16-000 through 660-16-025 requires counties to inventory resources according to location, quality, and quantity. The rule requires the following designations of significance:

<u>DESIGNATION</u>	<u>EXPLANATION</u>
1A	Resource site is not important - no further action is required.
1B	Some information is available but inadequate to identify the resource site - adopt a plan statement to address resource site and Goal V process in the future.
1C	Information is available on resource location, quality, and quantity, and resource is significant or important.
2A	No conflicting uses are identified; manage resource so as to preserve original character.
2B	Conflicting uses are identified; determine economic, social, environmental, and energy consequences of conflicting uses; develop program to:
3A	Preserve the resource site.
3B	Allow conflicting uses.
3C	Specifically limit conflicting uses.

APPENDIX 5 - 2

LAND USE BY AREA

OPEN SPACE: 1A

ANALYSIS: Wallowa County encompasses over two million acres of land of which the overwhelming majority is committed to uses compatible with open space values, such as: timber production, livestock production, cropland, and designated wilderness and recreation areas. Over 50 percent of the County's land area is owned by the Federal Government and managed by the United States Forest Service.

Cropland.....	101,696	.....	5.0%
Pasture.....	4,067	.....	0.2%
Range.....	421,021	.....	20.6%
Private Forest.....	309,155	.....	15.2%
Other.....	16,271	.....	0.7%
Federal.....	1,159,334	.....	57.0%
Urban.....	16,271	.....	0.7%
Water Area.....	4,067	.....	2.0%
Total.....	2,033,920	.....	99.6%

The figures show that less than one percent of the total land area is devoted to uses which are incompatible with open-space values. Within the open space areas, the following features and elements are identified and addressed within the Comprehensive Land Use Plan and implementing ordinances:

MINERALS AND AGGREGATES ENERGY RESOURCES FISH AND
 WILDLIFE SIGNIFICANT NATURAL AREAS WATER AND WETLANDS
 WILDERNESS AREAS SCENIC VIEWS AND SITES CULTURAL
 RESOURCES HISTORIC SITES
 STRUCTURES SCENIC WATERWAYS

CONCLUSION: Open space is not site or area specific. The County has not identified any specific "significant" open space resources as a need. However, the County does conserve open spaces through:

01. The establishment of urban growth boundaries and identification of committed lands,
02. The application of agriculture and forest zones, and
03. Requirements to take exceptions to Statewide planning goals and certain activities not consistent with the Comprehensive Land Use Plan. Open space has been given a designation of

designation of 1A.

APPENDIX 5 - 3 MINERAL RESOURCES

MINERAL AND AGGREGATE RESOURCES

General Analysis

Within Wallowa County several mineral and non-metallic resources have been identified as follows:

Coal	Copper	Gold	Lead
Limestone	Molybdenum	Silver	Tungsten
Marble			
Zinc			

Because much of Wallowa County is relatively inaccessible and usually has a rigorous winter climate, development of mineral resources on a commercial scale has not occurred. The mineral resources occur in three main geographic as well as physiographic features of the area: the Wallowa Mountains in the south half, the dissected plateau region in the north half, and the Snake River Canyon in the eastern portion of the County.

LIMESTONE: 1A

Location - Quality - Quantity

Large deposits of limestone occur in the Wallowa Mountains on:

01. Lostine River - Township 2 South, Range 43E, Sections 3, 4, 9.

02. Hurricane Creek - Township 3 South, Range 44E, Sections 9, 10, 15, 16.

03. And, mid-way between them at the Black Marble Quarry on Murray Creek - Township 2 South, Range 44E, Sections 19, 20.

The limestone deposits in the Wallowa Mountains will not be commercially mined in the future because the identified sites are in the Eagle Cap Wilderness. The Black Marble quarry was mined commercially prior to 1931 and reopened 1953 through 1955. The lime was mined for carbide and agricultural lime production by Pacific Carbide and Alloys Company. Since its closure in 1955; the access road has become unusable, all extraction equipment has been removed, other parcels essential to the processing have been sold to individuals, and new limestone sites have been opened in

sites have been opened in close proximity to present day markets. For these reasons and the fact that the quarry is located in an environmentally sensitive area such as adjacent to the Eagle Cap Wilderness, it will not be reopened in the foreseeable future. (Source: Moore, B.H., 1937, Nonmetallic Mineral Resources Of Eastern Oregon: USGS Bull .875, P130-132).

CONCLUSION: Due to lack of a nearby market and proximity to environmentally and aesthetically sensitive areas such as Eagle Cap Wilderness, none of the limestone deposits will be mined in the future. The limestone deposits have been designated 1-A.

GOLD, SILVER, COPPER, TUNGSTEN, MOLYBDENUM, PEAT: 1A
Location - Quality - Quantity

Gold placer deposits occur on the Imnaha River but are unproved. Bedrock values have not been determined. (Source: Libbey, 1943, Mineral Deposits In The Area Surrounding The Junction Of The Snake And Imnaha Rivers: DOGMI Short Paper II, p.9).

Copper, gold, and silver deposits occur in Snake River Canyon. Because nearly all of the Snake River Canyon through Wallowa County is in Wilderness designation, no commercial mining will take place in the future. (Source: Op. cit. Libbey)

There are relatively small occurrences of tungsten and molybdenum in the Wallowa Mountains and Snake River Canyon. Metal mining and prospecting is prohibited in both places. (Source: Weis, P.L., and others, 1976 Mineral Resources Of The Eagle Cap Wilderness And Adjacent Areas, Oregon: USGS Bull. 1385-E).

There is a known occurrence of peat (Township 2 South, Range 44E, Sections 13, 14). The site is 80 acres and ranges from 5 to 20 feet in thickness. There was some commercial production between 1965 and 1968. Because of high costs of rail and truck transportation and great distances to a market, the site will not be used for peat excavation in the future. Currently, the site is zoned for agriculture and is used accordingly. (Source: Letter dated May 25, 1967 from Norman S. Wagner to Hollis Dole of the State Department of Geology and Mineral Industries.)

CONCLUSION: Gold, silver, copper, tungsten, and molybdenum are not site or area specific. Most of their occurrences are on Federal land where commercial mining and prospecting is prohibited. (Source: Conversations With Howard Brooks, April, 1985.)

Excavation of the peat site is not economical due to cost of

transportation and distance to ready markets. None of these sites are of important quality or quantity to warrant special protection. The designation of these resources is 1-A.

LIGNITE, COAL AND ASSOCIATED MINERALS: 1B
Location - Quality - Quantity

Lignite coal is thought to occur extensively in northern Wallowa County, however, the lignite is rarely exposed at the surface. Information concerning thickness, grade, and lateral continuity can be ascertained only by surface excavations, drilling programs or examination of water-well logs. Reserve and resource tonnage cannot be adequately determined until further study is conducted. Clay minerals and silica sand occur in association with the lignite coal. Further exploration may show that extraction of one or the other would be feasible as a by product of lignite mining in certain areas.

Extraction of lignite coal is a remote possibility. Environmental impacts would be a consideration to be weighed against the economic benefits of mining if and when coal mining becomes feasible.

CONCLUSIONS: Lignite coal and its associated minerals are not site specific or area specific. Additional information is needed before appropriate policies and implementing measures for resource usage and/or protection are considered. At each plan update, the County will consider available mineral resource data. The County will adopt a policy as data becomes available, and the information will be incorporated into the land use plan

AGGREGATE SITES: 3C
Location - Quality - Quantity

Sand, gravel, and stone deposits are plentiful and located throughout the County. The sources are alluvial deposits located primarily in the Wallowa Valley and basalt rock in plateau areas. The quantity of sources has not been assessed since aggregate sites were opened or, in the case of existing sites, re-opened near construction sites. The significant aggregate sites currently having permits are listed below.

AGGREGATE SITES - LEGAL DESCRIPTIONS

<u>ID #</u>	<u>NAME</u>	<u>LEGAL</u>
-------------	-------------	--------------

32-0001 TL3400	Wallowa County Road Dept	T1S - R44 - S36 -
32-0002 TL3400	Wallowa County Road Dept	T2S - R46 - S32 -
32-0003 TL1600	Wallowa County Road Dept	T1S - R45 - S12 -
32-0004	City of Joseph	T2S - R44 - S25 - TL1100
32-0005	Dawson Neil	
32-0009	OSHD	T2N - R44 - S11 - TL 600
32-0010	Richard H. Hagenah	R43 - S10 - TL4500
32-0011	OSHD	T1S - R43 - S10 - TL4600
32-0012	D McD Corp	T1S - R44 - S34 - TL 500
32-0013	OSHD	T2S - R46 - S31 - TL3901
32-0014	OSHD	T1S - R44 - S14 - TL2400
32-0015	D McD Corp	T2S - R44 - S03 - TL 100 S04 - TL 100
32-0016	Utah International	T5N - R43 - S12 - TL4600
32-0017	Utah International	T6N - R44 - S32 - TL3400
32-0018	Wallowa County Road Dept	T1S - R46 - S16 - TL 4
32-0019	Western Mixing Company	T3N - R44 - S11 - TL 100
32-0020	Federal Highway Adm	T1N - R47 - S19 - TL1900
32-0021	OSHD	T1N - R42 - S04 - TL2100
32-0022	William Dougherty	T1N - R42 - S11
32-0023	ODOT	T1N - R42 - S13
32-0024	McCrae	T1N - R42 - S15 R43 - S06

(T = Township - R = Range - S = Section - TL = Tax Lot)

Aggregate Sites (continued)

ID # NAME LEGAL

32-0025	Perry Johnston Pit	T1N
32-0026	ODOT	T1N - R43 - S19
32-0027	Shell Pit	T1N - R43 - S21
32-0028	Willett Pit	T1N - R43 - S23
32-0029	ODOT	T1N - R43 - S29
32-0030	Steve Wolfe Pit	T1N - R43 - S29
32-0031	Reid	T1N - R43 - S34
32-0032	Stonebrink Pit	T1N - R43 - S36
32-0033	ODOT	T1N - R44 - S13
32-0034	ODOT	T1N - R44 - S24
32-0035	Olsen Pit	T1N - R45 - S22
32-0036	BLM	T2N - R41 - S27
32-0037	Salmon Creek	T2N - R46 - S27
32-0038	Butte Creek	T2N - R46 - S20
32-0039	Grant Schaeffer	T2N - R47 - S20
32-0040	Boise Cascade	T3N - R42 - S27
32-0041	ODOT	T4N - R44 - S25
32-0042	Roger Nedrow	T5N - R43 - S01
32-0043	Wenaha Fish/Wildlife	T5N - R43 - S05
32-0044	Eden Bench	T5N - R43 - S09
32-0045	Oregon State Game Commission	T5N - R43 - S29
32-0046	ODOT	T5N - R44 - S02
32-0047	Amish Farms (County Site)	T5N - R44 - S25

(T = Township - R = Range - S = Section - TL = Tax Lot)

Aggregate Sites (continued)

<u>ID #</u>	<u>NAME</u>	<u>LEGAL</u>
32-0048	Amish Farms (State Site)	T5N - R44 - S25
32-0049	Buford Pit	T5N - R45 - S01

32-0050	4-0 Cattle Company	T6N - R43 - S23
32-0051	Richman (Ercel) Pit	T6N - R43 - S23
32-0052	Richman (Bill) Pit	T6N - R44 - S32
32-0053	Charles Singer Pit	T6N - R45 - S22
32-0054	Williams Pit	T1S - R44 - S02
32-0055	Riley Pit (County Site)	T1S - R44 - S14
32-0056	Riley Pit (State Site)	T1S - R44 - S14
32-0057	Roy Wise Pit	T1S - R44 - S35
32-0058	A.V. Hohn	T1S - R46 - S16
32-0059	ODOT	T1S - R46 - S25
32-0060	Grant Warnock	T1S - R48 - S23
32-0061	ODOT	T2S - R44 - S03
32-0062	ODOT	T2S - R45 - S07
32-0063	Guy Boyd Pit	T2S - R45 - S09
32-0064	ODOT	T2S - R46 - S01
32-0065	ODOT	T2S - R46 - S27
32-0066	Warren Voss	T2S - R46 - S32
32-0067	James Henderson	T1N - R42 - TL5200
32-0068	Terry Jones	T1S - R44 - TL1800
32-0069	Phillips (WC Road Department)	T2S - R46 - TL3402

(T = Township - R = Range - S = Section - TL = Tax Lot)

The Wallowa County Board of Commissioners, on May 12, 1999 under Ordinance No. 99-09, determined a need to establish an inventory of aggregate sites whose significance as Goal V aggregate sites has not been determined, but which are designated as appropriate sites for aggregate mining. In 1999 and 2001 four sites were added to the County aggregate list and are described as follows:

<u>NAME</u>	<u>CUP#/AMD#</u>	<u>LEGAL</u>
Jess Fitzhugh	CUP#99/02 - AMD#99/01	T1S - R45 - TL3700

David Turner	CUP#99/04 - AMD#99/03	T1S - R45 - TL3702
Charles Phillips	CUP#99/05 - AMD#99/05	T2S - R46 - TL3402
Greg Wieck	CUP#01/05 - AMD#01/04	T1S - R45 - TL1900

(T = Township - R = Range - S = Section - TL = Tax Lot)

The County Road Department does not anticipate any major road construction will occur before the year 2010. Annual usage for maintenance and minor betterment of the existing County road system is projected to be approximately 120,000 tons per year (88,888 cubic yards). At this rate of usage, the four sites now operated by the Road Department will be more than adequate to meet future projected needs.

CONFLICTING USES: The aggregate sites identified above are located in areas zoned for resource management. Conflicting uses would be new uses on properties adjacent to existing aggregate sites which, if allowed, may require the closure or restricted mining operation of those sites. Such conflicting uses would include new residences or new public/private facilities that attract people, such as: churches, parks, playgrounds, schools, and golf courses (the noise, dust, and glare generated by aggregate mining represents a potential nuisance to these uses). This may require closure or restricted mining operation of those sites. Such conflicting uses are the same as those identified above could affect existing sites.

The potential economic impacts of allowing conflicting uses to locate adjacent to existing sites would be the financial costs to mining operators and adjacent landowners of constructing visual, noise and dust reduction measures and costs to the mining operators of being forced to close one site and having to utilize a more distant site.

The potential social impacts of allowing conflicting uses to locate adjacent to existing sites or of allowing new aggregate sites to locate next to conflicting uses would be the general undesirability and possible non-use of the area for activities related to the conflicting uses.

If an aggregate site was forced to cease operations as a result of social pressure there would be negative energy impacts as a result of needing to find other aggregate sites farther away such as higher transportation costs.

PROGRAM TO ACHIEVE GOAL: Aggregate resources are plentiful and located throughout the County in areas zoned for resource management. In situations where conflicting use is proposed for a location

adjacent to an existing mining site, the proposed use will be subject to the conditional use process for review of compatibility with levels of noise, dust, and glare normally generated at the site during operation.

APPENDIX 5 - 4 ENERGY RESOURCES

ENERGY: 2A - 3B

Location - Quality - Quantity:

Some hydroelectric electric energy is being produced in the County. Hells Canyon Dam is one utilized hydroelectric site. Unlike other energy sources, hydroelectric energy is relatively inexhaustible. Aside from Hells Canyon Dam, the potential is largely untapped, but the need for protection of the resource is recognized. The potential locations as provided by the geological survey are shown below.

POTENTIAL HYDROELECTRIC-ELECTRIC SITES 1

LOCATION				CAPACITY	
SITE	TOWNSHIP	RANGE	SECTION	STREAM	(KW)
Horse Ranch	2S	41E	03	Minam River	16,000
Little Minam	1N	41E	07	Minam River	27,300
Aneroid Lake	4S	45E	16	East Fork Wallowa River	1,800
Wade Gulch	1S	43E	24	Wallowa River	8,000
Cold Spring	1S	43E	27	Lostine River	11,000
Bear Creek	1S	42E	10	Bear Creek	3,500
Wallowa	2N	42E	31&32	Wallowa River	47,500
Viewpoint	3N	45E	26	Joseph Creek	5,100
Paradise	5N	45E	11	Joseph Creek	1,900
Imnaha Falls	5S	46E	26	Imnaha River	4,800
Cloverdale	5S	47E	23&26	Imnaha River	8,200

The power capacities of the sites were calculated by using gross head and mean flow at 100 percent efficiency. An energy-equivalent calculation shows that this power would equal 1.2 million barrels of oil annually.

CONFLICTING USES: Potential hydroelectric-electric sites that have been identified are located in areas zoned for resource management and in Federal ownership. Conflicting uses are uses which, if allowed, could negatively impact a potential hydroelectric-electric site or eliminate the site as a potential hydroelectric-electric site.

All of the identified potential sites are managed by the

Federal government for resource use. Resource usage at the sites is not a conflicting use as long as the original character of the area is preserved.

Scenic River designation is a potential conflicting use in that upon designation as a Scenic River a site is no longer available. The Minam River has been designated as a State Scenic Waterway and the Snake River a Federal Scenic/Wild River and have no conflicting uses (2A site). The Grande Ronde, Imnaha, Lostine, Wallowa, and Wenaha Rivers are potential scenic rivers. If designated scenic, those sites would no longer be available for hydroelectric-electric development.

FES: Wallowa Valley Planning Unit United States Forest Service
- 1975

The potential economic impact of allowing conflicts to occur at a site would be the increased cost of developing another site (if the site were rendered not developable) or the increased cost of construction, operation, and maintenance of a facility. If several sites were no longer viable for hydroelectric-electric power generation, there would be increased costs associated with growing dependency on non-renewable energy resources outside the area.

The potential energy impact of allowing conflicting uses to occur would be the area's growing dependency on other forms of energy. Other forms of energy may not be renewable, and once the energy is consumed, it will be gone forever. On the other hand, hydroelectric-electric power is a renewable source of energy.

The social impact of allowing conflicting uses would be negligible. However, there could be some social impacts as a result of the economic and energy impacts that would result from allowing conflicting uses.

Hydroelectric-electric sites are not allowed on the Snake and Minam Rivers which are designated scenic rivers. If hydroelectric development is proposed on a river designated as a potential scenic river, a plan amendment will be required. The Goal V administrative rule will be applied at the time a proposal is made.

APPENDIX 5 - 5

WILDLIFE RESOURCES

WILDLIFE HABITAT (Big Game): 3C
 Location - Quantity - Quality

Major big game species are mule and white-tailed deer, Rocky Mountain elk, Rocky Mountain goats, Rocky Mountain bighorn sheep, black bear, and cougar. Optimum habitat requirements for these species include adequate water, forage, and a variety of vegetation cover for thermal protection, hiding, and fawning purposes. In Wallowa County most of the big game habitat occurs in areas zoned for resource management.

A wildlife inventory map has been submitted by the Oregon Department of Fish and Wildlife and is included in the Comprehensive Land Use Plan by reference. The Wildlife Habitat Inventory Map includes: Big Game Winter Range Outline, Critical Wildlife Habitat (hunting units), Deer Winter Range, Deer/Elk Winter Range, Heron Rookeries, Bighorned Sheep Winter Range, Marshes, Mountain Goat Winter Range, Bighorned Sheep Release Sites, (1996 from ODF&W map inventory of 1980), and Bald Eagle and Osprey nest sites and was adopted by the Wallowa County Board of Commissioners on January 21, 2003 along with the Columbian Sharp Tailed Grouse Conservation Priority Area Map.

Rocky Mountain elk and mule deer are the most abundant and provide the greatest amount of hunting. The following table indicates the abundance of big game in Wallowa County.

BIG GAME POPULATION ESTIMATES HUNTERS AND HARVEST
 WALLOWA COUNTY

SPECIES	1985 POPULATION ESTIMATE	1983 NUMBER HUNTERS	1983 HARVEST
ROCKY MOUNTAIN ELK	15,050	18,600	2,700
MULE DEER	19,550	11,700	2,850
WHITE-TAILED DEER	700	300	40
ROCKY MOUNTAIN GOAT	30	0	0
ROCKY MOUNTAIN BIGHORN SHEEP	225	61	6
COUGAR	330	1,251	33
BLACK BEAR	1,000	3,180	110

1984 Hunter and Harvest Data

CONFLICTING USES: Conflicting uses are uses which, if allowed, could negatively impact big game habitat. Most big game habitat is zoned for resource use. Primary conflicting uses permitted within the resource zones include activities that destroy the habitat itself; for example, removal of vegetative cover or depletion of water. The environmental and economical consequences of allowing conflicting uses would be a decrease in the number of big game and a corresponding decrease in recreational hunting with its negative economical effect.

On the other hand, big game damage to agricultural operations is a serious problem. Deer and elk damage to cropland, grazing land, and timber regeneration has been a problem of serious economic importance throughout the County. Haystacks that are not protected can suffer severe damage during the winter from deer and elk. Haystack damage is generally resolved by placement of stockyard fences or by diversion feeding. Potential conflicts also exist where Bighorn Sheep supplant traditional domestic sheep grazing.

The Oregon Department of Fish and Wildlife has attempted to alleviate damage with a nine-mile long elk fence that separates good elk habitat from highly productive farmland. Other damage control methods have included special hunts, emergency hunts, kill permits to take offending animals, trapping, transplanting, and hazing.

CONCLUSIONS: Much of the big game habitat occurs on Federal land. On much of the private land, big game habitat is already zoned for resource uses. The only conflicting use that has been identified is placement of dwellings. The Oregon Department of Fish and Wildlife has recommended that permanent residences be sited at a density not to exceed one per 320 acres or one recreational residence per 160 acres on critical winter range. As an implementing measure to facilitate the Oregon Department of Fish and Wildlife's recommendation, the following standards will be implemented as guidelines:

01. A minimum setback of 1866 feet from the nearest existing dwellings for new dwellings,
OR
02. A requirement of a minimum 320 acres and placement of the proposed dwelling in a cluster fashion, with dwellings on adjacent parcels.

WILDLIFE HABITAT (Game birds, Furbearers): 3A & 3C
 Location, Quality, Quantity

Upland game birds in Wallowa County include ring-necked pheasants, valley and mountain quail, chukker and Hungarian partridge, blue ruffed and Franklin's grouse, white-tailed ptarmigan, Merriam turkeys, and mourning doves.

Ring-necked pheasants and valley quail (to some extent) are farmland birds. Cattail marshes, brushy fence rows, and stream-side vegetation are key components of their habitat. Marshland drainage and brush clearing has reduced the pheasant population in the population in the Wallowa Valley. Recent cooperative stream-side management programs and no-till farming will probably aid populations by increasing riparian habitat along major streams and providing increased cover. While habitat requirements vary considerably, the resource zoning generally will favor upland game birds.

UPLAND GAME POPULATION ESTIMATES

HUNTERS AND HARVEST - WALLOWA COUNTY, 1980

<u>SPECIES</u>	<u>POPULATION</u>	<u>ESTIMATE</u>
Harvest 1/Chukker Partridge ...	150,000	11,100
Hungarian Partridge	25,000	2,500
Valley Quail	10,000	2,100
Mountain Quail	2,000	100
Turkey	75	
	0	
Blue Grouse	37,500	5,600
Ruffed Grouse	44,000	2,100
Franklin's Grouse	800	NOS*
White-tailed Ptarmigan	50	NOS*
Ring-necked Pheasant	1,500	1,250
Mourning Dove	14,500	

*No Open Season

Wetland areas are needed for nesting, resting, and feeding of waterfowl. Breeding areas are valley streams and stock ponds. Several natural marshes - such as Clear Lake Marsh - also provide habitat.

HUNTERS AND HARVEST, 1976 SEASON ESTIMATES: Waterfowl habitat where little or none existed before. Streams, such as: Prairie Creek and the Wallowa River are heavily used by waterfowl especially during periods of extreme cold when ponds and Wallowa Lake freezes over. Wallowa Lake is an important resting area during the fall and early winter. Birds use Wallowa Lake for rafting and then feed in valley grain fields.

Furbearers include aquatic mammals, such as: beaver, muskrat, mink, and otter and others, such as: marten, fisher, coyote, red fox, bobcat, wolverine, raccoon, skunk, badger, and weasel. They have a wide variety of habitat needs, including: streams, marshes, lakes, forested areas, alpine areas, and grassland.

1980 FURBEARER POPULATION ESTIMATES NUMBER
AND
CATCH, 1983-1984 - WALLOWA COUNTY NUMBER

SPECIES	POPULATION ESTIMATE	HARVEST	PRICE	AVERAGE TOTAL
BEAVER	1,800	17	\$ 14.22	\$ 241.74
OTTER	100	4	22.50	90.00
MINK	1,000	138	17.27	2,383.26
MUSKRAT	1,000	1,574	3.41	5,367.34
RACCOON	1,000	77	14.49	1,115.73
MARTEN	1,200	0	0.00	0.00
SKUNK	2,000	14	1.91	26.77
WEASEL	3,000	9	0.50	4.50
BADGER	500	31	0.26	806.00
BOBCAT	300	55	244.69	13,457.95
COYOTE	3,500	220	33.82	7,440.40
TOTAL				\$30,933.69

CONFLICTS: Marsh drainage, channeling of streams, loss of riparian vegetation (including nesting trees), and construction of buildings in close proximity to habitat areas are the greatest conflicts to waterfowl. Conflicts between furbearers and land uses in the resource zones occur only occasionally. The biggest problems are coyote predation on calves and lambs. The economic impact of allowing conflicting uses would be the loss of input into the local economy by hunters and trappers and the social impacts - neither would be significant. The environmental and energy consequences of allowing conflicting uses is not clear.

CONCLUSIONS: The habitat of game birds and furbearers occurs along brushy streambanks, wet areas, and generally areas providing food and cover. The retention of riparian habitat is partly insured through the County's setback requirements and the Department of Environmental Quality requirements.

WILDLIFE HABITAT (Non-game Wildlife): 1B 3C

ANALYSIS: Wallowa County has a number of non-game species considered unique in Oregon and attract viewers. Barred and great gray owls, bobolinks, and Wallowa rosy-crowned finches are a few that draw visitors. A checklist of the birds of Union and Wallowa County is available from the Oregon Department of Fish and Wildlife offices. The diversity in habitat requirements of non-game wildlife species is as varied as the elevations and habitat types found in the County. Habitat requirements outlined for the other wildlife groups listed generally apply to non-game wildlife.

A comprehensive inventory for the various species of non-game wildlife is not available due to a lack of data and numbers involved. However, two Great Blue Heron rookeries have been identified on the Wallowa River (Section 12, Township 2S, Range 44 E, and Section 32; Township 1N, Range 43 E). No other important nesting sites have been identified for any other species.

Conflicting uses would be structures in close proximity to nesting sites and/or removal of nesting trees. The economic, social, and energy impacts of allowing conflicting uses are unknown. The environmental impact of allowing conflicting uses may be the elimination of some herons from the area. Because the Oregon Department of Fish and Wildlife is trying to preserve the existing heron rookeries, they are not willing to reveal specific locations.

CONCLUSION: The habitat of non-game birds is for practical purposes, the whole County, and not site specific. The resource zoning affords adequate protection for non-game habitat. The Oregon Department of Fish and Wildlife will be notified of any proposed changes in land use in the vicinity of the two identified heron rookeries.

WILDLIFE HABITAT (Fish): 3C
 Location - Quality - Quantity:

Angling for salmon takes place in the spring and fall on the larger streams with the Grande Ronde River producing the most fish. Most salmon caught are Chinook, but some Coho are taken from the Grande Ronde and Wallowa Rivers in the fall.

Steelhead are caught throughout the fishing season (June through March) in the Grande Ronde, Imnaha, and Wallowa Rivers but early spring and early fall are best. The Minam River and Joseph Creek also produce steelhead.

The Grande Ronde Basin supports a large resident trout fishery - brook and rainbow trout are most commonly caught. The Oregon Department of Fish & Wildlife releases hatchery juvenile and catchable fish to help supplement natural reproduction. Juvenile Kokanee, a land-locked sockeye salmon, has been released in Wallowa Lake to provide a sport fishery for adults. Dolly Varden trout angling is best in areas with access since this species is easily over-fished. Lake trout are occasionally caught in Wallowa Lake. Golden trout are available in two high lakes and in Hurricane Creek. Over 35 percent of the basin's angling pressure occurs on Wallowa Lake which has five species of game fish. Drift boat angling for trout takes place on the Grande Ronde and Wallowa Rivers between Minam and Troy in March through October. Low water in August and September impedes boating. Fishing from rubber rafts has developed on the Lower Imnaha River.

Whitefish are incidentally taken by anglers while fishing for trout. Good fishing areas include the upper and lower Grande Ronde River, Lower Wenaha River, and Imnaha River below Imnaha. A small number of anglers fish specifically for whitefish on the Wallowa River in December through March. This species is presently under utilized by sportsmen.

FISH SPECIES, LOCATION, AND ABUNDANCE

GAME FISH SPECIES	LOCATION	ABUNDANCE
BLACK CRAPPIE	SNAKE RIVER	COMMON

BROOK TROUT	HIGH LAKES, HEADWATER STREAMS	ABUNDANT
BROWN BULLHEAD CATFISH	KINNEY LAKE, PONDS	ABUNDANT
CHANNEL CATFISH	SNAKE RIVER	COMMON
COHO SALMON	GRANDE RONDE RIVER WALLOWA RIVER	PRESENT
DOLLY VARDEN	WALLOWA LAKE, KINNEY LAKE, MOST STREAMS	COMMON
GOLDEN TROUT	WOOD LAKE	RARE

GAME FISH SPECIES	LOCATION	ABUNDANCE
KOKANEE	WALLOWA LAKE	ABUNDANT
SMALLMOUTH BASS	SNAKE, IMNAHA AND GRANDE RONDE RIVERS	ABUNDANT
STEELHEAD TROUT	MOST ALL STREAMS	COMMON
WHITE FISH	WALLOWA LAKE AND MOST ALL STREAMS	ABUNDANT
WHITE STURGEON	SNAKE RIVER	RARE
BRIDGELIP SUCKER	MOST ALL STREAMS	ABUNDANT
CHISELMOUTH	SNAKE AND GRANDE RONDE RIVERS	COMMON
COTTID	WALLOWA LAKE AND MOST ALL STREAMS	ABUNDANT
COARSESCALE SUCKER	WALLOWA LAKE AND MOST ALL STREAMS	ABUNDANT
DACE	MOST ALL STREAMS	ABUNDANT
LAMPREY	MOST ALL STREAMS	ABUNDANT
REDSIDE SHINER	SNAKE AND GRANDE RONDE RIVERS	COMMON
SQUAW FISH	MOST ALL STREAMS	ABUNDANT

Species of fish differ in their requirements or preferences for habitat. Generally, there needs to be availability of water with good quality without barriers to migration. Most streams and lakes in Wallowa County meet these general requirements.

CONFLICTING USES: Conflicting uses would be those uses that divert water below optimum flows, degrade water quality, or alter water temperatures. The most common conflicting uses are diversions for irrigation and land mining of aggregate in or near fish habitat. Mining results in increased sediment. Diversions for irrigation results in decreased water flow in streams with accompanying higher water temperature. Removal of vegetation will also raise water temperature. The economic consequences of allowing conflicting uses would be a decrease in the dollars contributed to the local economy by fisherman. The social and energy impact is unknown. The environmental impact would be decreases in the number of fish available.

CONCLUSIONS: Most streams and lakes in Wallowa County are important fish habitat. It would be impractical to prohibit any land or water use that may have a short-term detrimental impact. However, aggregate mining which may have a significant, yet short-term, impact on fish habitat will be subject to the conditional use provisions. As part of the review of proposed aggregate mining the Oregon Department of Fish and Wildlife will be contacted for comment.

WILDLIFE HABITAT (Wetland Areas): 3C

The basic habitat for waterfowl, furbearers, and much of the non-game wildlife is wetlands. The Oregon Department of Fish and Wildlife has identified the location of important wetlands on the wildlife map. Conflicting uses would be uses which, if allowed, could permanently alter vegetation; for example, construction of buildings. The economic, social, and energy consequences of allowing conflicting uses is unknown. The environmental consequences of allowing the conflicting uses would be the elimination of the wetland areas as habitat.

CONCLUSIONS: The Wallowa County Zoning regulations require a 100 foot setback from the high watermark of ponds, streams, and other bodies of water, therefore, the identified wetland areas have been accorded a designation of 3C.

APPENDIX 5 - 6
SCENIC VIEWS AND SITES

NAME/IDENTITY OF THE AREA	LOCATION	REMARKS
BEAR CREEK	EMPTIES INTO THE WALLOWA RIVER AT TOWN OF WALLOWA	THE FIRST COUNCIL HELD BETWEEN THE INDIANS & SETTLERS
BONE SPRINGS	WEST BOUNDARY OF WALLOWA COUNTY NEAR THE SOUTH FORK OF THE WALLA WALLA RIVER	NAMED FOR THE INDIAN TRIBE BONE
WALLOWA RIVER	FLOWS WEST THROUGH COUNTY	SALMON, STEELHEAD, AND TROUT FISHING
GRANDE RONDE RIVER	FLOWS NORTHEAST ACROSS THE NORTH- WEST PART OF THE COUNTY	SALMON, STEELHEAD, AND TROUT FISHING
MINAM RIVER CANYON	STARTS AT MINAM LAKE AND ENDS AT MINAM ON THE WALLOWA	SALMON, STEELHEAD, AND TROUT FISHING
EAGLE CAP WILDERNESS	SOUTH SIDE OF WALLOWA COUNTY	ONE OF THE FIRST WILDERNESS AREAS IN THE COUNTY-- FORMED IN 1940
HELLS CANYON WILDERNESS	EAST SIDE OF WALLOWA COUNTY	CONTAINS SIGNIFICANT WALLOWA COUNTY FOLKLORE
MOUNT JOSEPH	JOSEPH	A 9,600 FT. PEAK VISIBLE FROM MANY POINTS IN THE VALLEY. OLD MINE AREA
SLICK ROCK	ALONG HURRICANE CREEK	DEEP ROCK CANYON
		FORMED BY MOST PERFECT GLACIAL

WALLOWA LAKE	6 MILES SOUTH OF JOSEPH	MORAINES IN NORTH AMERICA
MOUNT HOWARD	WALLOWA LAKE	LOCATION OF THE GONDOLA
JOSEPH VIEW POINT	HIGHWAY 3 BETWEEN FLORA AND ENTERPRISE	VIEW OF JOSEPH CREEK CANYON
BUCKHORN SPRINGS	OUT ZUMWALT ROAD PAST THOMASON MEADOWS	NAMED FOR THE MANY BUCKHORNS WHICH WERE FOUND SCATTERED AROUND THESE SPRINGS IN THE EARLY DAYS
IMNAHA RIVER	RUNS EAST ACROSS THE COUNTY PAST INDIAN CROSSING AND NORTH UNTIL IT EMPTIES INTO THE SNAKE RIVER	EXCELLENT TROUT AND STEELHEAD FISHING
BUCKHORN LOOKOUT	FROM ENTERPRISE OUT ZUMWALT ROAD	VIEW OF THE AREA AROUND LOWER IMNAHA CANYON
FIVE MILE VIEWPOINT	HAT POINT ROAD OUT OF IMNAHA	VIEW OF MIDDLE PART OF IMNAHA RIVER AND CANYON
SADDLE CREEK VIEWPOINT	ON HAT POINT ROAD 2 MILES SOUTH OF MEMALOOSE GUARD STATION	VIEW OVERLOOKING THE SNAKE RIVER CANYON
HAT POINT OBSERVATION	HAT POINT ROAD FROM IMNAHA	VIEW OF HELL'S CANYON AND THE SEVEN DEVILS
MATTERHORN	ON UPPER HURRICANE CREEK IN WALLOWA MOUNTAINS	SECOND HIGHEST PEAK IN WALLOWA'S - NAMED FOR SWISS MOUNTAINS

The Nature Conservancy has identified several natural areas in Wallowa County and has prepared reports for five of the sites: the East Moraine of Wallowa Lake, Zumwalt Prairie, Findley Buttes, Cow Creek Ranches, Lostine Bighorn Winter Range.

SCENIC AND SCIENTIFIC NATURAL AREAS

LOCATION	GOAL V DESIGNATION	AREA/SITE	OWNERSHIP
3S, 45E, SEC. 3 4 5 6 8 9 10 15 16 17 21 22			
2S, 45E, SEC. 32 33 34	3A AND 3C	WALLOWA LAKE MORAINES	PRIVATE
REMARK: USGS IDENTIFIED AS A NATIONAL GEOLOGICAL LANDMARK SIGNIFICANT RESOURCE AREA			
2S, 47E	2A	DOWNEY LAKE	NATURE CONSERVANCY
REMARK: ONLY GREAT YELLOW LEG NESTING SITE VERIFIED IN OR 1984 TO PRESENT			
3N, 48E, SE1/4 SE1/4-1	2A	IMNAHA RIVER TERRACE	FEDERAL
REMARK: WETLAND FOREST			
1N, 43E, SEC. 32	1B	UPPER LOSTINE RIVER	PRIVATE/FEDERAL
REMARK: TAILED FROG, EFU ZONE			
2S, 44E, SEC. 14	1B	SPRING CREEK	PRIVATE/ODF&W
REMARK: FURTHER INFORMATION NEEDED IN EFU ZONE			
2N, 47E, SEC. 9 10 29 30	1B	ZUMWALT PRAIRIE	PRIVATE
REMARK: DENSEST NESTING AREA IN U.S., T/G ZONE			
3N, 42E, SEC. 16	1B	MAXVILLE MEADOWS	PRIVATE
REMARK: WATERFOWL NESTING, GREAT GRAY OWL , T/G ZONE			
1N, 46-47E, SEC. SEVERAL	1B	FINDLEY BUTTES	PRIVATE
REMARK: RAPTOR NESTING AND PRAIRIE HABITAT, T/G ZONE			
1N, 47E, SEC. SEVERAL	2A	THOMASEN MEADOWS	FEDERAL
REMARK: GREAT GRAY OWL NESTING AREA			

LOCATION	GOAL V DESIGNATION	AREA/SITE	OWNERSHIP
REMARK: MIXED CONIFEROUS FOREST/IDAHO FESCUE BIGHORN SHEEP/ DEER-ELK CRITICAL WINTER RANGE			
1N, 43E, SEC. 4	1B	WHISKEY CREEK	PRIVATE
REMARK: IDENTIFIED BY NATURE CONSERVANCY FURTHER INFORMATION NEEDED, T/G ZONE			
3S, 45E, SEC. 36	1B	HEAD OF FERGUSON RIDGE	PRIVATE
REMARK: ELK WINTER HABITAT AND SUMMER THERMAL COVER			
3S, 45-46E, SEC. SEVERAL	1B	WHITE HORSE RIDGE AREA	PRIVATE/PUBLIC
REMARK: SAME AS ABOVE T/G ZONE			
4N, 49E, SEC. 29	2A	UNNAMED	FEDERAL
REMARK: HIGH WILDERNESS RIDGES/ONLY LIMBER PINE SITES			
5S, 45E, SEC. 9 16	2A	UNNAMED	FEDERAL
3S, 44E, SEC. 21,22,27,28	2A	UNNAMED	FEDERAL
3S, 43E, SEC. 26	2A	UNNAMED	FEDERAL
3S, 49E, SEC. 10 16	2A	UNNAMED	FEDERAL
3N, 43E, SEC. 16 21	2A	POWWATKA RIDGE	FEDERAL
REMARK: GRAND FIR, WHITE FIR/SILVER-HAIRED BAT.			
5N, 42E	2A	EDEN BENCH	
REMARK: PONDEROSA PINE/BUNCH GRASS/SNOWBERRY			
1N, 50E, SEC. 31	2A	GRASSY KNOLL	FEDERAL
REMARK: IDAHO FESCUE			

LOCATION	GOAL V DESIGNATION	AREA/SITE	OWNERSHIP
1S, 49E, SEC. 36	2A	HAT POINT POTENTIAL NATIONAL LANDMARK	FEDERAL
REMARK: SUB-ALPINE FIR FOREST/DOUGLAS FIR FORESTS/STEPPE GRASSLAND.			
6N, 42E, SEC. 17,18,20	2A	MOORE FLAT PROPOSED RESEARCH NATURAL AREA	FEDERAL
REMARK: DOUGLAS FIR/PONDEROSA PINE/NINEBARK GRAND FIR/THINLEAF HUKLEBERRY/MIXED CONIFER WESTERN LARCH DOMINATED			
5-6N, 42E 43E	2A	WENAHA WILDLIFE MANAGEMENT AREA	FEDERAL
NORTHERN BALD EAGLE/WESTERN RATTLESNAKE/AMERICAN OSPREY/ GOLDEN EAGLE/BOHMIAN WAX WING/CATBIRD/ROCKY MOUNTAIN PINE GROSBEAK/IDAHO WHITE TAILED DEER/MARTEN/RIVER OTTER/DEER CRITICAL WINTER RANGE/ELK CRITICAL WINTER RANGE			
3N, 49E, SEC. 6	2A	COW CREEK RANCHES SMOOTH SUMAC-GROWING WITH NATIVE BUNCHGRASSES A RARE ASSOCIATION	FEDERAL
REMARK: MIXED CONIFER/PINE GRASS/RESIDUAL DOUGLAS FIR/PONDEROSA PINE/SNOWBERRY OCEAN SPRAY/PONDEROSA PINE BUNCH GRASS/WETLAND FOREST/IDAHO FESCUE-BLUE BUNCH WHEAT GRASS/SAND DROPSEED/RED THREEAWN SANDBERG BLUEGRASS SPECIAL SPECIES OCCURRENCE			
1S, 47E, SEC. 36	1B	DEAD HORSE LAKE	PRIVATE
REMARK: MIGRATORY WATERFOWL STOPOVER AND WATERFOWL NESTING.			

