Master Planned Resorts
“Washington Style”
Preface

In recent years, many of the resource-based industries that have traditionally provided jobs and income to rural residents have eliminated jobs or, in some cases, closed up shop altogether. Concerned county officials are under pressure to attract alternate sources of income, employment, and tax base to revive languishing local economies. Other counties may simply seek to take advantage of an area’s special natural features. In response to these needs, the legislature amended the Growth Management Act in 1997 to offer greater flexibility for new uses, services, and economic opportunities in rural areas, while attempting to limit negative effects on rural, resource and critical area lands. Master planned resorts and small-scale recreational or tourist uses are among the new uses that counties may choose to permit within rural areas.

This publication discusses GMA requirements, hearing board direction, and other considerations that are important to local officials in making decisions about these two types of recreational development. Although this publication focuses on master planned resort developments, it also contains a short discussion of small-scale recreational and tourist uses. The guidebook will provide information about how local jurisdictions can better anticipate and evaluate the potential benefits and impacts of these developments. This publication suggests criteria to help local jurisdictions decide whether it makes sense for a county to allow for such exceptions within its rural areas. It provides criteria for assessing whether a specific proposed resort (or small-scale recreational use) is a net benefit to the community, and whether the location is suitable. The publication contains examples of policies and regulations that might be used to guide resort and recreational development consistent with the GMA. In addition, it includes examples of regulations to address other potential issues common to resort development, such as increased housing costs, wildfire hazard, or fragmented wildlife habitat.

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Introduction

New Development Options for Rural Areas

Rural areas have been described by one growth management hearings board as the leftover meat loaf of Washington’s Growth Management Act (GMA). This observation was prompted by the indirect way that GMA defines rural areas. Rural areas are those lands that are not designated for urban growth, agricultural production, forestry or mineral resource use. The meaning of rural under Washington’s GMA continues to evolve. Although rural areas are not resource lands per se under GMA, rural areas have a close association with resource lands. Rural lands have served to provide support services and housing areas for farms, forestry, and mining operations. They also may provide a transition or buffer between resource and urban areas, and they often contain environmentally sensitive areas.

Although the 1990 Growth Management Act did not permit growth that is “urban in nature” outside of Urban Growth Areas, subsequent amendments to the Act provided for some limited exceptions. The exceptions include “new fully contained communities,” “master planned resorts,” “major industrial developments,” master-plieded “urban industrial land banks,” and “limited areas of more intensive rural development (LAMIRDs).” LAMIRDs have also been referred to as AMIRDS or even RAIDs (rural areas of intensive development) in some growth management hearings board cases. This report focuses on two types of exceptions that are related in nature but different in scale: 1) master planned resorts as allowed under RCW 36.70A.360 – 362) and 2) small-scale recreational or tourist uses (one of the types of limited areas of more intensive rural development allowed under RCW 36.70A.070(5)(d)(ii)).

Many of the resource industries that have traditionally provided jobs and income to rural residents have more recently cut back or disappeared altogether from the scene. These GMA amendments provide flexibility for additional uses, services, and employment/economic opportunities in rural areas, while attempting to limit negative effects on rural, resource and critical area lands. Many of Washington’s rural areas offer magnificent scenic settings and natural amenities with potential to attract tourists and recreational enthusiasts. Resort and recreation uses can potentially provide additional sources of rural jobs and income. When carefully planned and sited, some of these recreation-related uses can be developed without jeopardizing neighboring resource uses or sacrificing rural character.

What the Heck are MPRs?

According to the GMA definition, master planned resorts (MPRs) are “self-contained and fully integrated planned unit development(s), in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities (RCW 36.70A.360(1)).”

In other words, MPR’s are more than just overnight lodging for visitors or a single recreation use. They are carefully planned and integrated developments, centered on special recreational opportunities and natural settings. They provide a package of facilities, services and amenities that largely meet the daily needs of visitors. Visitors are drawn for extended stays because of the high quality and varied recreational opportunity and the area’s natural splendor. In several other states, they are called destination resorts to emphasize their special attractions and ability to draw visitors from distant places and even other countries.

While most counties will not be home to a planned resort of Disneyland dimensions, Washington is already home to a number of resorts (representing varied levels of planning and self-containment). Examples include ski and mountain sports-oriented Crystal Mountain, with lodging, restaurants and other services, in the shadow of Mt. Rainier. A major expansion has been proposed for Crystal Mountain. Port Ludlow, in its
Hood Canal setting, offers boating and other activities, and a variety of services and accommodations. The new Skamania Lodge offers retreat-type conference facilities, lodging, restaurant, golf, horseback riding, and other activities. The lodge overlooks the Columbia River Gorge National Scenic Area. Sun Mountain Resort in Okanogan County, WA has become a destination resort for cross country skiing and includes lodging, restaurants, and supporting commercial services. Developers of major resort areas such as Aspen and Breckenridge have shown an interest in Washington’s potential.

Careful planning and siting of resort facilities coupled with design excellence are essential ingredients to the success of an MPR. Successful resorts must balance development of an attractive package of amenities with preservation of the features and natural settings that are a major key to attracting visitors. As noted in the MountainStar Resort Draft EIS Summary Report (related to an MPR in Kittitas County, WA):

“The objective of the master planning process is for the developer, local jurisdiction and community to agree on a set of parameters that will guide long-term development of a resort site in a way that provides opportunities for economic development while protecting environmentally sensitive areas (Trendwest Resorts, Inc., 1999).

As one observer of resort development notes:

“The crucial ingredients of great resorts are those of great neighborhoods or cities: good architecture, a sense of place, economic vitality, inviting public spaces, and convenient, efficient traffic…The job ahead is to create resorts that match the grandeur of their settings while providing the services, amenities, and ambience expected by today’s tourist.” (Shaw & Rebecca Zimmerman, 1997)

Small-Scale Recreational or Tourist Uses Are Not Just Mini-MPRs

A county also may choose to allow small-scale recreational or tourist uses (SSRTs) that rely on a rural location and setting, within rural areas. Small-scale recreational or tourist uses generally will involve a more limited investment and a smaller scale of development on an individual parcel. They are not intended to be mini-MPRs, but generally will focus on offering one or several activities rather than broad range of activities or services. They may be a Ma & Pa type operation, but they still must provide access to a high-quality recreational opportunity to be successful. They can include commercial but not permanent residential uses. Washington has numerous examples of small-scale uses such as bed and breakfast lodging, campgrounds, river rafting guide services, and equipment rental (such as boats, cross-country skis or sail boards) in areas bordering park, forest, or recreational areas. Master planned resorts and the small-scale types of recreational development are more fully discussed in the following sections.

The Ground Rules: GMA and Hearing Board Direction for Master Planned Resorts

As noted above, the 1990 Growth Management Act was amended to permit master planned resorts as an exception in rural areas (RCW 36.70A.360 – 362). Master planned resorts (MPRs) are “self-contained and fully integrated planned unit development(s), in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site or outdoor recreation facilities (RCW 36.70A.360(1)).”

Because MPR uses are different than traditional rural uses and often involve more intensive development and activity, they potentially can conflict with neighboring rural uses and character. The statutes above include criteria that limit the extent and nature of development allowed under this exception. These criteria
must be met before a county may approve MPR development. In general, local jurisdictions may not permit an MPR if the development interferes with adjacent rural and resource uses, impacts critical areas, or is a catalyst for spin-off urban or suburban development on rural or resources lands.

The county may authorize an MPR only if the following criteria, at a minimum, are met:

- The comprehensive plan specifically identifies policies to guide the development of master planned resorts;
- The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort except in areas otherwise designed for urban growth under RCW 36.70A.110;
- The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170;
- The county ensures that the resort plan is consistent with the development regulations established for critical areas; and
- On-site and off-site infrastructure and service impacts are fully considered and mitigated (RCW 36.70A.360(4)).

Counties may choose whether or not to allow the MPR exception and may adopt additional criteria to supplement the statute criteria.

Counties may also designate existing resorts as MPRs, subject to minimum criteria almost identical to the criteria listed above (although adjusted to address existing rather than new development). Before designating an existing resort as an MPR, a county must adopt comprehensive plan policies and a review and approval process specifically addressing existing MPRs as per RCW 36.70A.362.

A handful of Growth Management Hearings Board (GMHB) cases provide some additional clarification and direction. Although three separate boards render decisions that apply only within their respective jurisdictions, these cases may indicate the likely outcome of similar cases in other jurisdictions.

The Eastern Washington Board made these findings concerning master-planned resorts:

- The State Legislature provided a specific exception that allows new urban growth in the form of a Master Planned Resort (MPR) to exist outside Urban Growth Areas, if certain requirements are met. The MPRs are to be self-contained and not be the catalyst for further urban sprawl. Ridge, et al. v. Kittitas County, EWGMHB 96-1-0017, Order on Compliance and Invalidity (Apr. 16, 1998).
- The GMA use of the phrase “self contained” does not require a MPR to contain everything it or the visitors need. This would be virtually impossible and would be too strict an interpretation of the language. The better interpretation would require the MPR to have sufficient services and needed places to shop for common needs to be met and avoid an adverse impact upon the neighboring urban areas. The visitors and residences at the MPR should be able to meet their daily needs without being forced to go elsewhere. The fact others might shop there or visit does not put the County in violation of the “self contained” section of the Act. Ridge, et al. v. Kittitas County, EWGMHB 96-1-0017, Order on Compliance and Invalidity (Apr. 16, 1998).
The Act does not require the MPR to be any specific distance from UGAs, not 5 miles or 100 feet. 

The county must follow the framework procedures that the county and cities have adopted together for amending county-wide planning policies – county master planned resort policies must be consistent with the county-wide planning policies (*Ridge v. Kittitas County*, EWGMHB No. 96-1-0017, Order on Compliance and Invalidity (Apr. 16, 1998)).

The Western Washington Growth Management Hearings Board concluded that a county development regulation could not be used to justify the siting of master planned resorts outside of its UGA when county’s comprehensive plan did not make specific allowance for them (*Whidbey Environmental Action v. Island County*, WWGMHB No. 95-2-0063, Third Compliance Order, (October 6, 1997)).

Several decisions from the Central Puget Sound GMHB address MPRs:

- As provided by statute, sanitary sewer may be extended outside of urban growth areas to areas of more intensive rural development or to other UGAs (*Gain et al. v. Pierce County*, CPSGMHB No. 99-3-0019, Final Decision and Order (April 18, 1999)).

- To designate existing resorts as MPRs, a county must adopt guiding comprehensive plan policies that address existing resorts as per RCW 36.70A.362. A county must establish review and approval procedures for designating existing resorts that comply with RCW 36.70A.362. RCW 36.70A.360 does not apply to the designation of an existing resort as an MPR. RCW 36.70A.362 does not require a planned unit development (PUD) review and approval process to designate an existing MPR, although, by definition, a new MPR is a type of PUD (*Kenyon and Gold Hill Community Club v. Pierce County*, CPSGMHB No. 01-3-0001, Final Decision and Order, August 27, 2002).

The Washington State Office of Community Development (OCD) has raised some additional types of concerns when reviewing environmental impact statements on proposed MPRs and when reviewing local plans and provisions for MPRs. OCD has suggested the need for provisions for limiting conversion of short-term rentals into permanent residences, for providing affordable employee housing and for avoiding sprawling development patterns. The agency has also called for sufficient buffers and expressed concerns about limiting environmental, fiscal and other impacts on adjacent rural and resource uses, jurisdictions, transportation corridors and state or federal parks or recreation areas. Because master planned resorts are, by definition, located in settings of significant natural amenities, OCD has cautioned that they must not compromise these amenities and the natural environment. Large-scale MPRs may pose a particular threat to the environment. OCD has particularly focused on the need to analyze cumulative impacts of golf courses and resort development on wetlands, protection of endangered species such a salmon, and avoiding fragmentation of wildlife habitats and disruption of wildlife corridors. It has also noted concerns with water rights and impacts on agricultural irrigation and operations.

Following sections will provide additional detail about GMA basic requirements, and hearing board or court decisions.

**Guidebook Purpose**

This guidebook discusses GMA requirements, hearing board direction, and other considerations that are important to local officials in making decisions about these two types of recreational development. Although this publication focuses on master planned developments, it also contains a short discussion of small-scale
recreational and tourist uses. It will help local jurisdictions better anticipate and evaluate the potential benefits and impacts of these developments. This publication suggests criteria to help local jurisdictions decide whether it makes sense for a county to allow for such exceptions within its rural areas. It will then provide criteria for assessing whether a specific proposed resort (or small-scale recreational use) is a net benefit to the community, and whether the location is suitable. Finally, this publication will provide examples of policies and regulations that might be used to guide resort and recreational development consistent with the GMA. It includes examples of regulations to address other potential issues common to resort development, such as increased housing costs or fragmented wildlife habitat.

The statutes mentioned above address conditions under which an urban intensity MPR or recreational use may be permitted in rural areas within counties. It should be noted that MPR-type developments and recreational uses do occur within city limits as well. Although these statutes do not apply to such developments within urban areas, the principles and examples contained in this handbook offer many guidelines that will be equally useful in urban areas.

This guidebook offers a number of examples of standards, agreements and other documents from other jurisdictions within Washington and from other states. The examples were chosen because they contain some interesting new ideas or approaches that may be useful to Washington communities. Although some aspects of the sample documents may provide useful ideas, other aspects may not be applicable or appropriate for a given jurisdiction. As a result, we recommend that any examples used be considered and adjusted for local conditions and that they be reviewed by your county or city attorney before incorporation into local codes and policies.
Answering Preliminary Questions

To Have or Not to Have — That is the First Question

MPRs may be appropriate in some counties and not in others. Because master planned resorts are different from traditional rural uses, they will bring changes to the economic, social or environmental character of surrounding rural areas. The changes aren’t necessarily all bad, nor will they be viewed as all positive by existing residents. The changes can be dramatic. For instance, Kittitas County has approved an MPR application and initial phase development permits for an MPR sited on 6,200 acres. Although most of the land will be retained in open space, the development will include up to 3,785 new units at full build-out (mainly short-term rentals with some permanent and employee housing). The new MPR will have significantly more total units than those of the two neighboring cities of Cle Elum (population 1,755) and Roslyn (population 1,017) combined. The combined number of dwelling units for the two cities would be approximately 1,000, using the state-wide average household size of 2.53 persons per household (Source: U.S. Census Bureau, Census 2000). Pierce County has given master plan approval for a somewhat smaller MPR, located at a major gateway to Mt. Rainier National Park. This single resort development, as originally proposed, would have generated 28 percent more weekend daily vehicle trips on the highway to Mt. Rainier than would have occurred without the resort by the year 2005, according to EIS documents for the project. People at hearings for the two MPRs expressed concerns about employee housing, effects on affordable housing in the area, excessive commercial development, impacts on wildlife habitat and other critical areas, water rights, water supply and quality, loss of rural character, and a variety of other issues. On the other hand, resorts promise to bring new jobs, revenues and recreational opportunities to rural areas, in addition to any impacts.

Even economic changes in the form of new jobs and income can be a mixed bag. Master planned resorts promise new jobs and revenue to a community but they may also disrupt farm operations and other existing economic pursuits. There may be an opportunity cost if some other type of development would offer greater benefits. Revenues do not always match costs to local government, and there will likely be a gap between when the costs begin and when the revenues begin.

Each county will need to weigh whether well-planned MPRs offer net benefits to the county and are consistent with GMA and the county’s goals for its rural areas. MPRs will make sense in some rural locations within some counties. They will be most appropriate when any impacts can be adequately addressed, and the county seeks new job and/or recreational opportunities, or other benefits that resorts may offer. Other counties, such as King and Jefferson counties are already home to some existing resort developments and have chosen not to encourage new master planned resorts in rural areas. King County, as an example, has decided that preserving the limited remaining rural areas should be the County’s primary focus. New MPRs that include residential development may not be needed to further priority goals for such rural areas. (Karen Wolf, 2001)

The GMA requires that counties must have comprehensive plan policies specifically directed at guiding master plan resort development before MPRs may be authorized in that county (RCW 36.70A.360(4)(a)). Such plan policies, regulations, procedures and guidelines should aim to assure that any MPR development permitted is largely a positive contribution to the county. Counties will be in a better position to consider and decide whether MPRs are needed in the county, and what criteria should be applied, if they do so before being faced with the pressures of a specific MPR application.

- Considerations in Deciding Whether to Allow MPRs

In addition to the criteria in RCW 36.70A.360, the following questions may be helpful in thinking about whether MPRs would be beneficial to a given county:
What are the county’s priorities for its rural areas? Can MPRs be permitted in a way that is consistent with the priorities expressed in the county’s comprehensive plan?

Does the county have locations that offer the type of exceptional natural amenities necessary to a resort’s success? Can they draw visitors from outside the region?

Can an economically viable project be developed within the county?

Does the county need new job opportunities and sources of income to augment or replace traditional sources?

Would MPRs offer employment and income opportunities that are greater than other potential uses of rural lands?

Could MPRs enhance recreational opportunities for county residents?

Are the county’s remaining rural and resource lands threatened by growth pressures? For what use is the land best suited?

Does the county have areas where valuable resource lands can be buffered from the effects of an MPR?

Are there extensive areas of wetlands, aquifer recharge areas, wildlife habitat or other sensitive areas that would be threatened by increased development, visitors and traffic? Can they be adequately protected?

Are there opportunities to develop MPRs in a manner that will not interfere with other rural uses and that will be compatible with rural character?

Can the resort secure water rights and a sufficient supply of potable water as required by Washington State law?

Can county roads and other infrastructure be developed to support resort/recreational development without harming the county’s fiscal situation?

**Criteria for Reviewing Specific Proposals**

*Criteria Examples*

Once the decision has been made to provide the opportunity for MPR development, a county will benefit from criteria to evaluate specific MPR proposals. As an example, Clark County has included the following criteria in its comprehensive plan to guide decisions about MPR permitting:
Clark County, WA MPR Approval Criteria

4.1.4 Master Planned Resorts (MPR) may be approved in an area outside of established Urban Growth Boundaries providing they meet the following criteria:

   a. The land proposed is better suited and has more long-term importance for a Master Planned Resort than the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as a forest or agricultural resource;

   b. the location, design, and provision of necessary utilities does not allow for the development of new urban or suburban land uses in the immediate vicinity;

   c. the proposed site includes unique natural amenities, such as views, streams, lakes or other features that provides a natural attraction for public use;

   d. the proposed development provides urban level public services that are strictly contained within the boundaries of the resort property by design and construction;

   e. the proposed site for the Master Planned Resort is sufficient in size and configuration to provide for a full range of resort facilities while maintaining adequate separation from any adjacent rural or resource land uses;

   f. residential uses are designed primarily for short-term or seasonal use, full time residential uses should be limited;

   g. the major recreational facilities within the Master Planned Resort must be open to the public and the overall facilities and recreational activities should promote tourism and the recreational goals of the comprehensive plan;

   h. each proposal should include a full inventory of critical wildlife habitat, significant wetlands, shorelines and floodplains, and cultural resources;

   i. significant natural and cultural features of the site should be preserved and enhanced to the greatest degree possible;

   j. commercial uses and activities within the MPR should be limited in size to serve the customers within the MPR and located within the project to minimize the automotive convenience trips for people using the facilities; and

   k. adequate emergency services must be available to the area to insure the health and safety of people using or likely to use the facility.

Source: Rural and Natural Resources Element, Clark County 20-Year Comprehensive Growth Management Plan
The following are additional criteria from San Juan County (WA) Code §18.90.060(H):

### San Juan County, WA MPR Criteria for Approval

H. Criteria for Approval.

1. Master Planned Resort Proposal and Application. An application to develop any parcel or parcels of land as an MPR may be approved, or approved with modifications, if it meets all of the criteria below. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.
   a. The master plan meets or exceeds the requirements of this section and SJCC 18.60.190.
   b. The MPR is consistent with the goals and policies of the Comprehensive Plan, the requirements of the Shorelines Master Program in Chapter 18.50 SJCC, and complies with all other applicable sections of this code and all other codes and policies of the County.
   c. If an MPR will be phased, each phase contains adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the MPR sufficient to stand alone if no subsequent phases are developed.
   d. The MPR will provide active recreational uses such as boating, pools, and playing fields, and sufficient services such as transportation access, police, fire, and social and health services, to adequately meet the needs of the guests and residents of the MPR.
   e. The MPR will contain within the development (or be provided by outside providers as per SJCC 18.30.060(C)) all necessary supportive and accessory on-site urban-level commercial and other services, and such services shall be oriented to serve the MPR.
   f. Environmental considerations are employed in the design, placement, and screening of facilities and amenities so that all uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, public views, and historic and other important features.
   g. Improvements and activities are located and designed in such a manner as to avoid or minimize adverse effects of the MPR on surrounding lands and property.
   h. The master plan establishes location-specific standards to retain and enhance the character of the resort.