LOCATION	GOAL V DESIGNATION	AREA/SITE	OWNERSHIP
2-3N, 43E	2A	TOPE CREEK	FEDERAL
REMARK: SUB-ALPINE FIR FOREST/SUB-ALPINE GRASSLAND/NORTHERN BALD EAGLE/FISHING-SPAWNING.			
4N, 49E, SEC. 31 32	2A	CACTUS MOUNTAIN	FEDERAL
REMARK: SPECIAL SPECIES OCCURRENCE/BLUEBUNCH WHEATGRASS/SANDBERGS BLUE GRASS			

Location - Quality - Quantity

Downey Lake is a unique wetland habitat area. The Nature Conservancy has purchased 250 acres surrounding the lake and will manage it to maintain its scientific values. It has been accorded a 2A designation no conflicting use.

The Imnaha River Terrace, Thomasen Meadows Grassy Knoll, Hat Point, Dead Lake, Cactus Mountain, Cow Creek Ranches, and other unnamed locations contain important wildlife habitat and plant communities. These areas are diverse in quantity and quality. A 2A designation has been accorded these locations.

The Lostine River Bighorn Winter Range Wildlife Management Area State owned, Wenaha drainage, head of Ferguson Creek, and other unnamed locations are of diverse quality and quantity of natural areas. Generally, these locations are in the Eagle Cap Wilderness area. Powwatka Ridge, Eden Bench, Moore Flat, Wenaha Wildlife Management Area, Enchanted Forest, Wenaha drainage, and other unnamed locations are in the Umatilla and Wallowa-Whitman National Forests. These areas have been accorded a 2A designation.

APPENDIX 5 - 7
HISTORICAL STRUCTURES AND SITES

NAME/IDENTITY OF AREA	LOCATION	REMARKS
ALDER SPRINGS	FROM MINAM OUT BIG CANYON ROAD	SITE OF LARGE INDIAN CAMP MANY ARROW AND SPEAR HEADS, STONE MORTARS, AND PESTLES FOUND
ALDER AND ALDER SLOPE	SOUTHWEST OF ENTERPRISE	FIRST PERMANENT SETTLERS IN THE WALLOWA VALLEY SETTLED HERE IN 1871
CHIEF JOSEPH MONUMENT	FOOT OF WALLOWA LAKE	BURIAL GROUNDS OF OLD CHIEF JOSEPH
JOSEPH MUSEUM	JOSEPH	PIONEER AND INDIAN ARTIFACTS AND HISTORIC DATA
KOOCH'S PIONEER MUSEUM	JOSEPH	PIONEER ARTIFACTS--ONE OF THE LARGEST PRIVATE COLLECTIONS IN OREGON
BILLY MEADOWS	FROM ENTERPRISE OUT CROW CREEK ROAD	IN 1907, USDA ESTABLISHED AN EXPERIMENTAL PASTURE FOR SHEEP IN THESE MEADOWS. IN 1912, 22 ELK FROM WYOMING WERE PLACED IN THE MEADOWS
ALDER CREEK	FROM ENTERPRISE OUT CHESNIMNUS ROAD TO PINE CREEK	SITE OF LARGE AND OLD INDIAN CAMP. PROBABLE SITE WHERE GENERAL HOWARD AND HIS SOLDIERS ASSEMBLED GATLING GUN
ARMIN POST OFFICE	MARR FLAT	THE P.O. WHICH WAS DISCONTINUED IN 1940, WAS ON THE OLD WILLIAM MARR HOMESTEAD
PALLETTE RANCH	IMNAHA RIVER	FORMERLY OWNED BY THE WELL KNOWN "CHARACTER ACTOR" EUGENE PALLETTE

NAME/IDENTITY OF AREA	LOCATION	REMARKS
	RIVER	

THE HORNER HOMESTEAD	CAMP CREEK NEAR IMNAHA	AN OLD PIONEER FAMILY. A SON, JACK HORNER, HAS WRITTEN MUCH OF THE HISTORIC MATERIAL ON WALLOWA COUNTY
EUREKA	ZUMWALT ROAD TO BUCKHORN SPRINGS THEN PRIMITIVE ROAD FROM THERE	OLD COPPER MINE, SMELTER AND TOWN
SNAKE RIVER	EAST BOUNDARY OF WALLOWA COUNTY	HELL'S CANYON, DEEPEST CANYON IN U.S. EXCELLENT FISHING AND BIG GAME HUNTING
BALDWIN CREEK	EMPTIES INTO SNAKE RIVER	GREAT MANY INDIAN GRAVES ON THE BANKS. \$3000 IN \$20 GOLD PIECES SUPPOSEDLY BURIED WITH ONE OF THE INDIANS
BATTLE CREEK	EMPTIES INTO SNAKE RIVER, ACCESS BY TRAIL	SITE OF BATTLE BETWEEN RENEGADE & OUTLAW INDIANS AGAINST NEZ PERCE INDIANS
CHINA BAR	JUST BELOW THE MOUTH OF SALT CREEK, ASSESSABLE BY TRAIL ONLY	NAMED FOR 17 CHINESE MINERS WHO WORKED THERE IN 1887. THERE IS A TRADITION THAT THERE IS A GOOD DEAL OF GOLD BURIED NEAR THEIR OLD FIREPLACE
BIG DEEP CREEK	EMPTIES IN SNAKE RIVER JUST ABOVE DUG BAR. CAN BE REACHED BY BOAT OR	ON THE BAR NEAR THE MOUTH OF THIS CREEK ON THE SNAKE RIVER, CHINESE WERE KILLED IN 1887

APPENDIX 5-7

	TRAIL	
CACHE CREEK AND BAR	EMPTIES INTO SNAKE RIVER	OLD PLACER MINING SITE. TRADITION OF BURIED GOLD. THIS BAR WAS ONE OF MAIN OLD INDIAN CROSSINGS IN LAPWAI

NAME/IDENTITY OF AREA	LOCATION	REMARKS
NEZ PERCE BATTLEGROUND	ABOVE THE LOSTINE CANYON ROAD ACROSS FROM ARROW CAMPGROUND	TWO CONCRETE BLOCKS, SAID TO COMMEMORATE A BATTLE THAT WAS FOUGHT BETWEEN THE NEZ PERCE & SNAKE INDIANS
MINAM RIVER LOG SPLASH DAM	ON THE MINAM RIVER	OLD TIMBER DAMS BUILT FOR LOG DRIVES ON MINAM RIVER BETWEEN 1918 & 1924
SLED SPRINGS STAGE STATION	HIGHWAY 3 TO FLORA	STAGE STOP ON ROUTE FROM FLORA AREA TO ELGIN OPERATED FROM BEFORE 1900 TO ABOUT 1925
WALLOWA FALLS POWER PLANT	HEAD OF WALLOWA LAKE	WHEN PLANT WAS CONSTRUCTED IN 1920, IT WAS HERALDED AS THE LARGEST HYDRO-ELECTRIC POWER PLANT IN EASTERN OREGON

HISTORICAL AREAS - SITES - STRUCTURES

1) ANALYSIS - ARCHEOLOGICAL SITES 3A

There are numerous known and suspected sites throughout Wallowa County. However, there is not a comprehensive study of all sites in Wallowa County. The United States Forestry Service (United States Forest Service) has inventoried many sites on Forest Service land. To insure protection of both known and suspected sites, the information on sites is not part of the plan.

CONFLICTS: Any activity which alters the site constitutes a conflict. Sites are damaged or destroyed by construction activities, timber harvesting, water impoundment, etc. Any activity that requires excavation may create conflict.

ECONOMIC CONSIDERATIONS: It is difficult to place economic value on archeological sites. Construction projects financed wholly or in part by Federal funds require an archeological investigation. If the investigation reveals significant finds, the project may be delayed until a proper excavation has been completed.

completed.

SOCIAL IMPACTS: The loss of archeological sites through negligence or vandalism is a loss of a natural heritage. Those non-renewable resources are protected by State and Federal law.

ENVIRONMENTAL IMPACTS: The investigation of archeological sites has no conventional tie with energy conservation or expenditures.

PROGRAM TO ACHIEVE THE GOAL: Archeological sites are a natural heritage and are protected by State and Federal law. Goal V designation: 3A for known sites and 1B for suspected.

HISTORIC STRUCTURES: Historic structures outside corporate city limits include:

STRUCTURE	GOAL V DESIGNATION	REMARKS
CHIEF JOSEPH LANDMARK	2A	NEZ PERCE CEMETERY
DOBBIN JAY H. HOUSE	1B	PRIVATE PROPERTY ODOT STATE-WIDE INVENTORY - EFU ZONE
EGGLESON BARN, HOUSE, BUNKHOUSE	1B	PRIVATE PROPERTY ODOT STATE-WIDE INVENTORY - EFU ZONE
ENTERPRISE RAILROAD DEPOT	1B	PRIVATE PROPERTY ODOT STATE-WIDE INVENTORY - EFU ZONE
BLACK MARBLE LIME	1A	PRIVATE PROPERTY ODOT STATE-WIDE INVENTORY - COMPANY SMELTER T/G ZONE
WALLOWA LAKE LODGE	1B	PRIVATE PROPERTY ODOT STATE-WIDE INVENTORY - CR-2 ZONE

RATIONALE FOR GOAL V DESIGNATIONS

[1] Chief Joseph Landmark is owned by the Federal government in trust for the Indians of the Umatilla Reservation in Oregon and the Nez Perce Reservation in Idaho for the purpose of the preservation of graves of deceased Indians of said tribes now there and the re-internment, on the site, of the bodies of prominent deceased Chiefs or other Indians of said tribes, and for the future burial place of any noted Indians from either of

said reservations of said tribes forever. Recorded Deed 63405, July 25, 1923, Silver Lake Ditch Company (ET AL) to United States of America. There are no conflicting uses. The site has been accorded a 2A designation.

- 3 - 4] PRIVATE PROPERTIES: The Dobbin House, Eggleston House, Barn and Bunkhouse, and Enterprise Railroad Depot are in private ownerships and used entirely for personal uses.

CONFLICTS: The three sites are within areas zoned for agricultural use, Exclusive Farm Use. The uses allowed outright in the Exclusive Farm Use are restricted to farm uses and associated uses and are compatible with preservation of the sites. Therefore, there are no conflicts. Designation 1B.

[5] BLACK MARBLE LIME COMPANY SMELTER: The smelter has been inoperative for many years. A majority of the structure has been dismantled and removed from the site. What remains of the structure does not warrant any attention as an important site.

[6] WALLOWA LAKE LODGE: The Wallowa Lake Lodge is privately owned and managed as a tourist facility. The zoning is Commercial Residential.

CONFLICTS: Alteration and demolition of historic structures are potential conflicts. However, diminution of the structures could have an adverse effect on the social environment. The historic structures are protected through plan policy and ordinance provisions.

WATER AREAS - WATERSHEDS - GROUND WATER RESOURCES Surface Water - Drainage Basins 3C

The drainage basins of the County are composed of the Lower Grande Ronde, Wallowa, and Imnaha sub-basins. There are an estimated 1,270 miles of streams. Most tributary creeks and rivers are of good quality and low temperature. Turbidity is seasonal and is dependent on snow-melt conditions.

CONFLICTS: Fish, wildlife, and in-stream recreation are uses served by the natural flow of surface water since there is very little storage available for modifying such flows. Other uses are irrigation, domestic, and municipal. Conflicts are those uses that deplete the amount of water or contribute to poor water quality. The major man-induced depletion of water from the basin areas is for irrigation. Approximately 85,000 acres is currently irrigated at a rate of 102,000 acre-feet per year. There is no municipal use of surface water from streams or rivers. Most domestic water use in sparsely populated areas outside the

outside the Wallowa Valley is of surface water and springs. The amount of depletion from domestic use is negligible.

Municipal use of surface waters is minimal. The City of Joseph utilizes Wallowa Lake as a water source. Wallowa Lake has a volume of 243,500 acre feet, an average depth of 161 feet and 8.2 miles of shoreline. Degradation of water quality can occur as a result of streambank erosion, sedimentation, nuisance algae, and point and non-point source problems. The Department of Environmental Quality's Statewide assessment of non-point source problems has shown that many streams in Wallowa County have experienced degradation from one or several causes of poor water quality; however, most of the causes are dependent on natural phenomena of seasonal meteorological conditions affecting snow-melt. Nearly all areas adjacent to streams are zoned for farm or forest uses. The permitted uses are conducive to preserving water quality. The municipalities of Enterprise and Wallowa discharge treated municipal wastes into the Wallowa River, but because of strict State and Federal regulations, their effect upon the quality is relatively minor.

ENVIRONMENTAL CONSIDERATIONS: Environmental effects of allowing degradation of water quality and excessive depletion would include elimination of most fish populations, decreases in wildlife that are dependent on waterways for habitat, and possible elimination of other water uses downstream, such as: irrigation, domestic, and municipal uses.

SOCIAL AND ECONOMIC CONSIDERATIONS: The social and economic impacts of allowing conflicting uses are difficult to estimate. Direct social impacts would be losses in opportunities for in-stream recreation, such as: fishing, rafting, swimming, etc. as well as the aesthetic values. Economic impacts would be the costs of clean-up, fish propagation programs, and wildlife habitat enhancement that might be required to restore the resource.

ENERGY CONSIDERATIONS: The most direct energy impact would be loss of hydroelectric-electric development. The energy consequences are not easily discernible.

PROGRAM TO ACHIEVE GOAL: Wallowa County insures stream quality and quantity through plan policies, stream setbacks, and resource zoning in critical areas. Additionally, there are Federal and State regulations to maintain water quality and quantity. Minimum flows have been set for the Minam, Imnaha, and Grande Ronde Rivers. Minimum flows for Bear Creek, Lostine River, and Wallowa River will be set in 1989.

GROUNDWATER: 3C

Location - Quality - Quantity

There has not been a comprehensive study of groundwater in Wallowa County. Generally the area outside Wallowa Valley is mountainous sparsely inhabited terrain underlain by igneous and metamorphic rocks of low permeability and specific yield. These rocks are poor aquifers even for domestic needs. Where present and saturated, layered lavas yield moderate to large quantities of water to wells. Consequently, most domestic use in areas outside Wallowa Valley is of surface water and springs. The Wallowa Valley is underlain by alluvium and lacustrine deposits and layered lavas that yield large quantities of water for irrigation and domestic use. Consequently, most municipal and domestic use in the valley is from groundwater.

CONFLICTS: Conflicting uses which could negatively impact groundwater are those which deplete the resource, such as: excessive pumping for irrigation; or industrial, domestic, or municipal use; or uses which contaminate the recharge area, such as: industrial spills and agricultural sprays. Currently, the only municipal uses within the County are for the Cities of Enterprise and Lostine. Domestic uses occur throughout the valley in areas zoned for agricultural use. Contamination of groundwater is a concern. There is a large potential for chemical and biological contamination in many parts of the valley.

ECONOMIC CONSIDERATIONS: Recharge areas are difficult to identify. Low water tables brought about by excessive pumping and/or development result in added cost to water users. Added costs are associated with new well drilling and the extraction of water from deeper levels. Areas of recharge for Lostine, Enterprise, and most private domestic uses are zoned in such a way to minimize density, such as: farm use zoning. Recharge of groundwater occurs quickly; therefore, depletion is not a concern. Cost of water purification or development of new water sources can be high depending on the demand.

SOCIAL CONSIDERATION: Low water tables and poor water quality affect residential densities. A social consequence would be reduced densities.

ENVIRONMENTAL CONSIDERATIONS: Low water tables and poor water quality have negative impact on surface streams and water areas.

ENERGY CONSIDERATIONS: Additional energy consumption is involved

when purification, pumping from lower levels and/or transportation of water from other sources becomes necessary. PROGRAM TO ACHIEVE GOAL: Two State agencies are charged with maintaining the State's water resources. The Department of Water Resources and the Department of Environmental Quality. As a general policy, the County will consult either department before taking any action that directly affects ground water quantity and quality. Furthermore, the implementation ordinances were developed to complement State regulations.

The source of water for the City of Enterprise is springs located at the north end of the Joseph airport. Use of chemicals and fuels at the airport and chemical processing at nearby wood processing plants raised concerns over possible contamination of the spring's recharge area. As a result, a Watershed Protection Area, and Ordinance were adopted in 1984. The Watershed Protection Area allows the County to regulate many activities in the area.

The source of water for the City of Lostine is springs. The area surrounding the springs is owned by the City and managed in such a way to preserve water quality.

The City of Wallowa owns and utilizes 2 wells located within the city limits.

WILDERNESS AREAS: 2A
Location - Quality - Quantity

Some 491,000 acres more or less of Wallowa County are included in the Eagle Cap and Hells Canyon Wilderness areas. This acreage accounts for about 24 percent of the area within the County.

CONFLICTS: The wilderness areas are owned and managed by the United States Government. All wilderness is zoned for timber management and livestock grazing. None of the uses permitted outright in the Timber Grazing Zone would contradict the management practices in Wilderness area. The Wilderness area has been accorded a 2A designation - no conflicting use.

SCENIC WATERWAYS: 3C
State and Federal Wild and Scenic Rivers

The following waterways have been designated as State Scenic Waterways and/or Federal Wild and Scenic Rivers and are designated 3C, as significant Goal V resources:

River	Management	State	State River	Federal Wild	Federal
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	Agency	Scenic Waterway	River Miles	Wild and Scenic	River Miles
Snake	WWNF			Yes	66.9
Grande Ronde	UNF/BLM	Yes	42	Yes	43.8
Wallowa	OSP&R/BLM	Yes	10	Yes	10.0
Imnaha	WWNF			Yes	77.0
Wenaha	UNF			Yes	21.6
Lostine	WWNF			Yes	16.0
Joseph	WWNF			Yes	8.6
Minam	OSP&R/WWNF	Yes	45	Yes	39.0

WWNF is the Wallowa-Whitman National Forest

UNF is the Umatilla National Forest

OSP&R is the Oregon State Parks and Recreation Department

BLM is the Bureau of Land Management

Each of these designated rivers is subject to its applicable management plan. Federal Wild and Scenic Rivers are each subject to its individual Federal Wild and Scenic Management Plan and the designated State Scenic Waterways, except the Minam, are subject to the interagency Wallowa and Grande Ronde Rivers Final Management Plan (December 1993). The Minam river is managed by the WWNF within the Eagle Cap Wilderness boundary, and by OSP&R, via the Rules of Land Management and the Administrative Rules for the Minam River, outside the Wilderness boundary. The Grande Ronde River is jointly managed by the UNF and the BLM and the Wallowa River is jointly managed by the OSP&R and the BLM.

All development within these designated areas will conform to the regulations of the underlying zone within this Land Development Ordinance or the applicable regulations of the designated area, whichever is more restrictive. All development within these designated areas will require a County land use permit. The Wallowa County Planning Department and the applicable State and/or Federal agency will mutually coordinate the processing of all permit applications within these designated areas. The County and applicable agencies will pursue Joint Management Agreements.

CONFLICTS: Development along a Scenic Waterway or Wild and Scenic River, will be in conflict with its designation if the Program to Achieve the Goals is not met.

Additionally, hydro-electric development is a potential conflict with the goals of scenic designation. Approval of a hydro-electric development may diminish or eliminate a river's potential as a scenic river. By Federal law, all hydro-electric projects are prohibited on Federal Wild and Scenic Rivers and diversions on the Grande Ronde are also not allowed.

PROGRAM TO ACHIEVE GOAL: Development which meets the criteria of the underlying County zone and the applicable management plan will not be in conflict.

Additionally, hydro-electric proposals on rivers listed as State Scenic Waterways will be subject to the public hearing process to determine the impact on a scenic river. If it can be concluded that a hydro-electric site is not consistent with the management plan for a scenic river, the application will be denied.

REPLACEMENT GOAL V POLICY:

12. The County will address Goal V rule requirements when information is provided on location, quality and quantity for archeological sites on private land.

APPENDIX 5-8

WALLOWA LAKE GLACIAL MORAINES

The Moraines of Wallowa Lake are a unique natural occurrence. They have been recognized by geologists nationwide as an example of a nearly perfect glacial moraine development - one which would surely rival any such found in the entire world.

In addition to this area being a natural wonder, the Moraines contain several resources significant under Oregon Statewide Planning Goal V. Many types of birds and other wildlife make the Moraines their home - especially during the winter months which can be quite bitter. Silene Spaulding (better known as Spaulding's Catchfly) is present on parts of the Moraines and is currently recognized by both the Federal and State governments as a threatened plant species. The Moraines also are important as they encompass historical and cultural sites used by local and Native American communities for hundreds of years.

The Moraines are entirely privately owned. These properties have most commonly served to pasture livestock during summer and for the production and harvest of timber. Timber harvesting has been done selectively. While being managed as productive private land, the Moraines remain a wealth of open space, special, even in a County which is full of undeveloped area.

The underlying zones in the Moraine area are important for establishing which uses are conflicting. A change to the underlying zones may result in additional conflicting uses. These potential conflicts will be addressed as part of the Goal V exceptions process.

GOAL V RESOURCES

01. SCENIC AREA
02. NATURAL AREA
03. WILDLIFE HABITAT
04. HISTORICAL SIGNIFICANCE

Because of its commitment to development, the Wallowa Lake Unincorporated Community (R-2/CR-2) is specifically excluded from Goal 5 Protection Status for all the inventoried Goal 5


Resources, but is subject to the design standards of the underlying zone.

Because of its commitment to urbanization, the City of Joseph Urban Growth Area (UG-R) is specifically excluded from Protection Status within the Scenic Resource.

Because of its development since the 1960's, the Wahluna Terrace area zoned R-2 (as of 01/01/96, the date the Goal V protections were first adopted) is specifically excluded from Protection Status within the Scenic Resource, but is subject to the design standards of the underlying zone.

Because of their inclusion in various subdivisions, the properties zoned R-2 (as of 01/01/96, the date the Goal V protections were first adopted) on the west side of Wallowa Lake are excluded from Protection Status within the Scenic, Wildlife and Natural Resources but the properties are subject to the design standards of the underlying zone.

Properties within the Goal V Protection area zoned R-1, EFU, T/G, and T/C are **not** excluded from Goal V protection status.



SCENIC AREA, WALLOWA LAKE MORAINES
Location

Not only are the Moraines a significant geologic feature, they also hold a great deal of value as a Scenic Resource. The Scenic Resource of the Wallowa Lake Moraines includes portions of: Township 2 South, Range 45, Sections 32, 33, 34; and all of Sections 4, 9, 16, 17, 20, 21, 28, 29, 32, and 33; and portions of Township 3 South, Range 45, Sections 3, 5, 6, 8, 10, 15, 22, 27, and 34. Property which is not part of the geologic natural area of the Moraines has been included in the Scenic Area. This property warrants protection under Goal V as it exists in a natural state; it is directly associated with the major portion of the Moraines, and its inclusion is necessary to adequately inventory all of the Goal V significant Scenic Resource as it relates to the Wallowa Lake Moraines. Map G5-1 Scenic Resource Area identifies the Wallowa Lake Moraines Scenic Area which was

adopted by the County Court on June 12, 1995 as the Wallowa Lake Basin Significant Resource Area.

The northern boundary of the Scenic Resource begins with the Silver Lake Ditch from its point of intersection with Prairie Creek Road; it then follows this ditch westerly to where it reaches the Wallowa River. From this point, the boundary crosses the River and follows Coye ditch to its intersection with Ski Run Road. These ditches make an excellent boundary as they are located on the topographic contour of the Moraines. Property which is located farther north of the ditches is not included in the scenic inventory because the land has been significantly altered by development and more intensive agricultural practices.

The western boundary of the Scenic Resource is defined by Ski Run Road from Coye Ditch, then southerly through Section 8 to Section 17. At this point, the boundary follows the northern boundary of Section 17 westerly to its juncture with Section 18. From this point, the western boundary extends south in a straight line to the southwest corner of Section 32.

The Scenic Resource is geographically bounded on its southern end where the Moraines and the mountains merge. At this point, Mount Howard and Chief Joseph Mountain become the dominant geologic features. For mapping purposes, this boundary has been drawn from the southwest corner of Section 32 (where the western boundary ends) easterly to the midpoint of the southern boundary of Section 34.

The eastern boundary of the Scenic Resource of the Wallowa Lake Moraines begins with Silver Lake Ditch from its point of intersection with Prairie Creek Road and follows this road to its entry into section 3. From this point, the boundary continues south in a straight line through the north-south mid-lines of Sections 3, 10, 15, 22, 27, and 34.

Due to its obvious visibility, the entire surface area of Wallowa Lake is considered to be within the Scenic Resource area of the Wallowa Lake Moraines.

The area between the western right-of-way of Highway 351 and the

water line of the Lake is included in the Scenic Resource inventory because of its proximity to the Lake surface and the possibility of its development. The scenic protection of this area shall mirror the protection afforded to the moraine on the east side of Hwy 351. (Upon adoption of this ESEE Map G5-1 will be updated). As this is an additional restriction on this property, the county will allow the property owner to place a dock on the portion of this property zoned Timber/Grazing. This shall be deemed to be a permitted use and upon adoption of this ESEE Article 37 is amended to allow this use. The dock shall meet all applicable criteria of Article 37 and Article 44, including scenic protection at the Moderate level (Partial Retention).

The State highway road surface, shoulders, and very steep and rocky grades within the highway right of way are the result of highway construction and fill and because of their artificial nature are not included. The County Transportation System Plan calls for a bike trail to be located parallel to the State highway. Such a path would likely have minimal impact on the resource and would provided for a safer and more pleasant ride connecting the ends of the lake.

Quality - Quantity

Fortunately, the Moraines have been subjected to only minimal amounts of development allowing their aesthetic qualities to remain intact. The diversity of the vegetation from native grasses on the north ends which lead to the timber that dominates the south ends adds to the Moraines visual attractiveness. The open space and scenic potential of the Moraines add a great deal to the desirability that the area holds for the local community and for those who seek to meet their recreational needs at Wallowa Lake.

The Wallowa Lake Moraines, and that area directly associated with them, may be seen from a wide variety of distances and angles. The entire area shown in Map G5-1 contain scenic values. However, some portions of this resource are more valuable than others. The Chief Joseph Cemetery, the Wallowa Lake State Park, Highway 351, and Lakeshore and Edgewater roads are considered the most sensitive viewing areas and are designated primary viewing areas

viewing areas on Map G5-2 Sensitive View Areas.

Those portions of the Moraines which are adjacent to the Lake are considered the most sensitive. The timberless property, which comprises a majority of this area, has an almost nonexistent visual absorption capability. This bare moraine area is considered to exhibit extreme landscape sensitivity.

That area which is located east of the crest (as defined in Article 1, Section 1.065, Definitions [as revised]) and the lakeside skyline (as defined in Article 1, Section 1.065, Definitions [as revised]) of the Eastern Moraine is of a less sensitive visual nature because it is not directly associated with the aesthetic qualities of Wallowa Lake. This area is still quite important because it can be seen in some form from nearly anywhere on the valley floor east and west of Joseph and many places much more distant. The portion of this area lying in Section 32 and 33 of Township 2 South and Sections 4, 9, and the north half of Section 16 of Township 3 South and east of the lakeside skyline of the East Moraine are considered most sensitive. The portion lying in Section 34 of Township 2 South, Range 45, and Sections 3, 10, 15, 21, 22, and the south half of Section 16 of Township South, Range 45 are considered less sensitive and shall not be required to meet visual subordination standards, however, the development shall be on a lot size permitted in the underlying zone. The northern exposure of the Moraines is equally important due to its being directly visible from much of the Joseph City Limits and surrounding area. These northern and eastern views are considered sensitive because a great deal of the terrain offers no visual absorption capability. Portions of this area which contain topography that will hide development may offer some scenic protection to the otherwise bare terrain.

That area which is located west of the crest and lakeside skyline of the Western Moraine is the least visually sensitive because it is well timbered. Area which is currently timbered may be considered to provide an adequate scenic barrier from conflicting uses. The viewshed of this side of the Moraines is much more limited than anywhere else in the inventoried area. The southern boundary of the crest of the Moraines is defined as the midline of sections 20, 21, and 22. Area to the south of this boundary,

this boundary, with the exception of excluded areas, must meet the Exception Level of protection, as defined in Article 44, Section 44.035 within the Scenic Resource Area.

Development in the non-excluded areas shall be consistent with the underlying zones and the Protection Level, as defined in Article 44, associated with the location of the development as determined by Maps G5-1 and G5-3.

CONFLICTING USES: The majority of property within the inventoried Scenic Resource area of the Wallowa Lake Moraines is zoned Exclusive Farm Use or Timber Grazing. With the exception of the grazing of livestock, all permitted and conditional uses in these zones may change or alter the scenic quality of the area and constitute a potential conflicting use.

Currently, there are conflicting uses present in this inventoried Scenic Area of the Wallowa Lake Moraines. The dwelling and various outbuildings present on tax lot 3502 (Map 3S 45) have been built into the timbered area of the east side of the Eastern Moraine. The fact that the timber shields this development from view reduces the impact that the development has on the Scenic Resource.

The dwellings and various outbuildings present at 3 South, Range 45, and Tax Lots 700 and 701 in this same area do represent an impact on the Scenic Resource because they are completely visible. But, the large parcel size minimizes their impact on the viewshed area. In this instance, it can be determined that the development represents an acceptable conflicting use.

Several of the tax lots located on the west side of the Western Moraine have dwellings on them. The density of timber located in this area as well as the area's limited viewshed reduce the negative effects these developments have on the Scenic Resource of the Wallowa Lake Moraines. There are also several dwellings built or permitted on the east side of the West Moraine. Those dwellings which have been permitted via the criteria of the underlying zone and can meet visual subordination criteria of Article 44, Section 44.025, are not in conflict.

The existing ski run from the upper terminus of the Wallowa Lake

Tramway near the summit of Mt. Howard to the lower terminus within the Wallowa Lake unincorporated community is currently not a conflicting use. The ski run, originally cleared in the early 1970's, has not been maintained for some time and is not heavily used. However, should the ski run be re-cleared or expanded, it could come in conflict with the scenic resource.

If a dock is requested and approved on the Timber/Grazing portion of the east shore of Wallowa Lake, it will not be in conflict with the scenic resource as it must meet the applicable criteria of Article 37 and Article 44, including scenic protection at the Moderate level (Partial Retention).

Other conflicting uses exist in the form of roads cut into the Moraines, lawns that consist of vegetation that is not native to the immediate area, and parking areas. Roads or portions of roads that exist in relatively flat areas or are hidden by timber or some other natural visual barrier may not constitute a conflicting use. Those roads developed on the steeper portions of the Moraines without such visual barriers are very noticeable from the Moraines' viewshed and are considered to be in conflict. Lawns that do not blend with the natural flora and parking areas that are not screened or recessed are considered to be in conflict.

Examples of potential conflicting uses are as follows:

01. SINGLE-FAMILY DWELLINGS: Dwellings on the Moraines can significantly alter the Scenic Resource. Where the impacts of development are effectively eliminated by applying the visual subordination standard as defined in Article 44 of the Wallowa County Land Development Ordinance, a conflict is not created. Dwellings that meet the requirements of the underlying zone and meet the visual subordination standard required by the location of the development are not in conflict.
02. NONRESIDENTIAL STRUCTURES: As in the case of dwellings, any type of structure which is noticeable from the viewshed of the Moraines could be in conflict with this resource. Structures which fall into the context of the traditional and continued rural use of the Moraines such as pole barns

for hay storage or sheds for use during calving or lambing, are not considered to be in conflict with the resource - especially if visual subordination is achieved. These types of structures are consistent with the arcadian and open character of the Moraines. Other types of structures which are not consistent with the traditional character of the Moraines, such as: schools, churches, playgrounds, airplane hangers, etc. do constitute a substantial conflict with the Scenic Resource.

03. ROADS, DRIVEWAYS AND OTHER MEANS OF ACCESS: Roads, driveways, and other means of access that are noticeable from the viewshed of the Moraines will be considered in conflict with the Scenic Resource. A road which is suitably hidden from view may not be considered to create a conflict.
04. WATER/SEWER SYSTEMS: These items, or other similar systems which require the displacement of earth for their installation, could create a conflict with the natural resource where visual subordination is not achieved. If the area disrupted during the system's installation is adequately rehabilitated, meaning put back into its original character, adverse effects may be found to be remedied and not in conflict with the Scenic Resource of the Wallowa Lake Moraines.
05. INTENSIVE AGRICULTURAL USES: Agricultural uses other than the grazing of livestock could change the existing natural character of the Scenic Resource area. Within this context any additional agricultural use visible from the viewshed of the Wallowa Lake Moraines may create a conflict. However, much of this area is zoned for the purpose of farm use; therefore, cultivation of crops traditionally grown in the surrounding area, including but not limited to: alfalfa, wheat, irrigated pasture, etc. will not be considered to be a conflicting use. The surrounding area is considered to encompass the valley floor located to the east, west, north, and northwest of the City of Joseph. Other types of crops or agricultural uses - especially those which require a high concentration of livestock feedlots - could create a conflict with the Scenic Resource if visual subordination is not achieved.

06. GOLF COURSES: Golf courses and similar recreational activities would create a substantial conflict to the Scenic Resource. This type of use typically requires a large amount of shaping of the existing ground surface. Such a use would be considered to be in conflict with the Scenic Resource.
07. TIMBER HARVESTING: Heavy logging of the East Moraine would be in conflict with the visual resource. However, the County does not have the ability to regulate timber harvesting without prohibiting it completely, the County recognizes that timber harvesting must be done in compliance with the Forest Practices Act and the Salmon Habitat Recovery Plan with Multi-species Habitat Strategy, and the County is unwilling to disallow this use; therefore limiting this practice will be subject to the discretion of the property owner.
08. COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM OR FOREST USE: A highly developed commercial use could create a conflict with the Scenic Resource because it is likely to be associated with other items which have also been identified as conflicting uses, such as: roads, water, and sewer systems and dwellings, etc. If a commercial use is conducted within facilities that were in place prior to January 1, 1996, it will not be considered to be in conflict with the Scenic Resource. Activities of this type which would not be considered to be in conflict with the Scenic Resource would be those which are not highly developed or noticeable due to achieving visually subordination to at least the level required by the Program to Achieve the Goal. A home-based occupation falls into this category.
09. OPERATIONS CONDUCTED FOR THE EXPLORATION, MINING AND PROCESSING OF ANY SUBSURFACE RESOURCES: A mining operation of any type which is not sheltered by suitable visual subordination would create a conflict with the Scenic Resource of the East Moraine. In addition, this type of use would likely require other facilities which are considered to be conflicting, such as: roads, utilities, and buildings.

and buildings. This type of use would also generate increased traffic, noise, and other associated pollutants such as dust.

ECONOMIC - SOCIAL - ENVIRONMENTAL - ECOLOGICAL ANALYSIS

ECONOMIC: If conflicting uses are not regulated, more intensive land use could lead to undesirable situations. Conflicting uses not monitored can negatively affect this area as a visual resource. A loss of its scenic value and open spaces will make Wallowa Lake a less desirable place for people to visit. Due to the fact this pristine, visually attractive environment is such a significant factor in attracting tourists to the area, its character should be maintained. If it is not, in light of the sharp downturn in the timber industry, a loss of tourism dollars attributable to the decline of the scenic resource could have a significant negative impact on the economy of Wallowa County. On the other hand, the entire Scenic Area of the Wallowa Lake Moraines is privately owned and prohibiting all uses would create an undue economic hardship on property owners. Also, some development could provide economic benefit. Therefore, rather than restricting all uses, the Goal V Scenic Resource protection program specifies where, how, and in what amount conflicting uses may occur. The economic integrity of the area will remain intact by assuring that the potential economic rewards of more intensive land use will still be present while the Scenic Resource is protected.

SOCIAL: Conflicting uses on the Wallowa Lake Moraines could result in a loss of its identity as a rural region. It is the visual appearance and open space of the Moraines that defines and maintains its arcadian character and resource culture. A disruption of the Scenic Resource may also weaken the cultural identity of the associated Native American groups who consider this resource sacred.

ENVIRONMENTAL: It is possible that allowing conflicting uses in the Scenic Resource of the Moraines will have negative results on the environmental qualities found there. This issue will be discussed further as it relates to wildlife habitat and plant species found on the Wallowa Lake Moraines.

ENERGY: Conflicting uses on the Moraines could cause a need for enhanced services (water, sewer, electricity) some of which are not currently present in the entire particular area. These items, or the ability to produce them, would have to be present for a successful development. Also, intensive land use often creates a higher level of energy consumption. Wind generation towers or transmission lines from wind or hydro electric generators would be in conflict.

CONCLUSION: The portions of the Moraines which directly face Wallowa Lake are the most sensitive. They contain the most important visual characteristics which make the Scenic Area desirable for residents and tourists. If conflicting visual uses were to occur here, serious consequences would result; whereas, the same type of conflicting use within less visually sensitive areas might have little effect. For this reason, it is appropriate to divide the Moraines into two parts when applying a Goal V Scenic Resource Protection Program. That part which borders Wallowa Lake is considered one part while the sides opposite of Wallowa Lake are considered to make up the second part. The lakeside skylines described previously are considered the dividing line between these two Goal V protection areas. Within these two parts, three types of protection status exist and are identified, by area, below. Their degrees of restriction are as follows: 3A (highly restrictive--no conflicting uses allowed), 3C (permitted uses restrictive--uses allowed conditionally not allowed), and 3C (permitted and conditional uses restrictive--uses allowed conditionally may be allowed).

That part of the Scenic Resource Area which is located within sections 4, 5, 9, and the northwest one-fourth of Section 16 which are west of the lakeside skyline of the Eastern Moraine shall receive a 3A protection status. This un-timbered area offers no opportunity for visual subordination. The ease with which tree removal could occur upon the timbered portion of this area place it in jeopardy of supporting visual subordination. No activity that has been identified as a potentially conflicting use can occur here without drastically altering the visual resource found in this particular area. In this area, designated a 3A protection status, there will be no conflicting uses allowed. Land within the Wahluna Terrace Subdivision shall not

not receive the 3A protection status because of its existing development since the 1960's.

The remaining timbered portion of the west side of the Eastern Moraine and the entire east side of the Western Moraine shall be designated a 3C, more restrictive, protection status. The remaining east side of the Eastern Moraine and the west side of the Western Moraine shall receive a 3C, less restrictive, protection status with less restrictions for conflicting uses. These three types of protective status are identified by area on Map G5-3 and by Article 44, Section 44.030.

Design standards of Article 18, Rural Residential, are already in place on property dedicated to residential and commercial use to insure that development occurring here is consistent with the purpose of the Wallowa County Zoning Ordinances. These same standards will also apply to all dwellings sited within the Scenic Resource area after January 1, 1996. The Federally managed lands which exist within this boundary are under Wallowa County jurisdiction and will be subject to Goal V protection status per the County's Memorandum of Understanding with the Wallowa Whitman National Forest. Note that appendix 5-6 of the Wallowa County Land Use Plan delineates additional Goal V scenic resource areas subject to public review for compatibility.

The surface of Wallowa Lake itself is protected by Wallowa County Zoning Article 37, Wallowa Lake Float, Dock, and Surface Area. In addition to these criteria, structures on the surface of the Lake must meet appropriate Visual Subordination standards.

PROGRAM TO ACHIEVE THE GOAL: The properties located on the east side of the East Moraine and the west side of the West Moraine are designated a less restrictive 3C status. Except as otherwise provided in Section 28.020(01-08) of the Wallowa County Land Development Ordinance, a dwelling sited on a lot less than 160 acres will be acceptable where acceptable visual subordination can be achieved. In areas where acceptable visual subordination can be achieved as provided for in Article 44 of the Wallowa County Land Development Ordinance, in some areas it may be possible to site dwellings on parcels of less than 160 acres if all other applicable criteria, including other Goal V

protection standards, are met. This policy will help to protect the visual resource while still allowing for dwellings to be present; therefore, there will be less hardship on property owners. In addition, Recreation Residential design standards for dwellings located in this Scenic Resource Area shall be instituted and enforced. These standards include but shall not be limited to: color, landscaping, artificial lighting, structure height, signs, etc.

Nonresidential structures, such as: barns or sheds for use in regular agricultural operation will be subject to less restrictive design standards. If the size, configuration, color and design of the structure is consistent with that of similar structures in the surrounding area, its siting will be processed as a permitted use provided all setback or clustering requirements are met. (For example: the typical pole barn is unpainted and has a metal roof; therefore, a pole barn with a bright orange roof would not be consistent with the norm and the color would not be exempt from Recreation Residential design standards.) If a property owner wishes to paint the structure a color which is not consistent with that of similar structures in the surrounding area, they will have an opportunity to prove to the review authority that acceptable visual subordination can be achieved, and the proposed color and/or structure will not degrade the Scenic Resource. Nonresidential structures, including but not limited to: churches, schools, playgrounds, airplane hangers, etc., will not be allowed in areas where visual subordination cannot be achieved. In areas where visual subordination can be achieved, these structures may be sited if all other applicable criteria, including other Goal V protection standards of Article 44, are met.

All other developments and uses which constitute a potential conflicting use will be allowed only if an acceptable visual subordination can be achieved and all other applicable criteria, including that of other Goal V protection standards, are met.

In addition to the above 3C restrictions, Article 44, Section 44.035 establishes criteria to ensure that no structure impinges on the crest of the Moraines regardless of location. This criteria will insure the visual integrity of the Moraines' most sensitive feature, its uninterrupted skyline.

Structures which interrupt the open skyline on any portion of the Moraines will not be acceptable. Development which violates the currently uninterrupted skyline of the Moraines as viewed from the Imnaha Highway, Hurricane Creek Road/Airport Lane, Tucker Down Road, Highway 351, Lakeshore/Edgewater Roads, and Ski Run Road shall not be allowed. These routes have been chosen because they accurately and quantitatively represent the primary viewshed areas of the Wallowa Lake Moraines in addition to the primary viewing areas located at Chief Joseph Cemetery and Wallowa State Park. Development which does not violate the currently uninterrupted skyline of the Moraines as seen from these routes and viewing areas will not interrupt the skyline as seen from any point. These uninterrupted skyline and elevation setback standards will also reinforce the decision to protect the lakeside skyline of the Moraines. (See: Map G5-2.)

It will not be necessary to create additional standards within the Moraines viewshed area (defined by the roads and sites identified above) for those properties which have been designated for resource use. There are several reasons for this: [1] the resource zoning of the majority of the area within the principal viewshed area does not allow, except where permitted by the underlying zone, development on sub-standard size lots, [2] within the resource zones, all structures are currently required to be setback twenty five feet from roads, and [3] agricultural structures have not been identified as conflicting uses within the resource areas.

The 3C, more restrictive, protection status on the timbered portion of the west side of the Eastern Moraine, and the entire east side of the Western Moraine is more restrictive. Even though this area is timbered, its proximity to Wallowa Lake, the State Highway, and other view areas make siting dwellings or other structures a sensitive procedure. The ability for timber to be removed by wildfire, disease, or harvesting provides the justification for requiring some development to be screened by topography. Conditional uses within this area are not allowed at all. Other aspects of this more restrictive 3C protection status would be identical to those found on the remaining portions of the Moraines.

The existing stands of timber contribute a great deal to the visual aesthetics of the Moraines' Scenic Resource. Aggressively harvesting this timber would be detrimental to this Scenic Resource; however, much of the property within the Scenic Area has been designated for resource use. Although developmental proposals may be conditioned to maintain specific amounts of timber to act as a visual barrier, it is not the intent of this document to prohibit forest practices. Where a dwelling is not involved, the harvesting of timber shall be subject to the discretion of the property owner and the Forest Practices Act. Voluntary practice - such as leaving a specific amount of basal area per acre - will be encouraged but not required. Silvicultural practices which are designed to maintain the health of the present stands of timber will be recognized as being consistent with the decision to protect and enhance the Scenic Resource of the Wallowa Lake Moraines. Activities which are conducted to reduce forest damage from environmental conditions, such as: wind, snow, fire, insects, and disease will be encouraged in timbered areas as well as developed areas. Forest fuel management to prevent, as far as humanly possible, a catastrophic wild fire, is encouraged and will not be in conflict.

That area which is known as the Wahluna Terrace Subdivision has not been rezoned to Existing Lot but remains R-2, and while excluded is subject to the provisions of the Design Standards of Article 18. For that one tax lot (Township 3 South, Range 45, Section 5AB, Tax Lot 100) which extends far above the other lots, any proposed dwelling will be required to be located in the southwest quarter of the property, and the design standards required of the Recreation Residential Zone must still be met.

Roads, driveways and other means of access must meet the criteria of Article 32 as well as the Article 44 visual subordination standard required by the location of the development.

The 3A and 3C protection areas are mapped on Map G5-3, available for viewing in the Wallowa County Planning Department.

GEOLOGIC MORAINES, WALLOWA LAKE: NATURAL AREA
Location

The Wallowa Lake Moraines, as defined geologically, begin at the northern edge of Mount Howard and Chief Joseph Mountain formations. From these originating areas they sprawl toward the City of Joseph. For mapping purposes, the southern boundary of the geologic area is defined by a horizontal line drawn between the midpoints of Sections 20 and 21 in Township 3 South, Range 45. The boundary of the Western Moraine begins at the midpoint of Section 20 and, following a natural line of topography, runs north through sections 20, 17, 8, and 6. The majority of the western boundary is identified by the location of Ski Run Road. The Eastern Moraines' boundary begins at the midpoint of Section 21 and, following a natural line of topography, meanders through sections 21, 16, 15, 10, and 3 to the Silver Lake Ditch.

The Silver Lake Ditch and Coye Ditch form a natural northern border, following the topographical contours of the Moraine. These ditches meet at the Coye Ditch at the Wallowa River. The Coye Ditch's intersection with Ski Run Road is the northwest starting point of this northern boundary. From this point, the line follows the Coye Ditch in an easterly direction until it meets the Silver Lake Ditch. At this juncture, it continues its easterly direction following the Silver Lake Ditch's course into Section 3. In this section, the Silver Lake Ditch meets the natural topographical line of the western border. These boundaries show the extent to which this unique geologic formation, known as the Moraines, traveled.

Property laying north of the Coye and Silver Lake Ditches, which is technically part of the Moraines, has been either intensely developed or altered from its original state for intensive agricultural purposes and can no longer be considered a part of the natural geologic area. Because of this, only those portions of the Moraines which are within the subscribed boundaries may be considered a significant geologic natural area. The Highway 351 right-of-way is not included as part of this resource - nor is Wallowa Lake. In addition, those areas on the west side of the Lake and at the head of the Lake that have undergone intensive residential development are considered excluded from this natural resource. Map G5-4 shows the portions of the Moraines which are considered to be of Goal V significance due to their natural geologic composition.

In addition to the geologic formation of the Wallowa Lake Moraines, *Silene Spaulding* is also present in this natural area. This is currently a threatened plant species which is located in some areas on the Moraines. The inventoried locations of the plant are in the northwest portion of the Eastern Moraine with one site located closer to the middle of the Eastern Moraine. For a more detailed view of where *Silene Spaulding* is present on the Moraines, see the attached plant species Map G5-5 (Information provided by Marty Stein, United States Forest Service and Jimmy Kagan, Oregon Natural Heritage Program). Additional species present on the Moraines may be added to the Federal and State Sensitive/Threatened/Endangered Species Lists.

Quality - Quantity

The Wallowa Lake Moraines exist as one of the finest examples of a glacier formed phenomenon to be found anywhere in the world. The Moraines formation is compound in nature with as many as eight lateral moraines making up its embankment on the east side of Wallowa Lake. These layers are the result of several minor advances and retreats of glacial activity. (Stovel 1929.) Initially two major episodes of glacial activity created the Moraines during the late Pleistocene Age; the ice cut into and heaved up the earth until it reached a height of 1,200 feet from the Lake bottom. The older group of glacial formations has a subdued moraine topography while the younger group is strewn with the granodiorite boulders that characterize this area and give it a pronounced moraine topography. (For a more extensive explanation of the creation of the Moraines see United States Geological Survey Professional Paper 575 Glaciation at Wallowa Lake, Oregon by Dwight R. Crandall 1967.)

Attesting to its significance as a natural resource, the Moraines are listed in many text books and similar materials on glacial geology. People come from near and far on field trips to view and study the area. Letters supporting the geological significance of the Moraines have been received from the Oregon Natural Heritage Program, Geology Professors George D. Stanely Jr., University of Montana; R.J. Carson, Whitman College; Dr.

John D. Winter, Whitman College; Ewart M. Baldwin, University of Oregon; and Geology Ph.D. Ellen Morris Bishop.

In addition to the Moraines' geologic significance, *Silene Spaulding* is currently a threatened plant species found on the Moraines. *Spaulding's Catchfly*, as it is commonly known, is a grassland species found at elevations of 4000 to 5000 feet. This plant is currently on the Federal and State government's threatened species list. Wallowa County is as far west as this threatened species may be found.

The existing ski run from the upper terminus of the Wallowa Lake Tramway near the summit of Mt. Howard to the lower terminus within the Wallowa Lake unincorporated community is currently not a conflicting use in this resource area. Geologically, there is no impact and snow cover should protect plants from the occasional use that currently occurs.

If a dock is requested and approved on the Timber/Grazing portion of the east shore of Wallowa Lake, it will not be in conflict with the natural resource as it must meet the applicable criteria delineated in the Program to Achieve the Goal.

CONFLICTING USES: The majority of property within the Natural Geologic Resource Area of the Wallowa Lake Moraines is zoned Exclusive Farm Use or Timber Grazing. With the exception of the grazing of livestock, all permitted and conditional uses in these zones may change or alter the natural geologic quality of the area and constitute a potential conflicting use.

Currently there are conflicting uses present in the natural area of the Moraines. The dwelling and various outbuildings present on Township 3 South, Range 45, Tax Lot 3502 have been built into the timbered area of the east side of the Eastern Moraine. In addition, there are dwellings and various outbuildings present on Township 3 South, Range 45, Tax Lots 700 and 701. These structures do represent an impact on the geologic Moraines. However, they are located on parcels of acceptable size, which minimizes the impacts of these structures and associated excavation. In this instance, it can be determined that said development is an acceptable conflicting use.

Several dwellings and associated outbuildings are present within the area located on the west side of the Western Moraine. The fact that timber shields these developments from view does not reduce the impact the excavation has had on the geologic Moraines. There are also dwellings located on the east side of the West Moraine. These dwellings have been permitted via the underlying zone. At this time, all dwellings sited on the Wallowa Lake Moraines have been located so that only acceptable levels of excavation for their placement has been allowed.

Other conflicting uses exist in the form of roads cut into the Moraines. Roads or portions of roads which exist in relatively flat areas and did not require a substantial amount of excavating or terracing to build have had little effect on the geologic Moraines and do not constitute a conflicting use. Roads which were developed on the steeper portions of the Moraines did require large amounts of earth to be displaced and are in conflict.

No currently conflicting uses exist in the areas identified as containing clusters of Spaulding's Catchfly or other sensitive, threatened or endangered listed plant species.

Examples of potential conflicting uses are as follows:

01. SINGLE-FAMILY DWELLINGS: Dwellings on the Moraines can significantly alter the natural resource. Excavating, landscaping, creating water and sewer disposal systems, parking areas, and providing access in order to site and maintain a dwelling could have an adverse effect on this resource. The greater the incline of the site, the greater the negative impact of a dwelling and its associated accessory structures and uses (lawns, garden, parking) will have on the geologic Moraines. Dwellings occurring on lot sizes allowed by the underlying zone, sited in areas which have a grade of less than 20 percent and do not involve an area containing a sensitive, threatened or endangered listed plant species will not be considered to be in conflict with the resource.
02. NONRESIDENTIAL STRUCTURES: As is the case with dwellings, any type of structure that would require excavation for

placement could be in conflict with this resource. Structures which fall into the context of the traditional and continued use of the Moraines, such as: pole barns for hay storage or sheds for use during calving or lambing may not be considered to be in conflict with the resource - especially if located on land which is primarily level or if no foundation is installed. These types of structures are consistent with the arcadian character of the Moraines. Other types of structures, which may include but not be limited to schools, churches, playgrounds, airplane hangers, etc. are not consistent with the traditional character of the Moraines and would constitute a substantial conflict with the resource, especially if located in an area containing a sensitive, threatened or endangered listed plant species.

03. ROADS, DRIVEWAYS AND OTHER MEANS OF ACCESS: Roads that are physically cut into the Moraines significantly alter the natural resource and constitute a conflicting use. Other types of access fall under this category, such as: bicycle paths, pedestrian paths, driveways, etc. If projects such as these are developed in areas which do not require cutting or filling more than two feet into or terracing parts of the Moraines for their placement or are not located in an area containing a sensitive, threatened or endangered listed plant species, they might not be considered a substantial conflict.
04. WATER/SEWER SYSTEMS: These items, or other similar systems which require the displacement of earth for their installation, could create a conflict with the natural resource. If the area disrupted during the installation is adequately rehabilitated, meaning restored to its original character, adverse effects may be reduced. Depending on restorative measures, such as replanting natural plant species, installation might not create a conflict with the natural resource of the Wallowa Lake Moraines.
05. INTENSIVE AGRICULTURAL USES: Agricultural uses other than the grazing of livestock could change the existing natural character of the Natural Resource area. Under this context any additional agricultural use may create a conflict.

However, much of this area is zoned for the purpose of farm use. Therefore, cultivation of crops traditionally grown in the surrounding area, including but not limited to: alfalfa, wheat, irrigated pasture, etc. will not be considered to be a conflicting use. The surrounding area is considered to be the valley floor located to the east, west, north, and northwest of the City of Joseph. Other types of crops or agricultural uses (especially those which require a high concentration of livestock), including but not limited to feedlots, would create a definite conflict to the natural resource. In those areas where the grade is equal to or exceeding 20 percent, the impact will be magnified.

06. GOLF COURSES: Golf courses and similar recreational activities create a substantial conflict to the natural resource. Typically, this type of use requires a large amount of shaping of the existing ground surface. Alteration of this type definitely conflicts with the natural resource of the Moraines.
07. TIMBER HARVESTING: Heavy logging of the Wallowa Lake Moraines would be in conflict with their natural character. However, the County does not have the ability to regulate timber harvesting without prohibiting it completely. Because the County is unwilling to disallow this use, limiting this practice will be subject to the discretion of the property owner and the Forest Practices Act.
08. COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM OR FOREST USE: A highly developed commercial use would create a conflict with the natural resource because it is likely to be associated with other development such as roads and dwellings which have also been identified as conflicting uses. If such a use is conducted with facilities that were in place prior to January 1, 1996, it will not be considered to be in conflict with the natural resource. Other activities of this type which may not be considered to be in conflict with the natural resource are those that do not require cutting, terracing, or excavating of the Moraines or are not located in an area containing a sensitive, threatened or endangered listed plant species, in order to build additional facilities. A home-based occupation falls

occupation falls into this category.

09. OPERATIONS CONDUCTED FOR THE EXPLORATION, MINING, AND PROCESSING OF ANY SUBSURFACE RESOURCES: A mining operation of any type would create a conflict with the natural resource of the Wallowa Lake Moraines. In addition, this type of use would likely require other facilities which are considered to be conflicting, such as: roads, utilities, and buildings. This type of use would also generate increased traffic, noise, and other associated pollutants such as dust.

ECONOMIC - SOCIAL - ENVIRONMENTAL - ECOLOGICAL ANALYSIS

ECONOMIC: If this area was to remain unprotected, more intensive land use could lead to very undesirable situations. Development not monitored can negatively affect, perhaps even destroy, this area as a natural resource. A loss of the natural geologic features, sensitive plant species or other natural values (including open spaces) could make the Wallowa Lake area less desirable for people to visit. Due to the fact that this pristine natural environment is a significant factor in attracting field trips, natural studies, and tourism to this area, its character must be maintained. In light of the sharp downturn in the timber industry, a loss of tourism dollars attributable to the decline of this natural resource could have a significant negative impact on the economy of Wallowa County.

On the other hand, the natural area of the Wallowa Lake Moraines is privately owned. Disallowing any development which has been identified as a conflicting use could create an undue hardship on the individual property owners within this area - financial and otherwise. This could then lead to a taking situation. It is not the intent of the County to eliminate the rights of private property owners; therefore, rather than restricting all uses, the Goal V protection policy specifies where, how, and in what amount conflicting uses may occur. This will lead to positive circumstances because the integrity of the natural area remains intact. The potential economic rewards of more intensive land use would still be present while the natural resource is protected.

In addition to other protection standards under Goal V, the installation of a sewer or water system which is funded with Federal or State dollars in an area known to contain Silene Spaulding or other sensitive, threatened or endangered listed species shall be required to complete an inventory of sensitive, threatened or endangered listed plant species present and a study to see what impact such a system would have on listed plant species. The development must conform to applicable Federal, State and County regulations including the Wallowa County/Nez Perce Salmon Habitat Recovery Plan with Multi-species Habitat Strategy.

SOCIAL: Conflicting uses in the natural resource area of the Wallowa Lake Moraines could result in a loss of its identity as a natural region. It may also serve to weaken the cultural identity of the associated Native American groups. This issue will be discussed further in other appropriate sections.

ENVIRONMENTAL: It is possible that more intensive land use on the Moraines will have negative impacts on the environmental qualities found there.

The consequence of allowing unrestricted conflicting uses in areas containing Silene Spaulding or other sensitive, threatened or endangered listed plant species may be the possible extinction of a plant species that is not only unique to the Wallowa Lake Basin but which is becoming increasingly difficult to find anywhere. An elimination of listed plant species from this area would mean that the opportunity to study and learn about these species and their presence in the Wallowa Lake Basin will no longer exist.

ENERGY: Conflicting uses on the Moraines could cause a need for enhanced services, such as: water, sewer, electrical, etc. which are not currently present in the natural resource area. These uses (or the ability to produce them) would have to be present in order to have a successful development. Also, additional land use would create a higher level of energy consumption. Allowing such development would have a negative impact on this mostly undisrupted geologic area, and may produce irreparable consequences for sensitive, threatened or endangered plant species as well.

CONCLUSION: The Economic, Social, Environmental, and Ecological Analysis for the identified natural resource clearly shows that if this area does not receive adequate protection, negative consequences will be the likely result. The area could lose its appeal to potential visitors, both recreational and educational, causing a reduction in revenue for Wallowa County. It would also stand to lose its appeal to the local community, creating a feeling of loss to County residents. This natural resource is not renewable. If the area is appropriately preserved through proper protective measures, these qualities will remain and insure that future generations of individuals will be able to enjoy the Moraines of Wallowa Lake.

PROGRAM TO ACHIEVE THE GOAL: In order to preserve the geological integrity of the moraines, in development areas that exceed a 20 percent grade or where the existing topography cannot be returned to within two feet of pre-existing conditions after construction, the siting of dwellings or other structures will not be acceptable without an engineering study to establish that the site can sustain the use. Dwellings sited on lots of less than 160 acres will not be acceptable where a substantial amount of cutting or terracing into the moraine is necessary for placement. Dwellings, located on sub-standard size lots which require such action would serve to deteriorate this resource. In development areas where the grade does not exceed 20 percent, it may be possible to site dwellings on parcels of less than 160 acres if permitted in the underlying zone and the applicable Article 44 and other Goal V protection standards are met. This policy will help to protect the natural resource while still allowing for dwellings and other structures to be present; therefore, it will not create a hardship on property owners.

Additional roads should not be constructed on the Moraines unless there is absolutely no other way to access an approved use, or if increased traffic on existing roads is found to have a greater negative impact on the natural resource than a new road would create. In the event that a new road is found to be necessary, its placement should be consistent with the topography of the Moraines and the appropriate protection standards must be met. This procedure would reduce the impact on the Moraines. Roads should not exceed a two foot cut or fill and will be held to the

will be held to the appropriate protection standards per Article 32 and 44.

If development is located in a resource zone, and no Federal or State monies are involved, the owner must develop an inventory of State and Federal sensitive, threatened or endangered listed plant species present, and participate in applicable State and local programs to mitigate the impact of the development on the listed species. If Federal or State monies are involved, the development must also conform to applicable Federal and State regulations. If the above criteria are met, then the use would not be in conflict.

If the existing ski run from the upper terminus of the Wallowa Lake Tramway near the summit of Mt. Howard to the lower terminus within the Wallowa Lake unincorporated community should be expanded and additional facilities built, this use could come in conflict with the natural resource area.

If a dock is requested and approved on the Timber/Grazing portion of the east shore of Wallowa Lake, it will not be in conflict with the natural resource as it must meet the applicable provisions of Article 37 and Article 44, including the twenty percent grade requirements, and the sensitive, threatened and endangered species requirements.

All other items which constitute a potential conflicting use should be allowed only if the property owner can demonstrate that the proposed use, when completed, will result in minimal disruption to the natural terrain. This resource is designated a 3C protection status.

WILDLIFE HABITAT, WALLOWA LAKE MORAINES Location

Since wildlife species do not respect lines on maps, it is difficult to assign boundaries to this resource. The entire inventoried area is associated with wildlife use; therefore, the same boundaries are used for this resource as the Scenic Resource of the Wallowa Lake Moraines.

The northern boundary of the wildlife resource begins with the Silver Lake Ditch from its point of intersection with Prairie

Creek Road then follows this Ditch westerly to where it reaches the Wallowa River. From this point, the boundary crosses the River and follows Coye Ditch to its intersection with Ski Run Road. These ditches make an excellent boundary as they are located on the topographic contour of the Moraines. Property which is located farther north of the ditches is not included in the wildlife resource because the land has been significantly altered by development and more intensive agricultural purposes.

The western boundary of the wildlife resource is defined by Ski Run Road from Coye Ditch southerly through Sections 8 to Section 17. At this point, the boundary follows the northern boundary of Section 17 west to its juncture with Section 18. From this point, the western boundary extends south in a straight line to the southwest corner of Section 32.

The wildlife resource is geographically bounded on its southern end where the Moraines and the mountains merge. At this point, Mount Howard and Chief Joseph Mountain become the dominant geologic features. For mapping purposes, this boundary has been drawn from the southwest corner of Section 32 (where the western boundary ends) easterly to the midpoint of the southern boundary of Section 34.

The eastern boundary of the wildlife resource of the Wallowa Lake Moraines begins with Silver Lake Ditch from its point of intersection with Prairie Creek Road and follows this road to its entry into Section 3. From this point, the boundary continues south in a straight line through the vertical mid-lines of Sections 3, 10, 15, 22, 27, and 34.

The boundaries described above identify the wildlife habitat resource within the Wallowa Lake Basin Significant Resource Area (formally adopted by the Wallowa County Court on June 12, 1995). This area includes portions of sections 32, 33, and 34 in Township 2 South Range 45 and all of Sections 4, 9, 16, 17, 20, 21, 28, 29, 32, and 33 and portions of Sections 3, 5, 6, 8, 10, 15, 22, 27, and 34 in Township 3, South Range 45 with the following exception: the surface area of Wallowa Lake is not considered to be within the wildlife habitat resource area of the Wallowa Lake Moraines.

For an approximate description of the wildlife species that are

found here and what part of the Moraines they inhabit, see the attached Wildlife Map G5-6. This property warrants a Goal V protection status because it exists in a natural state, is directly associated with the major portion of the Moraines, and its inclusion was necessary to adequately define all of this Goal V resource found on the Wallowa Lake Moraines.

Quality - Quantity

The Moraines are home to a variety of wildlife species - including large and small game animals and several types of birds. The Eastern Moraine supports an estimated 300 to 350 deer during the winter season, making it recognized as a big game winter range. The area adjacent to the Lake is especially critical. Elk can sometimes be found on portions of the Moraines as well. Game birds, such as Blue Grouse and Hungarian Partridge use the area for breeding and brood rearing purposes. Birds of prey, including the Bald Eagle, seasonally use the Moraines for roosting purposes and as a hunting ground. Many types of song birds, Bluebirds in particular, are present on the Moraines. (Information provided by Pat Matthews, Oregon Department of Fish and Wildlife).

To aid in managing Wallowa County wildlife resources, the County has adopted the Wallowa County/Nez Perce Salmon Habitat Recovery Plan with Multi-species Habitat Strategy.

The existing ski run from the upper terminus of the Wallowa Lake Tramway near the summit of Mt. Howard to the lower terminus within the Wallowa Lake unincorporated community is currently not a conflicting use. The ski run, originally cleared in the early 1970's, has not been maintained for some time and is not heavily used.

If a dock is requested and approved on the Timber/Grazing portion of the east shore of Wallowa Lake, it will not be in conflict with the wildlife resource as it must meet the applicable criteria of Article 37 and Article 44.

CONFLICTING USES: The majority of private property within the inventoried wildlife habitat area of the Wallowa Lake Moraines is zoned Exclusive Farm Use or Timber Grazing. With the exception of the grazing of livestock - specifically cattle and sheep - all

sheep - all permitted and conditional uses in these zones may change or alter the natural quality of the area and constitute a potential conflicting use.

Currently there are conflicting uses present in the wildlife area of the Wallowa Lake Moraines. The dwelling and various outbuildings present on tax lot 3502 have been established on a parcel of less than 160 acres. This smaller parcel size does affect the wildlife habitat, and while existing development is grandfathered, new development would jeopardize wildlife habitat unless clustered per an ODF&W approved plan. The dwellings and various outbuildings present on tax lots 700 and 701 do not represent an impact on the wildlife habitat of the East Moraine because they are located on parcels of 160 acres each. The size of each of these parcels minimizes the impact of the structures; therefore, in this instance, it can be determined that said development is not a conflicting use.

Several of the tax lots on the west side of the Western Moraine have dwellings located on them and are of sub-standard size. There are also several dwellings located on the east side of the West Moraine. These dwellings have been permitted via the underlying zone and those located in resource zones have been clustered per ODF&W recommendation. However, additional development could have significant impacts, such as displacement of wildlife and disruption of migration routes, on the wildlife population of the area.

If the existing ski run from the upper terminus of the Wallowa Lake Tramway near the summit of Mt. Howard to the lower terminus within the Wallowa Lake unincorporated community should be re-cleared or expanded, it could come in conflict with the wildlife habitat resource.

Other conflicting uses exist in the form of roads present on the Moraine. These roads provide access into the area and allow for an increased amount of human presence. This increase could have a detrimental effect on the wildlife found there.

Examples of potential conflicting uses are as follows:

01. SINGLE-FAMILY DWELLINGS: Dwellings on the Moraines definitely alter the wildlife habitat resource. The

increased presence of humans in this resource area will only hasten wildlife demise. Dwellings located on parcels of 160 acres or more will not be considered to be in conflict with this resource. This parcel size serves to minimize the negative effects that human presence has on the wildlife habitat. Dwellings located on parcels of less than 160 acres, as allowed by the underlying zone, will be subject to increased scrutiny per restrictions provided in Article 44, Section 44.035.

02. NONRESIDENTIAL STRUCTURES: As is the case with dwellings, any type of structure which increases human presence in the area could be in conflict with this resource. Structures which fall into the context of the traditional and continued use of the Moraines, such as: pole barns for hay storage or sheds for use during calving or lambing may not be considered a conflict with the resource. These types of structures are consistent with the arcadian character of the Moraines. Other types of structures, including but not limited to: schools, churches, playgrounds, airplane hangers, etc. are not consistent with the traditional character of the Moraine and will constitute a substantial conflict with the resource - especially if they create a higher density of people in the area.
03. ROADS, DRIVEWAYS AND OTHER MEANS OF ACCESS: Roads which are located on the Moraines would definitely alter the wildlife habitat resource and constitute a conflicting use. Other items which fall under this category include, but are not limited to, bicycle paths, pedestrian paths, driveways, etc. Uses of this type serve to increase the level of human density and activity in the inventoried area and are considered to have negative effects on wildlife habitat. Roads, driveways and other means of access must meet the criteria of Article 32 and 44.
04. WATER/SEWER SYSTEMS: These items, or other similar systems which require the displacement of earth for their installation, could create a conflict with the wildlife resource. If the area which is disrupted during the installation of these types of systems is adequately rehabilitated, meaning put back into its original character, adverse effects may be remedied. If this is the case, no

case, no conflict would exist with the wildlife habitat of the Wallowa Lake Moraines.

05. INTENSIVE AGRICULTURAL USES: Agricultural uses other than the grazing of livestock could change the existing wildlife habitat of the inventoried area. Under this context any additional agricultural use may create a conflict. However, much of this area is zoned for the purpose of farm use; therefore, cultivation of crops traditionally grown in the surrounding area, including but not limited to: alfalfa, wheat, irrigated pasture, etc. will not be considered to be a conflicting use. The surrounding area is considered to be the valley floor located to the east, north, and northwest of the City of Joseph. Other types of crops or agricultural uses, including but not limited to feedlots, will create a definite conflict to the natural resource - especially those uses which require a high concentration of livestock,. In those areas where wildlife tends to congregate, the impact will be magnified.
06. GOLF COURSES: Golf courses and similar recreational activities can create a substantial conflict to the wildlife habitat resource. This type of use will change habitat and typically draws large amounts of people which has negative effects on wildlife populations.
07. TIMBER HARVESTING: Heavy logging of the Wallowa Lake Moraines would be in conflict with its wildlife habitat. However, the County does not have the ability to regulate timber harvesting without prohibiting it completely; the County is unwilling to disallow this use, limiting this practice will be subject to the discretion of the property owner and the Forest Practices Act.
08. COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM OR FOREST USE: An intensified use of this kind would most likely create a conflict with the wildlife habitat resource. Since it is associated with higher human density and other items, such as: roads and dwellings which have also been identified as a conflicting use. If such a use is conducted with facilities that were in place prior to January 1, 1996, it will not be considered to be in conflict with the wildlife habitat resource. Other activities of this type will not be

activities of this type will not be considered to be in conflict with this resource if they do not require additional roads, structures or an increase in the current level of traffic. All other applicable criteria, including that of other Goal V protection standards, would have to be met before such a use could be approved. A home based occupation would fall into this category.

09. OPERATIONS CONDUCTED FOR THE EXPLORATION, MINING AND PROCESSING OF ANY SUBSURFACE RESOURCES: A mining operation of any type would create a conflict with the wildlife habitat resource of the Wallowa Lake Moraines. The noise and increased activity of a mining operation would be sure to drive wildlife into different areas. In addition, this type of use would likely require other facilities which are considered to be conflicting, such as: roads, utilities, and buildings. This type of use would also generate increased traffic, noise, and other associated pollutants such as dust.

ECONOMIC - SOCIAL - ENVIRONMENTAL - ECOLOGICAL CONSEQUENCES

ECONOMIC: If this area remains unprotected, conflicting uses in those areas inhabited by wildlife will destroy parts of, or possibly all of, this habitat. Animals displaced by the loss of their habitat, especially deer, may move into other areas - such as nearby fields. Damage to crops and other property caused by these displaced and problem animals may cause severe economic consequences to property owners near the East Moraine. Animals which are able to adapt to intensive land use may cause damage in those areas which are developed within the Moraines area. In addition to this impact on property owners, the loss of hunting potential in these areas of the Wallowa Lake Moraines represents a form of lost revenue.

Tying up private properties within this area by prohibiting all conflicting uses also represents an economic consequence. Property owners would be faced with undue hardship if all uses of their property were taken away - this might even constitute a taking situation. This is not a position that the County would seek to put a property owner in. Another option would be the purchase of properties or easements for preservation to protect significant resources.

SOCIAL: The loss of wildlife habitat and the related loss of the wildlife could bring about many unpleasant feelings in people toward the area - feelings shared by both local residents and those people who enjoy visiting Wallowa Lake. Abundant wildlife is one of the items which makes this area special. If it no longer exists, the local social identity will suffer a significant loss.

ENVIRONMENTAL: The change of environment that is associated with increased development may create a loss of wildlife found on the Wallowa Lake Moraines. The presence of wildlife within their natural habitat is one of the characteristic features which has distinguished this unique area.

ENERGY: Development in this area will create a need for services which are not currently provided. More intensive land use will also lead to an increase in energy consumption.

CONCLUSION: The wildlife habitat found in this area is an undeniable resource. Its existence is critical to maintain the original character of the Wallowa Lake Moraines. For this reason, it shall be designated a 3C protection status, except in the areas mapped by ODF&W as Goal V deer habitat, where additional restrictions apply per Article 44.

PROGRAM TO ACHIEVE THE GOAL: In the area inventoried as wildlife habitat, which is not located in excluded areas, dwellings sited on parcels of 160 acres or more will not be considered in conflict with this resource. Dwellings located on sub-standards size lots could serve to deteriorate this resource. It may be possible to site dwellings on parcels of less than 160 acres, if allowed by the underlying zone, but only if an applicant can prove that the proposal will not impact the wildlife habitat found there and if all other applicable criteria are met, including Article 44 and other Goal V protection standards. This policy will help to protect the wildlife habitat resource while still allowing for dwellings and other structures to be established; therefore, it will not create a hardship on property owners.

Accessory buildings associated with an existing or approved dwelling will not be considered to be in conflict with this

resource if they are located within 200 feet of the dwelling. This proximity is close enough that their impact is no greater than the dwelling itself.

Additional roads should not be constructed on the Moraines unless there is absolutely no other way to access an approved use. In the event that a new road is found to be necessary, its placement should be outside of areas identified for primary wildlife use. This procedure will reduce the impact of development on the Moraines' wildlife population. Roads must conform to Articles 32 and 44.

The local office of ODF&W has mapped a portion of the East Moraine as Goal V Deer Habitat. That portion of the Moraines considered Goal V Deer Habitat is defined as follows: The west face of the East Moraine to within 300 feet of Highway 351 and that area within 200 yards (ground distance) east of the crest beginning at the north end of the moraine in section 5 and continuing south to the Forest Service boundary. This area should be managed to maximize open space. Development within the 3A protection area will be in conflict with the wildlife resource.

All other items which constitute a potential conflicting use will be allowed only if the property owner can prove that the proposed use will not substantially impact the wildlife habitat found on the Wallowa Lake Moraines. If this can be proven and all other applicable criteria are met, including that of other Goal V standards, Article 36 (Salmon Habitat Recovery Plan) and Article 44, the use may be approved.

HISTORICAL SIGNIFICANCE, WALLOWA LAKE MORAINES Location

It could be argued that the Wallowa Lake Moraines in their entirety are of historical significance. They have been in existence far longer than humans have inhabited the Wallowa Valley and were undoubtedly used as special points of reference by all early residents in the area. The Moraines have seen the use of multiple communities and are endeared to all.

Identifying the areas of the Moraines which are of particular historical significance has not been an easy task. It was

decided that the area above the Wahluna Terrace subdivision that extends up and over the lakeside skyline of the Moraine (located in the north half of Section 5 in Township 3 South, Range 45 and the South half of Section 32 in Township 2 South, Range 45 is one of these areas. This decision was based on the importance placed on this specific area by the associated Native American community. This community is recognized as the original Chief Joseph band of the Nez Perce, and its descendants may now be found on the Nez Perce Reservations in Colville, Washington; Lapwai, Idaho; and the Umatilla Reservation in Pendleton, Oregon. They have placed special significance upon this portion of the Moraines due to its association with cultural and religious practices. In addition to this, there may be ancient burial sites located here.

The second area of historical significance was determined to be the un-timbered lakeside skyline of the Eastern Moraine found in Sections 4, 9, and 16. This area was chosen due to information which documents its use by the associated Native American communities for cultural and religious purposes.

The third and final area which has been designated to be of particular historical significance is a portion of the saddle located east of the lakeside skyline of the Eastern Moraine. This area is located in the southeast quarter of Section 9, Township 3 South, Range 45 and is about 20 acres in size. This area was chosen because it is the location of the original Chief Joseph Rodeo Grounds. Upon adoption of this ESEE the Historical Resource Map (G5-7) is revised to include only the 20 acre area of the original Chief Joseph Rodeo Grounds.

For a view of the location of this resource, please see Resource Map G5-7 Historical Resource Areas.

Quality - Quantity

Portions of the Wallowa Lake Moraines have been used for centuries by Native American communities as a site for religious and culturally important events. This traditional use has been documented in several types of literature, including contemporary writings and historic journals, existing photographs showing Indian camps on the banks of Wallowa Lake, and the testimonies from these communities. Indian artifacts, such as arrowheads are

such as arrowheads are present in the area, as are ancient trails. Materials which directly identify the Wallowa Lake Moraines being used by Native American communities include Protecting American Indian Sacred Geography a paper written by Deward E. Walker, Jr. (after years of extensive research); and The Story of Wallowa Lake and The Wallowa Country (1867-1877) books by Grace Bartlett that include several references the use of the Moraines; and War Chief Joseph by Helen Addison who also mentions the Moraines' importance to Native Americans. All available evidence clearly points to the East Moraine as being an area of historical importance.

In addition to the area's value to the associated Native American communities, the Moraines hold historical significance to the local immigrant community. The annual Chief Joseph Rodeo, which has become known throughout the nation, was originally held on the back side of the Eastern Moraine. While the remains of the old rodeo grounds are still present, they are in such a dilapidated condition that they no longer are of resource potential. Even though the rodeo grounds are beyond salvaging; it is important to note their historical purpose, and its significant value to the citizens of Wallowa County.

Also present within the Goal V area is the Prairie Creek Cemetery. Located in the northeast corner of the area, the cemetery is the resting place for many of Wallowa County's earliest residents.

The existing ski run from the upper terminus of the Wallowa Lake Tramway near the summit of Mt. Howard to the lower terminus within the Wallowa Lake unincorporated community is part of the history of the county and is currently not a conflicting use. The ski run, originally cleared in the early 1970's, has not been maintained for some time and is not heavily used.

If a dock is requested and approved on the Timber/Grazing portion of the east shore of Wallowa Lake, it will not be in conflict with the historical and cultural resource as it must meet the applicable criteria of Article 37 and Article 44.

CONFLICTING USES: The property within the inventoried historical area of the Wallowa Lake Moraines is zoned Exclusive Farm Use. It was decided that with the exception of the grazing of livestock -

of livestock - specifically cattle and sheep - all permitted and conditional uses in these zones may change or alter the historical significance of the area and constitute a potential conflicting use.

Currently, there are no conflicting uses present in the historical area of the Wallowa Lake Moraines. Examples of potential conflicting uses are as follows:

01. SINGLE-FAMILY DWELLINGS: Dwellings on the Moraines can definitely alter the historical resource. Structures in these areas are completely out of context with the historical significance of the identified areas. Dwellings could be sited in the old Rodeo Grounds area with less impact than in the other two areas.
02. NONRESIDENTIAL STRUCTURES: As is the case with dwellings, any type of structure could be in conflict with this resource. Structures which fall into the context of the traditional and continued use of the Moraines, such as: pole barns for hay storage or sheds for use during calving or lambing, may not be considered to be in conflict with the resource. These types of structures are consistent with the arcadian character of the Moraines. Other types of structures may include; but not be limited to; schools, churches, playgrounds, airplane hangers, etc. These are not consistent with the traditional character of the Moraines and would constitute a substantial conflict with the resource - especially if they were sited in either of the two historic areas associated with Native American communities.
03. ROADS, DRIVEWAYS AND OTHER MEANS OF ACCESS: Roads which are located on the Moraines could definitely alter the historical resource and constitute a conflicting use. Other items which fall under this category would include; but not be limited to; bicycle paths, pedestrian paths, driveways, etc. Roads, driveways and other means of access must meet the criteria of Article 32 and 44.
04. WATER/SEWER SYSTEMS: These systems, or other similar systems, are considered to be conflicting uses because they are directly associated with other conflicting uses - such

as dwellings.

05. INTENSIVE AGRICULTURAL USES: Agricultural uses other than the grazing of livestock could change the existing natural character of the historic resource area. Under this context, any additional agricultural use may create a conflict. However, this area is zoned for the purpose of farm use; therefore, cultivation of crops traditionally grown in the surrounding area, including but not limited to alfalfa, wheat, irrigated pasture, etc., will not be considered to be a conflicting use. The surrounding area is considered to be the valley floor located to the east, north, and northwest of the City of Joseph. Other types of crops or agricultural uses, including but not limited to feedlots, would create a definite conflict to the historical resource - especially those which require a high concentration of livestock.

06. GOLF COURSES: Golf courses and similar recreational activities create a substantial conflict to the resource. This type of use is very out of context with the historical significance and will not be acceptable in either of the two areas included in the historical resource because of their importance to the associated Native American communities.

07. TIMBER HARVESTING: Due to the fact that there is no harvestable timber located in the historic resource area, this particular use does not apply.

08. COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM OR FOREST USE: A use of this kind could create a conflict with the historical resource because it would most likely be associated with other items, such as roads and dwellings, which are also identified as conflicting uses. If such a use is conducted with facilities that were in place prior to January 1, 1996, it will not be considered to be in conflict with the historical resource. Other activities of this type may not be considered to be in conflict with this resource if they do not require additional roads or structures or increase the current level of traffic. All other applicable criteria, including that of other Goal V protection standards, would have to be met before such a use were

use were approved. A home-based occupation falls into this category.

09. OPERATIONS CONDUCTED FOR THE EXPLORATION, MINING AND PROCESSING OF ANY SUBSURFACE RESOURCES: A mining operation of any type which was located in the areas identified as being of historical significance would create a conflict with this resource. The noise, traffic, dust and increased activity of a mining operation is completely out of context with the traditional and continued character of the Moraines.

In addition, a use of this type would likely require other facilities which could be considered to be conflicting uses, such as: roads, utilities, and buildings.