*Source: San Juan County (WA) Code §18.90.060(H)*

In addition, see Appendix A, which contains a very comprehensive list of approval criteria used in Deschutes County, OR.

**Is the Project Economically Viable?**

Resort development is a risky business, although the long term prospects for the industry may be favorable. Master planned resorts are typically large undertakings that will take years (and sometimes decades) to complete all phases. To be successful, resort developers must make a substantial investment in recreational facilities and other amenities. Much of this investment must occur before substantial revenues come in. Like the agriculture business, resort businesses that provide outdoor recreation facilities, such as golf or ski areas, may suffer from the whims of the weather. After reviewing North American resort and recreational projects over a 30-year span, some resort industry leaders estimated that as few as 10 percent were profitable for the original developer (Middleton, 1994). As a result, local jurisdictions should carefully evaluate a proposed MPR’s prospects for success. Recognizing the level of risk in the resort industry, a number of Oregon
communities have adopted minimum investment criteria for destination resorts, based on Oregon’s Statewide Planning Goals and Guidelines. An investment of at least $7 million is required for onsite developed recreation facilities and visitor-oriented accommodations for “destination resorts” (similar in concept to Washington’s MPR and on a site of 160 acres or more). At least one-third of this amount must be spent on recreational facilities. This amount does not include expenditures for sewer, water and road improvements. The same Oregon goal calls for a $2 million investment (one-third of it for recreation facilities) for “small destination resorts” (OAR 660-015-0000(8)). Although this may seem like a lot, an 18-hole golf course is in itself a multi-million dollar project. As one Oregon community development director observes, a serious resort prospect “doesn’t bat an eye” at these minimums (Read, 2001).

Local officials may or may not be interested in adopting specific investment targets. However, they should look for convincing assurance that the project is economically viable. A developer should present market plans and analysis that demonstrate that a proposed resort can succeed and that benefits to the community will materialize. In addition, a developer should provide evidence of sufficient company experience and financial backing to manage a large-scale, long-term venture.

Deschutes County, OR (which does have minimum investment requirements) also has adopted the following submittal requirements and approval criteria for economic analysis:

**Economic Analysis Submittal Requirements from Deschutes County, OR**

19. An economic impact and feasibility analysis of the proposed development prepared by a qualified professional economist(s) or financial analyst(s) shall be provided which includes:
   a) An analysis which addresses the economic viability of the proposed development;
   b) Fiscal impacts of the project including changes in employment, increased tax revenue, demands for new or increased levels of public services, housing for employees and the effects of loss of resource lands during the life of the project.

*Source: Deschutes County Code §18.113.050(B)(19)*
Economic Analysis Criteria from Deschutes County, OR

C. The economic analysis demonstrates that:

1. The necessary financial resources are available for the applicant to undertake the development consistent with the minimum investment requirements established by DCC 18.113.

2. Appropriate assurance has been submitted by lending institutions or other financial entities that the developer has or can reasonably obtain adequate financial support for the proposal once approved.

3. The destination resort will provide a substantial financial contribution which positively benefits the local economy throughout the life of the entire project, considering changes in employment, demands for new or increased levels of public service, housing for employees and the effects of loss of resource land.

4. The natural amenities of the site considered together with the identified developed recreation facilities to be provided with the resort, will constitute a primary attraction to visitors, based on the economic feasibility analysis.

Source: Deschutes County Code §18.113.070(C)

See also Appendix A that contains Deschutes County’s complete approval criteria.

Will the Resort Recruit Local Employees?

Although successful resorts can be expected to generate jobs, the jobs will not necessarily go to local residents. It is not unusual for a resort to bring in top managers from other areas. News of job opportunities in a resort setting may draw job seekers from afar, who compete with local job seekers. For instance, when the Semiahmoo Resort was developed near Blaine, WA, a large percentage of the jobs were filled by college students driving up from Bellingham, WA, according to a consultant who has worked with resort developers (Burke, 2001).

Trendwest agreed to the following condition assuring local job recruitment efforts in a settlement agreement related to the MountainStar MPR in Kittitas County:

Trendwest/Ridge Agreement to Encourage Recruitment of Local Employees

“1.8.2 Trendwest will advertise and give written notice at libraries and post offices in Easton, Cle Elum, South Cle Elum, Ronald and Roslyn and recruit locally (Kittitas County), to fill opportunities for contracting and employment, and will prefer local applicants provided they are qualified, available and competitive in terms of pricing.”

The Trendwest developer also agreed to coordinate with schools districts, vocational and apprenticeship programs on some vocational training opportunities in the community.

Source: Settlement Agreement Regarding MountainStar Master Planned Resort, Cle Elum Urban Growth Area and Supporting Infrastructure and Services, 2001
Location, Location, Location

Resort development siting decisions present a particular dilemma for counties. By statute definition, MPRs are located in settings of “significant natural amenities.” Such settings are often environmentally fragile. We are all aware of examples of resort development proliferating at gateways to National Parks, lining lakeshores, or perched on highly visible ridges and hilltops in mountain communities. If counties choose to allow MPRs, they must carefully consider whether such MPRs are located proximate to natural amenities that can draw visitors and make the resorts a financial success. At the same time, counties must also assure that development does not impinge upon sensitive areas and scenic vistas in a manner and quantity that destroys the special attraction of the area. In approving MPRs, counties must make findings that the resort can be sited and developed in a manner consistent with critical area regulations. Resorts may not be sited on lands designated as agricultural or forest resource lands under GMA unless a county makes a finding that the land is “better suited and has more long-term importance” for an MPR use than for resource uses. Similarly, resorts should not be sited where they will interfere with nearby farms, timber harvesting, and other activities so important to the rural economy and way of life. Beyond these general considerations, a county must assure that MPRs are located consistent with the county’s own goals and requirements for rural area development.

Siting guidelines can help assure that MPRs do not interfere with other rural uses. In addition, they may help the county to maintain the area’s rural character if MPR development is sited in less conspicuous locations. They can also help counties protect environmentally sensitive areas and the natural amenities that attract visitors. Washington counties may choose to designate and/or map appropriate areas for MPRs in advance of receiving applications. Alternatively, a county may choose to wait for MPR proposals and decide on a case-by-case basis whether a proposed location is appropriate. The advanced designation approach offers greater certainty to a developer before investing time and dollars in a specific site. It may reduce pressures on the county to approve a marginally appropriate site. The case-by-case decision provides a developer greater flexibility in selecting a marketable site. Whether or not a county chooses to map specific eligible areas, the county will benefit by developing criteria that discourage such development where inappropriate, and perhaps target other types of locations where they are desirable.

The GMA definition and provisions for MPRs were borrowed from and resemble Oregon State’s earlier provisions for “destination resorts.” However, the Washington legislature did not adopt Oregon’s approach of requiring counties to map eligible areas. Once they have mapped eligible areas, Oregon counties may amend the map for destination resorts only during periodic review periods (once every 5 years). Deschutes County, OR (home of Sun River and Black Butte resorts) has used a destination resort overlay zone to prevent resorts from locating in inappropriate locations, such as areas with high value soils for farmlands or forestry, valued natural resources, or sensitive big game habitat. George Read, Deschutes County Community Development Director, notes that these provisions have reduced pressures for frequent map amendments. Read suspects that developers would say there are not enough prime areas eligible for resorts. However, the county continues to get serious proposals on lands that avoid impinging on important resource lands, including one high desert site (Read, 2001).

Whether or not a county chooses to designate eligible areas, adopting criteria for appropriate locations can help direct prospective resort developers to areas most acceptable to the county, while retaining some flexibility.

The following are eligible areas adopted by Josephine County, OR and based on Oregon’s Statewide Planning Goals and Guidelines (Goal 8: Recreational Needs). Some or all of these may be relevant criteria to consider for use by Washington counties.
Josephine County, OR MPR Siting Criteria

96.040 - SITING REQUIREMENTS

A destination resort shall not be sited within any of the following areas:

A. Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more;

B. On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Natural Resource Conservation Service, or within 3 miles of farm land in a High Value Crop Area, as defined in Section 11.030, unless the resort complies with the requirements of Section 96.030.F (small destination resorts) in which case the resort shall not be closer to a High Value Crop Area than ½ mile for each 25 units of overnight lodging or fraction thereof (area specified has been identified and a map is located in the Planning Office);

C. Predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved goal exception (area specified has been identified and a map is located in the Planning Office);

D. If a tract to be used as a destination resort has a site designated for protection as open space, a scenic area, a historic area, or a natural resource area in the acknowledged comprehensive plan, the tract of land shall preserve the site by conservation easement sufficient to protect the resource values of the site. (area specified has been identified and a map is located in the Planning Office);

E. Especially sensitive big game habitat as mapped by the Oregon Department of Fish and Wildlife in July of 1984;

Note: Oregon’s Statewide Planning Goals discourage destination resorts from locating near metropolitan areas and jobs to help assure that they do not evolve into “communities of commuters” (Oregon Department of Land Conservation and Development, 1995). The state goal no. 8 does allow them to locate closer than 24 miles from a metropolitan center if residential uses are limited to those necessary for the staff and management of the resort.

Source: Josephine County (OR) Code

Many communities also require direct access from a major arterial or highway:

Deschutes (OR) County Highway Access Requirement

C. All destination resorts shall have direct access onto a state highway or County arterial or collector roadway, as designated by the Comprehensive Plan.

Source: Deschutes County (OR) Code §18.113.060 (C)
Douglas County, WA Requirements to Discourage MPR Displacement of Prime Agriculture

L. An applicant for an MPR shall submit the following when an MPR is proposed within an agricultural zoning district:
   1. An evaluation shall be conducted by a qualified agricultural economist of the impacts on the commercial agricultural and social-economic structure of the immediate area and of the county as a whole,
   2. An analysis of the proposed site to determine the least productive agricultural lands and an evaluation of the appropriateness for a change in land use from agriculture to nonagricultural,
   3. If an MPR proposes to maintain a portion of the site as lands designated agricultural resource lands, an evaluation and analysis shall be conducted to determine the most productive agricultural lands. The determination shall be based on a soils analysis (Class I, II, III), conflicting land uses and other criteria as deemed appropriate by the director upon recommendation of the Natural Resource Soils Conservation Service, the Department of Agriculture and local farm and ranch group organizations, and
   4. Based on associated impacts and an overall evaluation of the site, an MPR may be limited in intensity, location and/or prohibited if found to measurably degrade the economic viability of adjacent farming activities.

Source: Douglas County (WA) Code §18.74.070(L)
Suggestions for Addressing Basic GMA Requirements

Master planned resorts must both fit the definition for an MPR and meet criteria and conditions specified in RCW 36.70A.360 before they may be permitted as an exception within rural areas. The following sections further explain these minimum requirements and provide examples of policies and regulations that other communities have used to address such concerns.

Self Contained, Fully Integrated, Planned Development

To qualify as a master planned resort under the GMA, a development must be a “self-contained and fully integrated planned unit development… (among other defining characteristics).” MPRs represent a more intensive form of development that may be permitted as exception in rural areas, if certain requirements are met. MPRs are located in settings of significant natural amenities, which may include lakes, river corridors, ocean shores, mountain vistas, forestlands or bucolic settings. Such natural features are commonly associated with environmentally sensitive lands (or critical areas). Rural areas also support nearby agricultural and forest production lands. Because MPRs tend to locate in proximity to such sensitive neighbors, it is especially important that they be carefully planned to avoid conflicts and to harmonize with neighboring rural uses.

The requirement that MPRs be self-contained means that visitors and residents should be able to meet most of their daily needs on site, without having to leave the site. Because visitors come to these destination resorts for extended rather than just overnight stays, MPRs must serve as a “home away from home” as well as to provide a variety of special recreational opportunities for its guests. If needs are met on-site, traffic and other demands on neighboring community facilities will likely be reduced. This does not mean that an MPR must anticipate and meet every need of its visitors. The Eastern Washington Growth Management Hearings Board (EWGMHB) determined that:

“(t)his would be virtually impossible and would be too strict an interpretation of the language. The better interpretation would require the MPR to have sufficient services and needed places to shop for common needs to be met and avoid an adverse impact upon the neighboring urban areas. The visitors and residences at the MPR should be able to meet their daily needs without being forced to go elsewhere. The fact others might shop there or visit does not put the County in violation of the “self contained” section of the Act.” (Ridge, et al. v. Kittitas County, EWGMHB 96-1-0017, Order on Compliance and Invalidity (Apr. 16, 1998)).

The GMA was amended in 1998 (ESHB 2596) to clarify that MPRs may be served by capital facilities, utilities and services provided by outside service providers, including municipalities and special purpose districts, with certain limitations. In this respect, an MPR does not need to be “self-contained” in the strictest sense, but may enter into an agreement with a provider for sewer service (or other urban-type services) rather than rely on package treatment plants, septic tanks or other more rural solutions. Sewer service is limited to the MPR or areas designated for urban growth, and may not be used to serve intervening rural areas and uses. A Central Puget Sound GMHB case confirmed that sanitary sewers may be extended outside of urban growth areas to areas of more intensive rural development specifically permitted by the GMA and local plans (Gain et al. v. Pierce County CPSGMHB No. 99-3-0019).

The Eastern GMHB also noted that MPRs are to be self-contained and not be the catalyst for further urban sprawl. (Ridge, et al. v. Kittitas County, EWGMHB 96-1-0017, Order on Compliance and Invalidity (Apr. 16, 1998)). The MPR should not provide facilities and services that serve and encourage surrounding development. San Juan County, for instance, has been concerned about preventing the “halo” effect of spin-off development that has tended to surround several existing resorts, especially when sewer service was
extended from the resort (Rutz, 2001). The county’s comprehensive plan and development regulations, in fact, must “include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned development” (RCW 36.70A.360(4)(b)). In addition, MPR commercial businesses and services should not be dependent on attracting customers from the surrounding community or passing traffic, although, inevitably, some business will come from off-site. Instead, such commercial uses should be oriented to serve those who are staying at the resort or have come to use resort recreational facilities.

Because MPRs provide a mix of uses to meet guests’ needs, careful site planning is needed to integrate the development and to limit the impacts of the development. For instance, recreational facilities and commercial or other types of services should be centrally located in relation to visitor accommodations, rather than inconveniently on the (highway) edge of the MPR. Pathways should connect living areas with services and recreational facilities, reducing the need for vehicle trips, especially on an adjacent highway. The capacity and variety of on-site recreational facilities and programs should be sufficient to hold visitors’ interest and to minimize impact on off-site facilities. Employee housing should be planned so that commute trips can be minimized.

San Juan County, WA was concerned about improving integration of new phases of existing resorts, particularly when not developed by the original developer. Because the resort owners had given up control of some properties within the original resort boundaries, new development phases had no relation to the resort or access to resort facilities. San Juan County has worked with several existing resorts to implement requirements that new units in new phases must have memberships and access to resort facilities, giving them a stake in the future of the resort. New phases are also subject to design standards that further relate them to existing phases (Rutz, 2001).

**Examples of Ordinances Promoting Self-Contained, Fully Integrated Development**

Some communities have chosen to specify a minimum MPR site size sufficient to provide for a complete package of resort facilities and for adequate separation from surrounding rural or resource uses. For instance, Okanogan and Clallam counties (WA) require a minimum parcel size of 640 acres. Oregon counties, such as Tillamook and Deschutes, require a 160-acre minimum parcel size (but only a minimum size of 40 acres within two miles of the ocean).
Douglas County, WA has adopted the following requirements to encourage a self-contained, fully integrated development:

### Requirements for Self-Contained, Integrated Development in Douglas County, WA

D. Commercial. Commercial retail and services provided as part of the MPR shall be located within the interior of the development (see subsection (B)(1) of this section) and shall not exceed eight percent of the developed land use in the MPR. Commercial retail and services shall be oriented to serve the MPR. Construction of commercial retail uses and services shall occur in equal proportions and at a rate that can be substantiated by recreation and visitor accommodations of the MPR.

M. The MPR shall be appropriately served by a full range of facilities and services, and utilities including provisions for sewer, water, power, emergency services and roads. On-site and off-site infrastructure impacts shall be fully considered and mitigated. Services and utilities established for the MPR shall not be extended beyond the MPR boundary.

N. During subsequent phases of development, an amendment and update to the capital facilities, utilities plan and financing plan shall be provided prior to each phase of an approved MPR.

O. Pedestrian and transit oriented facilities shall provide access to all areas within the development in accordance with DCC Chapter 18.16. Pedestrian systems shall include a combination of bicycle and pedestrian paths, hiking paths, and equestrian trails where appropriate.

*Source: Douglas County Code, Sec. 18.74.070*
Jackson, WY has adopted requirements assuring that each phase of development is self-sufficient:

**Jackson, WY Requirements for Self-Sufficient Phases**

2. **Functional phases.** Each phase shall be self-sufficient, in conjunction with existing elements of the Planned Resort, i.e., transportation and parking needs, as well as amenities, for each phase shall be satisfied within each phase and shall not be dependent upon a future phase. Each phase shall represent a logical and compact extension of infrastructure and public services. In order to develop certain improvements in logical increments that provide for economies of scale, the phasing plan may propose that improvements required for an earlier phase be provided in a later phase only if:
   a. The delayed construction of the improvement does not create a negative impact or exacerbate an existing problematic condition, and
   b. Financial assurance, in a form acceptable to the Town Council, is provided, i.e., letter of credit, that the improvement required for the earlier phase will be developed within a certain time-frame, even if later phases remain undeveloped.

3. **Coordinated with public services.** Phasing shall be coordinated with the improvements schedule or capital improvements program of public or semipublic service providers, as identified in the Capital Improvements Element.

4. **Relationship of phasing to overall resort plan.** Phasing shall implement the stated purpose of the Planned Resort master plan, i.e., if a destination ski area is the basis for the resort plan, the ski area facilities should not be the last increment of development. Similarly, open space dedications, amenities, and required performances that mitigate the impacts of the resort shall be developed or provided in proportion to the type and amount of development in each phase.

*Source: Jackson Municipal Code, Division 2550 – Part K*

San Juan County, WA includes the following submittal requirement to address phased development:

**San Juan County, WA Phasing Requirements**

A description of the intended phasing of development of the project, if any. The initial application for an MPR shall provide sufficient detail for the phases such that the full intended scope and intensity of the development can be evaluated. This shall also discuss how the project will function at interim stages prior to completion of all phases of the project, and how the project may operate successfully and meet its environmental protection, concurrency, and other commitments should development cease before all phases are completed.

*Source: San Juan County Code 18.30.060(C)(6)*

**Short-Term Visitor Focus**

The full potential economic benefits of a resort on a county will not be realized if a large percentage of resort units are occupied by full-time, permanent residents rather than vacationing visitors. Visitors from outside the region can inject new money into the local economy as they pay higher rates for short-term lodging,
participate in a variety of recreational activities, eat meals out, and shop. In contrast, a high percentage of permanent residents may translate into a higher demand for county facilities and services such as schools, senior services, and libraries, than would be demanded by short-term visitors.

Over the years, a number of studies have documented a trend for vacation homes to become primary homes as owners become year-round residents. A November 2000 Lehman Brothers report notes the growth in the 50 to 64-year-old age cohort (as baby boomers approach retirement). This demographic trend could further fuel the conversion of vacation homes to year-round residences for those who retire and no longer are tied to the location of their jobs (Hornberger, 2001). Technological and telecommunications innovations also provide increased flexibility in where many people choose to live. Several Washington counties have identified, as a top concern, the challenge of ensuring that visitor accommodations remain available for short-term rentals (Cardwell, 2001; Lee, 2001; Olasen, 2000).

Although short-term visitors can greatly boost the local economy, there are also clear benefits to providing for employee housing and other very limited permanent residents within the resort site. Such on-site housing can eliminate significant traffic that may otherwise be generated by commuting employees and may reduce pressures on housing costs in the greater community. It may also contribute to the sense of activity and life, especially during off-peak seasons. In addition, resort developers often argue that the development won’t be feasible without some initial home sales to individual owners. As in the case of a recently approved resort in Pierce County, developers often count on revenue from residential lot sales to ease the financing of expensive up-front recreational facilities (Causseaux, 2000).

Washington legislators have sought to ensure that a master planned resort in Washington does not become just another retirement community or bedroom community housing permanent residents that commute to city jobs. The primary focus of MPRs in Washington is on “destination resort facilities consisting of short-term visitor accommodations.” Washington resorts are also distinguished from simple planned developments in that they must provide “a range of developed on-site indoor or outdoor recreational facilities” (RCW 36.70A.360(1)). Accommodations, recreational facilities, commercial and other services must be oriented to meet the needs of short-term visitors. While the primary focus must be on short-term visitors, the MPR statute provides some flexibility for limited permanent residential uses to assure that MPRs are workable. These permanent residences are allowed “only if these other uses are integrated into and support the on-site recreational nature of the resort” (RCW 36.70A.360(3)). Housing for employees and on-site managers clearly fits into this category. A developer may be able to demonstrate that a limited amount of additional permanent residences supports the purposes of the MPR. However, the primary focus over time must remain on short-term visitors, and local jurisdictions will need to consider adequate measures to prevent conversion to permanent residential use.

If the proportion of permanent residences begins to exceed that required to support the on-site recreational nature of the resort, the development may better fit the definition of another type of planned development permitted under GMA – the fully-contained community. A fully-contained community (essentially a new town) is authorized in RCW 36.70A.350 and would require a comprehensive plan amendment and a reassessment of the overall urban growth area capacity.

**Examples: Visitor/Permanent Accommodation Ratio**

Counties in Washington and other states are trying a number of approaches for ensuring that a resort maintains a primary focus on visitor accommodations, facilities and services.

Kittitas County has adopted a standard that short-term visitor units shall constitute greater than 50 percent of the total resort units. The county’s development agreement with Trendwest for the MountainStar Resort specifies that short-term visitor accommodations must constitute at least 70 percent of the total MPR
accommodations units at full build-out. The development agreement specifies that 200 short-term units be provided within the first phase of development, and that a cumulative total of more than 50 percent of all built and occupied units be maintained as short-term units throughout building construction.

Pierce County has adopted a ratio of at least two overnight accommodations for every one (permanent) residential dwelling unit approved (PCC 18A.75.080(H)(1)(b)). Pierce County recently conditioned approval of a MPR with requirements for 70 percent of total units to be maintained as short-term rentals. The applicant must maintain a record of rentals and sales available for review by Pierce County. If the number of homes sold to permanent residents begins to exceed 30 percent, a method will be found to get back on track with the target 70/30 ratio. Again, some flexibility may be needed to ensure that required ratios do not create insurmountable difficulties with start-up financing.

Spokane County has recommended comprehensive plan policies that would limit full-time residential uses to employee housing, placing even greater emphasis on short-term visitor orientation.

Oregon communities that have provided for destination resorts have typically adopted a ratio that parallels Oregon State goals (individually-owned residential units shall not exceed two for each unit of visitor-oriented overnight lodging). However, a Deschutes County planner who has worked with several large destination resorts (such as Sun River) believes that a more balanced ratio would be preferable, if shown to be feasible. (Read, 2001). In addition, Oregon’s minimum distance requirement from major metro areas (24 miles) makes it somewhat less likely that an MPR would become a bedroom community for those commuting to urban jobs.

**Examples: Defining “Short Term” Occupancy**

Lodge, hotel, motel units and time-share units, are commonly classified as short-term units. A time-share arrangement typically allows a purchaser to occupy a unit for one or two weeks a year. A unit type that is related to the time-share unit, called a fractionally-owned unit, is typically divided into longer blocks of time, which may exceed standard definitions of short-term units.

Deschutes County, OR has adopted a well-defined approach for monitoring units in short-term rentals. Individually-owned units qualify as visitor-oriented lodging if they are available for overnight rental use by the general public for at least 45 weeks per calendar year. They must be listed as available for the 45 weeks through one or more central reservation and check-in service(s). (DCC 18.113.060(D)(2)).
Sanibel, FL has the following options for demonstrating that units are being used for short-term rental rather than permanent occupancy:

Sanibel, FL – Distinguishing Short-Term Rental from Permanent Residential Occupancy

Sec. 126-1076. Availability for temporary occupancy; evidence of use.

(a) Each unit of resort housing is a dwelling unit, whether denominated a hotel or motel room, apartment, condominium unit, cooperative unit, timeshare unit, single-family unit, or otherwise.
(b) The term "made available for temporary occupancy" means rented or occupied for time periods of less than four consecutive weeks in duration. Where resort housing (short-term accommodations) is a permitted use in compliance with the requirements of article XII of this chapter, there is no limit to the frequency of change or length of stay of occupants or tenants. Where resort housing is not a permitted use or is not in compliance with the requirements of article XII of this chapter, dwelling units may not be made available for rental or occupancy for periods of less than four consecutive weeks; provided that such restriction shall not apply to temporary, nonpaying guest of lawful occupants.
(c) The following shall be prima facie evidence that a unit is being used as resort housing:
   (1) Advertising a unit as being available for rental for periods of less than four consecutive weeks.
   (2) Recording or filing land use covenants, condominium declarations, cooperative documents, public offering statements, or other legal documents which sanction authorize, or approve rental or occupancy of a unit for periods of less than four consecutive weeks.
   (3) Creation of timeshare estates for periods of less than four consecutive weeks.

Source: Sanibel (FL) Municipal Code

Visitor-Oriented Commercial

Assuring that retail uses are primarily oriented to serve resort visitor needs was a major issue in reviewing an MPR development at the gateway of Mt. Rainier National Park in Pierce County. The proposed MPR consisted of approximately 700 accommodation units, a conference center and a championship golf course. A 50,000 square foot retail center (initially proposed to be 70,000 square feet) was proposed for a site alongside the highway edge of the development. A staff report recommended relocating the retail center to be more convenient to and integrated with resort accommodation areas. An interior retail center site would be less likely to draw people passing by on the highway. The staff report also recommended significantly reducing retail center square footage to 5,000 square feet, based in part on the developer’s own traffic study, which indicated that 94 percent of the trips to the center would be from outside the resort. The study indicated that the retail center, as proposed, would generate significant additional traffic in the vicinity of the resort (Booth, Barber and Risvold, 2000). In the final conditions of approval, the county compromised by requiring a more central location for the center and permitting a 20,000 square foot retail center. The county also kept open the possibility of up to 15,000 additional square feet, if the developer could convincingly demonstrate the need for additional visitor services (Causseaux, 2001).
Policy and Standard Examples for Visitor-Oriented Commercial Limitations

Below are several examples of comprehensive plan policies and development standards to assure that commercial development serves primarily visitor needs. Pierce and Douglas counties illustrate somewhat different approaches to limiting the size and visibility of commercial development:

Pierce County, WA MPR Commercial Limitations

No sign, display or other exterior indications of the MPR’s commercial uses shall be visible from an adjacent property. Retail and service establishments, other than eating and drinking establishments, shall be no greater than 5,000 square feet.

Source: Pierce County (WA) Code 18A.75.080(H)(4)

Douglas County, WA MPR Commercial Standards

D. Commercial. Commercial retail and services provided as part of the MPR shall be located within the interior of the development (see subsection (B)(1) of this section) and shall not exceed eight percent of the developed land use in the MPR. Commercial retail and services shall be oriented to serve the MPR. Construction of commercial retail uses and services shall occur in equal proportions and at a rate that can be substantiated by recreation and visitor accommodations of the MPR.

Source: Douglas County WA Code §18.74.070

Clark County, WA adds standards aimed at reducing automotive trips:

Clark County, WA Standards for Visitor-Oriented Commercial in MPRs

Commercial uses and activities within the MPR should be limited in size to serve the customers within the MPR and located within the project to minimize the automotive convenience trips for people using the facilities;

Source: Clark County (WA) 20-Year Comprehensive Growth Management Plan, Revised 1997, Policy 4.1.4(j)
Deschutes County, OR specifically includes limits on cultural and entertainment uses and identifies dimensions and scale as concerns:

**Deschutes County, OR MPR Commercial Limitations**

Q. Commercial, cultural, entertainment or accessory uses provided as part of the destination resort will be contained within the development and will not be oriented to public highways adjacent to the property. Commercial, cultural and entertainment uses allowed within the destination resort will be incidental to the resort itself. As such, these ancillary uses will be permitted only at a scale suited to serve visitors to the resort.

The commercial uses permitted in the destination resort will be limited in type, location, number, dimensions and scale (both individually and cumulatively) to that necessary to serve the needs of resort visitors. A commercial use is necessary to serve the needs of visitors if:

1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to the resort, or the use is necessary for operation, maintenance or promotion of the destination resort; and
2. The use is oriented to the resort and is located away from or screened from highways or other major through roadways.

*Source: Deschutes County (OR) Code 18.113.060(Q)*

**Comprehensive Plan Guiding Policies**

The GMA specifies findings (criteria) that must be met before a county may authorize master planned resorts. Topping that list is the requirement that a county’s comprehensive plan “specifically identifies policies to guide the development of master planned resorts” (RCW 36.70A.360(4)(a)).

Guiding policies should be carefully constructed to ensure that any MPR development approved is a net benefit to the county. MPRs are a more intensive form of development than surrounding rural uses. Increased visitors may bring wanted dollars to the rural economy, but they also can overwhelm existing infrastructure and rural character. Plan policies can help guide the scale and character of MPR development to ensure that increased visitors to the rural areas do not translate into traffic levels, noise and other impacts that interfere with farm operations, enjoyment of low-density residential areas and other rural activities. Because MPRs, by definition, are located in areas with unique natural amenities, much is at stake. Careful planning is required to ensure that the development does not destroy or diminish enjoyment of the natural features by rural residents and visitors alike.

Local comprehensive plan policies can be tailored to ensure that MPR development is sensitive to the specific county conditions and priorities. Plan policies signal the county’s expectations for MPR development. They provide greater predictability for resort developers and neighboring property owners about what development can occur. They allow a common understanding about what is desirable and acceptable.

Clark County, WA has adopted comprehensive plan policies that augment GMA criteria and that emphasize the county’s specific concerns:
Clark County, WA Guiding Policies for MPR Development

4.1.4 Master Planned Resorts (MPR) may be approved in an area outside of established Urban Growth Boundaries providing they meet the following criteria:

a. The land proposed is better suited and has more long-term importance for a Master Planned Resort than the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as a forest or agricultural resource;
b. the location, design, and provision of necessary utilities does not allow for the development of new urban or suburban land uses in the immediate vicinity;
c. the proposed site includes unique natural amenities, such as views, streams, lakes or other features that provides a natural attraction for public use;
d. the proposed development provides urban level public services that are strictly contained within the boundaries of the resort property by design and construction;
e. the proposed site for the Master Planned Resort is sufficient in size and configuration to provide for a full range of resort facilities while maintaining adequate separation from any adjacent rural or resource land uses;
f. residential uses are designed primarily for short-term or seasonal use, full time residential uses should be limited;
g. the major recreational facilities within the Master Planned Resort must be open to the public and the overall facilities and recreational activities should promote tourism and the recreational goals of the comprehensive plan;
h. each proposal should include a full inventory of critical wildlife habitat, significant wetlands, shorelines and floodplains, and cultural resources;
i. significant natural and cultural features of the site should be preserved and enhanced to the greatest degree possible;
j. commercial uses and activities within the MPR should be limited in size to serve the customers within the MPR and located within the project to minimize the automotive convenience trips for people using the facilities; and
k. adequate emergency services must be available to the area to insure the health and safety of people using or likely to use the facility.

Source: Sec. 4.1.4, Ch. 4, Rural & Natural Resources Element, Clark County 20-Year Comprehensive Growth Management Plan

Spokane County has very similar draft comprehensive plan policies but limits full-time residences to employee housing and adds the following guideline:

Preservation of wildlife corridors and open space networks should be integral to the site design.

Source: RL.5.7(7) Chapter 3 – Rural Land Use, Recommended Spokane County Comprehensive Plan

Infrastructure Impacts Mitigated

A county must find that “on-site and off-site infrastructure and service impacts are fully considered and mitigated, before authorizing an MPR” (RCW 36.70A.360(4)(e)). MPRs cater primarily to visitors rather
than permanent residents. As a result, costs for MPR facilities should be borne by the development and should not create significant new costs for taxpayers. Increased demands resulting from MPR development on existing community infrastructure and services should be mitigated. If MPRs are truly self-contained, impacts on neighboring uses and facilities should be minimal. Even so, a large-scale MPR development located in a rural area can generate significant traffic on surrounding rural roads, as well as demands on utilities, public safety services, and other infrastructure and services.

The House Bill Report on ESHB 2596 emphasized the importance of fully considering and mitigating on-site and off-site infrastructure impacts before approving a proposed MPR. That bill allows MPRs to use outside service providers for capital facilities, services and utilities (including those related to sewer, water, storm water, security, fire suppression and emergency medical services), provided that any shared facilities may serve only the master planned development and urban growth areas. The report notes that counties must determine that on-site and off-site service impacts are fully considered and mitigated, in addition to infrastructure impacts. The statute does not limit consideration and mitigation only to impacts occurring within the county. A Washington Supreme Court case would seem to support this interpretation. Although addressing a planned development rather than specifically a master planned resort, the Court held that a jurisdiction needs to analyze and mitigate any transportation and other impacts of a zoning action on neighboring jurisdictions (SAVE v. Bothell, 89 WN 2nd 862, 576 P. 2nd 401 (1978).

Aspen, CO has a long history of dealing with the impacts of major resort developments. For example, Aspen has actively pursued measures to prevent increased traffic congestion on its streets and the highways serving the city. The city is reacting to congestion generated in large part by resort development. Many employees commute to resort jobs in the Aspen vicinity from residences in surrounding cities and counties, some of which are 40 miles or more away. The city has successfully met a goal to prevent an increase in level of traffic over a bridge, which is a major entrance to the city, beyond the 1993 traffic level, despite steady growth. When the Highlands Ski Area, located in the county less than two miles from the city, was redeveloped, the city sought conditions to mitigate resort-related traffic. The resort was required to contribute a bus and associated maintenance fees to the city’s existing bus system. The resort was also required to provide bus passes to employees. The resort also has its own shuttle bus for airport pick-ups and other visitor needs. (There is also a free countywide shuttle bus that serves visiting skiers.) As a result of Aspen’s transportation management programs, Aspen’s bus system enjoys the second highest ridership in the state of Colorado, second only to the city of Denver. Similarly, Okanogan County, WA requires that resort developments provide public transportation proposals that “satisfy public transportation demands generated by the planned destination resort” (Okanogan County Municipal Code §17.20.030(F).

Resorts can impact the county and surrounding jurisdictions in less obvious ways. For instance, calls for police, fire, medical and other emergency services can increase, impacting both the county and surrounding cities having mutual aid agreements with the county. Conditions of approval, such as the examples below, should be considered to address the variety of off-site impacts on public services and facilities.
Examples of Requirements for On-site and Off-Site Mitigation

The following regulations were drafted for Chelan County, WA to address infrastructure needs:

**Chelan County Draft Infrastructure Requirements**

- All required public improvements including roads, utilities and public facilities that are part of the approved site plan and narrative, shall be completed prior to issuance of a certificate of occupancy by the building official or installation guaranteed by the posting of performance bonds or other surety acceptable to the prosecuting attorney in an amount of one hundred fifty (150) percent of the estimated cost of the outstanding improvements, except that all life/safety improvements must be installed and in operation prior to occupancy.

- Community sewer, water, security and fire protection may be provided on-site and sized to meet only the needs of the development. Existing public service purveyors may provide services as long as the costs related to service extensions and any capacity increases generated by the development are born by the development and such extensions do not promote sprawl or urban level of development adjacent to the MPR. An MPR that adjoins, or is in part within, an organized fire protection and/or hospital district shall seek annexation of the entire MPR site into said districts.

*Source: Chelan County Code, Draft Sec. 11.89.050 (8 & 10)*
Pierce County imposed the following conditions of approval (among others) to address off-site impacts related to an MPR at the entrance to Mt. Rainier:

**Pierce County Conditions to Address Off-Site Impacts**

- The applicant shall contribute the appropriate impact fee for each non-excluded dwelling unit to the Eatonville School District per Pierce County requirements.

- The Applicant shall enter into an agreement with the Fire District concerning the fair share contribution the Applicant shall make to the costs associated with the added facilities, equipment and staffing. This agreement shall be submitted to the Pierce County Planning and Land Services Department prior to issuance of the first building permit for the resort.

- The Applicant shall enter into an agreement with the Pierce County Sheriff’s Department concerning the fair share contribution the Applicant shall make to the costs associated with the added facilities, equipment and staffing. This agreement shall be submitted to the Pierce County Planning and Land Services Department prior to issuance of the first building permit for the resort.

- Additional reviews for Phases Two through Five shall include additional analysis of recreational impacts to off-site areas and whether on-site recreational amenities are sufficient. The additional review should determine what impacts have occurred from the previous phase as a guide in determining whether mitigation should be provided to (Mount Rainier National Park) MRNP, Washington State Department of Natural Resources (WDNR), etc., for the next phase. Impacts may not exist.

*(Casseaux, 2001)*

Deschutes County, OR adopted particularly comprehensive approval criteria to assure long term operation and maintenance of facilities and services. These findings are contained in Appendix A. (See particularly criteria F through R.)

A large and complex MPR development can add substantially to the work load of county staff, particularly in a small rural county. Significant staff time and often specialized expertise from outside the county may be required during the development review process, construction and follow-up monitoring stages. Kittitas County adopted conditions requiring developer funding of development review costs, as presented below. In addition, the developer signed an agreement with the county to cover added professional, staff and consultant services related to the proposed MPR. The agreement is contained in Appendix B.
A Roslyn, Washington-based citizen’s group negotiated a settlement agreement with Trendwest Resorts to resolve litigation related to the proposed MountainStar Resort. The citizen’s group was concerned about a number of potential impacts on the city of Roslyn including increased water demand and reduced in-stream flows. Appendix C contains excerpts from the “Settlement Agreement Regarding MountainStar Master Planned Resort,” §1.5.3 Water Demand. The agreement places fairly stringent requirements on the MPR developer, and is included here mainly to illustrate some of the types of complex water rights/demand issues that could arise related to a large MPR development.

**Developed On-Site Recreational Facilities**

A resort’s outstanding recreational facilities are the key to attracting the visitors who will stay at the resort. To meet the GMA definition of master planned resort, the MPR must feature “a range of developed on-site indoor or outdoor recreational facilities” (RCW 36.70A.360(1). Most often, a resort will feature a major recreational attraction, such as a championship golf course or destination ski area. Washington has potential for resorts centered on water-related attractions, and careful market analysis may reveal other viable recreational niches and opportunities in Washington communities. Investment in recreational facilities is so central to a resort’s success, that the state of Oregon requires that a minimum of $2.3 million in resort accommodations and facilities be invested in recreation facilities for a large destination resort (at least 160 acres). Oregon requires a smaller minimum investment of approximately $670,000 in recreation facilities for small destination resorts (which are at least 20 acres and offer less varied recreation facilities). Although Washington statutes do not require a minimum investment, local jurisdictions should determine that investment in recreational facilities is sufficient to ensure the success of the resort and to meet the needs of resort visitors. The recreation facilities that are the focus of the resort should be in place during the early stages of development, or their completion should be guaranteed. Every phase of development should have sufficient recreation facilities to meet visitors’ needs.
Douglas County, OR provides an example of a minimum investment requirement for large destination resorts:

**Douglas County, OR Minimum Investment Requirement for Large Destination Resorts**

Minimum Investment: At least seven million dollars shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads except that any application submitted prior to the November 1995 amendments to this subsection shall be subject to the previous minimum investment standard. Not less than one-third of this amount shall be spent on developed recreational facilities. Recreational facilities and other day facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through performance bonding mechanisms specified in Section 3.50.200 of this Article.

*Source: Douglas County Land Use and Development Ordinance §3.50.050(6)*

Jackson, WY requires each phase of MPR development to have a proportionate share of recreation facilities:

**Jackson, WY Recreation Facility Requirement for Phased MPR Development**

Relationship of phasing to overall resort plan. Phasing shall implement the stated purpose of the Planned Resort master plan, i.e., if a destination ski area is the basis for the resort plan, the ski area facilities should not be the last increment of development. Similarly, open space dedications, amenities, and required performances that mitigate the impacts of the resort shall be developed or provided in proportion to the type and amount of development in each phase.

*Source: Town of Jackson (WY) Land Development Regulations, Article II, Division 2500, Sec. 2550(K)(4)*

**Critical Areas Protection**

Washington local governments are required to adopt “critical areas” regulations to designate and protect environmentally sensitive areas. Critical areas regulations protect wetlands, aquifer recharge areas, fish and wildlife habitat, frequently flooded areas, and geologically hazardous areas (susceptible to erosion, sliding, earthquake or other geological events). Washington local governments also adopt shoreline master plans and regulations that should address many concerns related to resorts located near water features. SEPA review, often triggering the need for environmental impact statements (EISs), will be required for MPR developments, and small-scale recreational and tourist uses. Because MPRs are located in settings of “significant natural amenities,” careful environmental review will be especially important. Applications for MPR development should be reviewed for compliance with critical areas and shoreline regulations.

Two types of environmental concerns related to typical resort settings are given special attention in their own sections of this guidebook – wildfire hazard and wildlife habitat protection. The Open Space and View Protection section addresses some issues often facing mountain resorts (and other resorts) including ridge-top
or other highly visible development. Some jurisdictions will be concerned with unique environmental concerns. For instance, Pierce County adopted special conditions for an MPR development partially located in a volcanic hazard area. In addition, some types of resort developments, including golf course, shoreline, and mountain resort developments, present unique environmental concerns. Examples of special provisions to address such resort developments will be briefly discussed below.