ENVIRONMENTAL - SOCIAL - ECONOMIC - ECOLOGICAL ANALYSIS

ECONOMIC: The current trend of tourism shows that consumers have a very active interest in Native American cultural areas. More intensive land use will make the area less desirable for those seeking these qualities in a recreational and educational site. It is likely that this situation would result in a possible loss of tourist dollars for the area.

SOCIAL: Unrestricted development in this area could lead to a loss of cultural identity for Native American communities. Development on the Wallowa Lake Moraines may also serve to sever ties between the local community and Native American groups.

Because much of the local identity is associated with the region's Native American use, this identity may also be lost. Let us not forget who the City of Joseph was named for. If this resource is destroyed, many of the opportunities to learn about the area's past history may also be diminished.

ENVIRONMENTAL: Unrestricted development in this area could lead to negative impacts on the natural qualities and open space of the Moraines which would diminish the context of the historical and cultural resource.

ENERGY: Once again, more intensive land use on the Wallowa Lake

Moraines will cause a need for enhanced services (water, sewer, electricity, etc.) in the immediate area. These items, or the ability to produce them, would have to be present for successful development. Additional development creates a higher level of energy consumption. Wind generation towers and electrical transmission towers would be in conflict.

CONCLUSION: The historical significance of the identified area cannot be disputed. It is important to multi-cultural groups of individuals and warrants specific protection. Because the north end of Wallowa Lake was used extensively by Native American communities for their camping and fishing grounds, portions of the northern Moraines facing Wallowa Lake, which are mapped, shall be given a 3A protection status. No conflicting uses will be allowed in this area nor will development be allowed with an elevation that would interrupt the skyline. If human remains are discovered in any part of the Wallowa Lake Moraines, per Article 44, the procedure described in the Policy To Achieve The Goal of this document shall be applied. The northern portion of the Moraines on the opposite side (not facing Wallowa Lake) and the top of that portion of the Moraines shall be designated a 3C protection status. See Map G5-7.

The other two historically significant areas mentioned are the un-timbered lakeside skyline of the Eastern Moraine found in sections 4, 9, 16, and the original Chief Joseph Rodeo grounds. These areas shall be designated a 3C protection status.

PROGRAM TO ACHIEVE THE GOAL: In the areas identified as being of historical significance due to their association with the Native American communities, dwellings or other structures sited in a manner that would interrupt the skyline of the Moraine will not be acceptable. In the area identified as the old rodeo grounds, dwellings sited on parcels of at least 160 acres or more will not be considered to be in conflict with this resource. Dwellings located on sub-standard size lots could serve to deteriorate this resource. It may be possible to site dwellings on parcels of less than 160 acres only if an applicant can prove that the proposal will not impact the historical significance found there and if all other applicable criteria are met, including Article 44 and other Goal V protection standards. This policy will help to protect the historical resource while still allowing for dwellings and other structures to be established; therefore, no

to be established; therefore, no hardship on property owners is created.

All other items which constitute a potential conflicting use should be allowed only if the property owner can prove that the proposed use will not substantially impact the historical significance found on the Wallowa Lake Moraines. If this could be proved, such a use may be approved providing that all other applicable criteria are met - including that of other Goal V protection standards and State and Federal cultural protection laws. Article 41 shall apply to historical structures.

If during any activity human remains are discovered, meaning articulated or not articulated human skeletal remains, bones, or teeth, all activities shall cease. Local law enforcement officials, the local government, and the Indian Tribal Governments shall be contacted immediately. The County Medical Examiner shall inspect the remains to determine whether they are either modern or historic. Representatives from the Indian Tribal Government shall have an opportunity to monitor the inspection. If the remains are indeed historic, they shall be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In the event that any such remains happen to be modern, the appropriate law enforcement officials shall assume jurisdiction. (Information for the handling of human remains has been taken from the Management Plan for the Columbia River Gorge National Scenic Area.) See also Article 44, Section 44.035.

APPLICABILITY OF OTHER GOALS: The Moraines of Wallowa Lake are an excellent example of an area worthy of Goal V protection. The presence of several resources make protection a necessary step to preserve the arcadian character found on the Moraines and in Wallowa County. In addition to what has been identified and inventoried under Goal V, there are several other Statewide Planning Goals which are applicable to this program.

01. CITIZEN INVOLVEMENT: This document and the programs stated herein were originally drafted with the direction and approval of the Wallowa Lake Basin Advisory Committee. This citizen advisory committee was established by the Wallowa County Board of Commissioners for the purpose on analyzing and evaluating several items of concern within the Wallowa Lake Basin area. The membership of this committee is quite

committee is quite diverse and includes representatives from local business, timber, agriculture, cities, State and Federal agencies, and the Nez Perce Tribe. This group has sought to make sound and reasonable decisions that allow for protection of the Wallowa Lake Moraines and their identified Goal V resources. Hearings, noticed to all of the above groups, affected landowners, and county landowners have been held in 2001 leading to the current revision of this ESEE and its implementing ordinance, Article 44.

02. LAND USE PLANNING: The content of this document represents the endeavors of a concerned community making decisions about what they would like to see conserved or developed in the future. Different scenarios were discussed; the desired one is set forth in this document.
03. AGRICULTURAL LANDS: Much of the Wallowa Lake Moraines are zoned for exclusive farm use. Taking measures to maintain the traditional character of the area is in accordance with the position of the State and County to preserve resource ground for resource use. This document may regulate some potentially conflicting agricultural uses. However, those uses which are out of context with the traditional character of the Moraines are, for the most part, not feasible to practice in this area. Therefore, regulating such uses will have no consequence on property owners.
04. FOREST LANDS: Portions of the Wallowa Lake Moraines do have a respectable amount of timber and are zoned for forest practices. Since these practices are an important part of the Wallowa County economy, seeking to prohibit them at the county level does not seem appropriate, especially since the Forest Practices Act applies to these activities.
06. AIR, WATER AND LAND RESOURCE QUALITY: By protecting the Wallowa Lake Moraines from conflicting uses, this document will also be promoting all items of concern under this goal. All proposals in this area will also be subject to the provisions of the Wallowa County/Nez Perce Tribe Salmon Recovery Plan with Multi-species Habitat Strategy and its implementing ordinance, Article 36. This is an ecosystem

restoration document aimed at improving all watersheds within Wallowa County.

08. RECREATION: Protecting the Moraines will insure that the Wallowa Lake Basin area will continue to be an attractive place for individuals to meet their recreational needs. If unchecked, the negative aspects caused by potentially conflicting uses could create an atmosphere that lacks the recreational qualities that are now present.
09. ECONOMIC DEVELOPMENT: The applicability of Goal V is very similar to that of Goal VIII. To leave the Moraines unprotected and susceptible to conflicting uses, though they may represent short term economic gains, may possibly have negative long term effects. Conflicting uses allowed on the Wallowa Lake Moraines will likely deteriorate the entire Wallowa Lake Basin's attractiveness. This would in turn create harsh results for the Wallowa County economy. These conflicting uses could also negatively affect the current resource uses of the area which contribute to the economy of the County.

FINAL CONCLUSION: The Goal V Protection Standards, when applied to properties within the Wallowa Lake Moraines, will have little effect on the currently allowed uses. The Goal V Protection Standards will insure that any future development will be appropriately limited and allow only construction which will suitably blend into the surrounding environment. While the 3A protection standards for Scenic Areas and those that are of historical significance are very strict, the effect will be minimal since there are few suitable building sites on these parts of the Moraines. The parcels included within these protective boundaries are either large enough to provide building sites outside of the 3A status area or small enough to make approval for a dwelling or other development very unlikely. Due to these factors, even the maximum Goal V protection status will not significantly affect the current use of these parcels nor will it significantly alter the developmental potential of this area.

The Wallowa Lake Moraines are made up of many resources worthy of Goal V protection. Many of the properties included under one protection standard also fall under others that are applied to

the area. The requirements of all applicable protection standards pertaining to a piece of property must be met. These overlapping protection standards shall serve as comprehensive layers to preserve and protect the resources therein.

EFFECTS ON PROPERTY OWNERS

01. Owners: Kenneth and Patricia Stein
Dan Stein
Tax lot #: 700/Ref #: 3651/Zone: EFU/Acres: 156.73

This parcel is located entirely within the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat. A double-wide mobile home and out buildings are currently located on the property. As the development potential of this parcel has already been realized, the Goal V protection status would have little affect. In the event that a request for a second dwelling or a replacement dwelling for this parcel was received, the reviewing body may approve it conditionally if all other proper criteria is met, and it is located in the immediate vicinity of the existing structures. The parcel's size, topographic relief, and lack of natural vegetation to provide a suitable visual barrier to the proposed development may be cited as reasons to condition an application as such. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

02. Owners: K & P Stein Trust
Tax Lot #: 701/Ref #: 3653/Zone: EFU/Acres: 155.61

This parcel is located entirely within the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat. A house has been built on this property which has caused its developmental potential to be reached. Once again, the Goal V protection status will have little affect on the current property owner unless it is requested that permission for a second dwelling be granted. The reviewing body may wish to use the reasons sighted for Tax Lot 700 to discourage additional development on this property. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

03. Owners: Paul L. Tullius Trust
Tax Lot #: 800/Ref #: 3655/Zone: EFU/Acres: 204.78
[2S45] 9803 8321 EFU 89.97

This property is included in the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat. It was partitioned from the Marks's contiguous ownership which extends far beyond the Goal V area boundaries and make up 536.48 acres. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas. If a request for a single-family dwelling is received, the reviewing body may require that any proposed dwelling be located in the eastern most portion of the property. This location would put a potential dwelling in closer proximity to existing development, reduce the distance from which it would be visible, and provide a more acceptable site due to the topographic relief.

04. Owner: Dan & Lori Butterfield
Tax Lot# 9800/Ref.# 2597/Zone: EFU/Acres: 241.51

This property was partitioned to create the above discussed property (3). This particular ownership is located entirely outside the Goal V areas. A single-family dwelling is present on the property, no impact is identified.

05. Owners: Luther & Burnice Thornburg
Tax Lot #: 900/Ref #: 3657/Zone: EFU/Acres: 4.39
1000 3658 EFU 160.00

These two parcels are part of one contiguous ownership and are located entirely within the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat. The Thornburgs also own tax lots 300, 400, and are partners in 600 creating 398.90 acres. A single-family dwelling is present on that portion which is located outside of the Goal V protection area. If the portion of this property which is located in the Goal V area were to be sold, its size would make the placement of a dwelling possible if all other criteria was met. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas. If such a proposal is received, the reviewing body may require that it be placed in the location of the homestead site located on the property. This site already has a road to it, there are several large trees surrounding the site, and it is low enough on the Moraine that it would not be visible from a distance. The reviewing body may require that if a dwelling is placed on the

placed on the property no additional dwellings can be sited.

06. Owners: Wm. and Patricia Kilts
Tax Lot#: 1300/Ref #: 3661/Zone: EFU/Acres: 124.58
[2S45] 9102 7770 EFU 158.12

The Kilts have a contiguous ownership of 276.70 acres. This property also extends far past the Goal V area where a dwelling and various out buildings are present. Therefore, the developmental potential of this parcel has been reached. Of the portion that is within the Goal V area, the majority is located within the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, Wildlife Habitat, and Historical Significance. Approximately 15 acres of the southwest corner are included in the 3A protection status area of the Moraines' Scenic area. Conflicting uses would not be allowed within this portion of the property. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

07. Owner: Anna Mae Quint
Tax Lot #:1400/Ref #: 3662/Zone: EFU/Acres: 68.04
9700 2595 EFU 87.50

This parcel is located in the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, Wildlife Habitat, and Historical Significance and is directly adjacent to the 3A protection status area of the Moraines' Scenic Area. It is currently unimproved. This contiguous ownership is made up of 155.54 acres. In the event that a request for a dwelling was granted, it may be required to be located on that portion which is not included in the Goal V protection areas. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

08. Owner: Little Oxbow Inc.
Tax Lot #: 1401/Ref #: 3663/Zone: EFU/Acres: 4.32

This undeveloped parcel is located entirely within the 3C protection status areas of the Moraines' Natural Resource and Wildlife Habitat. It is also entirely within the 3A protection status area of the Moraines' Scenic Area. Due to this location,

no conflicting uses will be allowed. However, this would not significantly change the developmental situation of this property as its size, location, steep incline, and instability of the soil virtually assure that a proposal for a dwelling would be denied.

09. Owner: L. Bruce & Mary Lou Ham
Tax Lot #: 1402/Ref #: 3664/Zone: EFU/Acres: 72.02

Currently, this parcel has no dwellings. However, the property qualified for a lot-of-record dwelling permit prior to adoption of the Goal V standards, a perfected permit exists along with electrical power and a well, and it is anticipated that a dwelling will be constructed. The dwelling approval contains conditions of approval that require siting of the dwelling in the vicinity of existing dwellings and as far to the west as possible to lessen negative impact to the resource. The property is located within 3C protection status areas of the Moraines' Natural Resource, Wildlife Habitat, and Historical Significance. It is also entirely within the 3A protection status area of the Moraines' Scenic Area and would not be eligible for any type of conflicting use.. Therefore, the Goal V protection status would not significantly alter the developmental possibilities of this parcel. The proposed driveway improvement represents a potential conflict with the scenic and natural resources and needs to be mitigated to meet standards of Articles 44, 36 and 32.

10. Owner: G. Lowell & Robin R. Lewis
[2S45]
Tax Lot#: 9500/Ref #: 2594/Zone: EFU/Acres: 240.40
7801 R-1 4.33

This parcel is unimproved and makes up 244.73 acres. The Goal V protection status of the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat take in approximately half of the property and includes only land zoned Exclusive Farm Use. A small amount of the southernmost portion of the property is included in the 3A protection status of the Moraines' Historical significance, no conflicting uses may occur in this area or within 100 yards of it. Any designated protection status shall affect the developmental potential very

developmental potential very little as there is well over 100 acres which are not included in the Goal V boundaries. If a request for a single-family dwelling is received, the reviewing body may require that it be located on that portion which is not included in the Goal V protection areas. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

11. Owner: William Daggett
[2S45]
Tax Lot#: 9400/Ref #: 2593/Zone: EFU/Acres: 120

Approximately one quarter of this 120 acre parcel is included in the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat. Presently, this property contains two houses and various outbuildings. Its developmental potential is realized and any designated protection status will have a minimal affect, if any, on the property. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

12. Owner: Alvin Josephy Family
[2S45]
Tax Lot#: 10000/Ref#: 2601/Zone: EFU/Acres: 93.25
10100 2602 EFU

15.00

This contiguous ownership is comprised of 108.25 acres zoned Exclusive Farm Use. There is at least one dwelling and several outbuildings currently located on this property. The 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat take in approximately 25 acres which will have very little, if any, affect here as its developmental potential has already been reached. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

13. Owner: Arnold P. Mindell
Tax Lot #: 1600/Ref #: 3670/Zone: EFU/Acres: 24.79

This parcel was undeveloped in 1995 and is located entirely within the 3C protection status areas of the Moraines' Natural

Resource and Wildlife Habitat and the 3A protection status areas of the Moraines' Scenic Area and Historical Significance.

Approximately one acre, against Hwy 351 located at the west end of the property, has been left out of a 3A protection status. In this area, adjacent to existing dwellings, conflicting uses may take place in a limited amount. A dwelling was built on this parcel in 1996.

14A. Wahluna Terrace Subdivision: Maps 3S45 5AB & 3S45 5BA

The developmental guidelines specified by Article 18 and applicable provisions of Article 44 of the Wallowa County Zoning Articles shall apply. In addition, any proposed dwelling on Tax Lot 100 shall be required to be located in the southwest quarter of the property.

14B. Owner: David Manuel
[3S4505AB]
Tax Lot#: 100/Ref#: 4016/Zone: EFU&R-2/Acres:
10.05

This undeveloped tax lot is included in a 3C protection status for the Moraines' Scenic Area. It shall be subject to the provisions of Article 44, the underlying zone, and the design standards of Article 18 of the Wallowa County Zoning Articles. Only the portion of this tax lot zoned R-2 is excluded from the Goal V scenic resource. In addition, any proposed dwelling on this lot shall be required to be located in the southwest quarter of the property. This action is consistent with the decision to preserve the visual qualities of the area because construction in the upper portion of this property would be detrimental to this resource. This protection status will not significantly effect the developmental potential of this property. A permit for a dwelling was applied for in 1996 on this parcel (ZP#96-10). The permit was approved by the Planning Commission, appealed and upheld by the County Board of Commissioners. It was appealed to LUBA and the appeal resulted in a remand. There has been no further action on this permit.

15. Owners: G & G Schaeffer Trust
Tax Lot#: 3200/Ref#: 3700/Zone: EFU/Acres: 540.80

This parcel is quite large, and its boundaries extend past the designated Goal V area. The portion which does happen to be within the focus of this property is primarily located within the 3C protection status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife Habitat with approximately 35 acres included in the 3A protection status area of the Moraines' Scenic Area. The 3C protection status for the Moraines' Historical Significance is also present on the property. Conflicting uses may not occur in the 3A area. Development has occurred on this parcel but it is located outside of the Goal V area boundaries. The remaining developmental potential for this property would be two more dwellings if it were partitioned and sold. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

16. Owners: Jacob Hasslacher
 Tax Lot#: 3502/Ref#: 3706/Zone: EFU/Acres: 101.26

Currently, this parcel has one dwelling and several outbuildings present. It is located entirely within the 3C status areas of the Moraines' Natural Resource, Scenic Area, and Wildlife habitat. Its development potential has at this time been realized. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas.

17. Owners: Ron Yanke and RY Timber
 Tax Lot#: 1500/Ref#: 7800/Zone: T/G/Acres:

1350.57	3665		EFU
	5900	3738	T/G
160.00			
	6000	3739	T/G
40.00			

This property is the major land holding on the Moraines. The three contiguous parcels make up 1,550.57 acres, none of which are developed at this time. The majority of this ownership is located in the 3C protection status area of the Moraines' Scenic Area on both the east and west sides of the Eastern Moraine. Over 150 acres are included in the 3A protection status area of the Moraines' Scenic Area. It also is located within the 3C protection status for the Moraines' Natural Resource and

Historical Significance and is entirely within the 3C protection status of the Moraines' Wildlife Habitat. Conflicting uses may not occur within that portion which is located within the 3A area. In that area, of the west side of the Eastern Moraine which has been designated a 3C protection status, development will only be possible if conflicting uses proposed in the Goal V areas meet all requirements of the protection status applied to those areas. The area between Highway 351 and the shore of Wallowa Lake is included in the 3C Scenic Protection area. As this is an additional restriction on this property, the county will allow the property owner to place a dock on the portion of this property zoned Timber/Grazing. This shall be deemed to be a permitted use and upon adoption of this ESEE Article 37 is amended to allow this use. The dock shall meet all applicable criteria of Article 37 and Article 44, including scenic protection at the Moderate level (Partial Retention).

18. Owners: Associated Ditch Company
Tax Lot#: 1700/Ref#: 3671-76/Zone: EFU/Acres:
16.33

This parcel is owned by several ditch companies. A home is present on the property as is a county park and boat dock. It is zoned Exclusive Farm Use and is subject to the developmental standards which go with this zone, along with applicable Goal V protection status.

19. Owners: Paula Krieger
[03s4505B]
Tax Lot #: 200/Ref #: 3678/Zone: UGR/Acres:
3.43 [2S45]
9300 2592 58.50

A manufactured home and several out buildings are currently present on tax lot 9300, no improvements have been made to tax lot 1900. This property is zoned for residential use, and the Goal V protection status will not effect its developmental potential. It will be required that any structures which are to be built on this property meet design standards equivalent to those required in the Recreation Residential Zone to protect the Moraines' Scenic Resource. Restrictive covenants and/or deed restrictions, if approved by the appropriate review authority, may provide for additional protections.

20. Owner: USA
[03S4505BA]
Tax Lot #: 900/Ref #: 3677/Zone: EFU/Acres: 5.10

This property is the site of the Chief Joseph Cemetery. It is an Indian Trust Land and is cared for by the National Parks Service. This is an area of historical and cultural importance. Because of its ownership and management, the resource is insured to remain protected. Also as this parcel is zoned EFU, it is subject to applicable Goal V protection standards. On 09/9/1998 03S4505B TL 100 was purchased by the Federal Government to expand this area by 7.91 acres.

21. Owner: Ted & Sharon Hays
[03S4505B]
Tax Lot#: 400/Ref#: 8659/Zone: R-1/Acres: 26.0

This undeveloped property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines; however, it is zoned for residential use, and the Goal V protection status will not effect its developmental potential except that development will have to comply with the 3C Less Restrictive criteria for the scenic resource. It will also be required that any structures which are to be built on this property meet design standards equivalent to those required in the Recreation Residential Zone to protect the Moraines' Scenic Resource. If approved by the appropriate review authority, restrictive covenants, and/or deed restrictions may be substituted for County standards. This property may be additionally partitioned to the current minimum parcel size for the zone (5 acres).

22. Owner: Ted & Sharon Hays
[03S4505B]
Tax Lot#: 500/Ref#:3681/Zone: R-1/Acres: 5.95

This developed property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines. However, this is a property which has been designated for residential use and has already reached its developmental potential. Any Goal V protection status shall have very little if any impact on this property. Instances under which this

property could be affected would be applications for items, such as: a home based occupation or non-conforming use which could create conflicts with the protected resources. This property was partitioned in 1999 to produce tax lots 400, 500 and 600. At 5.95 acres, it cannot be partitioned again.

23. Owner: Renacer Inc.
[03S4505B]
Tax Lot #: 600/Ref #: 8273/Zone: R-1/Acres: 5.10

This developed property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines. However, this is a property which has been designated for residential use and has already reached its developmental potential. Any Goal V protection status shall have very little if any impact on this property. Instances under which this property could be affected would be applications for items, such as: a home based occupation or non-conforming use which could create conflicts with the protected resources.

24. Owner: West River LLC
[03S4505B]
Tax Lot#: 700/Ref#: 8272/Zone: R-1/Acres: 17.07

This undeveloped property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines; however, it is zoned for residential use, and the Goal V protection status will not effect its developmental potential except that development will have to comply with the 3C Less Restrictive criteria for the scenic resource. It will also be required that any structures which are to be built on this property meet design standards equivalent to those required in the Recreation Residential Zone to protect the Moraines' Scenic Resource. If approved by the appropriate review authority, restrictive covenants, and/or deed restrictions may be substituted for County standards. This property may be additionally partitioned to the current minimum parcel size for the zone (5 acres). A Dwelling was permitted in 1996, but was never built. The permit has expired and any new permit would be required to meet the above standards.

25. Owner: City of Joseph
[03S4506A]

Tax Lot #: 100/Ref #: 8108/Zone: R-1/Acres: 5.00

This property is the location of the Water Facility of the City of Joseph. Since this is a public utility facility and mandatory to the related community uses necessary for its operation, it will not be considered to be conflicting to the Goal V resources. If any residential uses are proposed on this site design standards equivalent to those required in the Recreation Residential Zone and 3C Less Restrictive scenic standards will have to be met to protect the Scenic Resource of the Wallowa Lake Moraines.

26. Owner: Steven Kangas
[03S4506A]

Tax Lot #: 200/Ref #: 3680/Zone: R-1/Acres: 3.41

This developed property is located within the Scenic Area, Wildlife Habitat, and Natural Resource Areas of the Wallowa Lake Moraines. However, this is a property which has been designated for residential use and has already reached its developmental potential. Any Goal V protection status shall have very little, if any, impact on this property. Instances under which this property could be affected would be applications for items, such as: a home-based occupation or non-conforming use which could create conflicts with the protected resources.

27. Owner: Cathy Lewis
[03S4506A]

Tax Lot#: 400/Ref#: 8473/Zone: R-1/Acres: 6.31

This developed property is located within the Scenic Area, Wildlife Habitat, and Natural Resource Areas of the Wallowa Lake Moraines. However, this is a property which has been designated for residential use and has already reached its developmental potential. Any Goal V protection status shall have very little, if any, impact on this property. Instances under which this property could be affected would be applications for items, such as: a home-based occupation or non-conforming use which could create conflicts with the protected resources.

28. Owner: Walter Reed
[03S4506A]

Tax Lot#: 500/Ref#: 3683/Zone: R-1/Acres: 2.51

This developed property is located within the Scenic Area, Wildlife Habitat, and Natural Resource Areas of the Wallowa Lake Moraines. However, this is a property which has been designated for residential use and has already reached its developmental potential. Any Goal V protection status shall have very little, if any, impact on this property. Instances under which this property could be affected would be applications for items, such as: a home-based occupation or non-conforming use which could create conflicts with the protected resources.

29. Owner: Henderson Living Trust
[03S4506A]

Tax Lot#: 600/Ref#: 8472/Zone: R-1/Acres: 11.00

This undeveloped property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines; however, it is zoned for residential use, and the Goal V protection status will not effect its developmental potential except that development will have to comply with the 3C Less Restrictive criteria for the scenic resource. It will also be required that any structures which are to be built on this property meet design standards equivalent to those required in the Recreation Residential Zone to protect the Moraines' Scenic Resource. If approved by the appropriate review authority, restrictive covenants, and/or deed restrictions may be substituted for County standards. This property may be partitioned one more time.

30. Owner: Scott & Terry Parker
[03S4506A]

Tax Lot#: 700/Ref#: 8645/Zone R-1/Acres: 6.00

This developed property is located within the Scenic Area, Wildlife Habitat, and Natural Resource Areas of the Wallowa Lake Moraines. However, this is a property which has been designated for residential use and has already reached its developmental potential. Any Goal V protection status shall have very little, if any, impact on this property. In 1999 a Home Based Occupation in the form of a day care was permitted and continues to operate.

Instances under which this property could be affected would be applications for items, such as: a home-based occupation or non-conforming use which could create conflicts with the protected

with the protected resources.

31. Owner: Daniel & Michelle Layne
[03S4506A]
Tax Lot#: 800/Ref#: 8474/Zone: R-1/Acres: 5.0

This undeveloped property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines; however, it is zoned for residential use, and the Goal V protection status will not effect its developmental potential except that development will have to comply with the 3C Less Restrictive criteria for the scenic resource. It will also be required that any structures which are to be built on this property meet design standards equivalent to those required in the Recreation Residential Zone to protect the Moraines' Scenic Resource. If approved by the appropriate review authority, restrictive covenants, and/or deed restrictions may be substituted for County standards. A perfected zone permit for a single family dwelling and accessory buildings has been issued. As this permit was issued prior to the adoption of this revised ESEE and Article 44, the permitted development will not have to meet the 3C Less Restrictive scenic requirements.

32. Owner: David & Dolores Bridges
[03S4506A]
Tax Lot#: 900/Ref#: 8646/Zone R-1/Acres: 5.00

This undeveloped property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines; however, it is zoned for residential use, and the Goal V protection status will not effect its developmental potential except that development will have to comply with the 3C Less Restrictive criteria for the scenic resource. It will also be required that any structures which are to be built on this property meet design standards equivalent to those required in the Recreation Residential Zone to protect the Moraines' Scenic Resource. If approved by the appropriate review authority, restrictive covenants, and/or deed restrictions may be substituted for County standards.

33. Owner: Resley Glenn
[03S4506A]
Tax Lot#: 1000/Ref#: 8710/Zone: R-1/Acres: 5.00

This undeveloped property is located within the Scenic, Wildlife Habitat, and Natural resource areas of the Wallowa Lake Moraines; however, it is zoned for residential use, and the Goal V protection status will not effect its developmental potential except that development will have to comply with the 3C Less Restrictive criteria for the scenic resource. It will also be required that any structures which are to be built on this property meet design standards equivalent to those required in the Recreation Residential Zone to protect the Moraines' Scenic Resource. If approved by the appropriate review authority, restrictive covenants, and/or deed restrictions may be substituted for County standards.

34. Owner: Buhler Family Trust
 Tax Lot#: 2200/Ref#: 3684/Zone: EFU/Acres: 733.49
 7799
 7845
 2201 8183 EFU 1.14
 [3S4507]3300 3881 T/G 201.22

Of this 935.85 acre contiguous ownership approximately 200 acres are located within the inventoried Scenic, Wildlife Habitat, and Natural Resource areas of the Wallowa Lake Moraines. No improvements exist on tax lots 3300 and 2201. Residential structures, out buildings, working pens, and other improvements necessary for conducting an agricultural operation are present on tax lot 2200. There are no improvements on the portion of this property which happens to be within the Goal V resource areas. Any future development on this property can easily be conducted, after appropriate approval, on the 735+/- acres which are not included in the identified resource areas. Therefore, any Goal V protection status will have little, if any, impact on this property.

35. Owner: Susan Alford
 [03S4506A]
 Tax Lot #: 1100/Ref #: 3685/Zone: EFU/Acres: 1.00

This parcel's small size and proximity to the Goal V area boundary exclude it from being a resource potential. Any Goal V protection status shall have no impact on this parcel as long as it remains zoned for resource use. Proposals to rezone this

property for residential use shall be thoroughly examined to determine if such a designation would degrade any Goal V resources.

36. Owner: Alta C. Forster
[03S4517B]
Tax Lot#: 1500/Ref#: 3742/Zone: T/G/Acres: 40.00

Gretchen Forster
[03S4517B]
1600 7788 T/G 40.00

Katherine D. Forster
[03S4517C]
200 7789 T/G 40.00

Sharon Forster
[03S4517C]
300 7790 T/G 40.00

This 160 acre tract is made up of four contiguous 40 acre tax lots in separate ownership. The property is located within the inventoried Scenic Areas, Wildlife Habitat, and Natural Resource areas of the Wallowa Lake Moraines and is currently unimproved except for a non-residential structure on Tax Lot 300. Any conflicting uses proposed in the Goal V areas must meet all requirements of the protection status applied to those areas. Development which would affect the skyline of the Western Moraine will not be permissible. Visual subordination must also be achieved for any conflicting uses to take place. Dwellings have been permitted under the template test and Article 28 on tax lots 1500, 1600 and 200, but as of this writing, these permits have not been perfected.

37. Owner: Bryant Joint Trust
[3S4508]
Tax Lot#: 200/Ref#: 3886/Zone: T/G/Size: 60.23

Approximately 30 acres of this parcel are located within the inventoried Scenic, Wildlife Habitat, and Natural Resource areas of the Wallowa Lake Moraines. However, a home and various out buildings are presently located on this portion of the property. Therefore, the developmental potential of this parcel has been met, and it does not stand to be affected by any Goal V protection status unless additional conflicting uses are

requested.

38. Owner: Ronald W. and Patricia Peterson
[3S4508]
Tax Lot#: 800/Ref#: 3894/Zone: T/G/Acres: 5.86

This parcel is entirely located within the inventoried Scenic, Wildlife Habitat, and Natural Resource areas of the Wallowa Lake Moraines. However, a home and various out buildings are presently located on this portion of the property. Therefore, the developmental potential of this parcel has been met, and it does not stand to be affected by any Goal V protection status unless additional conflicting uses are requested.

39. Owner: Mark & Harris Lacey Trust
[3S4508]
Tax Lot#: 700/Ref#: 3893/Zone: T/G/Acres: 30.68
7803 T/G 5.51

This parcel is entirely located within the inventoried Scenic, Wildlife Habitat, and Natural Resource areas of the Wallowa Lake Moraines. However, a home and various out buildings are presently located on this portion of the property. Therefore, the developmental potential of this parcel has been met, and it does not stand to be affected by any Goal V protection status unless additional conflicting uses are requested.

40. Owner: Peter Zimmer
[3S4508]
Tax Lot#: 1100/Ref#: 3897/Zone: T/G/Acres: 4.36
7806 T/G 0.72

This undeveloped parcel is entirely located within the inventoried Scenic, Wildlife Habitat, and Natural Resource areas of the Wallowa Lake Moraines. If County Zoning requirements are met for the placement of a dwelling - all Goal V protection status will have to be met.

41. Owner: Gordon & Sandy Wicher
[03S4508B]
Tax Lot#: 3600/Ref#: 3885/Zone: T/G/Acres: 29.47
Trust for Public Lands

	[03S4508]				
		900	3895	T/G	23.03
			7805	T/G	27.19
	Dunloggin, Inc.				
	[03S4508C]				
		3800	3897		T/G
26.70					
			7806		T/G
9.88					

These three tax lots represent 116.27 acres. This property is entirely located within the inventoried scenic, wildlife habitat, and natural resource areas of the Wallowa Lake Moraines. If County Zoning requirements are met for the placement of a dwelling - all applicable Goal V protection criteria will have to be met. This property is also adjacent to seven lots in the Lakeshore Tracts. These additional seven lots are zoned Recreation Residential (R-2) and will not be subject to any of the Goal V protection criteria. A dwelling has been permitted and built on the first of these parcels (tax lot 3600). Due to a boundary line adjustment, the R-2 parcels have been consolidated with the T/G zoned parcels and dwellings cannot be sited on both the consolidated R-2 and T/G portions.

The following ownership will not be affected by any Goal V protection status as long as any proposed uses which have been identified as being in conflict to the resources are conducted on the western portions of the properties - outside of the Goal V boundaries:

3S4508CC

- 42. Owner: Jesse C. & Annette Lewis
Tax Lot#: 100/Ref#: 4017/Zone: T/G/Acres: 5.00
- 43. Owner: William & Kim Moore
Tax Lot#: 200/Ref#: 4018/Zone: T/G/Acres: 5.00
- 44. Owner: Fred Dingler/Karen Gabbert
Tax Lot#: 300/Ref#: 4019/Zone: T/G/Acres: 1.82
- 45. Owner: Michael & Judith Allen
Tax Lot#: 800/Ref#: 4025/Zone: T/G/Acres: 4.33

3S4517B

46. Owner: Peach Living Trust
Tax Lot#: 600/Ref#: 4102/Zone: T/G/Acres: 5.00
 1100 4107 T/G 5.00
 1200 4108 T/G 5.00
47. Owner: Eugene Faltus
Tax Lot#: 800/Ref#: 4104/Zone: T/G/Acres: 10.00

An A-frame cabin (about 800 sq ft) with outhouse and deck currently exists and is visible on the Moraine skyline from several of the sensitive viewing areas. The cabin is plumbed and wired but water is hand carried and no septic exists. Any further development is restricted by applicable Goal V protections and implementing ordinance Article. Therefore, as the cabin is located on the crest of the Moraine, no further development, expansion, or addition of structures will be allowed. The addition of a well or septic system would not be in conflict with the resources as long as Article 44 criteria are met.

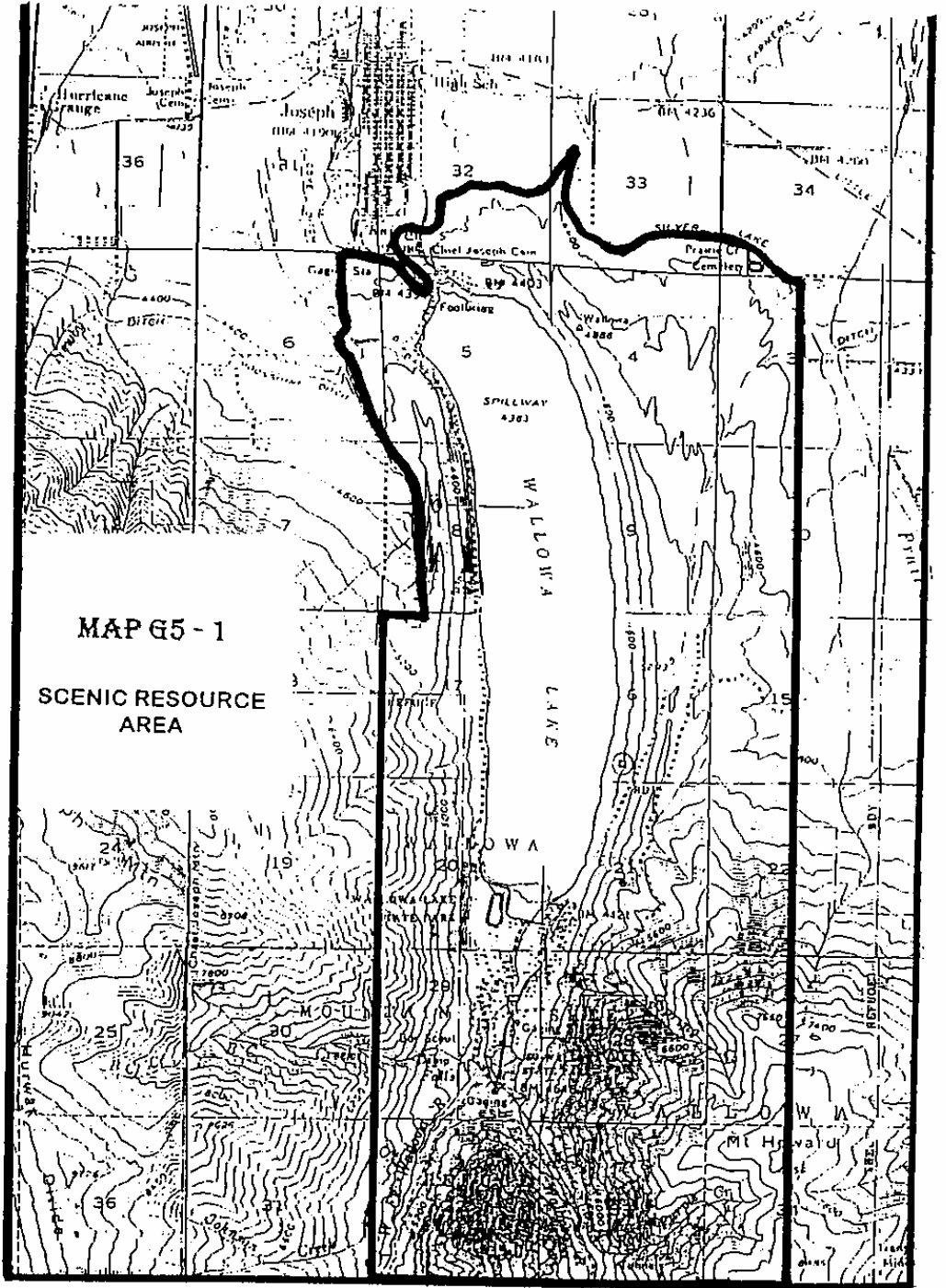
48. Owner: Arny & Amy Mindell
Tax Lot#: 900/Ref#: 4105/Zone: T/G/Acres: 5.00
 1000 4106 T/G 5.00
49. Owner: Charles and Pamela Garrett
Tax Lot#: 1300/Ref#: 4109/Zone: T/G/Acres: 5.00
50. Owner: Daniel & Martha Kessler
Tax Lot#: 1400/Ref#: 4110/Zone: T/G/Acres: 5.00

These undeveloped parcels are entirely located within the inventoried Scenic, Wildlife Habitat, and Natural Resource areas of the Wallowa Lake Moraines. If County Zoning requirements are met for the placement of dwellings - all Goal V protection criteria will have to be met. Tax lots 900 and 1000 lie just below tax lot 800 (see discussion above) and any development on these lots must not impinge on the crest of the Moraines.

As this section shows, the majority of private property owners on the Moraines have either reached their developmental potential or have the ability to develop property which is adjacent to but

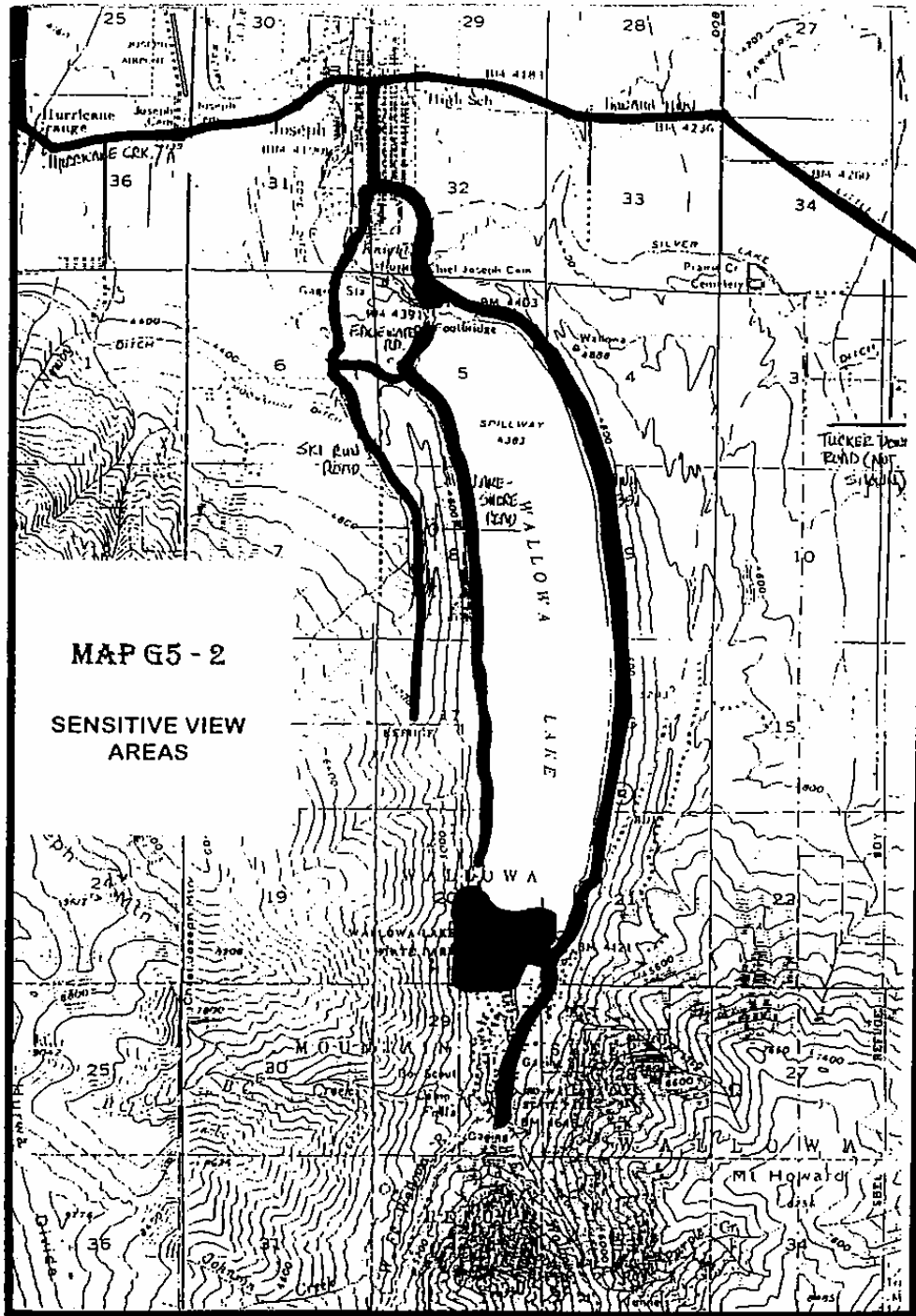
adjacent to but outside the Goal V area or have property which, due to its condition, is very unlikely to gain approval for the placement of a dwelling. Due to these facts, the developmental potential of property on the Wallowa Lake Moraines will not be significantly altered by these Goal V protection status.