A number of Washington communities have included a general finding or standard in their MPR requirements as a reminder that MPRs must comply with critical areas regulations. For instance, Douglas County, WA has adopted the following standard:

**Douglas County, WA Critical Areas and Resource Lands Protection Requirement**

J. Resource Lands and Critical Areas. The proposed MPR shall identify and mitigate impacts to resource lands and critical areas pursuant to DCC Title 19 and other applicable provisions of the DCC. Development located within or adjacent to these areas shall be evaluated for impacts and may be limited in intensity, location and/or prohibited if found to measurably degrade the integrity of resource lands and critical areas.

*Source: Douglas County Code, §17.74.070(J)*

**Special Environmental Concerns Related to Golf Courses**

Golf courses are increasingly a component of the recreational package offered by a destination resort, even when not the primary recreational attraction. Many resorts that focused exclusively on ski recreation have added golf to create four-season appeal. For other resorts, such as Pebble Beach, in Carmel, CA, a world-class golf course is the principal attraction, enhanced by an oceanfront setting.

Because 50-59 year-olds have the highest golf participation rate, interest in golf can be expected to grow as baby boomers age. While the real estate industry grew at an average annual rate of 2 to 3 percent during much of the 1990’s, the golf resort master planned community segment grew at a 9 percent average annual rate during that period (Kaufman and Perino in Lohmann, 1997).

Some traditional golf course development practices have drawn fire from environmentalists. Chief environmental concerns with golf course development have included:

- Extensive earth-moving, sculpting and alteration of natural terrain and water courses;
- Displacement of previous uses or important ecological functions, such as agricultural operations, wildlife habitat or wetlands;
- Extensive use of fertilizers and pesticides that contaminate soil or water and harm plant, fish and wildlife;
- Erosion and runoff, particularly when water contains chemicals; and
- Excessive consumption of water, particularly to meet the water requirements of non-native turf grasses.

*(Smart, Spencer, Calvo and Peacock, 1993)*

Although these practices continue to varying degrees at some golf courses, others are moving toward more environmentally friendly practices. MPR developers should have a particular interest in preserving an
environment that is a key ingredient in attracting visitors. A new breed of golf courses has demonstrated that sensitivity to local conditions and context can address many environmental concerns and capitalize on the uniqueness of a site without sacrificing the bottom line. For instance, the renowned Pebble Beach Resort, which until recently required 800 acre-feet annually to irrigate the course, has switched to treated effluent supplied by the city of Carmel. The Coors Brewing Company, which owns the Applewood Golf Course, has found that addressing threats to the environment can serve its own interests. The company has discontinued use of chemicals on the golf course that could threaten the aquifer, since water from the aquifer is used to make the company’s beer. Golf course development has been used to rehabilitate degraded sites, such as quarries and mines (Salvesen, 1996). Appendix D contains “Environmental Principles for Golf in the United States.” This document was developed through a collaborative effort that involved the golf course development industry, environmental groups and designers. It is endorsed by most participants in the process, including some of the environmental groups (several of the participants declined to endorse the guidelines which do not address all of their concerns). It provides a checklist of issues and many useful guidelines, even if there was not consensus on all issues. Many local jurisdictions have adopted regulations and/or permit conditions to limit application of insecticides, fertilizers and other chemicals, to reduce water consumption, to control golf course runoff, and to address other environmental concerns such as those noted above.

Both Pierce County and Kittitas County, WA have adopted a number of conditions in approving master planned resorts that address golf course environmental issues. The Kittitas County conditions focus on protecting water quality from contamination:

Kittitas County Conditions of Approval related to MountainStar MPR Golf Course

B-14 Concurrent with submittal of an application for any site development plan that includes a golf course, the applicant shall prepare and submit for the County’s review and approval, a golf course management plan that addresses protection of water quality. The plan shall include provisions regarding proposed design for fairways, greens, tees and water bodies, to ensure appropriate drainage and infiltration; integrated pest management (IPM), to reduce use of pesticides; computer controlled irrigation, to reduce water consumption; storage and handling of all chemical substances, consistent with applicable state and federal requirements; a discussion of the toxicity, mobility, persistence and risk associated with use of proposed pesticides, fertilizers, fungicides and other applications; and drainage controls and facilities, to ensure appropriate collection, treatment and release of golf course runoff. Standards shall be as specified in the Development Agreement. The storage of all hazardous materials shall follow the same guidelines as prescribed by the latest codes and regulations from various agencies. The focus on the golf course chemicals shall be part of a total plan for use, containment and disposal of all hazardous materials during construction and operation of the MPR. All chemicals on site will require MSDS sheets at site and construction main office for use in emergency situations.

B-15 All golf course fungicides, herbicides, insecticides and fertilizers shall be stored in an enclosure with a closed sump to prevent chemical release. Mixing areas for golf course chemicals shall be enclosed with concrete curbs or other means for spill containment and a closed sump or collection point.

B-16 The applicant shall prepare a golf course spill prevention and accidental spill response plan consistent with Department of Ecology requirements. Following approval by Ecology, a copy of the plan shall be submitted to Kittitas County.

Source: Kittitas County Ordinance No. 2000-15 Approving Trendwest MountainStar Resort
Pierce County has adopted a number of conditions to ensure separation of the potable water supply from irrigation system water. Reclaimed water that flows into the irrigation system from the golf course will undoubtedly contain chemicals and other pollutants that would threaten safe drinking water. In addition to these conditions, Pierce County has adopted conditions regulating stormwater management practices and requiring water quality monitoring.

<table>
<thead>
<tr>
<th>Pierce County Conditions Re: Golf Course Irrigation for Mt. Rainier Resort at Park Junction</th>
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<tbody>
<tr>
<td>63. The golf course irrigation supply system shall be separated from the potable water supply to avoid the possibility of cross connections between the potable and reclaimed water systems.</td>
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<tr>
<td>64. All pipes carrying reclaimed water shall be colored purple for easy identification.</td>
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<tr>
<td>65. All reclaimed valves and outlets shall have special fittings so that only authorized personnel can access them.</td>
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<tr>
<td>66. All reclaimed water storage facilities, outlets, and valves shall be labeled to warn the public and employees that this water is not suitable for drinking.</td>
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<tr>
<td>67. Hose bibs shall not be provided on the reclaimed water lines except as approved by WDOE and DOH.</td>
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<tr>
<td>68. Signs shall be placed around the playing fields and at wetponds around the golf course informing visitors of the use of reclaimed water.</td>
</tr>
<tr>
<td>69. A Best Management Practices manual and an Integrated Pest Management plan shall be prepared and submitted to the Pierce County Planning and Land Services Department prior to construction of the golf course. These plans shall specify the application details for pesticides, herbicides, fungicides and any other chemical that will be applied to the golf course.</td>
</tr>
<tr>
<td>70. The irrigation system shall be designed and operated to prevent runoff of reclaimed water from the designated playing fields areas.</td>
</tr>
<tr>
<td>71. The irrigation system shall be monitored to prevent over-application of irrigation water.</td>
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<tr>
<td>72. Drainage from the irrigated areas shall be directed into on-site sumps or wetponds through design of the grading plan.</td>
</tr>
<tr>
<td>73. All wetponds and ornamental ponds on the golf course shall be lined to prevent leakage of water into the underlying groundwater.</td>
</tr>
<tr>
<td>74. The amount of nitrogen in the reclaimed water shall be monitored. The application rate of nitrogen fertilizers shall be adjusted according to the quantity of nitrates applied in the irrigation water and matched to the uptake rate of the turf.</td>
</tr>
<tr>
<td>75. The concentration of nitrates shall be diluted in the reclaimed water through supplementation with groundwater as necessary.</td>
</tr>
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*Source: Causseaux, 2001*

**Environmental Issues Commonly Faced in Mountain Resort Development**

Several Washington ski resorts, such as Crystal Mountain and Snoqualmie Summit, have proposed major expansions of lifts, terrain and base facilities. Okanogan County, WA has seen proposals for new resorts in mountainous areas. Mountain resort development typically requires addressing a number of environmental challenges. Critical areas regulations should cover many of these environmental concerns, including steep slope conditions, and landside and erosion hazards. Mukilteo, WA’s “Critical Slope Area Regulations” exemplify regulations adopted to minimize hazards to development associated with steep slopes, which can occur in the form of shoreline bluffs as well as mountain slopes (see Appendix E). In addition, SEPA review,
including an environmental impact statement (EIS) will be required for a larger destination resort and some small-scale recreational or tourist uses. Even so, a number of other environmental issues not typically addressed by a critical areas ordinance may emerge for such resort developments. Examples include air quality problems, snow storage and avalanche hazards.

Fireplaces and wood-burning stoves are commonplace (almost expected) features in resort housing, particularly in snow country. As units multiply, the burning of wood or other solid fuels can have serious consequences for the air quality in the resort vicinity. Some resort communities have adopted restrictions to prevent unhealthful wood-smoke smog from descending over valleys, degrading air quality, and obscuring views. Summit County, CO approved the Copper Mountain Resort PUD with the following standards to restrict fireplaces:

### Copper Mountain, CO Fireplace Restrictions

12. Air Quality
   A. Gas fueled fireplaces are encouraged for use in all fireplace, stove, and fire pit applications.

   B. Sold fuel burning devices are only permitted in the following applications:

   The lobby or common area of mixed use, multi-family, or lodge buildings (1 per building).

   Restaurant ovens (shall be submitted for review by the Colorado Department of Health and Environment and submitted to the Air Pollution Control Division for an Air Pollution Emissions Notice)

   C. Solid fuel burning devices are prohibited in all one-family and multi-family dwellings. Current dwellings that have solid fuel burning devices (fireplaces) are legal, grandfathered, non-conforming land uses.

   D. All solid fuel burning devices shall meet or exceed the County requirements and be EPA certified.

   E. Fire pits are permitted in outdoor areas associated with Copper Station, Base One, West Lake, and Union Creek (1 per area).

   F. All new construction shall use best management practices for controlling dust.

   G. Open burning of slash requires a burning permit.

   H. Trash incinerators are prohibited.

   I. If the County adopts a county-wide air quality-monitoring program, the Owner/Developer will cooperate in the program as it relates to the Copper Mountain Sub Basin for all new projects from the time of adoption of this program.

*Source: Summit County, CO, 1999*

Resorts in mountain country will need to deal with snow storage issues. Snow that is removed from parking areas and roads may contain salts, sand and pollutants, with implications for water quality. Summit County, CO placed the following requirements on the Copper Mountain resort to address snow storage:
Copper Mountain, CO Snow Storage Requirements

20. Snow Storage
   A. Within each project for which a site plan application is submitted, snow storage areas shall be provided within the project area (as such project area is defined by the Development Parcel or lot (the "Project Area")) on snow storage areas adjacent to paved areas and other areas to be plowed, except as otherwise permitted in accordance with the other provisions of this Subsection B.20. The size of these snow storage areas shall be equivalent to at least 25% of paved or graveled surfaces on the Project Area, and shall be located adjacent to paved or graveled areas to provide convenient access for snowplows. Uphill slopes of 5-10% shall count at 75% of their areas towards this requirement. Uphill slopes of 11-20% shall count at 50% of their area. Steep uphill slopes greater than 20% are not appropriate for snow stacking, and shall not be counted in determining compliance with snow storage requirements. The area of snow stored on downhill slopes shall be evaluated in the development review process.

   B. Where on-site snow-melting systems are installed, the area served by the system may be deducted from the paved area estimate (for the purpose of determining snow storage requirements). Homeowner association documents or other agreements or instruments must identify the party responsible for operation and maintenance of snow melt systems. If operation of the snow melt system is terminated the association (or other party responsible for the operation and maintenance thereof) must provide alternate snow removal plans subject to approval of the County.

   C. It is recognized that the more intense urban village areas in the Village Center and East Village Neighborhoods may not be able to accommodate on site snow storage in certain areas. In these cases, snow may be: (i) transported to snow storage areas described generally on Exhibit J attached hereto, (ii) transported to an approved snow melting facility, or (iii) removed through snow-melt systems integrated into the project site development.

   D. Snow storage areas or snow melting facilities shall be subject to a site plan review by the Planning Commission. In addition to the site plan criteria from the Code other site suitability issues, including compatibility with adjacent land uses, location and visual impacts, shall be considered. Construction of snow melting facilities shall comply with the commercial and industrial design standards of the Code.

   E. When practicable, snow storage is not allowed on or within 25 feet of jurisdictional wetlands. Where snow storage areas have to be adjacent to wetlands, adequate measures shall be taken to protect wetlands from salt and sand intrusion including, as determined by the Owner/Developer and the County, placement of hay bales or filter fabric, detention ponds and similar measures.

   F. Design of snow storage treatment facilities for off-site snow storage facilities shall be in accordance with the following:
      • Maintain existing peak flow rates for storms up to and including the 25-year, 24-hour rainfall event, in combination with a melt rate from the snow stockpile of 2 inches in 24 hours.
      • Sites with favorable infiltration rates are encouraged.
      • Minimize run-off by diverting such drainage around snow storage piles if possible.
      • Vegetate the storage areas with species appropriate to the site conditions.
      • Discharges shall be non-erosive and/or measures shall be taken to protect receiving channels.
      • Good site access for trash removal and periodic maintenance.

Source: Summit County, CO, 1999
Resort developments in snow country may be exposed to avalanche hazard in addition to other geological hazards. Telluride has adopted the following standards:

Telluride, CO Avalanche Area Standards

Section 8-512 Avalanche Areas
The following regulations apply in avalanche areas:
8-520.A. Site Location and Design. The applicant shall show that the proposed development is either located in a site free from avalanche danger or is adequately protected by avalanche defenses or structural provisions.
8-520.B. Access. No development shall be accessible only by crossing dangerous active avalanche paths.
8-520.C. Removal of Vegetation. The development shall not result in timber clear cutting or other large-scale removal of vegetation in avalanche hazard areas. Alteration of plant cover which would decrease the stabilizing effect shall be prohibited, especially on slopes above the proposed development. Where any alteration of vegetation cover is allowed, revegetation shall be initiated promptly and provisions ensuring seedling protection, including an acceptable irrigation plan, shall be enforced until seedlings are large enough to stabilize the snow cover.
8-520.D. Extractive Operations. Extractive operations shall not be conducted in historic or high-hazard avalanche areas during winter without an adequate program of avalanche control and defense measures.
8-520.E. Utilities. Utility lines or pipes crossing historic avalanche areas shall be buried underground, and surface pipes and poles or towers for suspended transmission lines in historic avalanche areas shall be adequately protected by avalanche diversion or direct-protection structures.
8-520.F. Roads for Winter Use. Roads intended for winter use shall avoid avalanche hazard areas.
8-520.G. Temporary or Seasonal Uses. Building restrictions may be modified for construction of underground utilities such as water reservoirs or for temporary buildings used only in non-avalanche season and either removed or protected in the winter.
8-520.H. Warning Signs. Warning signs of avalanche danger shall be placed along roads and trails that are commonly traveled in winter where they cross avalanche paths characterized by high frequency of activity.
8-520.I. Artificial Release. Artificial release of avalanche by explosive control or artillery shall not be considered an acceptable mitigation technique for areas of potential human occupancy.

Note: Although similar guidelines may be useful for Northwest development, snow and avalanche conditions in the Northwest differ from those in Colorado. Different practices may be required, for instance, for the protection of utilities from wet snow or slab avalanches.

Source: Telluride Land Use Code, Article 8 Division 5, Part IV

Environmental Issues Commonly Faced in Shoreline MPRs

Resorts located in shoreline areas present multiple environmental concerns. Resorts may raise water quality issues related to potential water pollution from package sewage treatment plants, surface water runoff (especially if fertilizers and insecticides are used) boat holding tanks related to marinas and other sources. Destruction of habitat, including wetlands, riparian lands, and shellfish beds, may be a concern particularly following recent ESA listings for several types of salmon, steelhead, and bull trout. Beach erosion, sand dune encroachment, landslides on bluffs and coastal hazards, such as storm winds, flooding, or even tsunamis
may be issues. Resorts located on bodies of water may be highly visible for great distances, without careful siting and design controls. Motorized boats and personal water craft (jet skis) operated in some resort areas are raising water pollution, noise, and use conflict issues.

A number of examples of local jurisdiction shoreline and ESA-related regulations are available on MRSC’s web site at:

http://www.mrsc.org/subject/environment/shorelin.aspx
http://www.mrsc.org/subjects/environment/esa/esa-docs.aspx

San Juan County, WA specifically requires public shoreline access for MPR development:

**Shoreline Access - San Juan County, WA**

- Access to Shorelines – Common Easements. An MPR adjacent to water and subject to the jurisdiction of the Shoreline Master Program shall dedicate public access to the shoreline area as required by the Shoreline Master Program in Chapter 18.50
Suggestions for Addressing Other Common Concerns

As mentioned earlier, RCW 36.70A.360 contains the basic requirements that must be met prior to MPR approval. In addition, there are a number of concerns common to many resort developments because of their typically sensitive locations. The following sections discuss some additional concerns that counties should consider addressing in their MPR requirements. Examples of policies and regulations that address such concerns from other communities are also presented.

Wildlife Habitat and Corridors (or Room to Roam)

Most local jurisdictions have adopted development regulations to designate and protect critical areas, including fish and wildlife conservation areas, in response to Growth Management Act requirements. Despite these steps, the recent listing of several species of salmon, steelhead, and bull trout as endangered or threatened species has galvanized renewed concern about protecting valued fish and wildlife resources. The salmon listings follow in the wake of “an unprecedented spasm of species extinction and biodiversity loss,” particularly in states with high population growth (Beatley, 2000). Now Washington is facing the prospect that salmon – a beloved symbol of the bountiful resources in the Pacific Northwest - could be lost without adequate protection measures. In response to the listings, local governments must develop programs and regulations that protect listed species and promote recovery. The challenge will be to adopt measures that permit reasonable and necessary economic pursuits befitting rural areas while providing real protection for wildlife.

Any type of development could potentially displace wildlife habitat and disrupt wildlife movement. Because master planned resorts must be located outside of urban areas and in “settings of significant natural amenities,” they may be particularly likely to impact wildlife habitat and migration corridors. They are frequently located near national parks, shorelines, rivers, riparian lands and other open space lands that may be home to a diversity of wildlife. MPR developments also are typically large in area and involve more intensive development than surrounding rural and resource areas. As a result, local jurisdictions should be alert to potential impacts on wildlife in considering appropriate resort siting and development. Protection measures will be more effective and less costly to implement if they are in place before extensive project planning is underway.

There is an added economic incentive for resorts that plan for wildlife preservation. Wildlife can be a major attraction and economic boon to resort areas. Visitors to resorts in the Yellowstone/Jackson Hole areas of Wyoming have long been enchanted by wildlife viewing opportunities. Traffic comes quickly to a stand-still in Yellowstone when a moose or bear puts in an appearance! Early risers at Sun Mountain Resort in Deschutes County, OR may awaken to bird songs and be rewarded with a glimpse of deer or coyotes from a condominium deck. Some resorts directly cater to fishing, hunting, or other wildlife-based activities. Others may capitalize on the attraction of wildlife by offering nature walks, guided whale or bird watching activities, or similar opportunities, in addition to recreation facilities. Whether or not such activities are offered, resort visitors will likely appreciate a chance encounter with wildlife - a special experience not readily available in a more urban living environment.

Destruction of habitat (whether by land development, land clearing, agricultural or forestry activities, human presence or other cause) has become the most significant threat to species survival (Beatley, 2000). Buildings, roads, fences, culverts, and other obstructions to wildlife movement similarly threaten species that must range for food and other needs to survive (Duerksen, Elliot, Hobbs, Johnson & Miller, 1997).

The Washington Department of Fish and Wildlife provides this explanation of the importance of habitat:
“Habitat” is what plants and animals call ‘home.’ Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce, and other living and non-living factors. Salmon recovery projects, bald eagle protection activities, mule deer enhancement programs, and other similar management actions are, at their core, based on habitat considerations. Habitat is the key to fish and wildlife management.

Different species have different minimum habitat or home range size requirements, which also vary in size depending on the quality of the habitat. All species must travel to some extent within their home range, to meet basic life needs. “Home range” defines the amount of space an animal requires in a particular location to meet these basic needs, such as foraging for food and water, escaping predators and finding shelter (Peck, 1998). Many larger mammals, especially predators, must range over extensive areas to meet these daily needs. They are particularly quick to disappear when habitat is fragmented by development (Schwab, 1994).

Corridors that link open space areas are an important key to providing adequate range area for wildlife. Severed corridors have obvious, immediate consequences when species are cut off from food supplies. In addition, wildlife that is isolated and cut off from a larger range and pool of wildlife likely will weaken and decline over time with increased inbreeding and greater susceptibility to predation (Schwab, 1994). It is particularly critical to preserve a corridor when a resort lies in the path of a “gap” between parks, forests, and other pockets of protected areas that are home to wildlife. For instance, state and federal wildlife experts and conservation groups in Colorado opposed a proposal by Keystone Real Estate Development because of the potential impact on threatened lynx. U.S. Fish and Wildlife biologists described the corridor as the “last connecting sliver of forest” in a “nearly solid east-west wall of development” impeding wildlife movement in Summit County (Berwyn, 2001). The King County, WA design standards that follow on page 42 provide a good example of standards that promote linkage of habitat areas and open spaces.

Source: American Wildlands
http://www.wildlands.org/corridor/reserver.html

Development can also disrupt the balance of species. For instance, if larger predators disappear, the uncontrolled smaller predators might decimate a nesting bird population. Some types of species that adapt
well to human presence, such as squirrels or raccoons, often predominate in developed areas. An “alien” species (not native to an area) that is accidentally or purposely introduced to an area by people can edge out other species and reduce the diversity of species (Schwab, 1994). For instance, wildlife officials are now on alert to prevent introduction of the Mitten Crab (a stow-away transported on ships from Asia) to the Northwest. This crab has devastated stream ecosystems and threatened native fish in the San Francisco Bay area (Powell, 2002). Similarly, uncontrolled dogs or other pets may chase or otherwise disrupt wildlife.

Wildlife will be best served if wildlife protection strategies are incorporated into both comprehensive/area-wide planning and site planning for individual resorts. An American Planning Association report recommends that the following principles guide planning at “the landscape scale:”

1. Maintain large, intact patches of native vegetation by preventing fragmentation of those patches by development

2. Establish priorities for species protection and protect habitats that (support) those species

3. Protect rare landscape elements (such as wetlands, riparian zones, cliffs and old growth forest, especially those that support rare species). Guide development towards areas of landscape containing “common” features

4. Maintain connections among wildlife habitats by identifying and protecting corridors for movement. (identify “stepping stone” patches of vegetation that bridge gaps between the large intact patches, especially natural corridors such as river/riparian corridors)

5. Maintain significant ecological processes (such as fires and floods) in protected areas

6. Contribute to the regional significance of rare species by protecting some of their habitat locally

7. Balance the opportunity for recreation by the public with the needs of wildlife

The same report recommends these principles for conservation at the site planning and review stage:

1. Maintain buffers between areas dominated by human activities and core areas of wildlife habitat

2. Facilitate wildlife movement across areas dominated by human activities (connect open spaces in the development to other open spaces; minimize or design fencing to avoid obstruction to wildlife movement; locate roads away from corridors or provide alternatives for crossing busy roads...)

3. Minimize human contact with large native predators (prevent wildlife from associating food with people – control pets, garbage, food for domestic animals)

4. Control numbers of midsize predators, such as some pets and other species associated with human-dominated areas

5. Mimic features of the natural local landscape in developed areas (for instance, use native vegetation)

(Duerksen, Elliot, Hobbs, Johnson & Miller, 1997)
King County has adopted these development standards for protecting wildlife corridors:

**King County Wildlife Habitat and Corridor Standards**

21A.14.270 Wildlife habitat corridors - Design standards. Corridor design shall be reviewed by the department for consistency with the following standards:

A. The wildlife habitat corridor shall be sited on the property in order to meet the following conditions:
   1. Forms one contiguous tract that enters and exits the property at the points the designated wildlife habitat network crosses the property boundary;
   2. Maintains a width, wherever possible, of 300 feet. The network width shall not be less than 150 feet wide at any point;
   3. Be contiguous with and may include sensitive area tracts and their buffers; and

B. When feasible, the wildlife habitat corridor shall be sited on the property in order to meet the following conditions:
   1. Connect isolated sensitive areas or habitat; and
   2. Connect with wildlife habitat corridors, open space tracts or wooded areas on adjacent properties, if present.

C. The wildlife corridor tract shall be permanently marked consistent with the methods contained in K.C.C. 21A.24.160. Conservation easements are exempt from the permanent marking requirement.

D. A management plan for the wildlife corridor contained within a tract or tracts shall be prepared which specifies the permissible extent of recreation, forestry or other uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the department. The approved management plan for an urban planned development or subdivision shall be contained within and recorded with the covenants, conditions and restrictions (CCRs). If the wildlife corridor is contained in a conservation easement, a management plan is not required, but may be submitted to the department for review and approval, and recorded with the conservation easement.

E. Clearing within the wildlife corridor contained in a tract or tracts shall be limited to that allowed by the management plan. No clearing shall be allowed within a wildlife corridor contained within a conservation easement on individual lots, unless the property owner has an approved management plan.

F. A homeowners association or other entity capable of long term maintenance and operation shall be established to monitor and assure compliance with the management plan.

G. Wildlife corridors set aside in tracts or conservation easements shall meet the provisions in K.C.C. 16.82.150.

H. The permanent open space tract containing the wildlife corridor may be credited toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, provided the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife corridor tract shall be clearly identified in the management plan.

I. At the discretion of the director, these standards may be waived or reduced for public facilities such as schools, fire stations, parks, and public road projects. (Ord. 11621 § 53, 1994)

*Source: King County Code*
Multnomah County, OR has adopted fence design standards to allow the passage of wildlife:

**Multnomah County, OR Fence Design Standards**

New fences in deer and elk winter range
(1) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(2) New and replacement fences that are allowed in winter range shall comply with the guidelines in *Specifications for Structural Range Improvements* (Sanderson, et. al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:

(a) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

(b) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

(c) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

(d) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

(2) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

*Source: Columbia River Gorge National Scenic Area - Multnomah County (OR) Land Use Code §38.7065(F)*
Larimer County, CO has adopted the following wildlife protection standards including pet control, refuse disposal and restrictions on exterior lighting:

Larimer County, CO Wildlife Standards for Estes Valley

G. **Review Standards.** The following review standards shall apply to all development applications as specified, unless Staff determines that a specific standard may be waived pursuant to subsection F.5. above. It is the intent of this Section that these standards be applied in a flexible fashion to protect wildlife habitat and wildlife species in a cost-effective fashion.

1. **Review Standards.**
   a. Buffers. All development shall provide a setback from any identified important wildlife habitat area, as specified by the Division of Wildlife, to the maximum extent feasible.
   b. Non-Native Vegetation. There shall be no introduction of plant species that are not on the approved landscaping list in Appendix C on any site containing any important wildlife habitat area. To the maximum extent feasible, existing herbaceous and woody cover on the site shall be maintained and removal of native vegetation shall be minimized.
   c. Fencing.
      (1) No fencing on a site containing important wildlife habitat shall exceed forty (40) inches in height, except to the extent that such fencing is approved by Staff to confine permitted domestic animals or to protect permitted ornamental landscaping or gardens.
      (2) Fences higher than forty (40) inches may be allowed if adequate openings are provided for the passage of deer, elk or other identified wildlife. These openings shall be at least six (6) feet wide and spaced a maximum of fifty (50) feet apart along continuous fence lines exceeding this length.
      (3) No fencing using barbed wire shall be allowed.
      (4) The type of fencing (materials, opacity, etc.) shall be determined by Staff or the Decision-Making Body as appropriate for the wildlife species on the site based on advice from the Colorado Division of Wildlife.
   d. Exterior Lighting. Use of exterior lighting shall be minimized in areas of important wildlife habitat, and lighting shall be designed so that it does not spill over or onto such critical habitat. See also §7.9 below.
   e. Refuse Disposal. Developments on sites containing important wildlife habitat, such as black bear, must use approved animal-proof refuse disposal containers.
   f. Domestic Animals. Development applications for property that includes important wildlife habitat must include a plan with specified enforcement measures for the control of domestic animals and household pets. The plan must include provisions to prevent the harassment, disturbance and killing of wildlife and to prevent the destruction of important wildlife habitat.

Note: Larimer County limits fence height to generally allow passage of wildlife between properties. However, high fences may be appropriate to prevent wildlife from crossing highways in unsafe areas, and to direct them to safer crossings, such as the wildlife underpasses used in Florida and on the Trans-Canadian Highway.

*Source: Chapter 7, §7.8(G)(1)Estes Valley Development Code, Larimer County, CO*
Wildfire Prevention

Wildfires have grabbed headlines in recent years as they threaten developments that have pushed up against remote forested lands. The first year of the millennium (if you believe that the year 2000 is the first year) proved to be the worst in 50 years for wildfires, with over 8 million acres burned (National Interagency Fire Center). That same year, wildfires captured public and Congressional attention, particularly as 47,000 acres burned out of control in Los Alamos County, threatening the Los Alamos National Laboratory for nuclear research (Webb and Carpenter, 2001). Closer to home, in 2001, four firefighters lost their lives battling a human-caused blaze in Okanogan County, WA. In 2002, massive fires threatened and destroyed homes in developments interfacing with forest lands in Colorado, Arizona, Idaho, Oregon, Washington and other states. One Arizona fire burned approximately 468,000 acres and destroyed 467 homes (Klug, 2002). A fire in Oregon destroyed two homes and forced the evacuation of 5000 residents in the Black Butte Ranch Resort (Statesman Journal, 2002).

Master planned resorts, which must locate in areas of “significant natural amenities,” often seek sites near major national parks, recreation areas, national forest lands or other public lands. These lands are typically forested or otherwise heavily vegetated. Because people cause many wildfires, resorts located in close proximity to forests can increase the potential for wildfires. Wildfires occur naturally, without human presence, when started by lightening or other natural causes. They can be renewing for the forest, cleansing it of undergrowth, dead or diseased trees and debris. Fires also increase biodiversity as new species have the opportunity to grow. Human intervention alters these natural processes. Past suppression of fires has allowed debris (fuel) to build on the forest floor, which provides fodder for even larger fires, if they get out of control. When development interfaces with forested areas, the potential for expensive property damage and loss of life raises the stakes - it becomes difficult to allow the type of natural or prescribed (controlled) burns that cleanse the forests.

Counties that permit MPRs have an interest in conserving forest resources and minimizing interference with forestry management and practices. At the same time, county officials will want to protect MPRs (and other development) from wildfire hazard. Careful siting of MPRs, regulations addressing activities, building materials, access, fire flows (water capacity available to suppress fires), and “defensible space” can do much to limit wildfire hazard and potential damage. Defensible space requirements are directed at keeping combustible materials (including the forest edge) away from homes/structures. Several fire codes prepared by international professional associations are specifically directed at reducing wildfire hazard and can provide a basis for local regulations. Yakima County, WA has adopted the Urban-Wildland Interface Code (with some amendments) that is published by the International Fire Code Institute, for instance. (Information about the International Fire Code Institute code is available at http://www.icbo.org/wsnsa.dll/prodshow.html?prodid=UWIS2K&stateInfo=dbcgjlcjGTjhbNe3 5115). Clark County, WA has incorporated the National Fire Protection Association (NFPA) No. 299 – “Standard for Protection of Life and Property from Wildfire” into its code, and also mapped wildland urban interface/intermix areas where the standards will be applied. (Information about the NFPA code is available at http://www.nfpa.org/catalog/product.asp?pid=29997&src=nfpa).
Note that in other materials the Federal Emergency Management Agency recommends a greater separation of 100 feet between stacked firewood and a residence, preferably located uphill of the residence. FEMA’s defensible space recommended practices may be found at (http://www.fema.gov/mit/wfmit.htm). The Washington Department of Natural Resources (http://www.wa.gov/dnr/htdocs/rp/stewardship/bfs/) has an active backyard stewardship program and posts similar defensible space guidelines for homeowners on its web site.

Appendix G presents the “Fire Siting Standards Covenant” for development in wildfire hazard areas used in Douglas County, OR. The covenants address water supply, road access, building materials and defensible space. Appendix H contains a comprehensive ordinance from Pitkin County, CO that addresses access, fire hazard reduction and building standards.

**Employee and Affordable Housing**

Affordable housing is a problem common to many communities in the vicinity of major resorts. Len Harlig, a county commissioner at Blaine County, ID (home to Sun Valley Ski Resort) has been quoted as saying, “We have Rodeo Drive land prices and K-Mart wages here.” The housing affordability problem that Harlig and Ketchum, ID Mayor Guy Coles face is “a problem that bedevils upscale ski resorts around the West: People can’t afford to live where they work” (Jones, 2001). People in nearby communities that staff schools, hospitals, fire stations, government offices and businesses are among those finding it increasingly difficult to live near their work. Such communities often experience an influx of people attracted by resort job opportunities and/or recreational opportunities. Prospective resort employees may compete with local
residents for limited affordable housing, particularly if the resort is not providing housing for most of its employees. More affluent buyers, seeking to buy property near recreation facilities, have pushed up property values and housing costs in areas within driving distance of resorts. For example, the median price of a single-family home made news when it reached $1,846,217 in Aspen/Snowmass and $2,257,544 in Aspen in 1997. A condominium (median price) costs a mere $397,808 in Aspen that same year (Clarion Associates, 2000). The average price for a single-family house in Jackson, WY (near Jackson Hole and Snow King ski areas and Grand Teton National Park) is now $460,000, according to Jackson Senior Planner Tyler Sinclair (2002).

When housing costs greatly outpace wages, some local workers will seek housing in more affordable outlying areas. The greater distances require longer commutes and contribute to greater traffic congestion. For instance, only 35 percent of the people who work in Vail live in Vail. Many are now commuting from towns such as Gypsum and Eagle, 30 to 45 miles away (Salvesen, 1998). Similarly, only 20 percent of those who work in Snowmass, CO live in Snowmass, and 35 percent of those who work in Aspen, CO live in Aspen. Many of Aspen’s workers commute similar distances (Healthy Mountain Communities, 1998). As an alternative to a long commute, local workers may pay a painfully high percentage of what may be a modest income for housing.

Unquestionably, these pressures on housing result from the combined attractions of these areas, especially in areas near popular national parks or recreation areas. Yet resorts that offer recreational facilities can be expected to contribute to upward pressures on housing costs. This is especially true when they offer recreational opportunities that attract more people than just those staying at the resort.

In Washington, MPR development must include restrictions that prevent new urban and suburban development in the vicinity. Washington MPRs are to be self-contained, meeting most needs of resort visitors on site. Even so, a report prepared for San Juan County indicates that without proper planning, increasing housing costs could be on the horizon for the areas with significant natural amenities (Mann, 2000). Cities and towns, as well as unincorporated rural areas within striking distance of a resort, often experience increased housing demand. Affluent buyers in Aspen (Pitkin County, CO), Jackson Hole (Teton County, WY) and similar resort areas have not hesitated to buy larger rural-zoned parcels to be near high amenity areas. Although 20 and 40 acre parcels may be considered rural rather than suburban in size, the “ranchettes” and “martini farms” purchased by affluent buyers can still push up land costs.

The affordability problem can be expected to grow, if not addressed up front. Julie Ann Woods, Aspen Planning Director, notes that, despite high average housing costs, Aspen had 2000 units of affordable housing (some affordable to low, moderate and middle income residents) out of 5000 units. She believes that if Aspen had not put its aggressive affordable housing programs in place in 1978, before housing prices skyrocketed, Aspen wouldn’t have the affordable housing inventory the city has today (Woods, 2002).

Aspen uses a multi-pronged approach to expand the employee and affordable housing stock. Commercial developments must provide housing for 60 percent of the employees the business will generate, generally on the same site as the business. In addition, 60 percent of the bedrooms in any residential subdivision approved under Aspen’s growth management regulations must be in units that are restricted to affordable housing. Aspen has designated an “Affordable Housing Zone District” where a housing mix of 70 percent affordable housing to 30 percent free market units is required. Aspen also established a housing fund with revenues from a real estate transfer tax to directly provide affordable units (Aspen/Pitkin County Housing Authority Guidelines). While these “inclusionary” percentage requirements may seem high, the extreme pressures on housing affordability in this resort community have made drastic measures necessary to attract employees.
The Town of Jackson, WY (home to Snow King Resort and a short distance from Jackson Hole Ski Resort) requires most non-residential development to provide employee housing according to a formula of expected employee generation. Rent may not exceed 30 percent of an employee’s gross wages. The housing must be provided on-site, or within one-fourth mile of the development. Existing housing stock may not be used to meet the requirement. To address the more widespread affordability problem, Jackson requires that 15 percent of all residential development consist of affordable housing. (The number of occupants of affordable units must be 15 percent of the total occupants of the development.) However, according to Jackson planner Tyler Sinclair, the requirement is not enough to provide affordable housing demand related to each individual development, let alone affordable housing to meet the backlog of demand (Sinclair, 2002).

The private, nonprofit Jackson Hole Community Housing Trust also constructs and sells affordable housing but retains ownership of the land. Buyers sign a 99-year ground lease, (acceptable to lenders) and the Trust writes down the price of the land when the house is sold. The Trust retains first right of refusal to control resale price rather than relying on a deed restriction (Salvesen, 1998).

(See Appendix I for Jackson Employee Housing Standards, including amount of employee housing required by type of land use.)

Summit County, CO is home to Arapaho Basin, Breckenridge, Copper Mountain and Keystone ski resorts. Summit County requires that ski areas provide for employee housing as stated in the planned unit development approval for the particular resort. As an example, the Copper Mountain PUD was approved with the requirement that the resort provide employee housing for 40 percent of the number of its basic employees and 60 percent of the number of its seasonal employees during the peak season (Copper Mountain Planned Unit Development Designation, 1993).

Kittitas County, WA is requiring that the Trendwest MountainStar Resort developers prepare semi-annual housing monitoring reports to consider housing vacancy rates, housing costs, land availability and other housing and demographic information. The resort owners must directly provide housing to mitigate impacts related to the resort development, to the extent that the private market is not providing it. The following conditions describe the resort’s obligations to provide such housing:
**Kittitas County Housing Conditions**

C-60 Housing Production. To the extent that such housing is not produced in a timely manner by private housing developers, and using the tools identified in Condition No. C-61, Trendwest shall directly provide, as necessary, the amount, type and cost of housing necessary to mitigate direct impacts associated with MPR operations and construction employment. If the supply of new housing, as identified in the monitoring program, lags behind anticipated need – as identified in the Final EIS, or in future adjustments of the data in the EIS – then the applicant shall develop, directly or through joint venture, or will cause to be developed, sufficient housing to meet the anticipated need. This housing may be provided on-site or off-site, as permitted by Kittitas County Comprehensive Plan policies.

C-61 The applicant shall prepare and implement a program providing incentives designed to facilitate the planning, financing and development of housing to meet needs created by the MPR. The program shall be developed with input from the county and nearby cities, and shall be submitted to Kittitas County concurrent with submittal of an initial application for development of the MPR. The housing program shall consider and propose one or more of the following elements, as necessary to meet demand:

(a) low interest loans to employees (subject to credit and employment criteria), guarantees of leases for an agreed-upon percentage of multi-family units built by local developers, and land subordination for construction loans obtained by local builders;

(b) financial and other support for ongoing planning in local jurisdictions to encourage sufficient, well-planned and designed housing, including support for design guidelines for new housing that is consistent with local character.

(c) identification of sites on the MPR property that could be used on an interim basis for RV units for construction workers. Such area(s) shall be adequately separated and screened from adjacent neighborhoods.

(d) master leasing of existing local RV spaces for MPR construction workers;

(e) issuance of requests for proposals (RFPs) to builders offering incentives (such as construction loan guarantees, master lease agreements for blocks of units and/or participation in land purchases);

(f) preparation and dissemination of market studies, to help identify the market for local housing production;

(g) creation of a centralized clearinghouse of information about land supply and demand in the local area, local permitting requirements and similar information.

(h) appointment of a housing coordinator/manager, to provide housing information to employees and coordinate housing programs with local governments, builders, non-profit organizations and financial institutions. The housing coordinator/manager could also coordinate with the Kittitas County Action Council and Kittitas County Housing Authority to support below-market-rate housing programs and explore the availability of subsidies for low income housing.

*Source: Kittitas County Ordinance 2000-15, Exhibit D*
Open Space and Scenic View Protection

If resorts are to “match the grandeur of their settings,” resort developers must begin by taking careful stock of the area’s special attractions and character. They must then develop in a manner that blends with and showcases the special setting, rather than disrupting the very features that attract visitors to the area. Although a resort may provide world class recreational facilities, its unique setting and matching character is what sets it apart from other resorts with quality facilities. Resorts that work against their setting by siting jarring development along highly visible ridges or by blocking water views risk diminishing their potential appeal. In reviewing a proposed resort, local officials should evaluate how well the resort incorporates local character and capitalizes on its setting. A good fit between a resort and its setting will be an important determinant in the resort’s ultimate success and its benefit to the community.

A number of communities encourage clustered development and require significant blocks of open space to enhance resort development. For instance, Pierce County requires that 30 percent of an MPR site be retained in open space, with 50 percent of that area left in passive open space. Douglas County, WA requires a minimum of 40 percent open space and Okanogan County, WA requires their destination resorts to maintain a minimum of 60 percent of the resort site in open space. The value of open spaces can be greatly enhanced by connecting them into larger systems of open space. The King County wildlife habitat corridor standards described in the wildlife section of this publication illustrate standards that encourage linkage of individual habitat areas and open spaces.