The Resource Map G5-8 shows the location of the property ownerships which are affected by the Goal V protection standards.



— BOUNDARY

APPENDIX - GOAL 5 MAPS



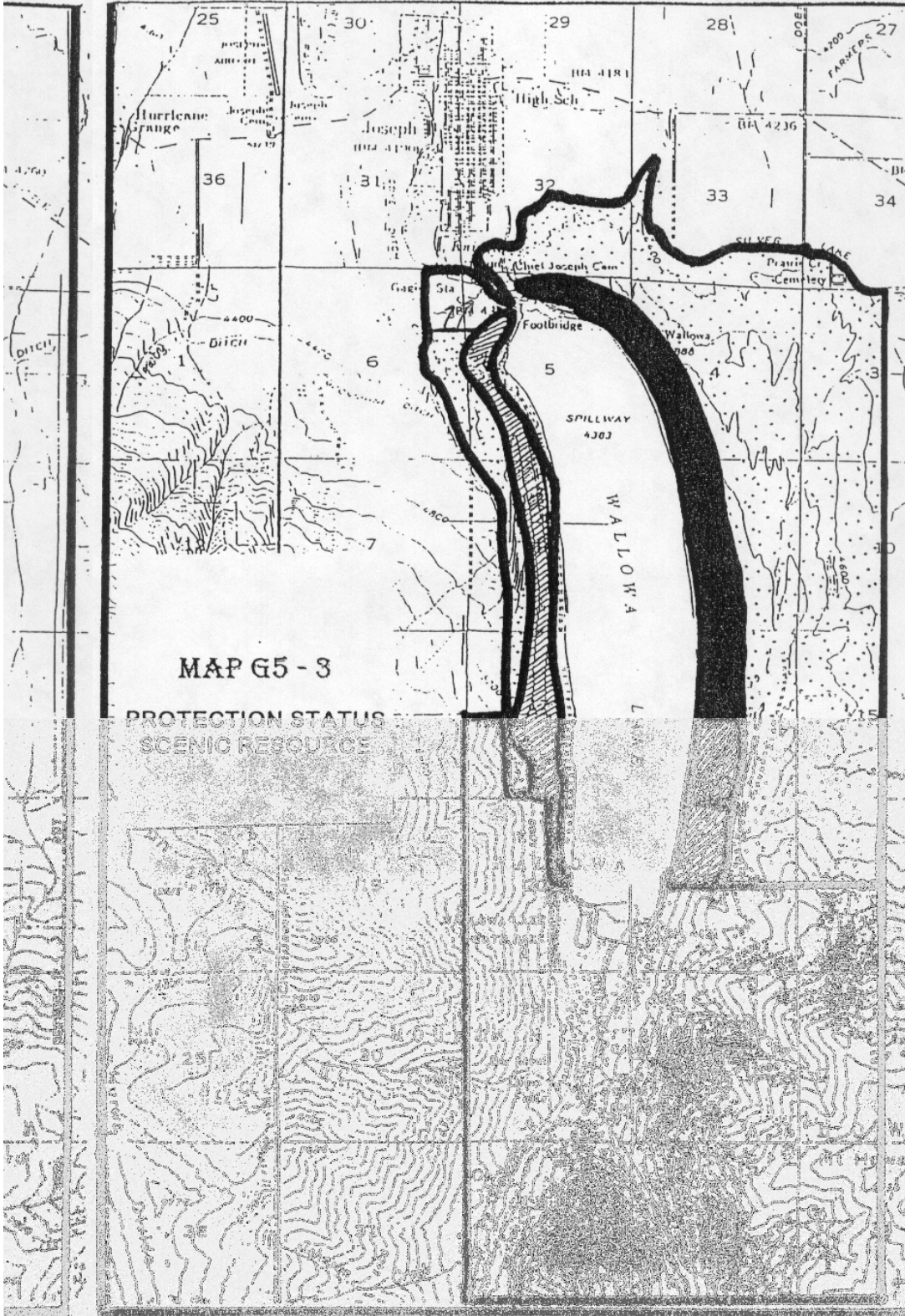
MAP G5 - 2

SENSITIVE VIEW AREAS

CHIEF JOSEPH CEMETERY
 SKI RUN ROAD
 HIGHWAY 351
 HURRICANE CREEK ROAD

WALLOWA LAKE STATE PARK
 LAKESHORE AND EDGEWATER ROADS
 IMNAHA HIGHWAY
 AIRPORT LANE

PRIMARY VIEWING AREAS
 TUCKERDOWN ROAD
 MORAINES VIEWSHED



MAP G5 - 3

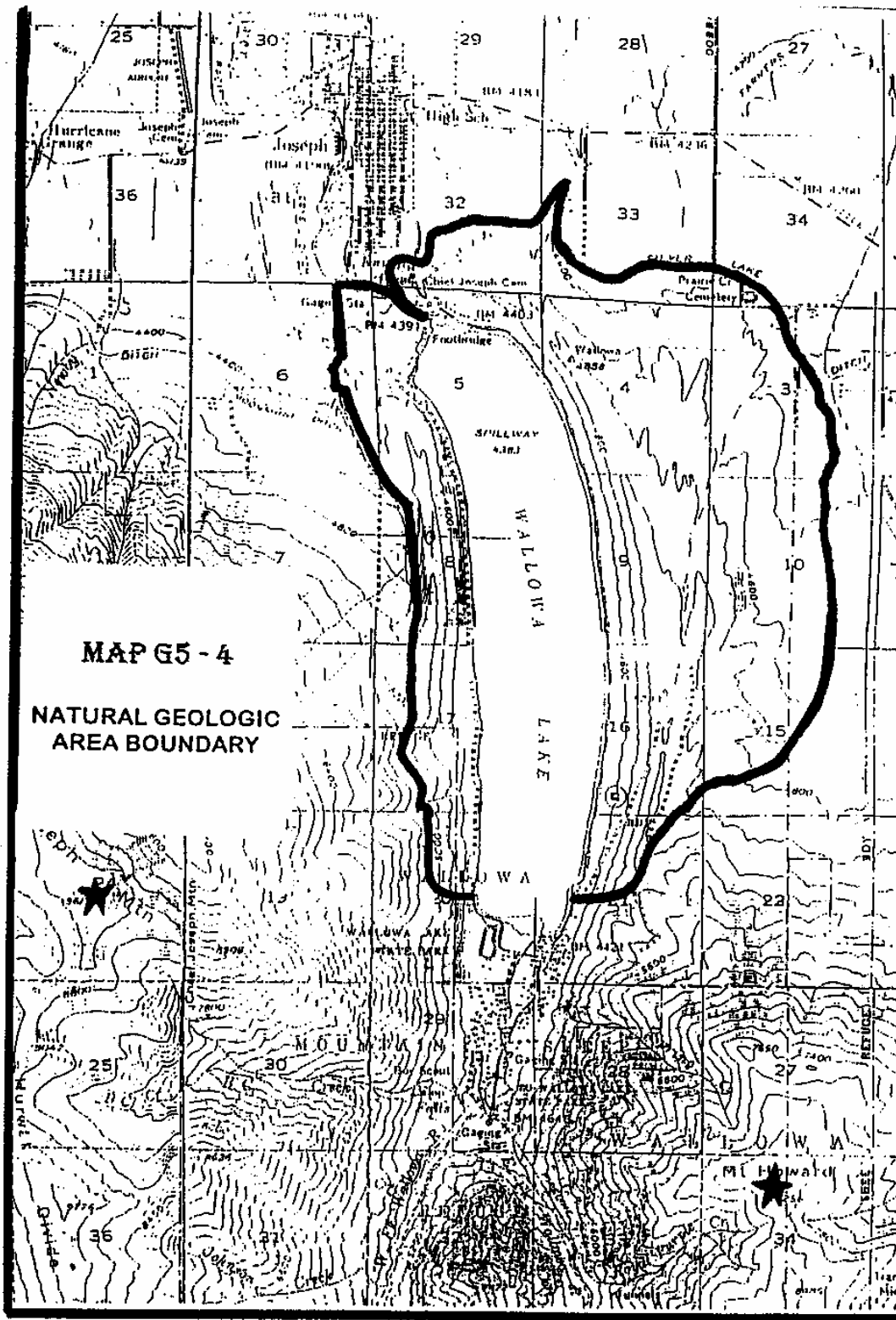
PROTECTION STATUS
SCENIC RESOURCE

SECTION 1111
(25)



1A PROTECTED STATUS
1B PROTECTED STATUS
1C PROTECTED STATUS

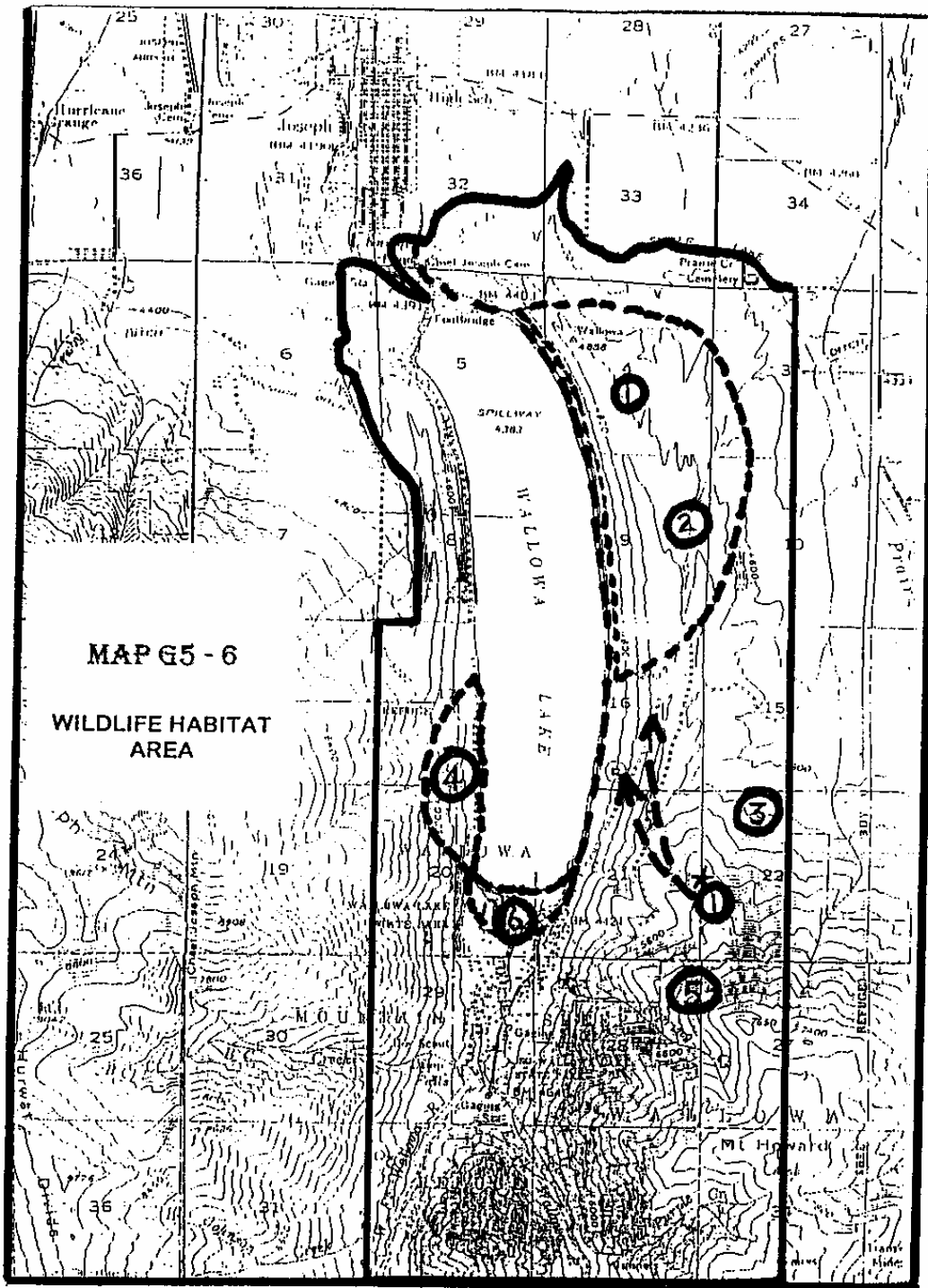
NO CONFLICTING USES ALLOWED
NO CONFLICTING USES ALLOWED, RESTRICTED USES WITH SPECIAL
CONDITIONAL AND RESTRICTED USES ALLOWED WITH RESTRICTIONS



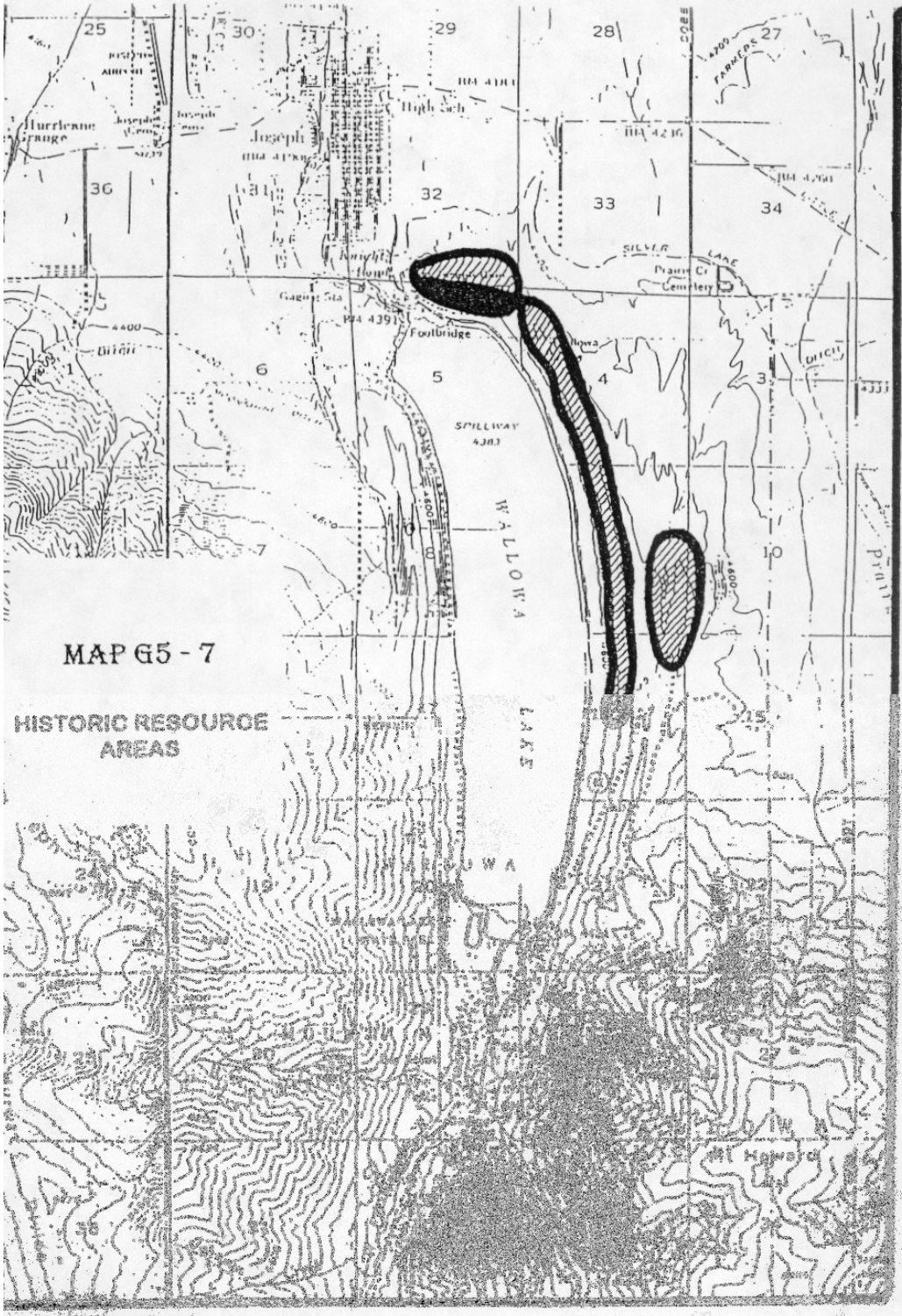
MAP G5 - 4
NATURAL GEOLOGIC
AREA BOUNDARY

* MOUNTAIN PEAKS OF CHIEF JOSEPH MOUNTAIN AND MOUNT HOWARD
 — GEOLOGIC BOUNDARY (ROUGHLY DEFINED BY CONTOUR;
 COYE AND SILVER LAKE DITCH AND SKI RUN ROAD





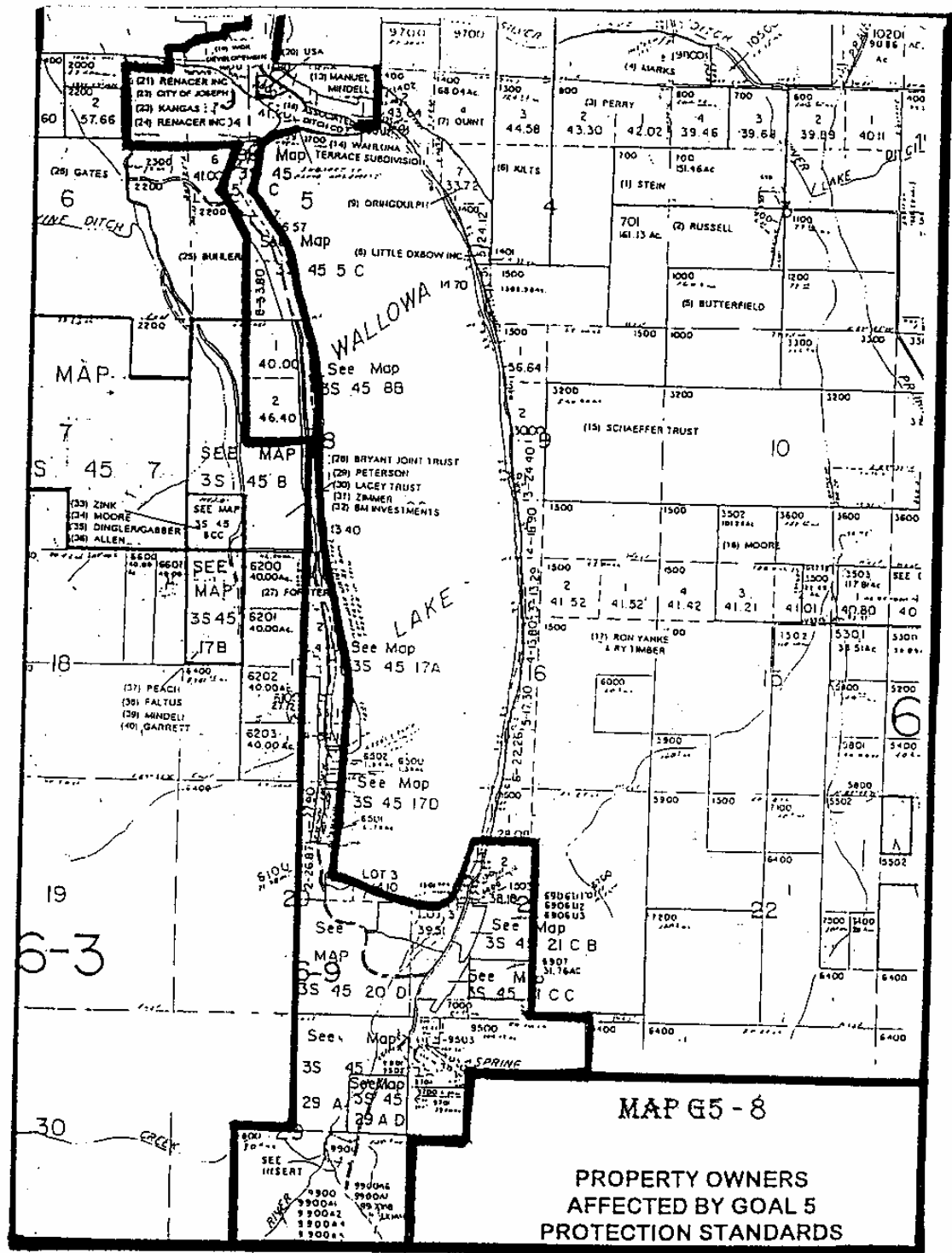
SPECIES OF CONCERN (FROM BASE MAP AS PREPARED BY THE WALLOWA LAKE BASIN ADVISORY COMMITTEE)
 1. MULE DEER 2. BLUE GROUSE AND HUNGARIAN PARTRIDGE 3. WHITE-TAIL DEER
 4. BALD EAGLE 5. ELK 6. WETLANDS
 NOTE: ARROWS DEPICT CRITICAL "FUNNEL" AREA OF THE MULE DEER AS IDENTIFIED BY ODF&W

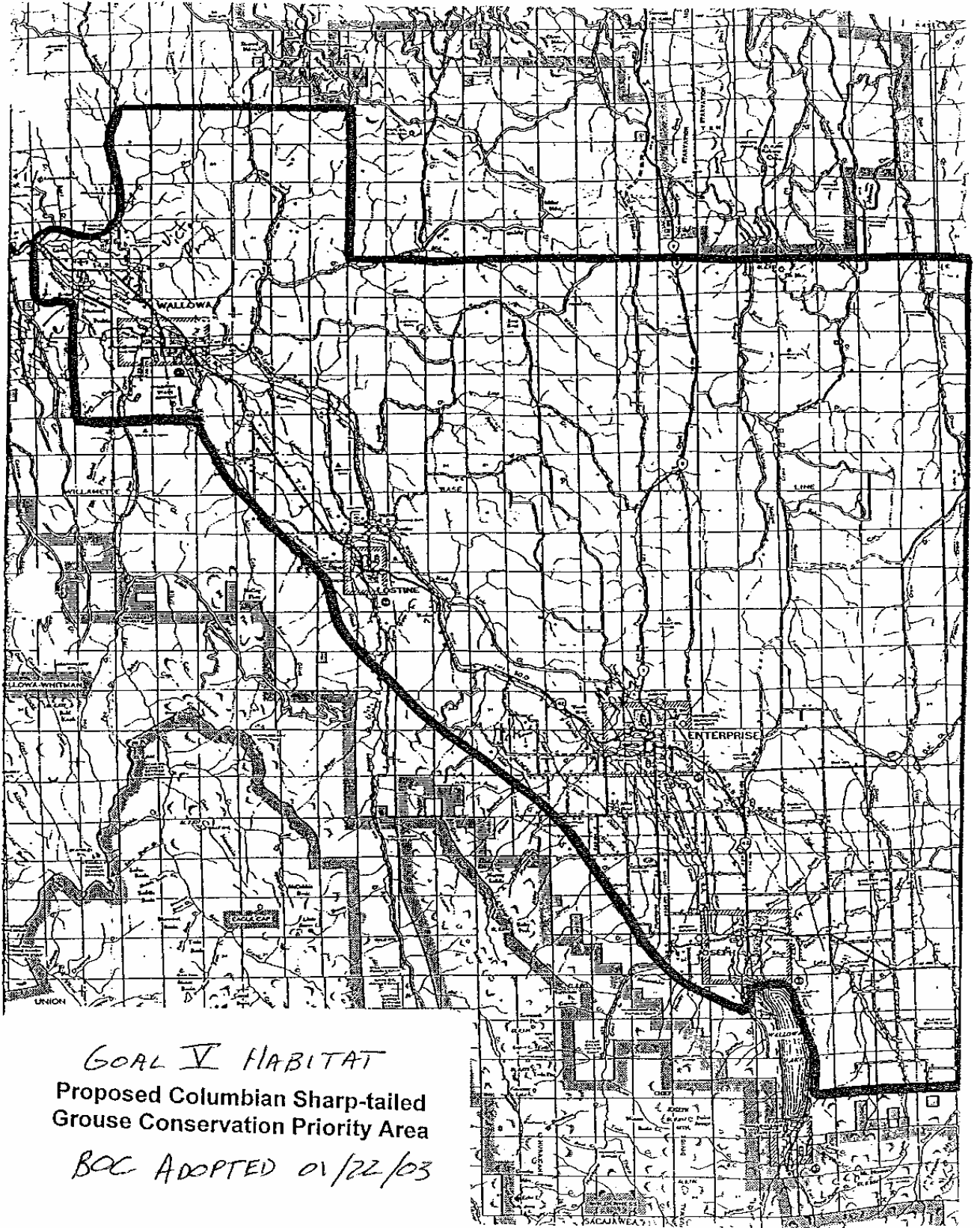


MAP G5 - 7

HISTORIC RESOURCE
AREAS

- 2A PROTECTION STATUS
- 3C PROTECTION STATUS





GOAL V HABITAT
Proposed Columbian Sharp-tailed
Grouse Conservation Priority Area
BOC ADOPTED 01/22/03

APPENDIX 5-9

WALLOWA COUNTY'S RIVER AND STREAM REACHES

The Wallowa County Board of Commissioners on January 21, 2003 adopted, by reference, the Wallowa County Salmon Habitat Recovery Plan, which provides a map and list of Wallowa County's river and stream reaches, by river mile and Wallowa County lakes and impoundments. All Streams except the Snake and Grande Ronde in Wallowa County are less than 1000 cfs.

These reaches, lakes, and impoundments are also Goal VI resources.

VI: AIR, WATER AND LAND RESOURCE QUALITY

Summary: Air, water, and land resource quality in Wallowa County is basically good.

Goal: To maintain or improve the quality of air, water, and land resources of the County.

Findings: The findings below are the basis of decisions made with respect to air, water and land resource quality of Wallowa County:

1. The air, water and land resources of Wallowa County are relatively pure and unpolluted.
2. Major additional industrial development that might adversely affect land, water, or air resource quality appears unlikely.
3. Water supply contamination by subsurface sewage disposal methods, appears to be the only significant threat to environmental quality.
4. The D.E.Q. is responsible for monitoring most resource quality through their control of air and water emissions, solid waste disposal site regulations, and subsurface sewage disposal systems.
5. The County has neither the expertise nor the funds to assume any additional regulations of resource quality.
6. The configuration of the valley is bowl-shaped and subject to air contamination problems.
7. The present siltation in the creeks is not primarily the result of man-caused incidences.
8. A float and dock ordinance has been adopted by the County to protect the water quality and scenic value of Wallowa Lake.
 - i. Wallowa County Board of Commissioners has developed the Wallowa County/Nez Perce Salmon Habitat Recovery Plan with Multi-species Emphasis which is an inclusive basin wide ridge top to ridge top Watershed Habitat Management Plan. The Plan provides a long-term management goal

that enhances and improves fisheries, threatened and/or endangered species habitat, recreation, aesthetics, timber production, and grazing utilization.

- j. The County recognizes that hydroelectric projects, while providing for the utilization of valuable resources, do alter the natural environment of the resources.

Policies: The following statements of policy are related to satisfying the above goal.

1. A high priority will be given to the above goal.
2. Partitioning, subdividing, and other development not be approved which exceeds the carrying capacity of an area's air, land, or water resources.
3. The County's cooperate and coordinate with State and Federal agencies meet the same quality regulations.
4. Development by State and Federal agencies meet the same quality regulations standard as are applicable to private development in the County.
5. Municipalities be notified of any proposed development in the general proximity of their watersheds.
6. All development within Wallowa County must comply with applicable State and Federal Environmental rules, regulations and standards.
7. The county will work with the Oregon Department of Fish and Wildlife to provide a more complete Fish and Wildlife habitat inventory.
8. Hydro-Electric development proposals shall be subject to public review.
9. Design Standards will be implemented around Wallowa Lake - and similar areas - to insure against resource degradation.
10. Where possible a 100 foot setback from major drainage be included in the County's zoning ordinance.
11. Decisions which might have an adverse effect on resource quality be made at public hearings posted for that purpose.
12. Ordinance provisions be adopted which would require quarry reclamation plans and

improvements to be approved by the County Public Works Department

13. That work with SCS and Wallowa Soil and Water Conservation district be continued to improve streambank erosion, runoff problems, and reclamation plans, and that provisions for such improvements be included in zoning and subdivision regulations (Appendix 6-1).
14. Water quality monitoring be continued on Wallowa Lake to insure against contamination by subsurface sewage disposal or other means.
15. Wallowa County shall actively promote the study and development of current and potential water sources and storage to provide water for obtainment of Goals 3, 5, and 9.
16. Wallowa County shall aggressively protect existing water rights.
17. Wallowa county shall inventory and identify significant wetlands within the County.

APPENDIX 6-1

STREAM CORRIDOR MANAGEMENT POLICY

In order to meet the ever increasing demands on the renewable natural resources of the stream corridors of the Wallowa Soil and Water Conservation District and to conserve, protect, and develop these resources; it is hereby declared to be the policy of the Wallowa Soil and Water Conservation District to provide for the conservation of the renewable natural resources of the stream corridors of the District; thereby, conserve and develop the natural resources, control and prevent soil erosion, control floods, prevent stream encroachment into agricultural lands, restore vegetative cover, conserve and develop water resources and water quality, prevent impairment of irrigation diversions, preserve and improve fish and wildlife habitat, conserve natural beauty, promote recreational development, protect the tax base, protect public/private lands and property, protect transportation facilities; and promote the health, safety, and general welfare of the people of Wallowa County.

To implement this policy, the board of directors will cooperate closely with the Wallowa County Court to provide leadership in a coordinated program with the landowners, land occupiers, other natural resource users, other local units of government and with agencies of the State and Federal government on projects, programs, and activities calculated to accelerate such policy.

All planning, projects, programs, and activities will be coordinated with the "Wallowa County Comprehensive Land Use Plan" and all local, State, and Federal laws.

For the purposes of this policy the stream corridor will be defined as: the area subject to overflow - including the stream itself and the adjacent bottom land soils. These soils are shown in the County land use plan as J.S.C. & R.L. They also occur as inclusions of other soils on the County Soil Association Map.

To assist technicians, land owners, and others working with the Soil and Water Conservation District in preparing plans and making decisions, the following guidelines are offered. (The guideline numbers do not indicate a priority.)

01. Erosion should be kept to a minimum. In most cases this can

can be accomplished by establishing a good vegetative cover, including any or all of the following depending on the site: grasses, forbs brush, and trees.

02. Where necessary to enable vegetation to become established, some earth shaping and/or structural measures may be required.
03. On some sites because of existing structures (bridges, buildings, roads, etc.), mechanical structures such as rip-rap or rock abutments are necessary.
04. Installation of dikes to restrict flood flows should be discouraged except around buildings.
05. Surge flows or floods should be allowed to spread out over land with movement across land controlled to non-erosive velocities.
06. Stream channel widths within the corridors should be maintained to allow fish passage during low flows and also to allow vegetation to shade as much of the stream as possible and hold water temperature down.
07. Definite sites should be identified and developed where gravel can be removed from the streams annually or as needed to take care of the material coming out of the Wallowa Mountains naturally and to remove the material caused by the floods of 1974 and 1975.
08. Other debris should be removed annually or as needed to prevent the streams from becoming plugged and restricting the flow of water and/or fish.
09. Grazing should be restricted along the streambanks to enable vegetation to be maintained.

VII: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Goal: To protect life and property from natural disasters and hazards.

Findings: The findings below are the basis of decisions made with respect to natural disasters and hazards:

1. That all major county drainages, including the Imnaha, Wallowa, Minam, Grande Ronde, Lostine and Wenaha Rivers, and Little Sheep, Big Sheep, Bear and Hurricane Creeks are subject to periodic flooding.
2. That residents of the County and Cities within are qualified to obtain Federal Flood Insurance Assistance as provided by Public Law 90-448 (Appendix 7-1).
3. That as many as 25 percent of the County residents may live in areas subject to flooding by a 100-year flood.
4. That primary flood damage has been due to deposit of gravel and debris on productive agricultural lands.
5. That the cost of reclaiming land where gravel and debris have been deposited is often greater than land owners can afford without assistance.
6. That a program of gravel removal and streambank protection needs to be continued indefinitely to minimize potential flood losses.
7. That present flood plain maps are inadequate in detail to be used for zoning or other regulatory purposes, but are sufficient for recommendatory provisions.
8. That the primary cause of flooding is due to spring run-off of snow pack in the Wallowa Mountains.

Policies: The following statements of policy are related to satisfying the above goal.

1. That developments not be planned nor located in areas likely subject to major damage or that could result in loss of life.

2. That flood proofing construction of utilities and structures be utilized in areas of likely inundation.
3. That flood-plains be used primarily for non-structural and non-residential purposes, e.g. recreation or agricultural operations which will not suffer major damage by periodic inundation.
4. That the National Flood Insurance Program and amendments thereto be used as the guide for future development in flood-plain areas.

Implementation: The following are implementation measures identified in the process of preparing the Plan.

1. That when more detailed mapping is available, provisions be added to the County zoning ordinance and maps to discourage development which might likely result in property damage or loss of life, and that the degree of hazard determine the level of regulation.
2. That an effort be initiated to acquaint all flood-plain property owners with the availability of the National Flood Insurance Program.
3. That areas be identified where gravel removal from streams is desirable, and that provisions be made therefore in the Plan and related implementing ordinances.
4. That all related local, State and Federal agencies coordinate efforts to reduce potential flood hazards and destruction or loss of property or life.

VIII: RECREATIONAL NEEDS

Summary. Hunting, fishing, boating, hiking, and other recreation activities make Wallowa County one of the recreation centers in Oregon and the Pacific Northwest.

Goal: To satisfy the recreational needs of visitors and of citizens of the County, and State, to promote recreation as an industry, and to improve or mitigate watershed conditions through well planned development in Wallowa County.

Findings: The findings below are the basis of decisions made with respect to the County's recreation resource:

General

1. Wallowa County possesses one of the state's finest year-around recreational potentials.
2. Wilderness comprises about 18 percent of the total County land area and an additional 34% is National Forest land, a total of 52%.
3. Eighty percent of the county's citizenry do not favor U.S.F.S. management programs that allocate land solely for wildlife habitat. Survey ca 1984.
4. Ninety percent of the county's citizenry do not favor additional Wilderness. Survey ca 1984.
5. Seventy-seven percent of the county's citizenry support road closures during deer and elk hunting season. Survey ca 1984.
6. That recreation and tourism is an increasingly important part of Wallowa County's economy.
7. State Land Use Law currently unduly restricts recreational activities allowed on land zoned Timber Grazing.
8. That Wallowa County has little, if any, lay representation at the State policy making level.

Process

9. Federal and State Land Use policies can have a large impact on the recreation and tourism economy of the County.

Capacity

10. That the Eagle Cap Wilderness and the State Park at Wallowa Lake are utilized to capacity during the summer season. Also, Wallowa Lake has additional infrastructure which is largely unused during the winter months.

Access

11. It is vital to County recreation and tourism industries that access to recreation and tourism areas be maintained. Access includes not only roads, but trails, cat roads, access easements, and other means of access.
12. That Dug Bar on the Snake River might be suitable for service facilities and that the public access road to that area supplies vital access to Dug Bar, Cow Creek and Imnaha River public fishing areas. The County recognizes the sensitive nature of the cultural resources located at Dug Bar.
13. The Hells Canyon Dam and its forebay provide for river access and recreational opportunities.

Facilities

14. The tourism and recreation industries in the County could be diversified by facilities such as a regional ski area or destination resort.
15. Using the shoulder of Hwy 351 from the Chief Joseph Monument to Wallowa Lake Lodge for a hiking/jogging/bicycling path is inadequate and unsafe.

Other Tourism

16. Emphasis in tourism in the County is shifting from traditional to more conventional.

Hunting and Fishing

17. Demand for deer, elk, and other big game hunting exceeds supply.

Additionally, ODF&W management policies, an initiative passed by Oregon voters, and other factors have served to decrease the supply.

18. Wallowa County has adopted the Wallowa County/Nez Perce Salmon Habitat Recovery Plan with Multi-species Emphasis. Also, stream corridor management and natural resource management is vital to both the Tourism and Recreation industries in the County.

Policies: The following statements of policy are related to satisfying the above goals.
General

1. The establishment of timber/grazing zone provisions for recreational development. As the promise of the ORS is not fulfilled in the OAR, the County will pursue resolution of this issue.
2. The County will not encourage the acquisition of additional land by the State or federal Governments or the conversion of additional public lands into wilderness. However, some flexibility in this policy may be advantageous to the County to achieve, assure, or consolidate access to tourism and recreation sites, including but not limited to public fishing access.
3. That Wallowa County will pursue local lay representation at the State policy making level.

Process

4. Local planning recommendations be incorporated into the plans of State and Federal agencies, and vice-versa. It is in the County's best interests to facilitate coordination of Federal, State and local Land Use decisions and policy development.
5. Suitability of potential recreation development be determined on the basis of location, demand, carrying capacity, recreational fulfillment, environmental effects, economics and related physical, social, and environmental concerns.
6. Local, state, and federal recreation development take into account (1) the U.S.F.S. Land Use Plan, (2) the Oregon Fish and Wildlife Plan, (3) The Oregon State Park's Master Plan, and (4) the County Land Use Plan, as applicable.

Capacity

7. Winter recreation and tourism development and expansion of the summer season into the shoulder months be considered desirable where economically feasible and environmentally suitable.
8. The existing infrastructure capacity at Wallowa Lake should be utilized year round.
9. Other Wilderness access points such as Bear Creek and the Minam River should be developed to take pressure off of heavily used areas.

10. The north County area should be developed for more ATVing, snowmobiling, and cross country skiing and other similar uses.

Access

11. Maintenance of Lostine River and Hurricane Creek access roads and facilities be given high priority.
12. The Wallowa Mountain Loop Road including Salt Creek Summit and the Upper Imnaha be given a high priority for improvement and development of recreation facilities.
13. Existing public access points to Wallowa Lake along HYW 351 should be improved and additional public access points developed. Overnight use of access points should be prohibited.
14. USFS road closures and maintenance decisions, including RS2477 roads, which could impact recreation, will be coordinated with the County as specified in the County's Transportation System Plan. Other USFS actions or policies which impact access to recreation and tourism sites shall be coordinated with the County. Access includes not only roads, but trails, cat roads, access easements, and other means of access.
15. The County urges the USFS and the NPS to, at a minimum, maintain the road from Cow Creek to Dug Bar at its current USFS rating level and to not let the road deteriorate below that standard. The County will coordinate facilities development at Dug Bar with the USFS, the NPS, and tribes and they will coordinate with the County, to assure access while protecting resources.
16. The County will also pursue a Memorandum of Understanding with the Wallowa-Whitman National Forest for maintenance of the Lower Imnaha road down to Cow Creek and will work to resolve easement issues.
17. The County will work to preserve the Hells Canyon Dam and the access and recreational opportunities it provides

Facilities

18. As specified in the County's Transportation System Plan, funding and/or other means to construct a 2-way bicycle, jogging, hiking, trail on the west side of the guard rail HYW 351 from the Chief Joseph Monument to the Wallowa Lake Lodge should be pursued and such a facility would benefit Tourism and Recreation at Wallowa Lake.