Other communities have adopted view protection measures to preserve views of area-defining natural features and landmarks. Vail, CO precisely defines view corridors of regionally important features such as the Gore Range, ski slopes, and the town center’s clock tower. Structures constructed within these corridors may not obstruct views of these features along such corridors. Some codes focus on protecting views seen from important public viewpoints or scenic roads. Many other jurisdictions focus on design standards to assure that new resort development is visually subordinate to its natural setting. Landscaping and screening standards can also help to assure that resort structures and facilities do not overwhelm surrounding rural uses.
The following excerpts from the Douglas County Code (WA) address MPR cluster development and open spaces:

**Douglas County (WA) Clustering and Open Space Guidelines**

§18.74.080 Design standards.

A. An MPR shall seek to blend the site development and architecture with the natural character and features of the land, including topography, vegetation, geology, slope, soils, natural resource environment, and cultural/historic resources of the area.

B. At least sixty percent of the developed portion of the MPR shall be designed in a manner which emphasizes cluster developments. Site design shall consider the location of productive agriculture resources and natural characteristics of the landscape.

§18.74.090 Preservation of common and private open space.

A. All designated open space shall be preserved in perpetuity for that purpose established in this chapter. Appropriate land use restrictions shall be contained in all deeds to ensure that the open space is permanently preserved. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of open space for other uses not designated at initial MPR approval. No common open space may be altered or put to a change in use in a way inconsistent with this chapter or the final development plan unless the final development plan is first amended. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the common open space, and all rights to enhance these covenants against any use permitted are expressly reserved.

B. Common Open Space. The developer shall choose one or a combination of the following methods of administering common open space:

1. An association of owners formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt articles of incorporation of association and bylaws. The association shall adopt in form acceptable to the prosecuting attorney, covenants and restrictions that ensure the preservation of the common open space and perpetual maintenance of all common open space;

2. A public agency which agrees to accept a dedication of and maintain the common open space and any buildings, structures, or other improvements which have been placed on it for the use and benefit of the general public; or

3. A private nonprofit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the director. Such an entity shall have the authority and responsibility for the maintenance and protection of the common open space and all improvements located in the open space. (Ord. TLS 97-10-71B Exh. F (part))

Kittitas County, WA adopted the following conditions in approving the MountainStar Resort application to assure that the development maintains open space values important to the county:
Open Space Conditions for MountainStar Resort – Kittitas County, WA

A-4 Open space lands within the MPR shall at a minimum include the following identified in the MountainStar EIS: Natural and Managed Lands that are retained in a substantially undeveloped state, which may include forested lands that are managed for habitat (approximately 2,700 acres); Perimeter Buffers around the perimeter of the NOR site (approximately 250 acres); Internal Buffers within the MPR site (approximately 1,300 acres); and Golf Courses (approximately 300 acres). Open space lands shall be segregated from other lands and shall be subject to a deed restriction, conservation easement or other mechanism ensuring permanent maintenance as open space. Prior to approval of the first site development plan for a phase or subphase, the applicant shall create one or more legal entities (e.g., conservation trust, homeowners associations or Trendwest management entity) which shall be responsible for maintaining open space lands on the site for their intended purpose.

A-5 Open space lands shall be managed to buffer sensitive environments from intensive development or activities; to retain and restore native plant communities and to maintain and enhance habitat; and, for developed areas, to provide an aesthetically pleasing landscape, provide habitat connections, and minimize risk of fire.

To document and achieve these landscape planning objectives, Trendwest will finalize and submit to the County for approval the existing conceptual Land Stewardship Plan and a Noxious Weed Plan for the entire MPR site prior to any construction and/or land clearing activities for the first phase or subphase of MPR development. An amendment to the Land Stewardship Plan and Noxious Weed Plan shall be submitted to the County for approval with a general site plan or site development plan for any phase or subphase of MPR development if the general site plan or site development plan is inconsistent with such Land Stewardship Plan and/or Noxious Weed Plan. Such amendments shall demonstrate how the goals and policies of the Land Stewardship Plan and Noxious Weed Plan will be implemented for the developed area in the phase or subphase of MPR development covered in the general site plan or site development plan.

The Land Stewardship Plan shall include and follow the Department of Natural Resources Backyard Stewardship Program, (Eastern Washington Type) as a model of fire prevention in the interface as a proven working program. The contents of the plan shall be as described in Plants & Animals Conditions B-23 and B-29.

A-6 Open space lands shall be retained in a substantially undeveloped state. Development which may occur shall be limited to recreational trails, golf courses, roads and utility facilities required to meet the needs of the MPR.

A-7 Lands within the geomorphic floodplain of the Cle Elum River shall remain undeveloped, except as provided herein, and shall protect the resources values and natural functions of the shoreline area. Clearing and disturbance shall be minimized. The following proposed activities may be permitted in the geomorphic floodplain, subject to submittal of appropriate development applications: non-motorized pervious trails, utilities, including a water intake, and a bridge and associated roads spanning the Cle Elum River. Additional recreational facilities beyond those identified in the Final EIS, if any, shall be consistent with the Shoreline Master Program and other applicable regulations. Appropriate environmental review, or confirmation that adequate environmental analysis is contained in the MountainStar EIS, shall be conducted for any facilities located within the floodplain and all necessary permits will be obtained by the applicant.

Source: Exhibit A, Kittitas County (WA) Ordinance No. 2000-15
Multnomah County, OR has identified key viewing areas within the Columbia River Gorge National Scenic Area and applies development guidelines to preserve views from these viewpoints.

Multnomah County, OR Scenic Area Guidelines

§11.15.3816 SMA Scenic Review Criteria
The following scenic review standards shall apply to all Review Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

A. All Uses Under Prescribed Conditions and Conditional Uses:
   1. Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Area.
   2. Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.
   3. Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.
   4. Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.
   5. Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.
   6. Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.
   7. Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.
   8. Reflectivity of structures and site improvements shall be minimized.
   9. Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management should enhance views out from the highway (vista clearing, planting, etc.).
   10. Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.

Source: Multnomah County (OR) Zoning Code
San Miguel County, CO applies these design guidelines within its scenic areas. Similar guidelines could readily serve to guide resort development in scenic settings:

**San Miguel County, CO Scenic Foreground Overlay and Scenic View Plane District Standards**

5-316 C. Development Standards - Subject to Planning Commission Review Development within the SFO and SVP Zone District shall generally comply with the standards in this Section and shall be subject to review by the Planning Commission. Compliance with every standard is not required, but developments shall comply with the cumulative intent of these standards:

I. Utilize existing topography such as dry ridges and hills to screen buildings to the maximum extent possible from the State or County road system.
II. Design developments to complement the natural topography of the land, whenever possible and appropriate.
III. Utilize innovative architectural techniques such as earth sheltered design and clustering of structures in the least visible portion of the site.
IV. Design structure height and bulk to avoid to the maximum extent possible visibility from the State and County road systems.
V. Avoid locating uses on the highest ground or most visible sites from the State and County road systems.
VI. Locate development outside of the SFO and/or SVP Zone District, or on a suitable site with the least possible visual impact on the State and County road systems.
VII. Avoid development within wetland and wildlife habitat areas.
VIII. Shield exterior lighting to prevent direct visibility of light bulbs from offsite. All exterior lighting shall be directed toward either the ground or the surface of a building. High-intensity sodium-vapor and similar lighting shall be prohibited;
IX. Utilize landforms and earth moving to complement and enhance development rather than as primary devices for screening development from the State and County road systems.
X. Cluster development outside the SFO and/or SVP Zone District to minimize visual impacts.

*Source: San Miguel County (CO) Land Use Code*

**Buffers**

Resorts are essentially enclaves of more intensive development in the midst of lower intensity rural areas. Because resort activities and uses are so different from typical rural activities and uses, compatibility issues need to be addressed. Resort short-term accommodations are generally higher density with greater turnover than other rural development. Resorts typically include lodging, recreation facilities, conference facilities, and retail and other commercial services that generate traffic, noise, human presence and other impacts. These impacts potentially can disrupt peaceful rural living or resource operations. Conversely, some nearby rural residential areas may interrupt scenic vistas. Also, the sights, smells and sounds of adjacent farms and forestry operations may be distasteful to resort guests.

If the conflicts between uses can not be adequately addressed on a given site, a new location may be the best answer. However, because master planned resorts ideally involve clustered development on large sites, the opportunity exists to buffer resort uses and activities from surrounding uses. Critical areas may also need to be buffered from human intrusion. Structures, other improvements and activities can be sited and designed to minimize conflicts between rural and resort uses. Setbacks or other treatment at the resort’s perimeter can
Douglas County, WA requires a substantial perimeter buffer, but builds some flexibility into its code:

**Douglas County, WA Setback and Buffer Requirements**

B. Yard, Setback, Lot and Width Requirements. The minimum lot area, yards and setbacks, lot width, building heights and road standards otherwise applying to the underlying zoning district may be modified from the standards of the underlying zoning district, provided:

1. All buildings or structures shall have a minimum yard area and setback of one thousand feet from the perimeter boundary of the MPR or shall be physically and visually separated from external roads, except as follows:
   a. This provision shall not apply when an MPR is adjacent to a shoreline or other significant, internal recreation amenity of the resort, or
   b. Substantial separation is achieved by natural features, elevation or topographical differences and other physical separation, as approved by the review authority.

G. Transition Buffer. A buffer shall be required when the MPR has greater density and/or intensity than that allowed in an adjacent zoning district and/or is located adjacent to an agricultural district and/or critical area. A combination of additional landscaping, fencing, increased setbacks or other alternatives which mitigate impacts to adjacent properties may be required.

*Source: Douglas County Code §18.74.070(B) & (G)*
Deschutes County, OR specifies different setbacks from the exterior MPR boundary related to the intensity of the use:

### Deschutes County, OR MPR Perimeter Setbacks

2. Exterior setbacks.
   a. Except as otherwise specified herein, all development (including structures, site-obscuring fences of over three feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:
      i. Three hundred fifty feet for commercial development including all associated parking areas;
      ii. Two hundred fifty feet for multi-family development and visitor-oriented accommodations (except for single-family residences) including all associated parking areas;
      iii. One hundred fifty feet for above-grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii);
      iv. One hundred feet for roads;
      v. Fifty feet for golf courses; and
      vi. Fifty feet for jogging trails and bike paths where they abut private developed lots and no setback for where they abut public roads and public lands.
   b. Notwithstanding DCC 18.113.060(G)(2)(a)(iii), above-grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.
   c. The setbacks of DCC 18.113.060 shall not apply to entry roadways and signs.

*Source: Deschutes County (OR) Code §18.113.060(G)(2)*

San Juan County uses a performance standard approach:

### San Juan County (WA) MPR Buffers

11. Open space and landscaped areas shall be designed as an integrated part of the MPR rather than as an isolated element. A landscaping plan shall be prepared consistent with the requirements of and incorporating the development standards of SJCC 18.60.160. A visual buffer shall be established along the perimeter, appropriate to the project, if required by the administrator. All significant trees within the project area and its buffer areas shall be retained whenever feasible.

13. MPR parking shall be screened from view from public rights-of-way.

*Source: San Juan County (WA) §19.60.190 (A)(11) & (13)*
Jefferson County, WA has specified special buffer requirements between new development in the existing Port Ludlow MPR and adjacent commercial forest districts:

### MPR/Resource Lands Buffers in Jefferson County

**Section 3.106 Commercial Forest Land Buffers:** New developments on property located adjacent to lands designated Commercial Forest are subject to the requirements of the County’s Forest Lands Ordinance No. 01-0121-97. Section 7.20(1) of the Forest Lands Ordinance allows modification of the standard 250’ setback from adjacent commercial forest lands. Within the MPR-SF zone, the following limitations shall apply to any agreement to modify the standard buffer or setback requirement for development adjacent to Commercial Forest land.

1. An average setback of at least 200’ shall be maintained.
2. Critical areas and critical area setbacks or buffers shall not be included in the calculation or areas used to establish the 200’ average setback distance.
3. A minimum setback of 150’ shall be maintained.
4. Natural vegetation and forested areas shall be maintained in a native state, but may be managed to ensure healthy reforestation and avoid hazards to life or property.
5. The boundaries of the buffer or setback area shall be visibly marked during and following development.
6. When established through a platting process, the buffer or setback area shall be designated on the face of the plat as a separate open space tract.

**3.108 Conceptual Site Plan Requirement:** Prior to preliminary plat approval in the south area designated on the Comprehensive Plan Land Use Map as requiring a “conceptual site plan,” a plan shall be submitted to the Department of Community Development showing a concept for development of the entire south area. The conceptual site plan shall illustrate at least one development option for the entire south area and shall at a minimum address required buffers, road layout, and potential phasing.

*Source: Jefferson County Ordinance No. 08-1004-1999*

### Light Trespass and Sky Glow

One of the potential rewards of leaving the city behind for a more natural setting is the opportunity to gaze at an intensely star-lit night sky. Many of us have fond memories of evenings we spent scrutinizing the sky for falling stars or constellations. In many of the places we live, we can no longer view the full wonder of the night sky because of excessive, competing light radiating from developed areas. Some of us also have observed the startling glow of a distance city from a remote, high viewpoint at night. This “sky glow” both washes out our view of the stars and diminishes our enjoyment of a natural setting. In recent years, many communities have begun to adopt ordinances to address sky glow in addition to light trespass beyond property boundaries. The original impetus of these ordinances came from amateur and professional sky watchers. The best of these ordinances continue to recognize the need for adequate lighting for visibility and security. However, the new emphasis is to direct lighting to illuminate only what needs to be seen rather than spread pools of light above and beyond the site. These ordinances also seek to eliminate the undesirable side effects of poorly designed lighting. In addition to the sky glow effect, intense, poorly directed lighting creates glare, which hampers vision. Also, the light shining into a neighbor’s window can interfere with a good night’s rest. Poorly designed lighting also wastes energy and money. For instance, much of the lighting directed upward onto a billboard will spill beyond the sign into the sky. Instead, a lesser amount of
downward-directed light can do the same job, with less spillover effect, and often less energy use. Lighting manufacturers now offer a variety of “full cut off” or “partially shielded” lighting fixtures that direct light where it is needed while preventing light spillover. Resorts can benefit from the ambiance of well-designed lighting and can preserve the enjoyment of a starry sky from the resort and surrounding natural areas. Definitions for the special terminology used in these examples can be found in the Ketchum, ID “Dark Sky Ordinance” in Appendix J.

Pierce County adopted the following condition in its approval of the Park Junction Master Planned Resort:

**Pierce County Outdoor Lighting Standards for Park Junction Master Planned Resort**

On-site lighting shall be oriented in a manner that will minimize glare and does not extend off-site. All lights more than 7 feet above the ground shall be cut-off or downward directional lighting. Lighting shall illuminate large areas with multiple, low-intensity light sources rather than single, high-intensity light sources. Light standards visible from SR 706 shall be ornamental pole lamps that approximate the Upper Nisqually Valley’s historical character and shall not exceed a height of 16 feet. Lighting of the golf course is not allowed. Street lights along SR 706 are not allowed.

Redmond, WA has adopted the following site lighting standards:

**Redmond, WA Outdoor Lighting Standards**

20D.40.25-060 Site Lighting.

(1) Intent.
   (a) To minimize the impacts of lighting on night skies throughout the City;
   (b) To reduce the general illumination of the sky in Redmond’s residential neighborhoods, in the Sammamish and Bear Creek Valleys, and over Lake Sammamish;
   (c) To reduce horizontal light glare and vertical light trespass from a development site onto adjacent residential and commercial development and onto natural features and sensitive areas;
   (d) To encourage the use of lighting in conjunction with other security methods to increase site safety;
   (e) Lighting should not be used to market or advertise. Lighting may be used to enhance building, landscaping, or site elements.

(2) Design Criteria.
   (a) Site lighting should not trespass onto adjacent uses, particularly residential uses.
   (b) Lighting should be provided at consistent levels with gradual transition to unlit areas. Avoid creating highly contrasting pools of light and dark areas which can be temporarily blinding.
   (c) Design lighting to enable users to identify a face 15 yards away, in order to reduce anonymity and to give the pedestrian the opportunity to choose another route.
   (d) Use pedestrian-scaled lighting where there is pedestrian activity.
   (e) Parking lot light fixtures shall be non-glare and mounted no more than 25 feet above the ground to minimize the impact onto adjacent properties. All fixtures over 15 feet in height shall be fitted with a full cut-off shield.
   (f) All building lights shall be directed onto the building itself or the ground immediately adjacent to it. The light emissions should not be visible above the roofline of the building. 

(Ord. 1993)

Source: Redmond Community Development Guide
Site Lighting Criteria (2)(a), (2)(c) and (2)(f) of this section.

Lighting should be sufficient for security and identification without allowing light trespass onto adjacent sites.

Source: Redmond Community Development Guide

Jackson, WY in general requires “total (full) cut off” light fixtures for outdoor lighting but has adopted the following standards for special lighting situations such as ball fields:

**Jackson WY Lighting Requirements for Recreational Facilities with Limited Hours of Operation**

B. **Exempt uses.** Because ball diamonds, playing fields, outdoor rinks, ski areas, tennis courts, and some commercial developments such as gas stations have unique requirements for nighttime visibility and may have limited hours of operation, they shall be exempted from the exterior lighting standards of Section 49370.A.1, Total Cut-Off Luminaires and Fixtures, if the following standards are met:

1. **Complies with requirements.** The proposed development meets all other requirements of these Land Development Regulations and the applicable standards as contained in the current edition of Illuminating Engineering Society of North America Lighting Handbook, as determined by the Planning Director. The Planning Director or applicant may refer detailed lighting plans for compliance with these provisions to the Town Council. (Ord. 623 § 1, 1999).

2. **Do not exceed maximum height.** Exterior light sources do not exceed a maximum post height of forty (40) feet, unless an alternative height is approved via issuance of a Conditional use permit pursuant to Section 5140, Conditional and Special Use.

3. **Luminaire shielded.** If the luminaire is shielded in either its orientation or by landscaping to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cut-off angle of ninety (90) degrees. The maximum permitted illumination at the nearest interior setback line for a principal residential structure shall not exceed one and one half (1.50) footcandles.

Source: Jackson Land Development Regulations, Article IV, Section 49370(B)
Appendix J contains a good example of a comprehensive “Dark Sky Ordinance” from Ketchum, ID.

EXAMPLES OF SOME COMMON LIGHTING FIXTURES

Source: New England Light Pollution Advisory Group (NELPAG)
and the International Dark-Sky Association, May 1995
Small-Scale Recreational or Tourist Uses

A county may choose to allow small-scale recreational or tourist uses (SSRTs) that rely on a rural location and setting, within rural areas. Many of the considerations, criteria and regulatory examples described in previous sections are relevant to small scale recreational and tourist uses. The Growth Management Act (GMA) provides only very general direction on how such uses should be controlled, if permitted in rural areas. Local jurisdictions are left with considerable flexibility for how these uses are regulated in rural areas.

Small-Scale Recreational or Tourist Uses are not Just Mini-MPRs

Small-scale recreational or tourist uses generally will involve a more limited investment and a smaller scale of development on an individual parcel. They are not intended to be mini-MPRs, but will more likely focus on offering one or several activities rather than a broad range of activities or services. They may be a “Ma & Pa” type operation, but they still must provide access to a high-quality recreational opportunity to be successful. They can include commercial but not permanent residential uses. Washington has numerous examples of rural-based, small-scale recreational or tourist uses. The Washington State Department of Community Trade & Economic Development offers some examples of such uses.

Examples of the intensification of development on lots containing small-scale recreational or tourist uses that depend on a rural location and setting might include:

- Adding a restaurant to an herb farm and nursery;
- Building a club house for a golf course, but no residences (arguably may not be dependent on a rural setting);
- Operating a bed and breakfast in a farmhouse; or
- Converting a barn into an antique shop.

Examples of new development of small-scale recreational or tourist uses that depend on a rural location and setting might include:

- River rafting is a small-scale recreational business that may be appropriate in rural areas;
- Overnight camping facilities;
- Overnight accommodations (in addition to campgrounds) that are rural in scale, such as cabins and cottages;
- River access and associated activities, such as swimming, boating, windsurfing, fishing, and picnicking;
- Guided river rafting;
- Cross-country ski rentals in nearby foothills; and
- Commercial uses (such as restaurants) if they are part of the recreational or tourist use.
Master Planned Resorts "Washington Style"

(Source: *Keeping the Rural Vision: Protecting Rural Character & Planning of Rural Development*, CTED, 1999)

**GMA and Growth Management Hearing Board Direction for SSRTs**

SSRTs are one of the categories of limited areas of more intensive development (LAMIRD) allowed as an exception within rural areas as provided in RCW 36.70A.070(5)(d)(ii). Such development may involve: 1) intensification of development on lots already containing SSRTs; and/or 2) creation of limited new SSRT development. The SSRTs may include commercial development to serve recreational or tourist uses, but may not contain new residential development. (This does not appear to exclude overnight lodging or short term visitor accommodations.) Public services and facilities must be limited to those needed to serve the SSRT and must be provided in a manner that does not permit low-density sprawl. Unlike other rural uses, SSRTs need not be designed to serve only rural residents but instead are intended to cater to tourist and recreational demand. A county may only permit those small-scale recreational or tourist uses that rely on a rural location and setting within its rural areas.