19. Development of one or more small or large destination resorts in the County should be encouraged.
20. Development of a regional ski area in the County should be encouraged and the County will work to streamline the land use permit application process with regard to applications involving public and private land.
21. The County will encourage the development of convention and performing arts center(s).
22. That minor betterment, rehabilitation, and repair of existing public parks is a permitted use where these activities do not increase visitation, or adversely impact the use of neighboring properties.
23. Private enterprise be given priority and be allowed to develop recreation facilities similar to those of State and Federal agencies where economically justifiable, and where environmental protection can be assured.

Other Tourism

24. The County will promote scenic driving tours such as Hat Point, Hells Canyon Byway, Highway 3, Lostine Canyon, Cow Creek and others.
25. The County will promote the tourism potential of the newly reactivated railroad line.
26. The County will promote heritage tourism and will tie into special events such as the Lewis and Clark Bicentennial. Also, the County would benefit from the promotion of other forms of tourism such as performing arts and driving tours.

Hunting and Fishing

27. Private property owners, and all levels of government continue to cooperate in road closures during deer and elk hunting seasons.
28. That spawning grounds and overall habitat of anadromous fish and other species be protected and enhanced via the adopted Salmon Habitat Recovery Plan.
29. The adopted Wallowa County/Nez Perce Salmon Habitat Recovery Plan with Multi-species Emphasis be used for stream corridor management and natural resource management.
30. Wallowa County will work to overturn the ban on cougar and bear hunting with dogs, will work to keep wolves from being introduced into the County, and will work with ODF&W and others

to increase the supply and harvest of fish, deer, elk and other game species in the County.

31. Wallowa County will work to maintain public access to hunting and fishing sites

APPENDIX 7-1

FLOOD INSURANCE RATES AND LIMITS OF COVERAGE

SUMMARY: Flooding occurs over much of the bottom lands in the County. Although most flood damage occurs to farmlands, residences, and other buildings are subject to periodic inundation.

The County; Wallowa Soil and Water Conservation District; USDA Soil Conservation Service; and State Divisions of Land, Fish, and Wildlife have worked jointly to rectify streambank erosion problems through a program funded by Public Law 216, which provides for clearing debris, removing gravel, stabilizing streambanks with rip-rap, constructing groins to prevent erosion, re-establishing vegetation, and reconstructing fences which have been damaged by floods.

The major cause of flooding is due to the buildup of sand, gravel, rock, and organic material from bank erosion; and by the bed load of similar materials moving out of the mountains during the period of snow melting in the spring and early summer. Due to over-flowing and excessive velocities in these areas, some agricultural lands have become unproductive because of loss of top soils and deposits of rock and debris.

Wallowa County and the four incorporated towns within the County have qualified for the National Flood Insurance Program. Tentative flood plain maps have been received from HUD which identify general areas of flooding that may have a 1 percent chance of flooding within a 100 year period. More detailed maps with identified elevations will be provided at some future date. High density development within those areas should be discouraged, and persons contemplating construction or development within these areas should be advised of this condition.

Briefly, the National Flood Insurance Program is a comprehensive approach to flood damage protection. It enables property owners located within an identified floodplain to purchase flood insurance at a reasonable rate. To apply for flood insurance, a person needs to contact his/her insurance broker.

APPENDIX 7-2

FLOOD INSURANCE RATES AND LIMITS OF COVERAGE

	Emergency Program		Regular Program		
	First Layer		Second Layer		
	Limit	Sub-sidized Rates Per \$100	Limit	Rates	Total Limits Coverage
Single Family Residential	\$35,000	\$0.25	\$ 35,000	Varies	\$ 70,000
Other Residential	100,000	0.25	100,000	Varies	200,000
Non-Residential	100,000	0.40	100,000	Varies	200,000
Contents, Residential (Per Unit)	10,000	0.35	10,000	Varies	20,000
Contents, Non-Residential (Per Unit)	100,000	0.07	100,000	Varies	200,000

Notes:

01. Only the first layer of coverage is available under the Emergency Program.
02. A. Full coverage is available under the Regular Program for all structures in the community.
- B. New construction and substantial improvements in the flood hazard areas must pay actuarial rates for all coverage.
- C. All existing structures must pay actuarial rates for the second layer of coverage and have the option of paying either the subsidized or actuarial rate for the first layer, whichever is lower.
- D. New construction outside the flood hazard area is treated the same as existing.
- E. The maximum actuarial rate for 1-4 family residential structures is 50 cents per \$100 of coverage

under certain conditions.

03. Department of Housing and Urban Development, March 1975.

APPENDIX 8-1 RECREATION OVERVIEW

SUMMARY: Recreation and tourism are increasingly important parts of Wallowa County's economy. Overall tourism and recreation spending has doubled over the last ten years, with an increased emphasis on conventional tourism (As opposed to more traditional recreation such as hunting, fishing and backcountry trips, conventional tourism is more centered on nice lodging, fine dining, shopping and sight seeing). People come to Wallowa County for scenery, solitude, camping, picnicking, boating, snow and water skiing, snowmobiling, auto touring, hiking and backpacking, horseback riding, fishing, hunting, and to visit the shops, galleries and restaurants in the Joseph and the Wallowa Lake area.. Recreation is centered around Wallowa Lake and the Eagle Cap Wilderness and to a lesser extent the streams and rivers of the County including the Snake River and the Hells Canyon National Recreation Area. Tourism is centered around Joseph and the Wallowa Lake area.

PAST AND PRESENT: Recreation and tourism are considered a primary part of the County's economy , and are the fastest growing segment of the economy. Wallowa Lake and Joseph are the center of tourism in the County and the State Park at Wallowa Lake is a major attraction. The Joseph Economic Improvement District and resultant improvements has turned Joseph into a center for tourism, and has led to a doubling of businesses on main street.

This industry is highly seasonal and operates from late May to mid October, with peak activity from the first of July to mid October. The tourist facilities at the lake, including the State Park parking area, the moorage and docks, short term rentals, the motels, and the restaurants, now stand idle during the winter months. There is some snowmobiling and cross country skiing in the winter, but the economic impact is comparatively small. There is a need to extend recreation and tourism into the shoulder and winter months to even out the economic activity. Tourist spending in the County has doubled over the last ten years and has made up for some of the employment lost in other sectors.

Wallowa Lake State Park operates at capacity during the summer months, however, only a very limited number of sites are open during the winter months. The State Park at Wallowa Lake is the most extensive of the State developments with 89 tent sites, 121 trailer sites, 3 group camps and two yurts plus other recreational opportunities. It is a well-developed and maintained park providing an ideal stepping stone to a number of other recreational possibilities. Oregon State Parks also operates a campground at Minam and a Wayside along the Wallowa River. The Department of State Parks and Recreation has developed, in concert with the County, a State Parks Master Plan for Wallowa County.

Other large campground developments include the Boy Scout Camp and the Methodist Camp,

both located above and south of Wallowa Lake on the west side of the Wallowa River.

The Wallowa Lake Yacht Club has had a consistent presence at the lake and have been mooring their boats at their 40 slip private dock since the early 1950's.

The economic impact of both hunting and fishing, within Wallowa County has declined significantly over the last twenty years. This is particularly true of hunting where Elk harvest is down approximately 75% and deer harvest is down approximately 50%. This decline may be due to a combination of the policies of the Oregon department of Fish and Wildlife (ODF&W) and the passage of a State initiative limiting the hunting of cougars and bears with dogs. ODF&W's Elk Nutrition and Mortality Study is ongoing and preliminary results indicate that cougars and bears may have caused high mortality among young elk..

Hours spent fishing is also down locally, as it is nationally, and this trend is expected to continue. However, a bright spot in this picture is the increased attention Wallowa Lake has received for producing large Kokanee, including the State record, and the recent increase in Salmon and Steelhead runs. As a result, the Imnaha River was recently reopened to the harvest of Salmon. Increased interest in catch and release flyfishing, and Salmon and Steelhead fishing, will provide some economic benefits. Perhaps the most significant economic impact related to fisheries is the number of people recently employed to work on the "Salmon Habitat Recovery Program" and other endangered fish species/water quality programs. These include Nez Perce Tribe personnel as well as government employees and private consultants.

Over half of the County is under United States Forest Service ownership: 18 percent is designated as Wilderness and an additional 34% is National Forest. Most of the County's recreational activities take place on State and Federal lands, including a number of campgrounds located in the Wallowa Whitman and Umatilla National Forests. It is hoped that more private commercial recreation activities and facilities can be developed, in so far as it would be compatible with the County Comprehensive Land Use Plan. An increase in the length of the season of present day recreation could provide the County with added economic benefits.

Recreation in Wallowa County has historically centered on the Wallowa Lake Basin located at the foot of the Wallowa Mountains/Eagle Cap Wilderness. The majority of hikers entering and leaving the wilderness do so on the trails that converge at the head of the Lake. The Lostine River and Hurricane Creek trails are also popular Wilderness access points. Access to the Hells Canyon area is through Joseph and the Wallowa Mountain Loop Road. Do to USFS road maintenance policies, access to some of the County's more remote areas such as Hat Point and Dug Bar is limited.

However, the secondary road system on National Forest lands is a valuable resource. It is used for access to locations for hunting, fishing, firewood collection, berry picking, mushrooming, Christmas tree collecting, bird watching, ATVing, horseback riding and just

viewing the scenery.

The east side of Wallowa Lake is bordered by approximately 4 1/2 miles of public highway. Public access to the lake from Highway 351 is very poor except for a public boat dock and County Park at the north end. Also, bicycling, jogging, and hiking along Highway 351 from the City of Joseph to the south end of Wallowa Lake is popular pastime. The shoulder width is inadequate and a hazard to those who choose to jog, hike, or bicycle on Highway 351.

The Eagle Cap Wilderness is Oregon's largest, and wilderness camping and travel are receiving increased attention. The Wilderness offers magnificent scenery, natural history, solitude and spiritual renewal. USFS surveys show that more than 20,000 backpackers visit the Wilderness each year. They travel a mean distance of about 350 miles to get here, with some coming from 2000 miles away. Fourteen outfitter guides operate in the Wilderness. During the summer season, the Wilderness is heavily used. Some visitors express concerns about the quality of their visit and the impacts on the Wilderness due to heavy usage.

The Hells Canyon National Recreation Area has 20 + trailheads in Oregon plus the Hells Canyon Launch at Hells Canyon Dam. Peak backpacking season for the Canyon is March through May, but even then, the Canyon is not as heavily utilized as the Eagle Cap Wilderness.

Although wilderness campers and hikers spend less money than most tourists staying at Wallowa Lake, local services and facilities are often used, resulting in additional income. Also local outfitter guides benefit from Wilderness pack trips and drop camps. However, activity within the Eagle Cap Wilderness and other Federal Lands, including the Hells Canyon National Recreation Area, is regulated by the US Forest Service whose goals are not necessarily shared by the County.

An increase in float trips on the Snake and other rivers has occurred over the past years. Some local guides and services are benefitting from this. Housing, meals, and gas are used by floaters traveling to and from the rivers.

FUTURE: The recreation and tourism industry is shifting more toward conventional tourism and is increasingly important to the County's economy.

As the tourism season is from late May to mid October, with peak activity from the first of July to mid October, initiatives to establish small or medium-sized winter facilities could lessen seasonal variations in employment. This type of capital investment would definitely allow increased usage of already existing motels, restaurants, etc. and would stabilize recreational employment and income. By focusing on a market somewhat larger than the County (regional) and staying moderate in size, such winter facilities should not cause large dislocations in the economy or contribute to the inherent problems of large resort areas. It is in the County's interest to support the development of a regional ski area, convention facilities, and destination resorts.

As the majority of wilderness access is from only a couple of points, efforts should be made for a better distribution of recreational activities and facilities. Most of the tourism business is centered around Wallowa Lake and its Wilderness trail heads. The Lostine and Hurricane Creek trail heads are also heavily used. Development of other Wilderness access points, such as the Minam River or Bear Creek, could take some of the pressure off the more heavily used trail heads. In addition, to expand the backcountry season and to take pressure off the Eagle Cap Wilderness, the County should promote and work with the Wallowa Whitman National Forest to facilitate increased backcountry usage of the Hells Canyon National Recreation Area. Also, the north County area could be developed for more ATVing, snowmobiling, and cross country skiing.

It remains a goal of the County to pursue development of a pedestrian/bicycle path along Highway 351 from the Chief Joseph Monument to Wallowa Lake Park. The County will promote driving tour routes and facilities development, including Hat Point, Cow Creek and the Lower Imnaha River, Highway 3, Lostine River, the Buckhorn - Wellamotkin Drive, the Powatka - Flora Loop and the Wallowa Mountain Loop Road, to take pressure off the Lake area.

According to the USFS, Heritage tourism is one of the most popular and growing forms of tourism. One of the attributes that Wallowa County has to offer is the powerful Nez Perce history of this area. The County should make every effort to promote the link between the Nez Perce and Lewis and Clark for the upcoming Bicentennial and to facilitate the Nez Perce Cultural Center. Pioneer history and the history of Bonneville, Astor, the Hudson's Bay traders, and the Nez Perce War are also valuable heritage assets. The Wallowa County Museum provides for a valuable look into the County's history. These stories are compelling and can offer the heritage tourist a wide range of experiences as they visit the authentic locations where history was created. The County also recognizes the sensitivity of cultural assets and will work with the USFS, NPS, and the tribes to protect these assets.

The County expects to continue to play a role in USFS decisions that effect tourism and recreation, including road closures and maintenance. It is in the County's interest to advocate for the outfitter guides for more USFS permit days, and to lobby the ODF&W for policies more favorable to hunting and fishing in the County. This includes effective control of predators such as cougars, bears and wolves. In addition, the outfitter guides should be encouraged to operate more in the shoulder seasons and should investigate less traditional trips such as birding, cattle drives or photography.

The County should coordinate with the responsible agencies to achieve changes in their policies which effect recreation and tourism, including access. Access includes not only roads, but trails, cat roads, access easements, and other means of access.

Overall tourism and recreation will continue to grow in importance to the County's economy. The natural beauty of this vast County, including Wallowa Lake, the Eagle Cap Wilderness, Hells Canyon National

recreation Area, numerous Scenic Rivers, and the area's forests and streams in general will continue to drive tourism and recreation. However, today's vacations are also driven by a desire to relax at resorts with attractive amenities, and to spend time enjoying high quality or unique shopping and dining opportunities. For this reason, the commercial development occurring in Joseph and planned for Enterprise, must go hand in hand with overall recreation and tourism strategies. The newly reactivated railroad also has tourist potential. Once tourists are settled in, they will look for daily activities, which increase the demand for guided horseback rides, flyfishing and scenic float trips, wildflower and bird outings, and cross country ski trips, to name a few of the available activities. Dude ranching is another possibility. As more people are exposed to the beauty and recreational opportunities of the County and to the Wallowa County lifestyle, we can expect demand to grow for second homes, time share condominiums, and housing for retirees, telecommuters, and newcomer entrepreneurs. These people and their skills and investments will add significantly to the County tax base, and help support local businesses.

**APPENDIX 8-2
RECREATION DATA**

Harold,

Listed below are deer and elk hunting figures for Wallowa County 1978, 1988, and 2000. It gives you some idea of trends. Annual figures are not a problem for more recent years, but will take quite a bit more effort to put together data for the early to late 1980's. If you would prefer data on an annual or every other year basis, let me know and I will see what I can do.

Year	<u>ELK</u>			<u>Deer</u>		
	Hunters	Harvest	%Success	Hunters	Harvest	%Success
1978	23,040	4658	20	13180	5860	44
1988	13,115	3521	27	7180	3198	45
2000	5915	1121	19	5505	2725	50

Table 2. A comparison of angling effort and harvest during May-June at Wallowa Lake, 1986-1999 (no surveys were conducted in 1998 or after 1999).

Year	Angler Hours	Rainbow Trout	Kokanee	Lake Trout	Whitefish
1986	22,920	5,544	24,856	18	18
1987	22,960	1,016	21,687	0	16
1988	18,922	5,989	14,495	13	75
1989	25,466	6,211	17,225	7	11
1990	18,646	6,494	10,742	30	0
1991	18,286	8,835	6,356	3	3
1992	24,419	7,276	25,072	9	0
1993	16,570	9,779	9,873	0	4
1994	18,114	7,223	12,998	0	0
1995	14,676	7,879	9,009	14	0
1996	16,707	5,976	10,179	16	10
1997	14,621	6,820	8,777	10	0
1999	24,858	8,398	11,206	0	0

Table 2. Estimated annual return and harvest of spring/summer chinook salmon in the Imnaha River, 1957-1978.

Year	Estimated Return to River	Estimated Harvest	Angler Hours
1957	4,391	187	No data
1958	1,548	117	No data
1959	874	168	No data
1960	2,070	201	No data
1961	1,280	42	No data
1962	1,382	9	No data
1963	755	14	No data
1964	1,380	0	No data
1965	1,048	3	No data
1966	1,261	24	No data
1967	1,203	10	No data
1968	1,420	61	No data
1969	1,683	9	No data
1970	976	4	No data
1971	2,049	19	No data
1972	1,884	17	No data
1973	3,061	107	No data
1974	1,529	0	No data
1975	823	0	No data
1976	701	Closed	No data
1977	871	44	No data
1978	2,291	0	No data
1979-2000	221-2,373	Closed	Closed
2001	6,199	302	4,312
2002	4,330	152	3,056

Table 1. Estimates of angler effort, harvest, catch, and catch rates from creel surveys conducted on the Willows River.

Inclusive Dates	1979 ^a	1995	1998
	July 3 – September 9	July 21 – October 31	July 15 – October 31
Total Angler Hours (Bound)	6,595	6,488 (±377)	5,418 (±347)
<u>Harvest (Bound)</u>			
Catchable Hatchery Rainbow	6,748	968 (±232)	b
Residual Hatchery Steelhead	b	1,210 (±268)	1,457 (±382)
Wild Rainbow	1,547	95 (±59) c	94 (±63) c
Mountain Whitefish	66	27 (±20)	15 (±20)
Total Harvest	8,361	2,300 (±466)	1,566 (±403)
<u>Catch and Release (Bound)</u>			
Hatchery Rainbow (Ad-?)		3,101 (±724)	8,121 (±1,889)
Unidentified Rainbow (Rb-?)		2,502 (±612)	967 (±522)
Wild Rainbow		1,968 (±455)	1,693 (±459)
Mountain Whitefish		590 (±256)	376 (±283)
Bull Trout		15 (±20)	0
Total Catch and Release		8,176 (±1,406)	11,157 (±2,259)
<u>Adjusted Catch and Release</u>			
Catchable Hatchery Rainbow		2,060	b
Residual Hatchery Steelhead		2,571	8,921
Wild Rainbow		2,940	1,860
<u>Harvest Rates</u>			
Catchable Rainbow/Hour	1.0	0.15	b
Residual Steelhead/Hour	b	0.19	0.27
Wild Rainbow/Hour	0.3	0.01 c	0.02 c
Total Fish/Hour	1.3	0.36	0.29
<u>Total Catch (Kept+Released) Rates</u>			
Catchable Rainbow/Hour		0.47	b
Residual Steelhead/Hour		0.58	1.92
Wild Rainbow/Hour		0.47	0.36
Total Fish/Hour		1.61	2.36

^a Bounds and catch and release estimates were not reported for the 1979 survey.

^b Residual hatchery steelhead were not present in 1979 and catchable hatchery rainbow were not stocked in 1998.

^c Illegal harvest

Table 1. Effort, catch (fish landed), and harvest (fish kept) estimates for recent summer steelhead fisheries in the Grande Ronde and Imnaha basins.

Location	Run Year	Angler Effort		Hatchery	Steelhead	Wild Steelhead
		Hours	Days	Catch	Harvest	Catch
Lower Grande Ronde (OR-WA state line to Wildcat Cr., RM 39-54)	1991-92	19,617	4,862	1,373	879	410
	1992-93	15,461	2,963	1,111	544	573
	1993-94	12,883	2,607	252	168	483
	1994-95	6,383	1,248	152	107	150
	1995-96	10,856	2,103	564	300	386
	1996-97	9,137	1,461	465	286	193
	1997-98	19,984	3,784	2,323	1,415	432
1998-99	9,541	1,864	353	244	213	
1999-2000	11,112	2,172	500	380	474	
Wallowa River (State Park to Rock Cr., RM 8-18.5) ¹	1991-92	27,807	5,304	2,335	1,514	333
	1992-93	23,458	4,135	1,815	1,083	305
	1993-94	14,144	2,819	556	481	285
	1994-95	19,047	3,957	810	565	300
	1995-96	18,444	2,951	710	495	166
Imnaha River (Mouth to Big Sheep Cr., RM 23) ¹	1991-92	3,128	762	392	212	321
	1992-93	2,910	789	236	171	130
	1993-94	1,336	298	29	29	72
	1994-95	1,048	219	24	24	39
	1995-96	2,599	588	180	112	209

¹ Beginning in 1996, we discontinued estimating effort for Wallowa and Imnaha fisheries because of budget reductions. We continued sampling for catch rate and catch composition and will use punch card estimates of harvest to back-calculate effort and catch. Punch card estimates are not yet available.

Source: Dean Runyan Associates, Travel spending by type of business (\$Million).

Wallowa County
Dean Runyan Associates Study
Travel Data

Year	Hotel Motel and B&B	Private Campgrounds	Public Campgrounds	Private Homes	Vacation Homes	Day Travel	Air Travel	Total Spending
1991	1.0	2.0	2.7	0.5	1.8	2.7	0.0	\$10.7
1992	2.8	2.1	2.8	0.5	1.9	3.1	0.0	\$13.1
1993	4.2	2.1	2.8	0.5	2.0	3.4	0.0	\$15.0
1994	4.6	2.2	2.9	0.5	2.0	3.6	0.0	\$15.8
1995	5.1	2.2	3.0	0.5	2.1	3.8	0.0	\$16.7
1996	5.2	2.3	3.0	0.6	2.2	3.9	0.0	\$17.1
1997	5.4	2.3	3.1	0.6	2.2	4.0	0.0	\$17.6
1998	5.8	2.4	3.1	0.6	2.2	4.1	0.0	\$18.2
1999	6.3	2.4	3.2	0.6	2.2	4.2	0.0	\$19.0
2000	6.9	2.5	3.4	0.6	2.4	4.5	0.0	\$20.4

Source: Dean Runyan Associates, Travel spending by type of traveler accommodation (\$Million).

Year	All Lodging	Eating and Drinking	Food Stores	Ground Transport.	All Recreation	Retail Sales	Air Travel	Total Spending
1991	1.6	2.6	2.0	0.6	1.4	2.6	0.0	\$10.7
1992	2.5	3.3	2.3	0.6	1.5	3.0	0.0	\$13.1
1993	3.2	3.8	2.5	0.6	1.6	3.3	0.0	\$15.0
1994	3.4	4.0	2.6	0.6	1.7	3.5	0.0	\$15.8
1995	3.7	4.2	2.7	0.6	1.7	3.6	0.0	\$16.7
1996	3.8	4.3	2.8	0.7	1.8	3.7	0.0	\$17.1
1997	3.9	4.5	2.9	0.7	1.8	3.8	0.0	\$17.6
1998	4.1	4.7	2.9	0.6	1.9	4.0	0.0	\$18.2
1999	4.4	4.9	3.0	0.7	1.9	4.1	0.0	\$19.0
2000	4.7	5.2	3.2	0.9	2.0	4.3	0.0	\$20.4

Dean Runyan Associates Study (continued)

Year	All Lodging	Eating and Drinking	Food Stores	Ground Transport	All Recreation	Retail Sales	Air Travel	Total Employed
1991	60	140	20	0	70	30	0	330
1992	90	170	30	0	70	40	0	400
1993	110	200	30	0	70	40	0	450
1994	120	200	30	0	70	50	0	470
1995	120	210	30	0	70	50	0	480
1996	110	210	30	0	60	50	0	470
1997	110	200	30	0	60	40	0	450
1998	110	200	30	0	70	40	0	470
1999	120	200	30	0	70	40	0	470
2000	130	220	30	0	70	40	0	500

Source: Dean Runyan Associates, Employment generated by travel spending (jobs).

Oregon State Park Data

Year	Wallowa Lake Campsites	Malheur Campsites	Minam SR Campsites	Wallowa Lake Campsites	Wallowa Lake Campsites	Wallowa Lake Campsites	Wallowa Lake Campsites
Year	Malheur Campsites	Malheur Campsites	Malheur Campsites	Malheur Campsites	Malheur Campsites	Malheur Campsites	Malheur Campsites
1990	66,828	3,301	631,454	37,496	100,392		
1991	74,558	4,485	624,124	32,274	80,948		
1992	73,197	4,386	724,142	32,732	85,184		
1993	71,243	4,462	701,360	30,140	86,164		
1994	69,677	3,983	692,210	38,014	79,588		
1995	70,377	4,552	724,894	40,888	82,560		
1996	67,681	4,334	573,410	39,140	79,076		
1997	69,663	4,768	591,774	38,322	86,512		
1998	72,324	4,357	680,990	38,856	79,944		
1999	73,508	3,864	681,102	38,252	78,296		
2000	75,719	4,320	677,616	34,148	82,956		
2001	74,053	4,365	661,288	29,252	83,920		

* camper nights are figured at an average occupancy of 3.3 people per campsite
 ** day use attendance figures come from traffic counters located at the entrance to campground and day use areas.
 Numbers include repeated traffic counter hits of both local and visitor cars.

IX: ECONOMY OF THE AREA

Summary: Wallowa County has traditionally relied almost exclusively on agriculture and timber, and to lesser extent government. Today, tourism, retirement, arts activities and diverse entrepreneurial businesses have become significant to the local economy. (Appendix 9-1 & 9-2).

Goal: To diversify and improve the economy of the County (Appendix 9-1).

Findings: The findings below are the basis for planning decisions made with respect to County economics:

Planning

1. U.S.F.S. plans which do not support multiple use could have significant adverse effect on the agriculture, timber, recreation and tourist industries in the County.
2. The County Strategic Plan has been updated via the Wallowa County Future Search.

Facilities

3. Retirees can be an economic asset to the County.
4. Alternative electric development would substantially add to the economic base of the county, such as solar, wind and geothermal.
5. The Hells Canyon Dam is an important economic asset to the County as it provides for recreational opportunities and, the dam and powerline operators are the largest taxpayers in the County.
6. Wallowa County would benefit from the educational opportunities provided by a healthy K through 12, a community college, the County Museum, and a Nez Perce cultural center.

Employment

7. Local economy is beset by seasonal fluctuations. Employment may vary seasonally by as much as 75%.
8. Within the last 20 years, the County has experienced annual unemployment as high as 14.6 % and as low as 7.5 and has consistently exceeded the state level.

9. The County's average wage has increased by about 80% over the last twenty years; however, the County average wage remains about 2/3 of the state average wage.
10. Population over the last twenty years has stayed about the same while the work force has decreased by 7%.
11. Employment in arts, tourism and government have been increasing over the last twenty years.

Resource

12. Agriculture and forestry form the traditional foundation of the local economy.
13. Farm income has decreased over the last twenty years by 167% and is now negative. Farm employment has decreased by 36% over the last ten years.
14. Over the last twenty years, timber harvest from public lands has decreased by 87%, while the harvest from private lands has remained fairly constant.
15. Recreation and tourism has a significant role in local economy. Please see Goal 8 for Findings and Goals related to recreation and tourism.

Construction

16. Wallowa County has a shortage of small acreage rural parcels available for vacation or retirement homes.
17. The construction industry in Wallowa County is a significant contributor to the County's economic output.

Arts

18. The arts industry is an increasingly important contributor to the County economy.

Industrial

19. Although the County has Industrial zoned lands, an ongoing survey indicates that, due to a variety of limitations, only 20% of the properties surveyed may actually be suitable for industrial uses.

Policies: The following statements of policy are related to satisfying the above goal.

Planning

1. Wallowa County will continue reviewing and updating of it's Strategic Plan via "Target Wallowa County" and other means, and use the Plan as a guide for economic development.
2. All State and Federal agency plans affecting local economy be coordinated with local needs and that statements of possible economic impact be furnished to the County prior to plan finalization. The County shall work aggressively with these agencies to reduce forest fuel loads.
3. Permit procedures be expedited for economic development where compatible with other uses and values.
4. The County will encourage and facilitate economic improvement aids such as Economic Improvement Districts, Enterprise Zones, or port districts.

Facilities

5. The County will support development of alternative forms of electrical generation, such as solar, wind and geothermal.
6. The County shall encourage retention and improvement of the Wallowa Memorial Hospital and shall work to attract and retain highly qualified medical personnel in the County.
7. Encouragement and support be given to private retirement, recreational and tourism developments where compatible with other uses.
8. The County will support education whenever possible. Specifically, the County shall support the Wallowa County Museum and the Nez Perce cultural center. The County will also promote a healthy K through 12, and will work aggressively for the establishment of a local community college.
9. The County will work to preserve the Hells Canyon Dam and to establish a mode of operation which is consistent with recreation and does not unduly jeopardize the economic health of the project.

Employment

10. Wallowa County will work to expand the seasons of recreation, tourism, industry and commerce and create year round family wage jobs.
11. New diverse commercial and home based businesses be encouraged in order to

keep money at home by providing better local selection and more available goods and services within the County.

Resource

12. The County shall continue to pursue retention of productive land for farm and forest uses.
13. Industries utilizing local raw materials shall be encouraged, particularly if such location will not have an adverse effect on housing conditions, service costs, or other consideration which make Wallowa County a desirable place in which to live.
14. An active program be continued to attract timber processing or related industries, and that the program be a joint private industry-government effort taking into account tax incentives, ordinance and improvement needs, and fee and less-than-fee acquisition techniques.

Construction

15. The County will work to provide for more small acreage rural residential type parcels.

Arts

16. The County shall encourage the establishment of foundries, galleries, and home based occupations and other arts related facilities.

Industrial

17. As a result of the County's ongoing inventory of Industrial zoned lands, the County will rezone lands to eliminate unsuitable parcels and acquire an equivalent acreage of suitable parcels. Public facilities and services should be planned or made available in those locations where it is desirable to attract industries. The County will coordinate with the cities to provide services where appropriate.

APPENDIX 9-1 ECONOMY OF THE AREA

SUMMARY: The economy of Wallowa County has traditionally relied heavily on timber production and agriculture and, to a lesser extent, recreation, government, and the arts. The timber and agriculture sectors of the economy have been in severe decline for several years. Most sectors of the economy are seasonal with the heaviest rate of unemployment experienced during the winter months. Wallowa County's unemployment rate is consistently higher than the state's. To alleviate high seasonal unemployment, development of winter oriented activities and non-seasonal industry will be needed, but Wallowa County's long cold winters will still result in some seasonal employment variations.

The Wallowa County Board of Commissioners has implemented a "Strategic Plan" with a goal to address the economic problems of the County and to promote action programs that will solve these problems. The program recognizes such concerns as the out migration of the County's youth, seasonal unemployment, remoteness of the County, lack of industrial diversification and family wage jobs, and other economic issues.

PAST AND PRESENT: The primary sectors of the Wallowa County employment are: agriculture, timber, recreation/tourism, construction, government, and arts. Summaries of each are found below.

Agriculture income has severely declined over the last twenty years. In 1980 personal farm income was \$11,131 and by 2000 it had plummeted to a minus \$7,507, a decrease of 167%.

Agriculture will continue to be an important economic activity. If prices for farm goods continue to decline, this sector of the economy will increasingly struggle. Also, Forest Service land use planning could have a significant impact on livestock production because of the increased costs and limitations on grazing on public land.

Largely due to the policies of the U S Forest Service, which greatly restrict timber sales on Federal land, Wallowa County now has only one operating lumber mill, located outside of Wallowa. In 1980 timber harvest from public lands was 60,345 thousand board feet, while in 2000 it was 6,327 thousand board feet, a decrease of 89%. The harvest from private lands has remained about the same. Now, most of the timber cut locally is cut from private lands. The branch railroad is back in operation and is hauling forest products from the mill at Wallowa. However, even as this is written, the mill is laying off 30 workers due to a lack of harvestable timber. World market prices also effect the economic health of the timber industry. Possible United States Forest Service program changes could further decrease the annual

allowable cut and have an adverse effect on County employment. Also, the accumulation of fuel load in the National Forests, due to a lack of harvest, now presents a significant fire hazard to the residents and economy of the County.

Recreation and tourism are considered a primary County "industry." This industry is shifting towards more conventional tourism. Please see Appendix 8-1 for a discussion of recreation and tourism.

Government employment (Federal, State and local) was one of the "bright spots" in the County economic picture. Government jobs have been increasing over the years and they are good paying jobs with attractive benefits. Some of this increase is due to the Salmon Habitat recovery Plan and other conservation efforts. However, the County has no control over the employment policies of Federal, State, and some local sectors such as schools. Fluctuations in this piece of the economy can have severe impacts on the County economy as a whole. Recently, for example, reductions in Forest Service, state and school employment have had a significant impact.

The arts continue to be an important piece of the County economy. The County now has four active bronze foundries and many galleries. In addition to providing local employment, the arts also contribute to tourism and County promotion in general.

Construction is an increasingly important piece of the County's economic output. Construction currently makes up about 12% of the County's gross economic output.

The County has an industrial zone, which should encourage rural types of industry. However, the encroachment of residential uses, proximity to rivers and wetlands, lack of services, and unavailability for sale severely limit the use of County industrial lands. An ongoing study of the County's industrial properties indicates that only 20% of properties zoned industrial may be suitable for industrial use. Closer examination of these properties may lower this percentage. Currently, the County suffers from a lack of available usable industrial land.

Overall, there is a pressing need for family wage jobs in the County. Although retirees bring needed skills into the County, a diverse healthy local economy cannot be achieved based solely on retirees and vacationers. Families drive the need for a diverse range of goods and services and for schools, hospitals and libraries. Over the last twenty years County unemployment has been as high as ~~13.7~~ 14.6 % and as low as 7.5 %, and has consistently exceeded the state level. Although the average County wage has about doubled over the last twenty years (\$11,589 in 1980 and \$22,562 in 2000), it has dropped to 2/3 of the state average wage. Also, although the median home value has increased by 135% over the last ten years, the median household income has increased only 51%. An economy made up of diverse small industry, including agriculture and forestry, would insulate the County economy from external influences, would attract families to the County, and would help reverse some of the other alarming trends detailed here. Examples of individual local entrepreneurial businesses would be Wolfe Fleece, Bronson Log Homes, Matt Cross's The Gadget Shop, Tim Hall Photography and

Green/Christoffersen Marketing. There are many others.

FUTURE: The economy of Wallowa County is in transition. This transition has been driven, up to this point, by forces largely outside of the control of the County. Resource based industries are dependent upon Federal and State policies and commodity markets. However, resource based industries, which currently make up about 30% of the County's gross economic output, will most likely always be important to the economy. Tourism and government (which together make up about 24% of the County's gross economic output) have increased to fill some of the gap, but State and Federal employment levels are outside of the County's control. Retirement income has also increased to the point where transfer payments are now greater than earned income within the County.

Change is always difficult. However, Wallowa County needs to change and adapt to the forced transition in its economy. We know where we are. The question is where do we want to be. Once we know these two points, we can chart our course.

In the future, Wallowa County will probably still be small in population, but the County can be a vibrant community retaining its culture and enjoying economic stability, diversity and managed growth. What might this look like?

Timber and agriculture will continue to be important participants in the local economy, and will continue to strongly influence the culture and values of the County. The retention of the railroad can lower transportation costs, and allow for growth in the value added wood and agricultural products industry. This sector can supply needed family wage jobs. However, the County must maximize local influence on policy, regulation and management of these natural resources on public lands.

Wallowa County is a special place, and tourism and recreation continues to grow. Tourists may wish to purchase vacation or retirement homes in the County. Please see Appendix 8-1 for a discussion of the future of recreation and tourism.

Local medical services are important to the community, especially in light of the County's growing retiree population. The Wallowa Memorial Hospital provides services such as X-ray, MRI, and surgery. Without a local hospital, County residents would have to travel to La Grande or further to obtain basic medical care. It is in the County's interest to facilitate the retention and improvement of its hospital and work to acquire and retain highly competent medical personnel in Wallowa County.

Arts related industries continue to grow and are an increasingly important segment of the local economy. Wallowa County is known for its bronzes. Galleries and arts associated businesses should form a strong relationship with the tourism industry to the mutual benefit of both. The County should promote the public display of art objects produced in Wallowa County. The County economy would benefit from facilitating the local film and video liaison to promote Wallowa County for use in movies and commercials. The County

County should continue to encourage the establishment of foundries, galleries, home based occupations and other arts related facilities.

The construction industry in Wallowa County can provide family wage jobs and the construction of homes will increase demand for services as wide ranging as groceries to video rentals to insurance. As there seems to be a demand for retirement and second homes in the County and a shortage of lots to build them on, the County should consider establishing a new rural residential zone to facilitate the placement of these homes. Such homes might be in lieu of HB3326 homes and should reflect the culture and values of the County.

Education is the heart of a community and employers desire an educated workforce. The County shall facilitate local educational opportunities, including a strong K through 12 and establishment of a local community college. The County should also ensure the preservation and teaching of local history via the County Museum and should facilitate establishment of the Nez Perce cultural center.

Retirees are an asset to the County as they bring in needed skills. They may either volunteer or work at second jobs. While not directly vested in the school system, they will live in homes which would increase the tax base and utilize services provided by County businesses and institutions. The County should encourage retirees to settle in the County by making properly zoned parcels available to site homes for retirees.

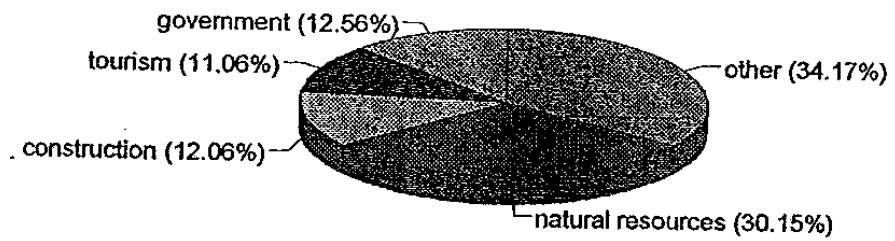
A diverse economy is less vulnerable to economic fluctuations. Wallowa County needs to encourage new diverse industry by making usable industrial lands available and ensuring that utility services are available, including high speed internet access where appropriate. The County would benefit from targeting industries that are suitable to locate here and facilitating business assistance. If feasible the County should acquire the Joseph State Airport and establish an industrial park at the Airport or other suitable location and zone the land accordingly. It is in the County's interest to encourage and facilitate economic improvement aids such as Economic Improvement Districts, Enterprise Zones, or port districts. The County shall encourage home based occupations and shall encourage young professionals to settle in the County.

The County is currently inventorying its industrial zoned lands. Results so far indicate that only about 20% of land zoned industrial is actually suitable for industrial use. Small diverse industries including value added and specialty manufacturing could be attracted to the County, however, suitable shovel ready industrial parcels and turn key sites will be needed. The County must rezone parcels unsuitable to industrial use and rezone as industrial an equivalent amount of usable industrial land. The County must also facilitate providing utility services to these parcels and otherwise make relocating businesses to the County attractive.

**APPENDIX 9-2
ECONOMIC DATA**

Wallowa County Economy

Economic Sectors



Percent of Total 1999 Gross Economic Output in Dollars

Other is made up of finance, insurance, real estate, retail and service

BEARFACTS

Wallowa, Oregon

1990-2000

Wallowa is one of 36 counties in Oregon. It is not part of a Metropolitan Area. Its 2000 population of 7,222 ranked 33rd in the State.

PER CAPITA PERSONAL INCOME

In 2000, Wallowa had a per capita personal income (PCPI) of \$21,080. This PCPI ranked 27th in the State, and was 76 percent of the State average, \$27,660, and 72 percent of the national average, \$29,469. In 1990, the PCPI of Wallowa was \$15,447 and ranked 21st in the State. The average annual growth rate of PCPI over the past 10 years was 3.2 percent. The average annual growth rate for the State was 4.3 percent and for the nation was 4.2 percent.

TOTAL PERSONAL INCOME

In 2000, Wallowa had a total personal income (TPI) of \$152,242*. This TPI ranked 33rd in the State and accounted for 0.2 percent of the State total. In 1990, the TPI of Wallowa was \$107,276* and ranked 32nd in the State. The average annual growth rate of TPI over the past 10 years was 3.6 percent. The average annual growth rate for the State was 6.2 percent and for the nation was 5.5 percent.

COMPONENTS OF TOTAL PERSONAL INCOME

Total personal income (TPI) includes the earnings (wages and salaries, other labor income, and proprietors's income); dividends, interest, and rent; and transfer payments received by the residents of Wallowa. In 2000, earnings were 50.2 percent of TPI (compared with 54.9 percent in 1990); dividends, interest, and rent were 29.1 percent (compared with 27.2 percent in 1990); and transfer payments were 20.7 percent (compared with 17.8 percent in 1990). From 1990 to 2000, earnings increased on average 2.6 percent each year; dividends, interest, and rent increased on average 4.3 percent; and transfer payments increased on average 5.1 percent.

EARNINGS BY INDUSTRY

Earnings of persons employed in Wallowa increased from \$61,464* in 1990 to \$79,836* in 2000, an average annual growth rate of 2.6 percent. The largest industries in 2000 were state and local government, 24.1 percent of earnings; services, 17.6 percent; and retail trade, 15.1 percent. In 1990, the largest industries were durable goods manufacturing; state and local government, 18.2 percent; and retail trade, 12.2 percent. Of the industries that accounted for at least 5 percent of earnings in 2000, the slowest growing from 1990 to 2000 was durable goods manufacturing; the fastest was services which increased at an average annual rate of 8.2 percent.

* All income estimates with the exception of PCPI are in thousands of dollars.

Regional Economic Information System
Bureau of Economic Analysis

WALLOWA COUNTY
2001 COVERED EMPLOYMENT AND WAGES

	Employing Units	Job Count	Total Wages	Average Pay
Total All Industries	371	7,212	\$59,565,483	\$27,660
Federal Government	11	142	\$5,144,142	\$36,226
State Government	12	80	\$2,495,190	\$31,190
Local Government	20	500	\$12,766,486	\$25,533
Total All Government	43	722	\$20,405,818	\$30,933
Animal Production	12	54	\$972,987	\$18,018
Forestry and Logging	17	53	\$1,737,968	\$32,792
Support Activities for Agriculture and Forestry	10	21	\$531,028	\$25,287
Construction of Buildings	15	45	\$1,073,494	\$23,855
Heavy and Civil Engineering Construction	6	29	\$1,048,849	\$36,167
Specialty Trade Contractors	22	53	\$1,153,715	\$21,768
Primary Metal Manufacturing	3	93	\$2,159,134	\$23,216
Miscellaneous Manufacturing	3	5	\$69,237	\$13,847
Other Manufacturing	13	85	\$2,228,666	\$26,220
Utilities	3	13	\$727,435	\$55,957
Wholesale Trade	5	11	\$516,754	\$46,978
Motor Vehicle and Parts Dealers	8	62	\$1,472,686	\$23,753
Building Material and Garden Equipment Stores	6	61	\$1,502,594	\$24,633
Food and Beverage Stores	9	90	\$1,627,427	\$18,083
Gasoline Stations	6	23	\$279,669	\$12,160
Clothing and Clothing Accessories Stores	3	8	\$158,366	\$19,796
General Merchandise Stores	3	8	\$105,181	\$13,148
Miscellaneous Store Retailers	7	28	\$306,029	\$10,930
Other Retail Trade	7	12	\$112,429	\$9,369
Truck Transportation	10	28	\$709,931	\$25,355
Other Transportation and Warehousing	4	45	\$790,591	\$17,569
Information	6	32	\$607,068	\$18,971
Credit Intermediation and Related Activities	5	49	\$1,811,340	\$36,966
Insurance Carriers and Related Activities	6	29	\$603,486	\$20,810
Real Estate and Rental and Leasing	11	19	\$290,978	\$15,315
Professional, Scientific, and Technical Services	16	43	\$1,025,065	\$23,839
Support and Waste Management Services	8	16	\$305,180	\$19,074
Educational Services	3	7	\$134,774	\$19,253
Ambulatory Health Care Services	14	78	\$1,908,046	\$24,462
Nursing, Care Facilities, and Social Assistance	8	58	\$837,828	\$14,445
Amusement, Gambling, and Recreation Industries	8	18	\$188,465	\$10,470
Other Arts, Entertainment, and Recreation	3	10	\$242,298	\$24,230
Accommodation	13	81	\$686,297	\$8,473
Food Services and Drinking Places	24	143	\$1,024,886	\$7,167
Repair and Maintenance	10	26	\$482,678	\$18,565
Personal and Laundry Services	4	6	\$79,516	\$13,253
Membership Associations and Organizations	14	40	\$588,542	\$14,714
Private Households	7	10	\$59,028	\$5,903
Total of Private Industry	328	6,490	\$39,159,665	\$22,769

Source: Oregon Employment Department

Willow County, 31 Years
Workforce Data

Date Year	Civilian Work force	Total Unemployment	Unemployment Rate	Non-farm Employment	Goods Producing	Service Producing	Total manufacturing	Total non-manufacturing
1970	2610	190	7.3	1310	250	1060	190	1120
1971	2760	230	8.3	1310	240	1070	180	1130
1972	2680	230	8.0	1420	280	1140	220	1200
1973	2840	250	8.8	1410	260	1150	210	1200
1974	3060	310	10.1	1480	310	1180	240	1220
1975	3240	420	13.0	1620	360	1280	280	1330
1976	3290	360	10.9	1720	390	1330	320	1400
1977	3240	330	10.2	1710	360	1350	300	1410
1978	3400	260	7.6	1820	420	1400	350	1470
1979	3240	270	8.3	1820	420	1400	350	1470
1980	3610	330	9.1	1880	370	1490	320	1540
1981	3880	420	10.8	1880	370	1510	330	1550
1982	3860	440	11.4	1810	330	1480	290	1520
1983	4030	460	11.4	1910	440	1470	370	1540
1984	3900	520	13.3	1910	420	1490	370	1540
1985	3570	490	13.7	1780	330	1450	300	1480
1986	3510	380	10.8	1840	400	1440	370	1470
1987	3530	270	7.6	1940	420	1520	370	1570
1988	3670	350	9.5	2010	430	1580	370	1640
1989	3880	290	7.5	2160	520	1660	450	1720
1990	3540	270	7.6	2210	600	1670	520	1750
1991	3630	300	8.3	2290	590	1690	500	1780
1992	3660	370	10.1	2310	590	1720	490	1820
1993	3640	380	10.4	2320	550	1760	470	1850
1994	3830	340	8.9	2270	510	1770	420	1860
1995	3420	360	10.5	2170	380	1790	280	1880
1996	3600	420	11.7	2220	430	1790	330	1890
1997	3600	390	10.8	2280	480	1810	360	1920
1998	3630	380	10.5	2280	430	1850	330	1960
1999	3530	320	9.1	2320	480	1860	330	1980
2000	3475	298	8.6	2300	430	1870	300	2000
2001	3359	362	10.8	2230	370	1860	240	1990

Source: State of Oregon Employment Department Workforce Analysis

Workforce Data

Data Year	Total Population	Civilian Work Force	Total Unemployment	County Rate % Unemployment	State Rate % Unemployment	Average County Wage	State Wage
1980	7273	3840	330	9.1	8.3	\$11,589	\$14,391
1981	7300	3880	420	10.8	9.9	\$12,310	\$15,376
1982	7390	3880	440	11.4	11.5	\$12,880	\$16,188
1983	7330	4030	480	11.4	10.8	\$14,221	\$16,783
1984	7550	3900	520	13.3	9.4	\$14,489	\$17,399
1985	7420	3970	480	13.7	8.6	\$14,811	\$17,951
1986	7200	3510	380	10.8	8.5	\$15,381	\$18,311
1987	7150	3530	270	7.6	6.2	\$15,344	\$18,885
1988	7200	3670	350	9.5	5.8	\$15,492	\$19,367
1989	7200	3860	280	7.5	5.7	\$15,968	\$20,290
1990	8041	3540	279	7.6	6.8	\$17,082	\$21,321
1991	7000	3630	300	8.3	6.0	\$17,933	\$22,353
1992	7150	3650	370	10.1	7.5	\$19,008	\$23,517
1993	7200	3640	380	10.4	7.3	\$18,820	\$24,091
1994	7200	3830	340	9.4	5.5	\$19,676	\$24,789
1995	7250	3420	380	10.6	4.8	\$19,685	\$25,887
1996	7250	3600	420	11.7	5.9	\$20,515	\$27,046
1997	7300	3600	390	10.8	5.8	\$21,029	\$28,407
1998	7200	3630	380	10.6	5.6	\$20,711	\$29,548
1999	7200	3530	310	9.0	5.7	\$21,671	\$30,867
2000	7250	3430	300	8.6	4.9	\$22,882	\$32,775
2001	7100	3359	382	10.8	6.3	\$22,860	\$33,202

Source: State of Oregon Employment Department Workforce Analysis

Year	Personal farm Income	Personal nonfarm Income	Personal total Income	Oregon Personal Income Per Capita Non-Metropolitan	Oregon Personal Income Per Capita Metropolitan	Wallowa County Personal Income Per Capita
1969	\$3,693.00	\$4,422.00	\$8,115.00	\$3,312.00	\$4,080.00	\$3,752.00
1970	\$4,711.00	\$18,757.00	\$23,468.00	\$3,588.00	\$4,080.00	\$3,752.00
1971	\$4,123.00	\$20,654.00	\$24,777.00	\$3,815.00	\$4,371.00	\$3,933.00
1972	\$7,678.00	\$23,288.00	\$30,966.00	\$4,295.00	\$4,755.00	\$4,949.00
1973	\$9,274.00	\$25,475.00	\$34,749.00	\$4,739.00	\$5,293.00	\$5,500.00
1974	\$8,518.00	\$28,941.00	\$37,459.00	\$5,342.00	\$5,876.00	\$6,033.00
1975	\$8,926.00	\$33,236.00	\$42,162.00	\$5,687.00	\$6,379.00	\$6,405.00
1976	\$9,401.00	\$38,152.00	\$47,553.00	\$6,331.00	\$7,148.00	\$7,126.00
1977	\$3,932.00	\$40,619.00	\$44,551.00	\$6,870.00	\$7,834.00	\$8,646.00
1978	\$5,456.00	\$45,852.00	\$51,308.00	\$7,639.00	\$8,818.00	\$7,528.00
1979	\$14,131.00	\$52,177.00	\$66,308.00	\$8,484.00	\$9,997.00	\$9,076.00
1980	\$11,660.00	\$57,105.00	\$68,765.00	\$9,110.00	\$10,641.00	\$9,422.00
1981	\$6,408.00	\$63,100.00	\$69,508.00	\$9,477.00	\$11,427.00	\$9,417.00
1982	\$1,919.00	\$65,865.00	\$67,784.00	\$9,656.00	\$11,723.00	\$9,145.00
1983	\$1,865.00	\$72,829.00	\$74,694.00	\$10,445.00	\$12,393.00	\$10,015.00
1984	\$5,477.00	\$76,540.00	\$82,017.00	\$11,266.00	\$13,296.00	\$11,068.00
1985	\$4,722.00	\$79,857.00	\$84,579.00	\$11,854.00	\$14,226.00	\$11,560.00
1986	\$6,141.00	\$82,449.00	\$88,590.00	\$12,426.00	\$14,848.00	\$12,875.00
1987	\$2,323.00	\$86,667.00	\$88,990.00	\$12,972.00	\$15,672.00	\$13,039.00
1988	\$3,586.00	\$94,196.00	\$97,782.00	\$13,947.00	\$16,883.00	\$14,451.00
1989	\$4,160.00	\$98,297.00	\$102,457.00	\$14,906.00	\$17,826.00	\$15,289.00
1990	\$2,186.00	\$105,080.00	\$107,276.00	\$15,625.00	\$19,259.00	\$16,448.00
1991	\$1,480.00	\$113,053.00	\$114,533.00	\$16,102.00	\$19,836.00	\$16,037.00
1992	\$1,330.00	\$119,473.00	\$120,803.00	\$16,754.00	\$20,621.00	\$16,644.00
1993	\$5,074.00	\$123,505.00	\$128,579.00	\$17,363.00	\$21,558.00	\$17,261.00
1994	\$1,066.00	\$129,062.00	\$130,128.00	\$17,859.00	\$22,239.00	\$17,486.00
1995	\$322.00	\$133,691.00	\$134,013.00	\$18,803.00	\$24,136.00	\$17,859.00
1996	-\$5,467.00	\$137,777.00	\$132,310.00	\$18,465.00	\$25,230.00	\$17,625.00
1997	-\$2,185.00	\$146,097.00	\$143,912.00	\$20,465.00	\$28,688.00	\$19,742.00
1998	-\$3,581.00	\$149,072.00	\$145,491.00	\$21,175.00	\$27,687.00	\$19,749.00
1999	\$7,736.00	\$154,400.00	\$162,136.00	\$24,950.00	\$27,688.00	\$20,197.00
2000	-\$7,507.00	\$159,749.00	\$152,242.00	\$22,501.00	\$29,553.00	\$21,080.00

Source: Regional Economic Information System, Bureau of Economic Analysis

Wallowa County

**Total Agricultural Employment by Calendar Year
Revised Series¹ 1990-2001², 2001 Benchmark**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
January	490	440	340	300	320	340	380	460	540	470	320	280
February	490	440	380	310	350	370	410	410	500	480	330	270
March	490	450	370	310	370	380	400	450	510	500	360	440
April	560	550	390	340	410	410	480	520	540	540	470	480
May	590	550	480	420	460	460	510	570	590	570	590	470
June	630	510	510	380	460	470	610	670	700	600	850	570
July	690	550	510	390	570	590	670	610	630	550	650	580
August	730	590	650	550	600	610	580	610	630	530	630	560
September	630	750	590	590	590	600	590	570	560	400	560	500
October	490	510	340	520	570	570	500	530	440	330	470	420
November	450	430	370	300	350	370	500	450	480	320	430	380
December	450	400	340	290	320	330	450	450	450	340	360	320
Annual Average	560	510	440	390	450	460	510	530	550	470	490	440

¹ In 1997, the Employment Department's methodology for collecting agricultural data was revised. The current series is based on the Current Population Survey (an annual survey of households in Oregon). Data on this table are not comparable to previously published data.

² Data reflect workers aged 16 years and older working in establishments categorized as Standard Industrial Classification Code (SIC) 01 (Crop Production), 02 (Livestock Production), and 0791 (Farm Labor Contractors).

For further information on this series, contact the Employment Department's Agricultural Analyst at (503) 947-1240.

Wallowa County
32 Years of Timber Harvest on Private Lands (in thousands of board feet)

Year	Wallowa County	Baker County	Grant County	Hammy County	Malheur County	Union County	All of Oregon	All of E. Oregon
1969	34,489	10,766	48,972	4,030	0	28,954	4,168,000	125,211
1970	35,907	4,007	43,555	3,982	0	54,434	3,874,000	141,585
1971	13,743	53,709	39,902	0	0	32,809	4,230,000	140,263
1972	17,304	4,952	42,274	1,097	0	28,178	3,919,000	93,805
1973	26,202	7,453	41,368	2,044	1,661	30,144	3,810,000	108,870
1974	22,903	28,272	76,404	102	0	131,846	3,822,000	267,467
1975	30,369	4,349	24,814	1,504	599	30,181	3,781,000	91,816
1976	20,179	9,211	24,984	2,204	559	57,940	3,561,000	115,077
1977	27,809	15,400	17,537	575	4,161	51,373	3,590,000	116,855
1978	29,260	18,308	24,242	892	121	52,913	3,549,485	125,736
1979	28,280	12,640	19,870	2,430	1,300	58,270	3,208,847	118,480
1980	43,500	5,770	17,000	2,400	0	90,110	3,134,041	158,780
1981	32,030	14,930	10,820	0	230	51,070	2,702,239	109,080
1982	41,239	4,848	34,253	24,252	122	50,392	3,440,000	155,108
1983	44,663	5,317	10,164	1,405	97	51,166	3,373,000	112,817
1984	40,405	8,178	8,029	337	0	51,611	3,078,000	107,868
1985	30,313	9,828	7,658	2,787	0	43,119	3,376,495	93,701
1986	23,684	7,654	18,547	17,842	0	58,030	3,494,000	125,757
1987	38,333	13,389	31,518	18,822	1,609	39,085	3,280,447	142,756
1988	38,607	21,892	20,088	100	0	65,025	3,259,171	145,712
1989	68,900	19,326	26,045	15,622	573	42,359	3,720,887	150,424
1990	46,363	31,616	26,379	3,952	276	55,037	3,229,106	163,623
1991	37,813	16,071	20,648	3,639	611	71,833	3,311,837	160,415
1992	61,904	26,574	45,710	4,556	4,669	94,603	3,580,801	238,016
1993	44,981	33,950	51,280	3,677	6,307	102,321	3,608,492	242,528
1994	55,970	28,815	72,013	5,042	2,532	76,034	3,244,463	233,876
1995	37,885	18,880	73,949	5,376	4,712	63,306	3,431,703	204,108
1996	51,916	15,905	49,331	11,099	1,444	58,956	3,018,279	189,651
1997	40,346	16,839	70,484	2,392	201	31,981	3,133,193	161,243
1998	58,908	15,307	49,800	1,130	2,368	40,979	2,840,375	165,492
1999	74,632	15,090	47,895	1,496	324	41,926	3,038,044	176,482
2000	58,407	12,176	39,521	274	326	55,177	3,167,003	165,881
2001	39,831	10,227	37,488	2,341	735	41,401	2,904,703	132,023

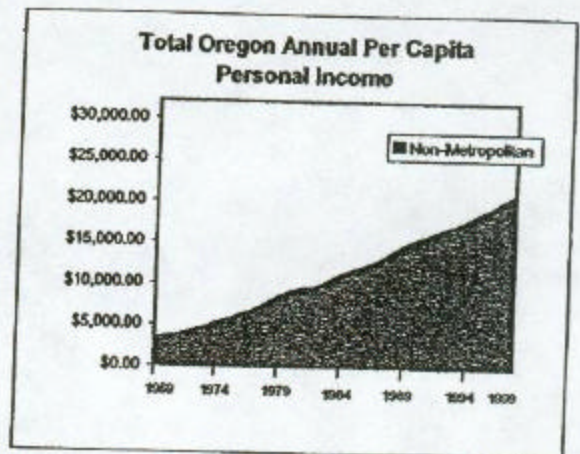
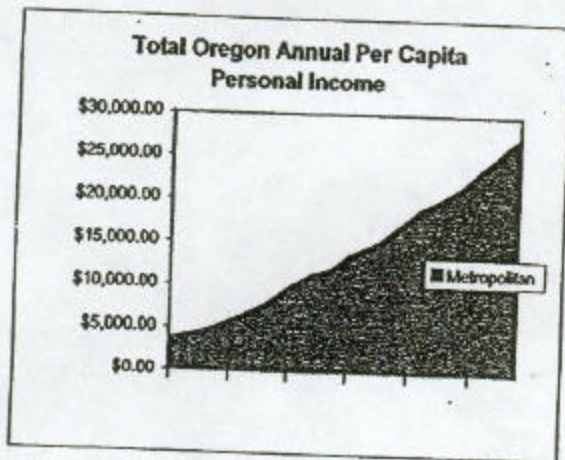
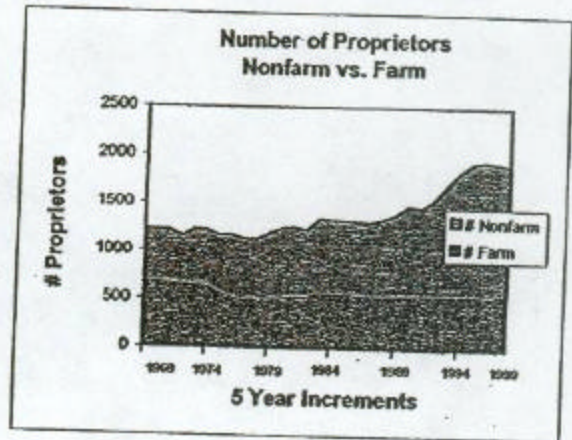
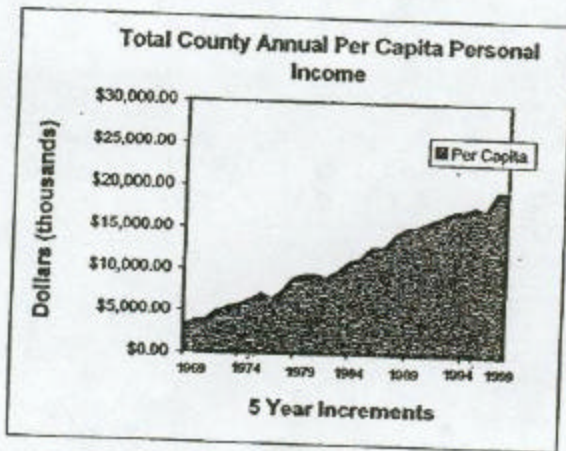
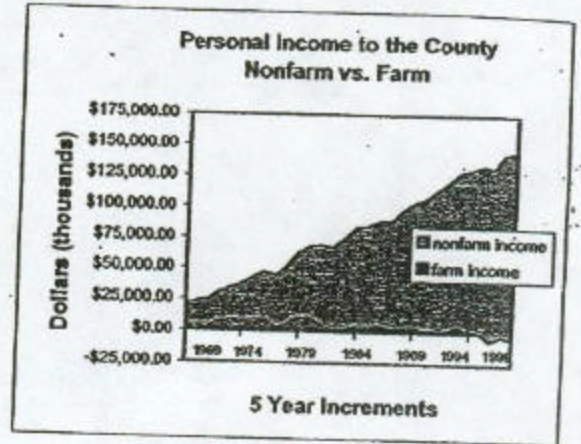
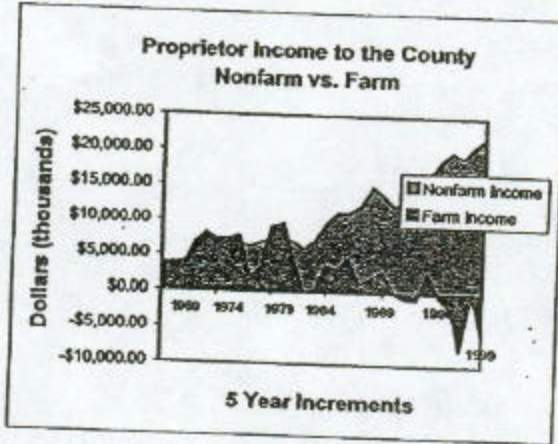
Source: Oregon Employment Department

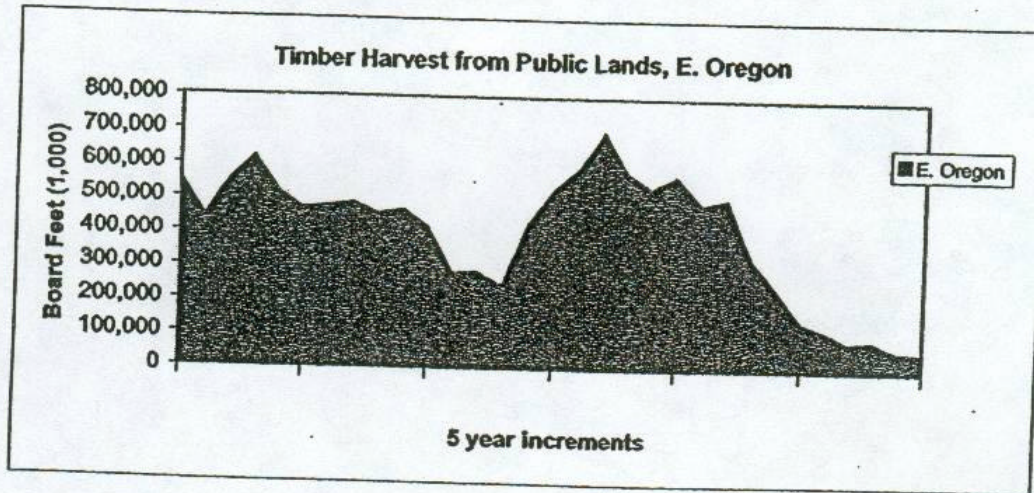
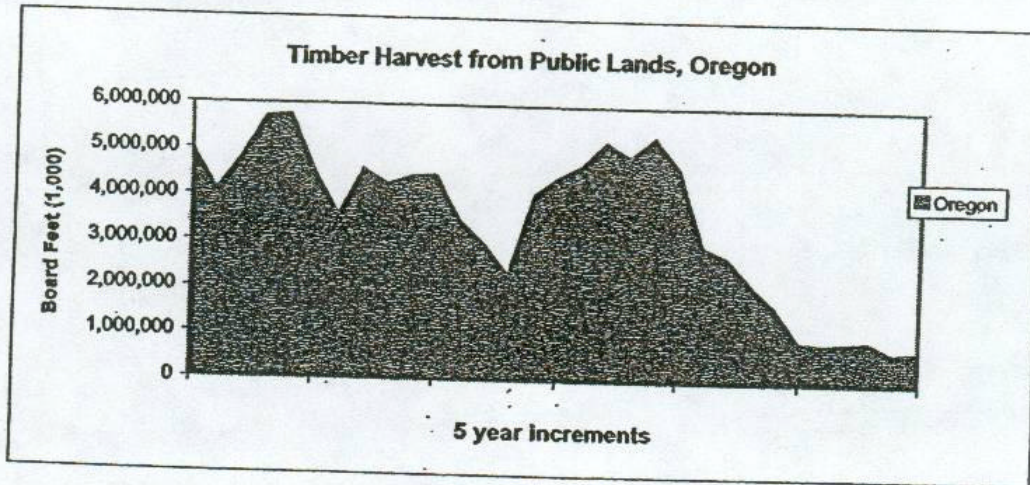
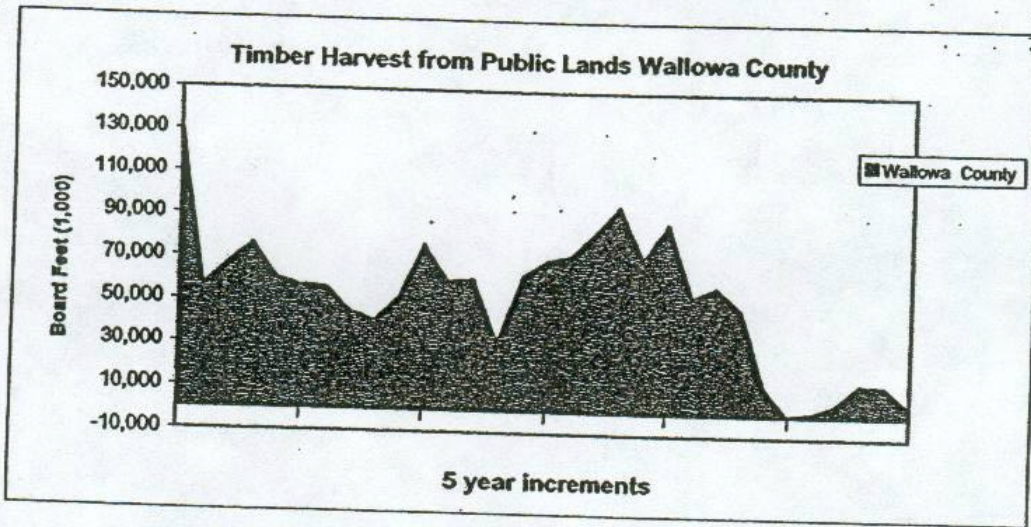
Wallowa County
32 Years of Timber Harvest on Public Lands (in thousands of board feet)

Year	Wallowa County	Baker County	Grant County	Hamry County	Malheur County	Union County	All of Oregon	All of E. Oregon
1969	130,205	81,086	184,543	58,108	354	78,740	4,985,380	551,758
1970	56,725	62,448	191,076	56,518	4	75,846	4,106,952	442,657
1971	67,048	83,243	238,074	83,669	0	83,948	4,797,671	555,982
1972	76,629	90,141	267,108	76,004	0	112,163	5,710,634	622,083
1973	60,535	59,890	249,216	73,189	376	79,483	5,754,630	519,699
1974	57,388	28,393	282,819	50,870	0	71,900	4,638,481	470,869
1975	56,538	58,822	213,879	66,571	3,070	79,400	3,869,725	478,080
1976	45,583	80,738	210,072	81,043	0	70,910	4,586,511	488,326
1977	41,559	78,679	198,228	63,259	11	73,606	4,286,388	455,342
1978	52,445	71,751	204,161	59,457	0	81,112	4,447,191	468,926
1979	37,493	61,558	187,083	53,210	0	59,791	4,485,482	448,748
1980	60,345	41,235	101,980	31,113	0	47,113	3,505,408	281,786
1981	61,085	51,884	99,903	15,030	0	57,233	2,992,918	285,115
1982	31,954	48,478	100,550	47,723	0	17,642	2,317,902	248,347
1983	63,171	74,935	176,161	50,854	0	62,272	4,090,988	427,413
1984	30,222	61,423	234,693	69,028	0	67,921	4,271,763	533,487
1985	72,882	54,174	286,979	88,495	0	93,644	4,750,760	595,974
1986	83,228	66,359	293,227	85,557	276	173,271	5,248,624	701,918
1987	95,926	83,808	194,890	91,072	362	119,253	4,934,838	585,311
1988	71,670	60,172	239,542	71,565	1,908	91,537	5,355,884	539,401
1989	98,139	60,723	267,882	82,218	289	106,600	4,899,011	575,828
1990	54,437	54,987	236,607	68,944	0	58,116	2,989,508	493,071
1991	58,993	29,588	222,729	133,829	0	63,113	2,768,419	508,172
1992	48,946	29,079	140,000	59,280	0	53,436	2,161,560	330,741
1993	13,223	18,581	126,889	42,073	0	40,890	1,685,475	241,636
1994	182	8,488	764,733	18,785	0	15,438	922,983	145,613
1995	1,571	6,568	78,859	20,441	0	13,862	872,272	119,301
1996	5,460	14,457	23,001	11,468	879	30,414	904,020	85,679
1997	14,663	15,231	28,783	11,116	0	22,389	948,222	92,162
1998	14,119	12,320	15,520	9,016	0	10,956	691,528	61,931
1999	4,882	14,735	20,388	7,082	0	8,132	745,284	56,478
2000	6,327	17,535	15,869	5,519	0	8,748	686,511	54,018
2001	10715	13780	11737	2135	0	8892	535089	45059

Source: Oregon Employment Department

ECONOMIC PROFILE OF WALLOWA COUNTY 29 YEARS





Median Home Value (Specified Owner-Occupied Units)

	1990	2000	Change
Baker County	\$42,100	\$84,700	101.2%
Union County	\$43,900	\$93,600	113.2%
Wallowa County	\$47,400	\$111,300	134.6%

25 designated by respondents
house, but not business or farm

Median Household Income

	1989	1999	Change
Baker County	\$22,150	\$30,357	37.1%
Union County	\$22,484	\$33,738	50.1%
Wallowa County	\$21,300	\$32,129	50.8%

household income
housing unit occupied by anyone
single, roommate, family

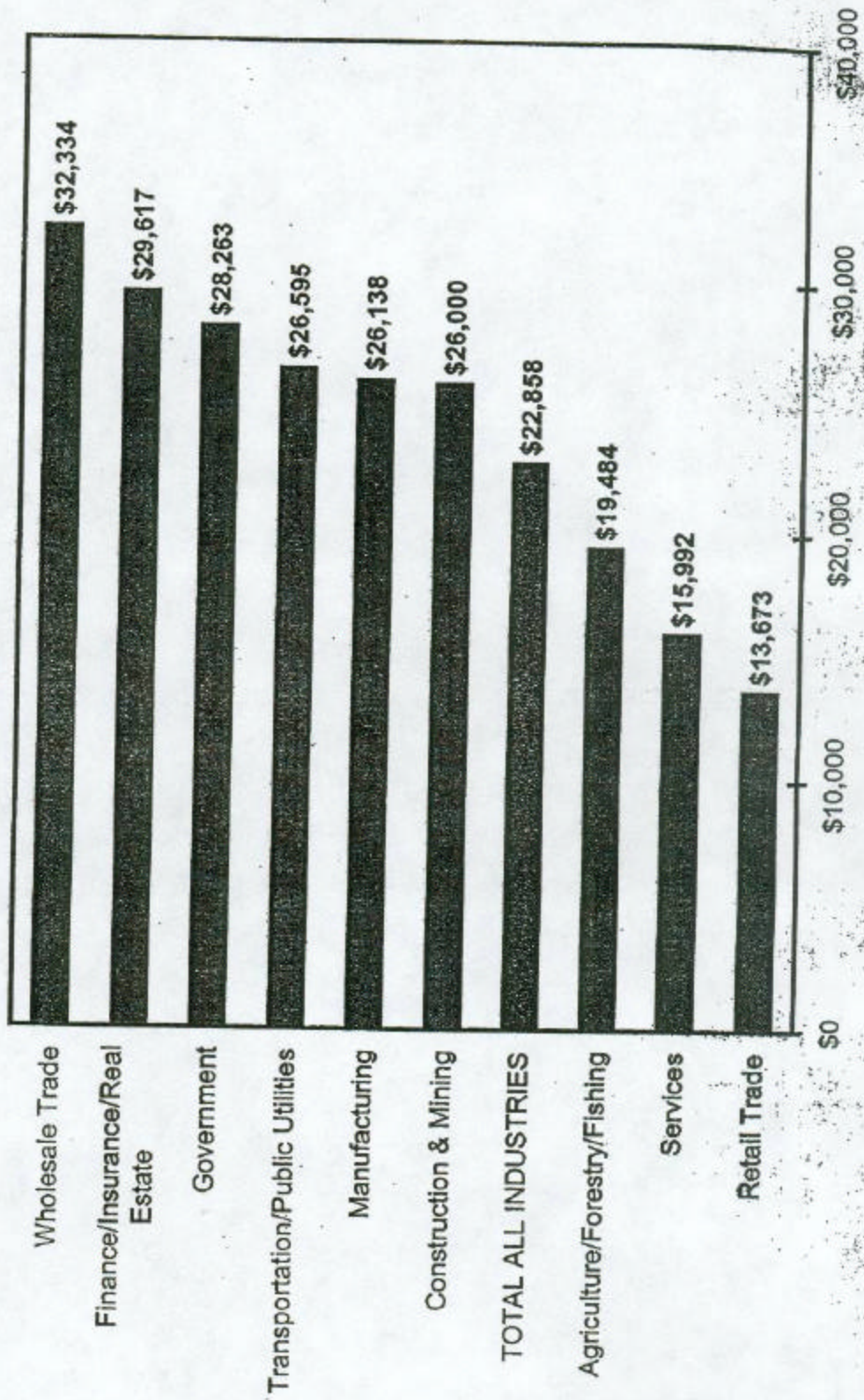
Median Family Income

	1989	1999	Change
Baker County	\$26,505	\$36,106	36.2%
Union County	\$28,111	\$40,520	44.1%
Wallowa County	\$25,869	\$38,682	49.5%

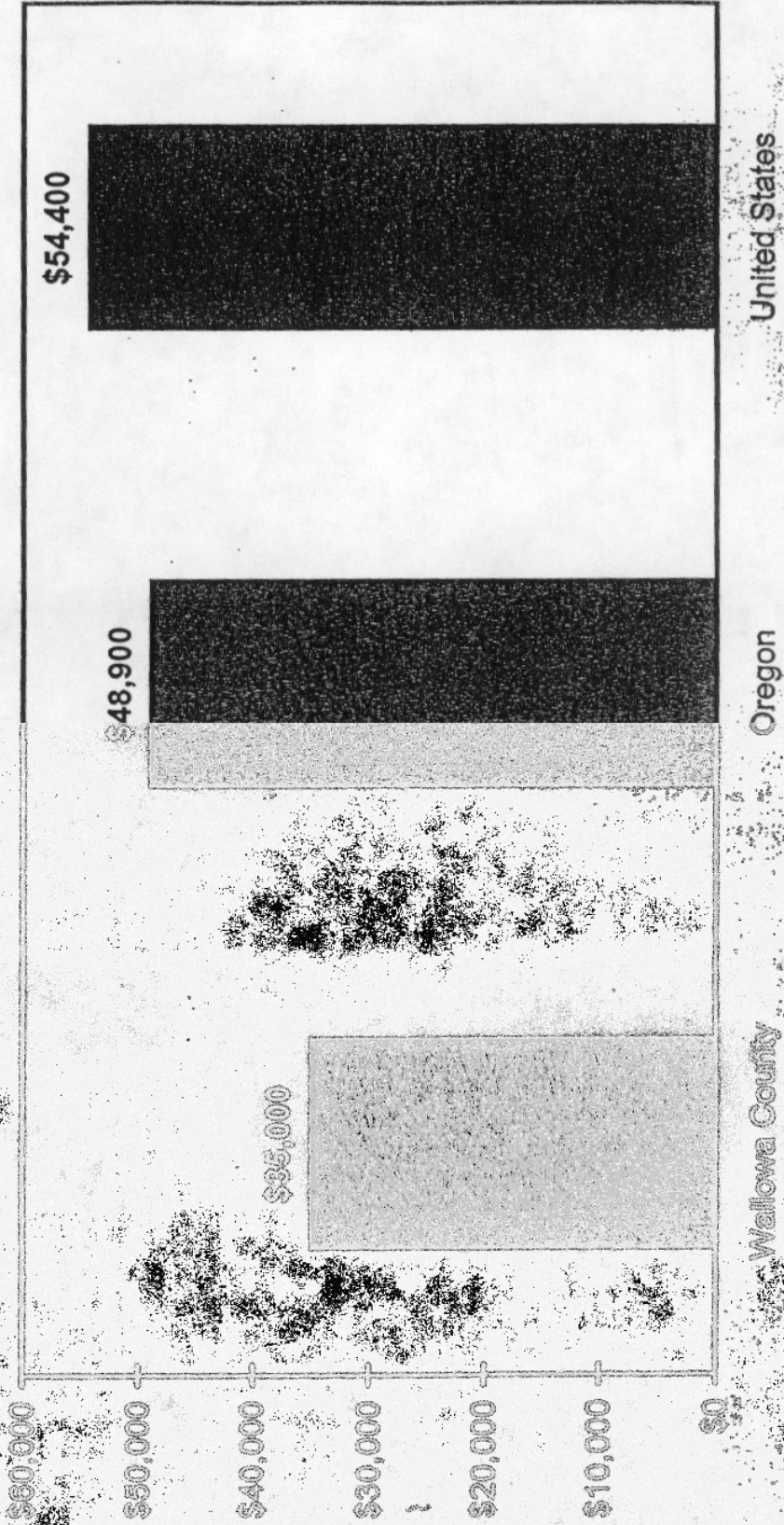
Family - must be at least
2 people w/ a relationship

Source: U.S. Census Bureau

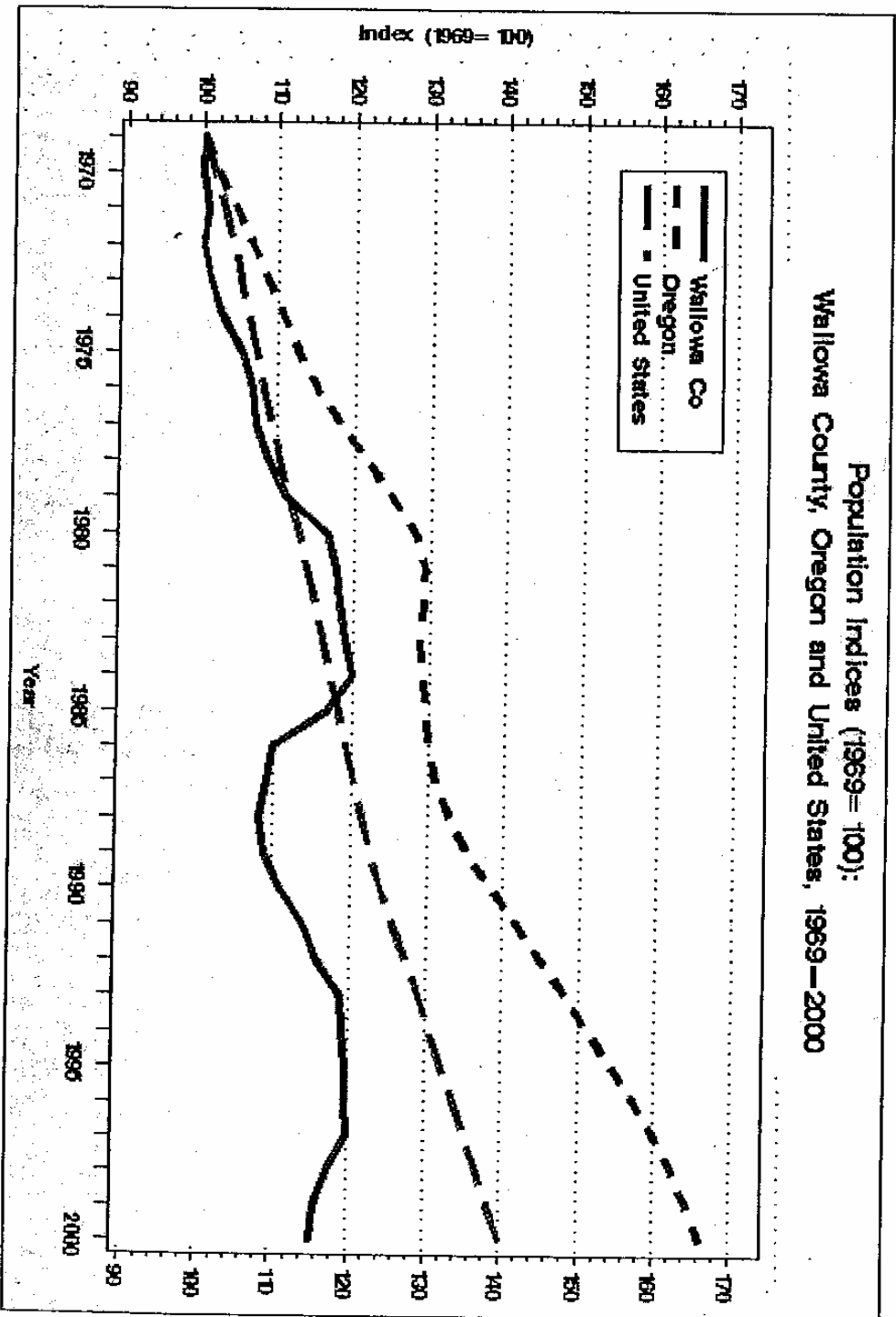
Average Annual Pay Per Job, By Industry Wallowa County, 2001