Although several growth management hearings board cases address limited areas of more intensive rural development, only a few address SSRT issues. A Western Washington Growth Management Hearings Board case offers some insights into the interpretation of RCW 37.70A.070(5)(d)(ii): (*City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c, Final Decision and Order, (February 6, 2001). While some of the other types of limited areas of more intensive rural development are to be contained by designating "logical outer boundaries" of existing development, the SSRTs are “defined and bounded by (the) lots” on which the approved development already exists or where new development is permitted.

The Western Washington Board also noted that SSRTs are subject to the general rural element requirements of RCW 36.70A.070(5)(a), (b), and (c) and to GMA definitions in RCW 36.70A.030(14) (regarding “rural character”) and (15) (regarding “rural development”). Of particular interest, a county allowing SSRTs must adopt measures:

1. Containing or otherwise controlling (in this case, more intensive) rural development;
2. Ensuring visual compatibility of (more intensive) rural development with the surrounding rural area;
3. Reducing the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area;
4. Protecting critical areas, as provided in RCW 36.70A.060, and surface and ground water resources; and;
5. Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

The Western Board suggests that SSRTs and other LAMIRDs should not destroy the overall rural character of surrounding rural areas. Recreational/Tourist uses in rural areas should not dominate the rural landscape. Instead, they should be of compatible scale and incorporate elements of rural character or otherwise achieve compatibility with neighboring rural uses. Rural character is defined in RCW 36.70A.030(14), as follows:

14. "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:
   a. In which open space, the natural landscape, and vegetation predominate over the built environment;
(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
(c) That provide visual landscapes that are traditionally found in rural areas and communities;
(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
(f) That generally do not require the extension of urban governmental services; and
(g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

The Western Board also notes that LAMIRDS, including small-scale resort developments, must be identified in the county’s comprehensive plan rather than only at the interim urban growth area or development regulation stage (*Smith v. Lewis*, WWGMHB Case No. 98-2-0011c, FDO, 4/5/99).

As the terminology “small-scale” implies, SSRTs are considerably more limited developments than master planned resorts. *Smith v. Lewis* and other LAMIRD cases stress minimization and containment of LAMIRDs. The Eastern Board notes that areas of more intensive rural development are not “mini-UGAs” or a rural substitute for UGAs – again they must be minimized and contained (*James A. Whitaker v. Grant County*, EWGMHB Case No. 99-1-0016, FDO, 5/19/00; *City of Moses Lake v. Grant County*, EWGMHB Case No. 99-1-0016, Order on Respondent’s Motion for Reconsideration, 8/7/00). A number of other hearing board cases have suggested that LAMIRDs in general must be “minimized and contained.” (See also *Dawes v. Mason County*; WWGMHB No. 96-2-0023, CO, 1/14/99).

**Many Considerations/Regulations Applicable to MPRs Also Apply to SSRTs**

As mentioned, many of the considerations, criteria and regulatory examples described in previous sections are relevant to small scale recreational and tourist uses when adjusted for the smaller scale of SSRTs. Most of the considerations in deciding whether to permit SSRTs are similar to the considerations important in deciding whether an MPR should be allowed. County decision-makers should be satisfied that the SSRT will be a clear benefit to the county, compatible with county goals for rural areas and an economically viable project. The sections of this guidebook related to mitigating on- and off-site infrastructure impacts are also relevant to SSRTs. Measures to limit wildfire hazard and control sky glow and light trespass apply equally to MPRs and SSRTs, although again on a smaller scale.

Similar to MRPs, SSRTs should not be located so as to impact critical areas, disrupt wildlife corridors or interrupt important rural open spaces and views from public places. SSRTs should also be sited and/or designed to assure that they do not interfere with neighboring rural and resource uses.

**Examples of SSRT Guiding Policy and Regulation**

Jefferson County, WA has adopted useful goals and policies to guide and contain SSRT development found in Appendix K.
Josephine County, OR has adopted the following siting requirements for “recreation resorts” (smaller than MPRs, but somewhat different from SSRTs):

### Josephine County, OR Siting Requirements for Recreation Resorts and for Campgrounds, RV Parks & Lodges

#### 97.040 - SITING REQUIREMENTS (Recreation Resorts)

A. Structures and high intensity recreational facilities shall not be located less than 200 feet from any exterior lot line.

B. The character of the neighborhood shall be maintained through site buffering or other methods to keep the appearance of the Recreation Resort compatible with uses in the neighborhood.

C. Any change of use of facilities or construction of additional facilities shall be subject to approval by the Planning Commission in the same manner as the original development.

#### 98.020 - SITING STANDARDS (Campgrounds, RV Parks & Lodges)

Campgrounds, recreational vehicle parks, lodges and conference grounds shall demonstrate the development meets all of the following special siting requirements:

A. The development shall not be located within or adjacent to any area identified in the Comprehensive Plan for Josephine County as a natural area or potential research natural area where the development would result in damage or overuse of the natural area;

B. The development shall not be located in or adjacent to an area of known valuable mineral deposits where the development would restrict development of the mineral resource, unless the area has been withdrawn from mineral entry;

C. The development site is not suited for continued resource management, and that the proposed development is compatible with adjacent resource uses;

D. The development meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan;

E. The development abuts a maintained state or county road. The proposal may abut a federal road where the applicant has proof of a long-term access agreement for the proposed use from the appropriate federal agency.

*Source: Josephine County Rural Development Code*
Conclusion

Many of the resource-based industries that have traditionally provided jobs and income to rural residents have cut jobs or closed up shop altogether. Concerned county officials are under pressure to attract substitute sources of income, employment and tax base to revive their communities. In response to these needs, the legislature amended the Growth Management Act in 1997 to offer greater flexibility for new uses, services, and economic opportunities in rural areas. Master planned resorts and small-scale recreational or tourist uses are among the new uses that counties may choose to permit within rural areas. Many of Washington’s rural areas offer magnificent scenic settings and natural amenities with potential to attract tourists and recreational enthusiasts. Master planned resorts and small-scale recreational or tourist uses offer a potential “shot in the arm” for counties with depressed economies. However, these uses can contrast greatly in scale and nature from traditional rural uses and activities. As a result, they can bring changes to the economic, social or environmental character of surrounding rural areas. The changes will not be welcomed by all existing residents, and, in fact, they may not all be desirable changes.

Each county will need to weigh whether MPRs offer net benefits to the county. MPRs may be appropriate in some counties and not in others. They should be permitted only if they are consistent with the GMA and further the county’s priority goals for its rural areas. If the county decides to permit MPRs and/or SSRT uses, the challenge will be to guide the development in a manner that limits undesirable effects on existing infrastructure, sensitive critical areas, resource uses, and rural uses and character. Carefully considered criteria and standards, such as those presented in this publication, will help a county to guide recreational development for maximum benefit to the county.

To be successful and beneficial to the county, an MPR must offer something very special. The county must be satisfied that the MPR location qualifies as “a setting of significant natural amenities.” The MPR also must offer a package of high quality recreational opportunity and amenities capable of drawing visitors from distant places.

Careful planning and design are essential to attract visitors. They are also essential if an MPR is to fit within the context of the surrounding rural area. The MPR must not overwhelm surrounding rural character or interfere with neighboring resource operations. It must also be self contained and able to meet the daily needs of its guests to minimize conflicts and to harmonize with neighboring uses.

Small-scale recreational or tourist uses generally offer one or several activities rather than a broad range of activities or services. They are not intended to be mini-MPRs with a mix of uses and amenities. Even so, they too must offer a high-quality recreational opportunity to be successful. Although smaller in scale, they can be more intensive uses, and are certainly different than traditional rural uses. As a result, careful planning and design is essential to minimize conflicts with neighboring rural uses.

MPRs and SSRTs offer promising options for broadening economic and recreational opportunities in rural areas having special amenities, while respecting traditional rural character and economies.
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Appendix A

MPR Approval Criteria - Deschutes County, OR
18.113.070. Approval criteria.
In order to approve a destination resort, the Planning Director or Hearings Body shall find from substantial evidence in the record that:
A. The subject proposal is a destination resort as defined in DCC 18.040.030.
B. All standards established by DCC 18.113.060 are or will be met.
C. The economic analysis demonstrates that:
   1. The necessary financial resources are available for the applicant to undertake the development consistent with the minimum investment requirements established by DCC 18.113.
   2. Appropriate assurance has been submitted by lending institutions or other financial entities that the developer has or can reasonably obtain adequate financial support for the proposal once approved.
   3. The destination resort will provide a substantial financial contribution which positively benefits the local economy throughout the life of the entire project, considering changes in employment, demands for new or increased levels of public service, housing for employees and the effects of loss of resource land.
   4. The natural amenities of the site considered together with the identified developed recreation facilities to be provided with the resort, will constitute a primary attraction to visitors, based on the economic feasibility analysis.
D. Any negative impact on fish and wildlife resources will be completely mitigated so that there is no net loss or net degradation of the resource.
E. Important natural features, including but not limited to significant wetlands, riparian habitat, and landscape management corridors will be maintained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands will be maintained. Alterations to important natural features, including placement of structures, is allowed so long as the overall values of the feature are maintained.
F. The development will not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
G. Destination resort developments that significantly affect a transportation facility shall assure that the development is consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either:
   1. Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;
   2. Providing transportation facilities adequate to support the proposed development consistent with Oregon Administrative Rules chapter 660, Division 12; or
   3. Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.

A destination resort significantly affects a transportation facility if it would result in levels of travel or access that are inconsistent with the functional classification of a facility or would reduce the level of service of the facility below the minimum acceptable level identified in the relevant transportation system plan.

a. Where the option of providing transportation facilities is chosen, the applicant shall be required to improve impacted roads to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development as determined by the traffic study or the recommendations of the affected road authority.
b. Access within the project shall be adequate to serve the project in a safe and efficient manner for each phase of the project.

H. The development will not create the potential for natural hazards identified in the County Comprehensive Plan. No structure will be located on slopes exceeding 25 percent. A wildfire management plan will be implemented to ensure that wildfire hazards are minimized to the greatest extent practical and allow for safe evacuation. With the exception of the slope restriction of DCC 18.113.070, which shall apply to destination resorts in forest zones, wildfire management of destination resorts in forest zones shall be subject to the requirements of DCC 18.40.070, where applicable, as to each individual structure and dwelling.

I. Adequate public safety protection will be available through existing fire districts or will be provided onsite according to the specification of the state fire marshal. If the resort is located outside of an existing fire district the developer will provide for staffed structural fire protection services. Adequate public facilities to provide for necessary safety services such as police and fire will be provided on the site to serve the proposed development.

J. Streams and drainage. Unless otherwise agreed to in writing by the adjoining property owner(s), existing natural drainages on the site will not be changed in any manner which interferes with drainage patterns on adjoining property. All surface water drainage changes created by the development will be contained on site in a manner which meets all standards of the Oregon State Department of Environmental Quality (DEQ). The erosion control plan for the subject development will meet all standards of ORS 468.

K. Adequate water will be available for all proposed uses at the destination resort, based upon the water study and a proposed water conservation plan. Water use will not reduce the availability of water in the water impact areas identified in the water study considering existing uses and potential development previously approved in the affected area. Water sources shall not include any perched water table. Water shall only be taken from the regional aquifer. Where a perched water table is pierced to access the regional aquifer, the well must be sealed off from the perched water table.

L. The wastewater disposal plan includes beneficial use to the maximum extent practicable. Approval of the CMP shall be conditioned on applicant's making application to DEQ for a Water Pollution Control Facility (WPCF) permit consistent with such an approved wastewater disposal plan. Approval shall also be conditioned upon applicant's compliance with applicable Oregon Administrative Rules regarding beneficial use of waste water, as determined by DEQ. Applicant shall receive approval of a WPCF permit consistent with this provision prior to applying for approval for its Final Master Plan under DCC 18.113.

M. The resort will mitigate any demands it creates on publicly-owned recreational facilities on public lands in the surrounding area.

N. Site improvements will be located and designed to avoid or minimize adverse effects of the resort on the surrounding land uses. Measures to accomplish this may include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas and similar types of buffers; and setback of structures and other developments from adjacent land uses.

O. The resort will be served by an on-site sewage system approved by DEQ and a water system approved by the Oregon State Health Division except where connection to an existing public sewer or water system is allowed by the County Comprehensive Plan, such service will be provided to the resort.

P. The destination resort will not alter the character of the surrounding area in a manner that substantially limits, impairs or prevents permitted or conditional uses of surrounding properties.
Q. Commercial, cultural, entertainment or accessory uses provided as part of the destination resort will be contained within the development and will not be oriented to public highways adjacent to the property. Commercial, cultural and entertainment uses allowed within the destination resort will be incidental to the resort itself. As such, these ancillary uses will be permitted only at a scale suited to serve visitors to the resort.

The commercial uses permitted in the destination resort will be limited in type, location, number, dimensions and scale (both individually and cumulatively) to that necessary to serve the needs of resort visitors. A commercial use is necessary to serve the needs of visitors if:

1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to the resort, or the use is necessary for operation, maintenance or promotion of the destination resort; and
2. The use is oriented to the resort and is located away from or screened from highways or other major through roadways.

R. A plan exists to ensure a transfer of common areas, facilities such as sewer, water, streets and responsibility for police and fire protection to owners’ associations or similar groups if contemplated. If such transfer is not contemplated, the owner or responsible party shall be clearly designated. Adequate open space, facility maintenance and police and fire protection shall be ensured in perpetuity in a manner acceptable to the County.

S. Temporary structures will not be allowed unless approved as part of the CMP. Temporary structures will not be allowed for more than 18 months and will be subject to all use and site plan standards of DCC Title 18.

T. The open space management plan is sufficient to protect in perpetuity identified open space values.

U. A mechanism to ensure that individually-owned units counting toward the overnight lodging total remain available for rent for at least 45 weeks per calendar year through a central reservation and check-in service. Such a mechanism shall include all of the following:

1. Designation on the plat of which individually-owned units are to be considered to be overnight lodging as used in DCC 18.113;
2. Deed restrictions limiting use of such identified premises to overnight lodging purposes under DCC 18.113 for at least 45 weeks each year;
3. Inclusion in the CC&R’s of an irrevocable provision enforceable by the County limiting use of such identified units to overnight lodging purposes under DCC 18.113 for at least 45 weeks each year;
4. Inclusion of language in any rental contract between the owner of the unit and any central reservation and check-in service requiring that such units be made available as overnight lodging facilities under DCC 18.113 for at least 45 weeks each year; and
5. A requirement that each such unit be registered and a report be filed on each such unit yearly by the owner or central booking agent on January 1 with the Planning Division as to the following information:
   a. Who the owner or owners have been over the last year;
   b. How many nights out of the year the unit was available for rent through the central reservation and check-in service; and
   c. How many nights out of the year the unit was rented out as an overnight lodging facility under DCC 18.113.

(Ord. 92-032 § 1, 1992; Ord. 92-004 § 13, 1992)

Source: Deschutes County Code, §18.113.070
Appendix B

Agreement for Payment of Professional/Staff/Consultant Services
Agreement for Payment of Professional/Staff/Consultant

THIS AGREEMENT for terms and conditions of payment for professional, staff and consultant services ("Consultant Payment Agreement") is entered into by the CITY OF CLE ELUM, a second class municipal city organized under the laws of the State of Washington (hereinafter referred to as "City") and TRENDWEST PROPERTIES, INC., a Washington corporation (hereinafter referred to as "Trendwest").

RECITALS

A. Trendwest is pursuing development approval for both the City's Urban Growth Area ("UGA") and the MountainStar Master Planned Resort ("MPR") projects in Upper Kittitas County on property owned by JELD-WEN, INC., the parent company to Trendwest; and

B. Both the developments in the UGA and MPR are expected to rely on water treatment and wastewater treatment services from the City; and

C. The City had commenced state- and federally-mandated improvements to its water and sewer treatment facilities prior and unrelated to Trendwest development activities in the UGA and MPR, but which upgrades are presently being modified in response to and by the participation of Trendwest relative to its development activities in the MPR and UGA; and

D. Property located in the City's UGA which is owned by JELD-WEN, Inc. is being considered for possible annexation by the City; and

E. Both the MPR and UGA development projects will result in both direct and indirect impacts on the City which will generate the City's need for professional, staff and consultant services which, but for the development activities of Trendwest, would not be required; and

F. In response to Trendwest development activities in the Upper Kittitas County, the City is currently engaging the services of professional, staff and consultants for: municipal legal work; water rights legal work; fiscal analysis; planning; and water and sewer engineering services, and anticipates the addition of professional, staff and consultants including but not limited to a land use attorney, staff planner, and sewer treatment plant operator as a result of Trendwest development activities in the Upper Kittitas County; and

G. Meeting these professional, staff and consultant needs will enable the City to respond to Trendwest's development needs in a timely and efficient manner; and

H. The Cle Elum City Council has adopted a policy of not allowing the City's taxpayers to be adversely impacted by costs of responding to the Trendwest projects; and

I. Trendwest is committed to paying the costs, fees and expenses incurred by the City for mutually agreed-upon professional, staff and consultant positions which must be filled, based on criteria which the parties agree shall include an objective determination that the prospective consultants and professionals be both credentialed and experienced in the area in which they are being considered for performances of services to the City, in order to enable the City to respond to the Trendwest development activities without causing adverse financial impacts to existing residents of the City; and

J. A professional, staff and consultant services payment system established by the City and which is funded by Trendwest and administered by the City in a manner subject to accountability to the Washington State Auditor, the City and Trendwest, is needed so as to assure prompt and timely payment for services rendered in a manner which will satisfy all applicable rules and regulations under which the City operates; and
K. Said professional, staff and consultant service needs of the City generated by Trendwest development activities in the MPR and UGA shall include, but not be limited to: planning, agreement negotiating and drafting, status reporting to the City, financial and legal services, said legal services to include but not be limited to all fees and costs reasonably incurred in connection with litigation, administrative hearings and appeals, PROVIDED, HOWEVER, that in the event of legal action, including litigation, administrative hearings and appeals between the parties hereto as opposing parties, an award of legal fees and costs shall be made to the prevailing party; and

L. Disbursements from the fund to be established for payment of professional, staff and consultant services pursuant to this Agreement shall be made by the City only for professional, staff and consultant fees and costs incurred by the City for services rendered in relation to Trendwest development activities. Those Trendwest development-related services which may already be contracted for by the City, including regional water and sewer design services as well as review of the preliminary, draft and final Environmental Impact Statements generated for Trendwest development proposals in the Upper Kittitas County shall continue to be reimbursed through pre-established mechanisms already implemented through agreement of the parties; and

M. Consultants, staff and professionals funded by Trendwest pursuant to this Agreement must work under the direct authority and control of the City and nothing in this Agreement shall be construed as abrogating the City's requirement and ability to remain independent and not subject to improper influence in the exercise of its governmental and proprietary functions in planning for the development of the UGA, as this Agreement is undertaken without any commitment or obligation by the City that would in any way impair or compromise the City's duty to objectively and independently carry out its governmental and proprietary responsibilities and its duties to its constituents and to the law; and

N. Notwithstanding the foregoing and in addition thereto, the City and Trendwest agree that both parties deem it desirable that the City's professional service providers, staff and consultants provide to both parties hereto projected estimated costs on both quarterly and annual bases, accompanied by individual projected scopes of work and schedules, if applicable, subject to acceptance by Trendwest and subject to revision by the City's professionals, staff and consultants based on emergent issues and matters not otherwise projected for budgeting in said initial scopes of work, said acceptance and revision not to be undertaken or denied unreasonably.

In consideration of the foregoing, the parties hereby AGREE as follows:

1. The City will notify Trendwest if the creation of any professional, staff or consultant positions beyond those already filled by the City become necessary as a result of Trendwest development proposals in the MPR or UGA. The term position does not necessarily mean either in house or full-time, but can be full-time, part-time, in-house or out-of-house depending on the circumstance. A request for approval of the newly created position shall be presented to Trendwest for consideration and written approval, said approval not to be unreasonably withheld. Upon authorization of the creation and funding of said position, the City shall fill the position utilizing criteria which the parties agree shall include an objective determination that the prospective consultants and professionals be both credentialed and experienced in the areas in which they are being considered for performance of services to the City.