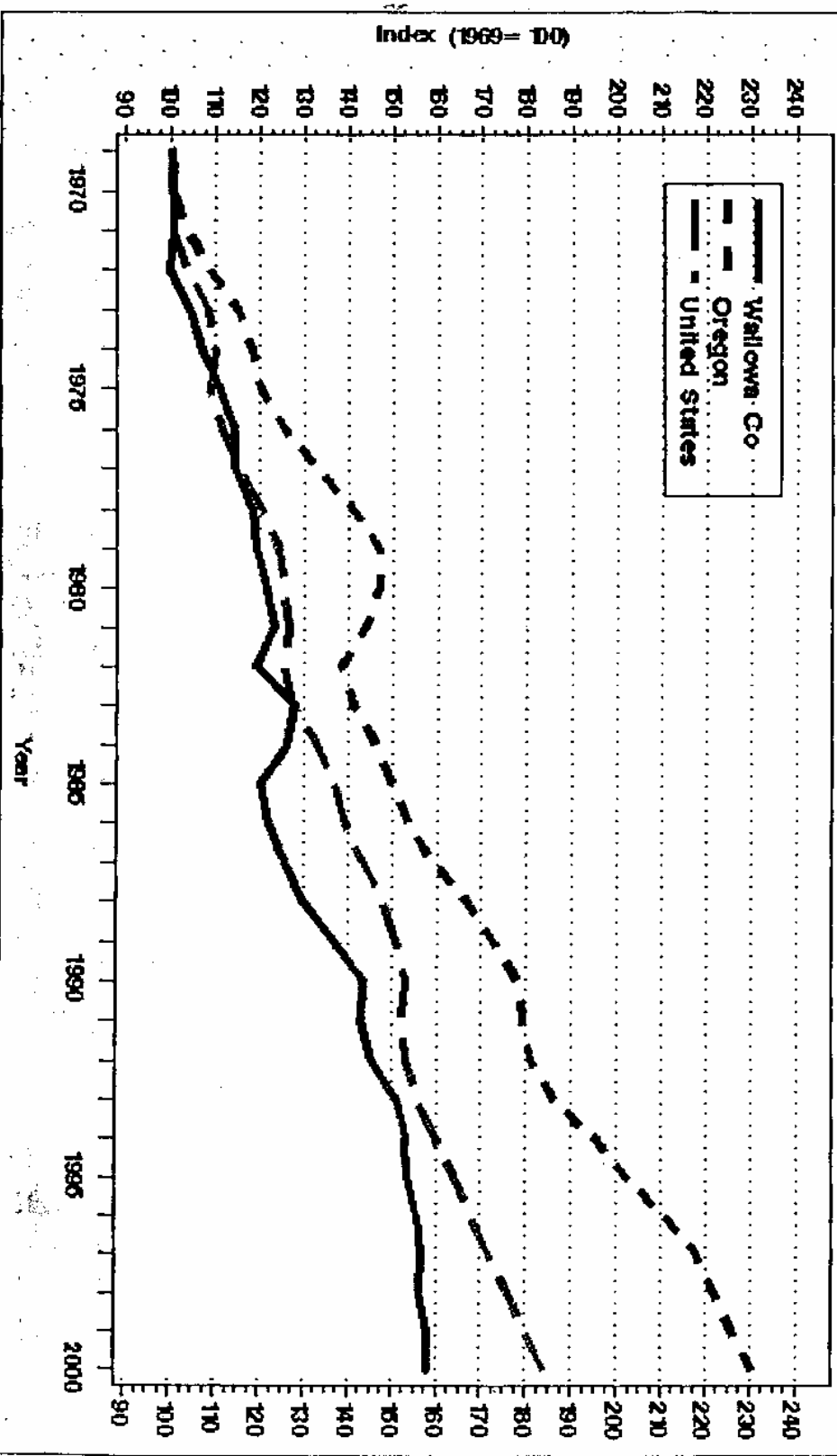
Estimated Median Family Income Fiscal Year 2002



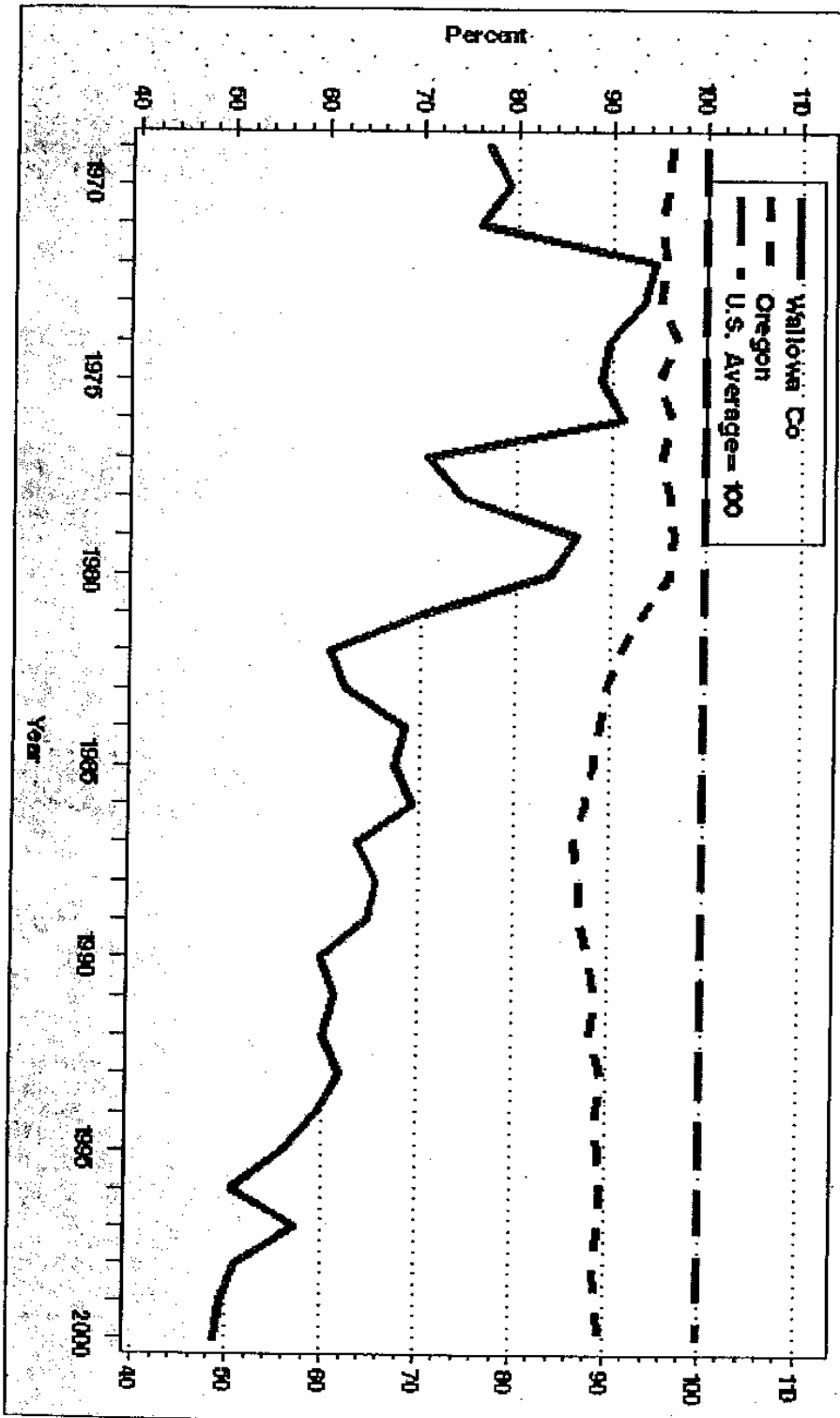
Population Indices (1969 = 100):
 Walloua County, Oregon and United States, 1969-2000



Employment Indices (1969 = 100):
 Willowa County, Oregon and United States, 1969-2000



Average Earnings Per Job as a Percent of the U.S. Average:
Wallowa County and Oregon, 1969-2000

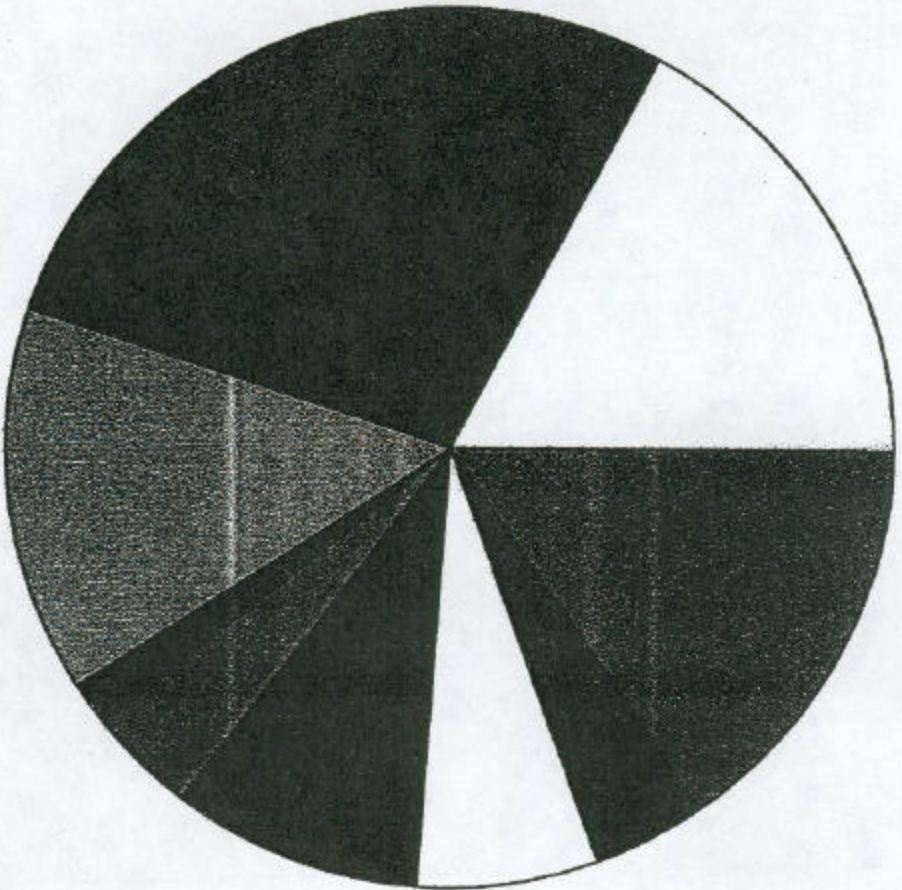


Wallowa County Employment and Location Quotients

$LQ_i = \frac{\text{County}_i / \text{County}}{\text{Oregon} / \text{Oregon}}$ and $LQ_i = \frac{\text{County}_i / \text{County}}{\text{US} / \text{US}}$

SECTOR	1970			2000		
	Jobs	%	OR LQ	Jobs	%	OR LQ
Total full-time and part-time employment	2,871	100.00%	1.00	4,510	100.00%	1.00
By type						
Wage and salary employment	1,651	57.51%	0.69	2,535	56.21%	0.70
Proprietors' employment	1,220	42.49%	2.49	1,975	43.79%	2.22
Farm proprietors' employment	662	23.06%	6.70	563	12.48%	6.74
Nonfarm proprietors' employment	558	19.44%	1.42	1,412	31.31%	1.75
By industry						
Farm employment	873	30.41%	5.47	683	15.14%	4.95
Nonfarm employment	1,998	69.59%	0.74	3,827	84.86%	0.88
Private employment	1,484	51.69%	0.67	3,050	67.63%	0.80
Ag. services, forestry, fishing, & other	52	1.81%	1.95	190	4.21%	2.00
Mining	18	0.63%	3.23	0	0.00%	0.00
Construction	115	4.01%	0.90	307	6.81%	1.17
Manufacturing	222	7.73%	0.40	406	9.00%	0.74
Transportation and public utilities	84	2.93%	0.51	184	4.08%	0.93
Wholesale trade	58	2.02%	0.41	76	1.69%	0.37
Retail trade	394	13.72%	0.87	635	14.08%	0.83
Finance, insurance, and real estate	147	5.12%	0.69	269	5.96%	0.76
Services	394	13.72%	0.75	983	21.80%	0.73
Government and government enterprises	514	17.90%	1.04	777	17.23%	1.36
Federal, civilian	100	3.48%	1.26	143	3.17%	2.16
Military	36	1.25%	0.76	25	0.55%	0.91
State and local	378	13.17%	1.03	609	13.50%	1.27
US LQ						
			1.00			1.00

2000 Wallowa County Employment



- Farm
- Ag. Services, forestry, fishing, other
- Mining
- Construction
- Manufacturing
- Transportation and Public Utilities
- Wholesale trade
- Retail trade
- F.I.R.E.
- Services
- Government

X: HOUSING

Goal: To provide for the housing needs for the citizens of the County (Appendix 10-1 through 10-7).

Findings: The findings below are the basis for planning decisions made with respect to housing:

1. An adequate amount of vacant land exists within all towns to satisfy the design population to the year 2000.
2. Twenty-eight percent of the County's households pay excessive housing costs with that figure appreciably higher in the town of Wallowa (Appendix 10-2).
3. Median income is approximately \$9,000 (Appendix 10-3).
4. Median housing costs in the County average \$135 - \$140 per month (Appendix 10-4).
5. Low income families (\$7,000 & less) pay up to 45 percent of their income on housing (Appendix 10-5).
6. Approximately 12 percent of the houses in Wallowa County are considered sub-standard, but that most can be rehabilitated.
7. It is estimated there will be a demand for 220 units in the three year period beginning July 1, 1975 and ending July 1, 1978 (Appendix 10-6, 10-7).
8. There are areas within the County that, while not qualifying for incorporation, have significant population, history, and utility and those areas may benefit from becoming unincorporated communities.
9. That while not located within an unincorporated community, the West and North Wallowa Lake Areas are within the existing Wallowa Lake County Service District, which in order to protect human health against the hazards of pollution from septic and other waste water sources, offers hookups to that community sewer system and that most residences within the district are currently hooked up to the system.

Policies: The following statements of policy are related to satisfying the above goal.

HOUSING

GOAL X/PAGE 1 OF 3 - BOC Adopted 06/16/03

1. That county work with the towns and the C.O.G. to develop housing programs, particularly to rehabilitate deteriorated housing which is still sound.
2. Maximum utilization of vacant land within city limits be encouraged.
3. A range of housing prices and a variety of housing types and locations should be provided.
4. Services be provided to locations within cities before they are extended to unincorporated areas.
5. A rural residential zone be established with a five acre minimum lot size to facilitate housing demand and variety.
6. That there will be no discrimination in housing.
7. Zoning and subdivision ordinances include provisions to allow cluster development and other flexibility in design of housing development.
8. Low-rent housing be developed.
9. The County recognizes the unincorporated communities of Wallowa Lake, Minam, Troy, Flora, and Imnaha and adopts by reference the findings documents for each including the plan designations, zones, maps, and zoning ordinance articles.

Findings were adopted on the following dates:

Wallowa Lake	June 16, 2003
Minam	July 18, 2001
Troy	July 18, 2001
Flora	July 18, 2001
Imnaha	July 18, 2001

10. Whereas the Wallowa lake Basin and Wallowa Lake in particular are important sources of drinking water and for recreational uses including swimming and fishing, and whereas non point source pollution from failing septic tanks and other sources were introducing pollutants into these waters at an alarming rate, the Wallowa Lake County Service

HOUSING

GOAL X/PAGE 2 OF 3 - BOC Adopted 06/16/03

District was formed in 1986 to alleviate a clear and present risk to human health and fish habitat. The area currently served by the service district community sewer system includes the south end of Wallowa Lake, the west side of Wallowa Lake, and a small portion of the north end of Wallowa Lake. The service district water system currently serves the area at the south end lake, including the State Park. However, additional properties lying within the Service District boundary, which coincides with the Wallowa Lake Rural Fire District Boundary enacted in 2002, are potentially eligible for service. To continue to protect human health against the hazards of pollution from septic and other waste water sources, Wallowa County recognizes the existing hookups to the sewer and water system as in compliance with Goal XI and authorizes future hookups within the Service District but outside the Unincorporated Community of South Wallowa Lake, under the provisions of Goal XI providing for the alleviation of health hazards.

HOUSING

GOAL X/PAGE 3 OF 3 - BOC Adopted 06/16/03

APPENDIX 10-1
COMPUTATION OF HOUSING ABSORPTION 1960 - 1978

TOPIC	4-1-60	4-1-70	4-1-75	4-1-78
TOTAL POPULATION	7102.0	6247.0	6725.0	7025.0
POPULATION IN HOUSEHOLD	7084.0	6163.0	6610.0	6895.0
PERSONS PER HOUSEHOLD	3.2	2.9	2.8	2.7
HOUSEHOLDS	2221.0	2117.0	2380.0	2516.0
OWNER	1602.0	1519.0	1690.0	1761.0
RENTER	619.0	598.0	690.0	755.0
TOTAL HOUSING UNITS	2842	2608	2800	2936
SINGLE-FAMILY	2636	2304	2400	2445
MULTI-FAMILY	94	178	220	261
MOBILE HOMES	112	126	180	230
TOTAL VACANT	621	491	420	420
VACANT AND AVAILABLE	64	90	60	60
%OWNER	0.8%	2.6%	1.5%	1.5%
%RENTER	8.1%	8.4%	5.0%	5.0%
%TOTAL	2.9%	4.3%	2.5%	2.56%
CHANGE IN HOUSING UNITS	-234	192	136	0
UNIT LOSSES	615	150	85	0
EXCESS ABAILABLE VACANCIES	9	0	0	0
TOTAL ABSORPTION (CHANGE IN HOUSING UNITS PLUS LOSSES - EXCESS VACANCIES)	372	342	221	0
ANNUAL ABSORPTION	37	65	74	0

SOURCE: State Housing Division

APPENDIX 10-2

HOUSING PAYING EXCESSIVE HOUSING COSTS

SUMMARY: Because of the one-time County population of more than 9000 and subsequent decreases, housing - until recent growth increases - has been sufficient in number. However, a demand for over 200 new units is projected, however, over the next three years by the State Housing Division. Vacant land within the cities is available for projected populations to the year 2000.

Density ranges in the cities vary from 1.3 people per acre in Lostine to 2.3 people per acre in Wallowa. Vacancy rates determined from the 1970 census showed owner-occupied unites to be 2.6 percent and rental units at 8.4 percent. Family income and housing cost figures assembled by the Eastern Oregon Community Development Council show that a large percentage of people are paying an excessive percentage of their incomes for housing. More detailed housing information is found in the background section of this chapter.

BACKGROUND: Housing information has been examined from the following four angles to determine whether a housing problem exists, and if so, its cause:

01. Lack of adequate building sites.
02. Lack of adequate houses which include:
 - A. Sufficient price range availability
 - B. Sufficient rental availability
 - C. Sufficient livability levels
03. Lack of economic consideration.
04. Lack of coordinated community programs.

Because of the limited information available for un-incorporated areas, this study has been directed primarily towards the four cities. (This represents only about 60 percent of the County population.)

CITY	NUMBER	PERCENT	OWNERS	RENTERS
------	--------	---------	--------	---------

Enterprise	68	24	22	33
Joseph	51	23	23	24
Lostine	18	21	14	42
Wallowa	<u>111</u>	<u>37</u>	<u>36</u>	<u>40</u>
TOTAL	248	28	26	35

MEDIAN HOUSEHOLD INCOME

CITY	TOTAL	OWNERS	RENTERS
Enterprise	\$10,000-11,999	\$10,000-11,999	\$6,000-7,999
Joseph	8,000- 9,999	8,000- 9,999	8,000-9,999
Lostine	8,000- 9,999	8,000- 9,999	6,000-7,999
Wallowa	6,000- 7,999	6,000- 7,999	6,999-7,999

MEDIAN MONTHLY HOUSING COST

<u>TOTAL</u>	<u>OWNERS</u>	<u>RENTERS</u>
\$150-199	\$150-199	\$120-149
100-119	100-110	100-119
80-99	60-79	100-119
100-119	100-119	100-119

SOURCE: E.O.C.D.C. - Letter of 1/9/76 from Lynn Schoessler

APPENDIX 10-3 ANNUAL INCOMES

MONTHLY

ANNUAL INCOME 25%	# OF RESPONSES	TOTAL PERCENTAGE	ADJUSTED PERCENTAGE	HOUSING BUDGET AT
0 - \$1,999	52	4.4%	6.8%	\$ 42.00
2,000 - 3,999	126	10.7%	16.5%	83.00
4,000 - 5,999	93	7.9%	12.2%	125.00
6,000 - 7,999	86	7.3%	11.3%	167.00
8,000 - 9,999	88	7.5%	11.5%	208.00
10,000 - 11,999	94	8.0%	12.3%	250.00
12,000 - 14,999	90	7.6%	11.8%	312.00
15,000 - 24,999	114	9.7%	14.8%	521.00
25,000 - over	21	1.8%	2.7%	521.00+
# of Responses	<u>415</u>	<u>35.1%</u>	<u>N/A</u>	
TOTALS	1,179	100.0%	100.00%	

SOURCE: E.O.C.D.C. Survey, 1975

There was a high response to households with an annual income of \$2,000 - \$3,999. On a cross tabulation with housing costs it was found that the median housing cost was about \$100.00 per month for the same household with that figure running higher in the town of Wallowa. Such figures confirm the fact that the lower-income households spend considerably more for shelter than those on middle or upper-incomes.

APPENDIX 10-4
AVERAGE MONTHLY HOUSING COSTS

AVERAGE MONTHLY HOUSING COST	NUMBER OR RESPONSES	TOTAL PERCENTAGE	ADJUSTED PERCENTAGE
0 - \$59	94	8.0%	11.3%
60 - 79	94	8.0%	11.3%
80 - 99	96	8.1%	11.6%
100 - 199	110	9.3%	13.2%
120 - 149	111	9.4%	13.4%
150 - 199	149	12.6%	17.9%
200 - 249	106	9.0%	12.8%
250 - 299	31	2.6%	3.7%
300 - 249	21	1.8%	2.5%
350 - over	19	1.6%	2.3%
No Response	<u>348</u>	<u>26.6%</u>	<u>N/A</u>
TOTALS	1,179	100.0%	100.0%

SOURCE: E.O.C.D.C. Survey, 1975

In the data assembled by the State Housing Division, it concluded that 221 new housing units would be needed between 1975 and 1978, based primarily on 1969 or 1970 - 1974 or 1975 increases in income (\$6,940.00 to \$8,988.00), population (478), and employment (13 percent). In that study, it is indicated limited incomes and high construction and financing costs will necessitate that most of these units be multiple-family or mobile homes. It is projected that only 30 percent of the demand for new housing units can be met with single-family homes. Specifically, demand for new single-family units is estimated to be 66 over the three-year period. Demand for multiple-family units is projected to be 66 and mobile home demand will be 89". Of the 221 units, 136 units will be needed to meet projected household growth and 85 units to replace projected demolition's and other losses. Absorption of owner-occupied units is estimated to be 86 units for projected household growth and 45 units to replace losses. Thus, the projected demand for owner-occupied units during the period is 131. Rental absorption is broken down as 50 units attributable to new household growth and 40 for loss replacement, a total of 90 units. (The following table shows 1969 - 1975 changes in household income.

APPENDIX 10-5
HOUSEHOLD INCOME/1969-1975

ANNUAL INCOME PERCENT	1969		1975	
	NUMBER	PERCENT	NUMBER	PERCENT
\$ 0 - 1,999	325	15.35%	276	11.6%
\$ 2,000 - 2,999	146	6.90%	138	5.8%
\$ 3,000 - 4,999	295	13.93%	259	10.9%
\$ 5,000 - 6,999	299	14.12%	255	10.7%
\$ 7,000 - 9,999	433	20.93%	393	16.5%
\$10,000 - 14,999	396	18.71%	547	23.0%
\$15,000 - 24,999	175	8.27%	393	16.5%
\$25,000+	<u>38</u>	<u>1.79%</u>	<u>119</u>	<u>5.0%</u>
TOTALS 100.0%	2,117	100,00%	2,380	
MEDIAN	6,940	8,989		

SOURCE: Housing Division, State of Oregon

The 1.5 percent annual population increase is projected to continue at or above that rate and will result in an additional 300 people locating in the County during the three year period between July 1975 and July 1978.

As indicated above (according to data recently revised by the State Employment Division), total employment in the County has increase 13 percent (320 jobs between 1970 and 1974). The largest employer, according to these data, is government. Trade, lumber, and wood products are the other industries with a major share of the new positions. Although difficult to identify in employment statistics, tourism provides significant income to the area. All major industries have shown some increases in employment during the 1970-74 period.

APPENDIX 10-6

INCORPORATED POPULATION DENSITIES

Since most land in towns can develop to an overall average of three dwellings (9 people) per acre, it can be seen below that many more people can be accommodated in each town (recognizing service and other limitations).

CITY RATIO	APPROX. ACREAGE	POPULATION	DENSITY
Joseph	495	895	1.8 persons/acre
Enterprise	830	1,770	2.1 persons/acre
Lostine	175	225	1.3 persons/acre
Wallowa	375	850	2.3 persons/acre

APPENDIX 10-7

POPULATION DISTRIBUTION AND PROJECTIONS

Although service availability will in most cases limit density, it has been determined that unless two units (6 persons) per acre are developed, tax revenue will not independently support a full range of city services.

It is evident that lack of buildable lands is not a contributing factor to housing problems.

Population projections have been made to provide design sizing or water and/or sewage services.

DESIGN	1970	1975	1994
<u>CITY</u>	<u>CENSUS</u>	<u>CENSUS</u>	<u>POPULATION</u>
Joseph	839	935	1,500
Enterprise	1,680	1,840	2,400
Wallowa	811	890	1,000
Lostine	196	225	300

Related to the table above it can be seen that demand will not use up available land for a number of years. Housing "adequacy" has been examined according to the following:

01. Whether or not the available housing was compatible with established income levels.
02. Whether or not the available rental units were sufficient to meet demands.
03. Whether or not the available units were determined sound and livable.

Conclusions to these questions are summarize below and have been derived primarily from a survey completed by E.O.C.D.C. in the spring of 1975. Median family incomes were found to be approximately \$8,000 and average monthly housing costs \$175. Using the standard figure that households should be able to afford housing costs of 25 percent of the total income, the above figures would seem to indicate the residents within the County are paying a higher amount for houses than the standard. Further evaluation would indicate that low-income families pay more (30

more (30 to 45 percent) for housing than upper-income families pay (12 to 20 percent). This holds true especially in the town of Wallowa. In discussions with Realtors, the available owner units average in cost between \$30,000 - \$35,000 - well above what a median income household could afford. It can be concluded that the distribution cost of available units is not compatible with the distribution of existing population by income. There appears to be an overall need for more low-cost housing.

The most recent study of vacancies in Wallowa County was completed as part of the 1970 census. It showed the vacancy rate for owner-occupied units to be 2.6 percent while the rate for rental units was 8.4 percent. To update that information, Realtors were asked about the availability of rental units. The consensus was that rental units availability is extremely scarce. This would be supported by the fact that multiple family units have an ever-present waiting list. The conclusion would be there does exist a need for more rental units - especially ones that would not exceed total monthly costs of \$165.00.

The third area examined to determine whether or not there were housing problems was the percent considered unlivable or sub-standard. Common deficiencies that determine sub-standard housing are lack of some or all plumbing, incomplete kitchen facility, inadequate heating supply, poor state of repair, etc. Again, the most recent study of year-round housing facility deficiencies is the 1970 housing census. Of the 2608 year round housing units, 303 (12 percent) were lacking some or all plumbing; and 776 (29 percent) only have a room heater no furnace, fireplace, or stove. This indicates a sub-standard rate as high as 31 percent with the vacant units contributing significantly more proportionately to the percentage. E.O.C.D.C.'s study indicates that of the occupied households 17 percent consider their housing inadequate - primarily due to insufficient size and old age. The conclusion would seem to point out that there are a substantial number of sub-standard houses. Of the 17 percent who responded that their housing was inadequate, it was likely that the majority could be rehabilitated.

In consideration of the above data, there seems to be evidence for a need of low cost housing. This could be partially

accomplished by the towns by providing public facilities, without undue costs to the taxpayer, to areas deficient of such services and desirable as building sites. This would relieve the high cost of land development and subsequent lot prices. Decisions and means of implementing sound housing programs will largely be up to the affected towns and interested agencies and councils.

The information above is presented just as such. No concrete conclusions are detailed nor is there a specific indication of a housing problem. There does seem to be "pointers" of a deficiency of low-cost housing but a more thorough survey would be necessary to make that conclusion. Available data indicates that lower income families have a problem finding suitable housing at an adequate cost level.

XI: PUBLIC SERVICES AND FACILITIES

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as the framework for urban and rural development.

Findings: The findings below are the basis for planning decisions related to public facilities and services.

1. Cities and special districts provide most of the public services and facilities in the County, except for campground and similar recreation facilities provided by State and Federal government.
2. Wallowa Lake could be threatened by subsurface contaminants.
3. The daily amount of solid wastes generated is approximately 14 cubic yards, and that total capacity for all land fills is 3840 cubic yards.

Policies: The following statements of policy are related to satisfying the above goal.

1. Urban uses and densities be developed only where services and facilities are available to accommodate anticipated demands.
2. Strict enforcement of the solid waste ordinance be pursued.
3. Rural subdivisions be approved only after all needed services are provided or can be made available.
4. Rural residences be encouraged in areas already provided the level of services needed.
5. Annexations be made only if and when cities are capable of providing desired services and facilities without creating additional future financial burdens on existing residents.
6. Planned levels of service be coordinated with urban growth boundaries.
7. Whenever possible, utility lines and similar private or public services be located in existing transportation rights-of-way.

8. The County participate with Wallowa Lake and the City of Joseph in developing a plan for the Wallowa Lake Basin Area.
9. That the County coordinate the efforts of local, State, and Federal governments in assuring that needed facilities and services and provided.

APPENDIX 11-1

PUBLIC SERVICES AND FACILITIES

SUMMARY: Most public facilities and services in the County are provided by cities or service districts. The County's main responsibilities are road construction and maintenance and solid waste removal. Each city plan includes an investigation of service provisions and needs. School district and fire district improvements can be accommodated within the Wallowa County Comprehensive Land Use Plan.

Facilities and services may include police and fire protection, water supply, sewage facilities, libraries, and other similar things needed by varying population levels. Population increases are usually associated with increased facility and service need and demand and usually provide increased tax revenues to help provide for such improvements.

Development in the County is not anticipated to reach a level requiring urban services unless such services can be provided by municipalities or service districts. Rural residential development will be keyed to areas already provided access by the County. This means encouraging development along existing road systems where upkeep and winter maintenance already occur. Any road improvement extensions would have to be a result of need based upon an adequate density ratio to support the extension. At the present, no need exists or is foreseen.

Power transmission is based on the same criteria. Pacific Power and Light has a franchise with the County to maintain and install lines only on existing rights-of-way. Extensions of this service are based on economics.

XII: TRANSPORTATION

Goal: To provide and encourage a safe, convenient and economic transportation system.

Findings: The findings below are the basis for planning decisions related to transportation.

1. That the road system within the County is adequate to meet public needs (Appendix 12-1).
2. That the County is served by a branch line operated by the Union Pacific Railroad.
3. That the County has adequate airport facilities for small aircraft and charter services.
4. That public transportation in sparsely populated rural areas is not feasible.
5. That public transportation between incorporated towns in Wallowa County is now being provided by a local bus line that operates between Joseph and La Grande on Highway 82, and by the Senior Citizens bus.
6. That few people in the County are transportation disadvantaged.
7. That substantial amounts of "local share" money is being spent on U.S.F.S. road improvements over which the County has no say.
8. That improved access to the Port of Asotin County may be considered economically advantageous.

Policies: The following statements of policy are related to satisfying the above goal.

1. That maintenance be improved on the County and State highway systems.
2. That continued and improved rail transportation of goods be encouraged.
3. That the State and local municipalities be encouraged to improve and maintain airport facilities.

facilities.

4. That the Federal Government be encouraged to improve the existing road system and bridges within the N.R.A.
5. That coordination between County and Forest Service planning be encouraged on road matters including improvements financed with timber sale revenues.
6. That subdivisions activity be allowed only in those areas where winter road maintenance provides year-round access.
7. That improved access to the Hells Canyon overview be considered desirable.
8. That a one hundred foot setback be enforced for the entire length of Highway 82 through Wallowa County.
9. The County will cooperate with the Oregon Department of Transportation in the implementation of the ODOT six-year highway improvement program.

Implementation: The following implementation measures identified in preparation of the Plan:

1. That every effort be made to continue the Wallowa Valley Stage line and the Senior Citizens bus program.
2. That the County and the U.S.F.S. coordinate road improvements and the construction of permanent roads in conjunction with timber sales and the N.R.A.
3. That Wallowa County develop and adhere to a five (5) year road program for maintenance and improvement of the existing county road system and take advantage of FAS-C funding on system roads and bridges as well as off-system programs provided through the Federal Highway Administration, Department of Transportation.
4. That the County work with the cities in establishing rights-of-way needed for new roads identified in the city plans.
5. That Wallowa County and E.O.C.D.C. pursue

acquisition, through grant programs, of a specially equipped vehicle for the county's handicapped and elderly.

APPENDIX 12-1

TRANSPORTATION

SUMMARY: Low-density population and rural living has resulted in individual vehicular traffic being the only major source of transportation. Rail connection between Joseph and La Grande has been reinstated. Airfields are located at Enterprise, the State airport at Joseph, and landing strips in a number of locations around the County. The Senior Citizens Bus Program and the Wallowa Valley Stage Bus Lines connecting the cities and La Grande are the only public systems existing or anticipated in the County.

As a result of the nature of transportation improvements, primary local planning concerns are with the County, State, and Federal road systems. The County road system is of concern because of the requirements for improvement and maintenance and the costs involved with both. State roads are significant because of their connections between Wallowa County and peripheral areas to which linkages are necessary for the economic success of local industries. Federal roads are important because of the recreation and timber harvest activities which they accommodate.

Of equal concern is the Federal money being spent from the County's share of United States Forest Service timber sales revenues for road improvements over which the County has no say.

The long-range outlook for Wallowa County is little change in the emphasis of transportation modes. Other than ever present need to upgrade and maintain current facilities, which includes 671 miles of County roads, the State and Federal road systems, and the local airports. There will be little change in transportation facilities as long as the County retains its rural character, and there is no radical change either in population or world-wide energy economics.

APPENDIX 12-2
WALLOWA COUNTY ROAD SYSTEM

<u>RD#</u> <u>MILES</u>	<u>RD#</u> <u>MILES</u>	<u>RD#</u> <u>MILES</u>	<u>RD#</u> <u>MILES</u>	<u>RD#</u>
500 14.46 02.41	501 00.50	506 07.91	509 07.11	514
515 7.03 1.04	517 5.56	519 3.83	520 12.33	524
528 7.33 6.33	532 0.50	533 4.63	536 1.68	540
544 0.52 0.24	549 1.28	551 6.72	553 4.40	554
555 2.17 0.31	556 10.72	558 4.74	562 5.18	564
656 15.70 6.10	568 2.03	569 6.58	570 2.60	571
572 3.67 1.57	575 3.23	576 0.76	579 4.53	581
582 3.13 10.90	583 0.93	584 2.02	586 3.30	587
589 1.52 9.87	590 4.25	592 8.90	593 7.33	595
600 8.35	603 4.65	609 7.89	614 6.12	617 4.34
619 1.03 1.89	620 2.92	622 3.03	623 2.68	624
625 2.53 4.36	626 2.88	628 2.06	629 1.47	630
631 3.10 4.16	632 0.51	633 3.14	634 4.66	635
636 2.49	637 4.70	639 vac.	640 3.02	641 1.71
644 vac. 2.62	646 1.01	647 7.00	653 0.18	655
661 0.11 14.63	672 6.17	673 7.70	674 4.99	676
683 4.89 0.52	685 10.20	693 2.55	694 0.27	695
697 14.69 22.67	699 6.72	700 1.04	716 0.74	727
735 6.46 1.01	737 7.59	738 9.81	739 0.46	740
749 9.46	757 0.41	758 0.11	759 0.05	760

XIII: ENERGY CONSERVATION

Goal: To conserve energy.

Findings: The findings below are the basis for planning decisions related to energy conservation:

1. That Wallowa County's low population is spread over a large amount of land, resulting in a density of .001 persons per acre.
2. That the County has a least 28 potential hydro-electric power sources.
3. That the County operates a solid waste facility and indirectly provides for the collection and reuse of metallic wastes.
4. That the County residents have expressed a desire to keep rural residential areas adjacent to service centers and along existing transportation corridors.
5. That approximately 27 percent of the houses in Wallowa County are not well insulated.
6. That 36 percent of the County's population either uses wood as a direct source of fuel or as a supplemental source.

Policies: The following statements of policy are related to satisfying the above goal.

1. That potential hydro-electric sites be protected.
2. That rural residential zoning be located primarily in areas adjacent to towns and easily serviced.
3. That Wallowa County encourage and expedite permit procedures for dwellings using solar energy.
4. That use of forest wastes (downed woods) as an energy source be encouraged.
5. That use of renewable energy resources be preferred over non-renewable ones.
6. That development of vacant lots be encouraged where access and services are available, rather than creating new lots which may require extension of

services and roadways and increase energy costs and expenditures.

Implementation: The following are implementation measures identified in preparation of the Plan:

1. That all levels of government pursue provisions of incentives for home insulation and other means of energy conservation.
2. That ordinance revisions include provisions to recognize and minimize energy use.
3. That the County initiate an effort to develop hydro-electric resources, and that as the initial step, potential sources be mapped in order that their value can be protected.

APPENDIX 13-1

ENERGY CONSERVATION

SUMMARY: Considering the nature of the County and its size and population distribution, it is difficult to implement measures to conserve energy. The extreme population sparsely spread out over a vast amount of land prohibits the use of public transportation systems to conserve gasoline. Some energy savings will result from buildings being located adjacent to established transportation corridors.

New energy sources might be developed utilizing wind, hydroelectric, or solar energy. Reuse and recycling of metallic waste will be implemented through the County's solid waste ordinance. Public participation is encouraged in all phases of recycling and the reduction to energy consuming practices and services. Use of wood (a renewable resource) for heating and cooking is another energy saving practice. It is particularly encouraged to utilize timber killed by tussock moth or pine beetle which will assist in the forest clean-up program.

To a certain degree, environmental and economic factors will necessitate various measures to conserve energy.

XIV: URBANIZATION

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Findings: The findings below are the basis of planning decisions made with respect to urbanization within the county:

1. That four cities and the Wallowa Lake area have reached densities which might be considered urban in Wallowa County.
2. That urban growth boundaries have been established for each of the four cities.
3. That rural residential buffers have been provided to make the transition between urban and agricultural uses.
4. That most projected population increases can be accommodated within urban growth and rural residential areas without the need to develop additional land in the foreseeable future.

Policies: The following statements of policy are related to satisfying the above goals.

1. That the urban growth boundaries be used as guidelines to plan services and consider annexations.
2. That urban growth boundaries be changed only after determining that there is a need for additional urban area and a capability of providing urban services to such area without increasing the financial burden of residents within the area.
3. That urban uses be discouraged from sprawl which may increase service costs, transportation congestion, and the transition of land from agriculture, timber production or grazing to urban uses.
4. That maximum, reasonable utilization of land within the cities be made before additional land is annexed.

Implementation: The following are implementation measures during identified during the preparation of the plan.

1. That ordinance revisions be made to establish conditions for changing urban growth boundaries, and converting rural land to urban uses in accord with the urbanization goal.

2. That road and service improvements be made to guide urbanization in the direction desired.

APPENDIX 14-1: URBANIZATION

SUMMARY: Four incorporated towns, Wallowa, Lostine, Enterprise, and Joseph compromise what might be considered areas of urbanization within the County. Densities at the head of Wallowa Lake are similar to those in cities.

Urban growth boundaries have been established jointly by the cities and County for each of the towns. Such boundaries encompass that area for which the cities anticipate providing services. Each community plan provides for a Rural Residential transition area between surrounding agricultural activities and city development. In some instances, the Rural Residential areas may have future potential of being annexed and enveloped to urban densities. Before this is done a need should be shown and services should be available or have the capability of being provided.