2. An initial scope of work for each professional, staff and consultant working for the City in relation to Trendwest's MPR and UGA activities will be prepared, said initial scope of work to contain the applicable billing rates for each professional, staff or consultant. These initial scope of work projections will be presented to Trendwest for consideration and written approval, said approval not to be unreasonably withheld.

3. On a quarterly basis, the City will provide Trendwest with 0.1 estimate of costs for the subsequent quarter for each professional, staff and consultant position. When possible, not-to-exceed cost or fee limits will be provided for specific consultants, staff and professionals. The City will also prepare and submit to Trendwest annually starting January 2, 2000, an estimated total cost for the next four quarters for the initial
scope of work.
4. If any subsequent revisions or changes in scope of work or costs, fees or rates are anticipated, such revisions or changes shall be presented to Trendwest for consideration and written approval, said approval not to be unreasonably withheld.
5. If Trendwest believes any such positions, scopes of work, budgets or revisions as described in Paragraphs 1 through 4 above and submitted by the City to Trendwest for approval are unreasonable, the approved dispute resolution process identified in the Mediation and Arbitration Agreement ("MAA" herein) dated November, 1999, between the City and Trendwest, as hereafter amended from time to time, shall be followed.
6. Trendwest’s acceptance of quarterly proposed budgets shall be made in writing in an agreement to be executed by the parties thereto. The agreement itself should provide for allowance of quarterly and annual costs of up to 10% percent in excess of the initial cost or fee estimate, with provision for concurrence by Trendwest in the event that costs are projected to increase beyond these 10% overage limits based on emergent events unforeseen at the time of execution of the agreement, PROVIDED, HOWEVER, that Trendwest’s concurrence shall not be unreasonably withheld and that any dispute over the reasonableness of Trendwest’s refusal to concur with projected cost increases over 110% of initial projections shall be resolved in accordance with the dispute resolution process identified in the MAA, as hereafter amended from time to time.
7. A new City municipal fund entitled the "Cle Elum/Trendwest Professional, Staff and Consultant Services Fund" shall be established by the City of Cle Elum in order to implement the terms and provisions of this agreement.
8. The Cle Elum/Trendwest Professional, Staff and Consultant Services Fund shall be administered by the City in a manner which is fiscally accountable to the Washington State Auditor, the City and Trendwest.
9. The Cle Elum/Trendwest Professional, Staff and Consultant Services Fund shall be initially funded by a payment from Trendwest to the City in the amount of $50,000.00. The City shall, on a monthly basis, issue vouchers for Trendwest-related invoices received from its respective consultants, staff, and professionals for work performed on behalf of the City. Contemporaneously therewith, the City shall inform provide Trendwest with copies of all professional, staff and consultant invoices reflecting the total amount of consultant, staff and professional fees paid by the City for Trendwest-related work performed on behalf of the City of Cle Elum. Within ten (10) days of written notice from the City stating the amount it paid for the previous month’s Trendwest-related consultants, staff and professional services, Trendwest shall reimburse the City in an amount equal to the prior month's vouchers issued.
10. Notwithstanding the provisions of the foregoing paragraph and in addition thereto, Trendwest shall be responsible for maintaining sufficient funds in the Cle Elum/Trendwest Professional, Staff and Consultant Services Fund for any and all approved budgeted amounts for specific projects specially submitted to the City and Trendwest which are outside the scope of the initial 3-month and 12-month projected scopes of work, but subsequently authorized by Trendwest.
11. Any and all interest accrued in the Cle Elum/Trendwest Professional, Staff and Consultant Services Fund shall remain in the Fund for payment toward future invoices for consultant and professional services. Any and all late fees, penalties or interest charged by the City's Trendwest-related professionals, staff and consultants as a direct result of Trendwest’s failure to timely reimburse the City for any prior month's payment for Trendwest-related consultant, staff and professional services, shall be the sole responsibility of Trendwest, which shall indemnify and hold the City harmless therefrom.
12. Nothing in this agreement shall constitute or be interpreted as a maximum cap on Trendwest’s obligations for the City's monthly or cumulative expenditures on professional, staff and consultant services, nor shall it constitute or be interpreted as a cap on any amounts which may be drawn from said account during any monthly, quarterly or annual period.
13. This Consultant, Staff and Professional Services Funding Agreement shall have an initial term of two (2) years and may be extended, at the option of the parties, for one-year periods, said renewal(s) to be in writing and executed not less than 90 days prior to the expiration of the previous term. Should either party desire to terminate this Agreement, the terminating party shall provide the other party with 180 days’ prior written notice.
14. In the event of any dispute or claim arising out of this agreement which cannot be resolved in accordance with the dispute resolution provisions set forth elsewhere herein, venue shall lie in Kittitas County.

15. This Agreement can be amended only by written agreement of the parties.

DATED this 22 of December, 1999.

CITY OF CLE ELUM

_______________________________
Hon. Gary Berndt, Mayor
ATTEST:

_______________________________
DeLiela Bannister
Cle Elum City Clerk

TRENDWEST PROPERTIES, INC.

_______________________________
J. Michael Moyer, Sr.  Vice President
Appendix C

MountainStar MPR Settlement Agreement Excepts -
Water Demand
1.5.3 Water Demand.

1.5.3.1 Trendwest will reduce Master Planned Resort Accommodation Units in the MPR as described in Paragraph 1.2 of this Agreement, thereby reducing the consumptive use demand.

1.5.3.2 Trendwest will reduce the UGA golf course irrigated area from one hundred ninety (190) acres to ninety (90) acres. Trendwest will not propose any alternate project to a golf course that would divert more than 288.5 acre feet per year. This represents a reduction in diversion demand from the 403 acre feet per year analyzed (alternative 3) in the Site Engineering section of the UGA DEIS of 114.5 acre feet per year. This saved water may be used to maintain artificial lake circulation and will be directed to an infiltration facility. Total diversion quantity will be measured by metering. Trendwest agrees not to increase treated water diversion above the four hundred and fifty-two (452) acre feet per year identified in the UGA DEIS Alternative 3, as a result of such alternative project.

1.5.3.3 Trendwest will accelerate the purchase or transfer of water rights for in stream flows under the Yakama Nation/WDFW Cooperative Agreement. Instead of providing Twenty Five Thousand Dollars ($25,000.00) of water rights each year over a twelve (12) year period, Trendwest will commit to providing Fifty Thousand Dollars ($50,000.00) of water rights per year for six (6) years.

1.5.3.4 Trendwest will agree not to seek water rights or diversions from Domerie Creek.

1.5.3.5 Trendwest agrees not to divert water from the Cle Elum River when stream flows are at or below levels recommended by the Bureau of Reclamation, Yakima Field Office, in consultation with the System Operations Advisory Committee (SOAC) or three hundred cubic feet per second, whichever is less, or from locations that would adversely affect wetlands or other aquatic resources, including salmonid habitat, as determined by the appropriate regulatory agencies.

1.5.3.6 Trendwest will propose, advocate and actively support locating Cle Elum's municipal water intake on the Cle Elum River at a location having no adverse impacts on the Bullfrog Pond wetlands.

1.5.3.7 Trendwest will negotiate an agreement with the City of Roslyn that will provide Roslyn with an additional water right to provide for growth in the Roslyn-Cle Elum School District resulting from the MPR and the UGA. The Parties agree that the quantity of the additional water right will be based for the first five (5) years upon modeling used in the UGA EIS to measure such impacts, and thereafter shall be adjusted based upon actual impacts as determined by monitoring as required in the MPR Development Agreement and the UGA Master Plan. In the event the City of Roslyn and Trendwest have not executed the agreement described in this Paragraph 1.5.3.7 prior to the recording of the first final plat of the MPR or UGA, the negotiation shall be remanded to RIDGE and Trendwest, and the provisions of Paragraph 17.0 shall apply to arrive at a functional equivalent to this provision.

1.5.3.8 Trendwest will negotiate an agreement with the City of Roslyn that will provide Roslyn with an additional water right to mitigate for increased water demands on Roslyn resulting from induced off-site development within Roslyn. The Parties agree that the quantity of the additional water right will be based for the first-five (5) years upon modeling used in the UGA EIS to measure such impacts, and thereafter shall be adjusted based upon actual impacts as determined by monitoring as required in the MPR Development Agreement and UGA Master Plan. In the event the City of Roslyn and Trendwest have not executed the agreement described in this Paragraph 1.5.3.8 prior to the recording of the first final plat of the MPR or UGA, the negotiation shall be remanded to RIDGE and Trendwest, and the provisions of Paragraph 17.0 shall apply to arrive at a functional equivalent to this provision.
1.5.3.9 To the extent not already mitigated under the terms of the Cooperative Agreement or through other agreements which Trendwest may enter into regarding the use of Trendwest water, Trendwest agrees to provide additional mitigation for induced off-site housing impacts, which may include the transfer of water rights to Ecology’s Yakima River Trust Water Program or such other mitigation agreed to by Trendwest and the appropriate regulatory agency, to mitigate for consumptive uses of water associated with induced off-site housing outside Roslyn’s service area. The Parties agree that the quantity of the additional water right will be based for the first five (5) years upon modeling used in the UGA EIS to measure such impacts, and thereafter shall be adjusted based upon actual impacts as determined by monitoring as required in the MPR Development Agreement and UGA Master Plan. If the appropriate regulatory agency does not agree to measure impacts in this manner, Paragraph 17.0 shall apply to arrive at a functional equivalent to this provision.

1.5.3.10 Trendwest agrees not to transfer water rights to, or provide water service for, lands within the area identified in Paragraph 1.7 (Preservation of Off-Site Habitat and Open Space), below.

1.5.3.11 Trendwest will provide mitigation as determined by the appropriate regulatory agencies for impacts from the change in seasonality of water rights proposed for transfer by Trendwest.

1.5.4 Water Quality.

1.5.4.1 Trendwest will agree to monitor selected water quality parameters at selected baseline measuring stations as identified in Paragraph 1.5.4.2, below. If this monitoring demonstrates a degradation of these parameters between the two (2) monitoring locations identified in Paragraph 1.5.4.2 resulting from MPR and UGA development and operation, Trendwest will take corrective action to comply with all standards in the Washington Water Quality Standards (WAC 173-201 a).
Appendix D

Environmental Principles for Golf Courses in the United States
Environmental Principles for Golf Courses in the United States

I. Preamble

A group of leading golf and environmental organizations have jointly developed a set of principles that seek to produce environmental excellence in golf course planning and siting, design, construction, maintenance and facility operations.

II. What are the principles?

These principles are envisioned as a tool of universal value, for national use under a variety of circumstances. However, it should be up to local communities, based on local values, and others involved in the regulatory process, to assess the environmental compatibility of golf courses.

These principles are meant to provide a framework for environmental responsibility in developing goals for existing courses and for considering issues associated with new courses. They are designed to educate and inform the public and relevant decision-makers about environmental responsibility, and to help set goals for environmental performance.

These principles are voluntary. They are not intended for use in making judgments about socioeconomic issues. These principles assume regulatory compliance and are designed to provide opportunities to go beyond that which is required by law.

These principles were developed through a collaborative research and dialogue process, and represent a consensus of all endorsing organizations. They represent areas of agreement but do not resolve all environmental issues related to golf. The dialogue and process is ongoing, as is the implementation of these principles.

How should they be used?

Good environmental practice and design is the result of a multitude of factors and a thorough understanding of how these factors interrelate on a specific site in a specific locale. The principles are meant to be used as a guide to making good decisions relative to the planning and siting, design, construction, maintenance and operation of a golf course. They are voluntary, and should be interpreted as representing a whole philosophy of good environmental design and management rather than specific dictates, each of which must be met in all cases. It is hoped that the principles will be widely adopted and used to improve the level of environmental awareness, practice, dialogue, and quality achieved within the game of golf.

For further information you are encouraged to contact any or all of the following organizations that participated in the development of these principles.

American Farmland Trust
American Society of Golf Course Architects
Audubon International
Center for Resource Management
Friends of the Earth
Golf Course Superintendents Association of America
Golf Digest
National Coalition Against the Misuse of Pesticides
National Wildlife Federation
North Carolina Coastal Federation
Rain Bird – Golf Division
Royal Canadian Golf Association
SENES Oak Ridge Inc. – Center for Risk Analysis  
Sierra Club  
United States Environmental Protection Agency  
United States Golf Association  

The participating organizations are committed to the following basic precepts, which provide a foundation for the environmental principles:

*To enhance local communities ecologically and economically.*  
*To develop environmentally responsible golf courses that are economically viable.*  
*To offer and protect habitat for wildlife and plant species.*  
*To recognize that every golf course must be developed and managed with consideration for the unique conditions of the ecosystem of which it is a part.*  
*To provide important greenspace benefits.*  
*To use natural resources efficiently.*  
*To respect adjacent land use when planning, constructing, maintaining and operating golf courses.*  
*To create desirable playing conditions through practices that preserve environmental quality.*  
*To support ongoing research to scientifically establish new and better ways to develop and manage golf courses in harmony with the environment.*  
*To document outstanding development and management practices to promote more widespread implementation of environmentally sound golf.*  
*To educate golfers and potential developers about the principles of environmental responsibility and to promote the understanding that environmentally sound golf courses are quality golf courses.*

**III. Voluntary principles for planning and siting, design, construction, management, facility operations and what golfers can do to help**

**A. Planning and siting**

1. Developers, designers and others involved in golf course development are encouraged to work closely with local community groups and regulatory/permitting bodies during planning and siting and throughout the development process. For every site, there will be local environmental issues and conditions that need to be addressed.

2. Site selection is a critical determinant of the environmental impact of golf courses. A thorough analysis of the site or sites under consideration should be completed to evaluate environmental suitability. It is very important to involve both the designer and a team of qualified golf and environmental professionals in this process.

3. Based on the site analysis and/or regulatory review process, it may be determined that some sites are of such environmental value or sensitivity that they should be avoided. Other less environmentally sensitive or valuable sites may be more suitable or even improved by the development of a golf course if careful design and construction are used to avoid or mitigate environmental impacts.

4. The presence and extent of some types of sensitive environments may render a site unsuitable or, in some cases, less suitable for golf course development. Examples include, but are not limited to: Wetlands Habitat for threatened or endangered plant or animal species Sensitive aquatic habitats

5. There may be opportunities to restore or enhance environmentally sensitive areas through golf course development by establishing buffer zones or by setting unmaintained or low-maintenance areas aside within the site.
6. Golf course development can be an excellent means of restoring or rehabilitating previously degraded sites (e.g., landfills, quarries and mines). Golf courses are also excellent treatment systems for effluent water and use of effluent irrigation is encouraged when it is available, economically feasible, and agronomically and environmentally acceptable.

B. Design

1. When designing a golf course, it is important to identify existing ecosystems. Utilizing what nature has provided is both environmentally and economically wise. Emphasizing the existing characteristics of the site can help retain natural resources, allow for efficient maintenance of the course and will likely reduce permitting and site development costs.

2. A site analysis and feasibility study should be conducted by experienced professionals. The identification of environmentally sensitive areas and other natural resources is important so that a design can be achieved that carefully balances environmental factors, playability and aesthetics.

3. Cooperative planning and informational sessions with community representatives, environmental groups and regulatory agencies should be part of the initial design phase. Early input from these groups is very important to the development and approval process. This dialogue and exchange of information should continue even after the course is completed.

4. Native and/or naturalized vegetation should be retained or replanted when appropriate in areas that are not in play. In playing areas, designers should select grasses that are best adapted to the local environmental conditions to provide the necessary characteristics of playability yet permit the use of environmentally sustainable maintenance techniques.

5. Emphasis should be placed upon the design of irrigation, drainage and retention systems that provide for efficient use of water and the protection of water quality. Drainage and stormwater retention systems should, when possible, be incorporated in the design as features of the course to help provide for both the short and long term irrigation needs of the maintained turf and the unmaintained areas of the course.

6. Water reuse strategies for irrigation should be utilized when economically feasible and environmentally and agronomically acceptable. It is important that recycled water meets applicable health and environmental standards and that special consideration be given to water quality issues and adequate buffer zones. Water reuse may not be feasible on some sites that drain into high quality wetlands or sensitive surface waters. Suitable soils, climatic conditions, groundwater hydrology, vegetative cover, adequate storage for treated effluent and other factors will all influence the feasibility of water reuse.

7. Buffer zones or other protective measures should be maintained and/or created, if appropriate, to protect high quality surface water resources or environmentally sensitive areas. The design and placement of buffer zones will vary based on the water quality classifications of the surface waters being incorporated into the course. Regulatory agencies and environmental groups can assist in the planning of buffer zones.

8. Design the course with sustainable maintenance in mind. The design should incorporate integrated plant management and resource conservation strategies that are environmentally responsible, efficient, and cost effective. Integrated plant management includes integrated pest management and emphasizes plant nutrition and overall plant health.

9. The design of the course should enhance and protect special environmental resource areas and when present, improve or revive previously degraded areas within the site through the use of plants that
are well adapted to the region. Seek opportunities to create and/or preserve habitat areas that enhance the area's ecosystem.

C. Construction

1. Use only qualified contractors who are experienced in the special requirements of golf course construction.

2. Develop and implement strategies to effectively control sediment, minimize the loss of topsoil, protect water resources, and reduce disruption to wildlife, plant species and designated environmental resource areas.

3. Schedule construction and turf establishment to allow for the most efficient progress of the work while optimizing environmental conservation and resource management.

4. Retain a qualified golf course superintendent/project manager early in the design and construction process(es) to integrate sustainable maintenance practices in the development, maintenance and operation of the course.

D. Maintenance

Plant protection and nutrition

1. Employ the principles of integrated plant management, a system that relies on a combination of common sense practices of preventing and controlling pests (e.g., weeds, diseases, insects) in which monitoring is utilized to identify pests, damage thresholds are considered, all possible management options are evaluated and selected control(s) are implemented. IPM involves a series of steps in the decision-making process:

   a. Through regular monitoring and record keeping, identify the pest problem, analyze the conditions causing it, and determine the damage threshold level below which the pest can be tolerated.

   b. Devise ways to change conditions to prevent or discourage recurrence of the problem. Examples include: utilizing improved (e.g., drought resistant, pest resistant) turfgrass varieties, modifying microclimate conditions, or changing cultural practice management programs.

   c. If damage thresholds are met, select the combination of control strategies to suppress the pest populations with minimal environmental impact, to avoid surpassing threshold limits. Control measures include biological, cultural, physical, mechanical, and chemical methods. Biological control methods must be environmentally sound and should be properly screened and tested before implementation.

Non-chemical control measures should focus on practices such as the introduction of natural pest enemies (e.g., parasites and predators), utilizing syringing techniques, improving air movement, soil aerification techniques, and mechanical traps. The selection of chemical control strategies should be utilized only when other strategies are inadequate.

When chemical and nutrient products need to be applied, the following practices should be utilized

2. Always read and follow label directions when using any plant protectant products. Strive to treat problems at the proper time and under the proper conditions to maximize effectiveness with minimal
environmental impact. Spot treatments may provide early, effective control of problems before damage thresholds are reached.

3. Store and handle all pest control and nutrient products in a manner that minimizes worker exposure and/or the potential for point or non-point source pollution. Employ proper chemical storage practices and use suitable personal protective equipment and handling techniques.

4. Use nutrient products and practices that reduce the potential for contamination of ground and surface water. Strategies include: use of slow-release fertilizers, selected organic products, and/or fertigation.

5. Test and monitor soil conditions regularly and modify practices accordingly. Choose nutrient products and time applications to meet, not exceed, the needs of the turfgrass.

6. All plant protectant products should only be applied by or under the supervision of a trained, licensed applicator or as dictated by law.

7. Maintain excellence in the continuing education of applicators (including state licensing, professional association training and IPM certification). Training for non-English speaking applicators should be provided in the worker's native language.

8. Facilities should inform golfers and guests about golf course chemical applications. Common methods include permanent signs on the first and tenth tee boxes and/or notices posted in golf shops and locker rooms.

**Water usage**

1. Use native, naturalized or specialized drought-tolerant plant materials wherever possible. For areas in play (greens, tees and fairways), using plant materials that: are well-adapted to local environmental conditions; can be efficiently managed; and provide the desired playing characteristics.

2. Plan irrigation patterns and/or program irrigation control systems to meet the needs of the plant materials in order to minimize overwatering. When feasible, use modern irrigation technologies that provide highly efficient water usage. Inspect systems regularly for leaks and monitor water usage.

3. Water at appropriate times to minimize evaporation and reduce the potential for disease.

4. Consider converting to effluent irrigation systems when available, economically feasible and agronomically and environmentally acceptable.

5. Manage water use effectively to prevent unnecessary depletion of local water resources.

**Waste management**

1. Leave grass clippings and other organic materials in place whenever agronomically possible. If clippings are removed, compost and, if possible, recycle them.

2. Dispose of chemical rinsate in a manner that will not increase the potential for point or non-point source pollution. Methods include rinsate recycling or "spraying out" diluted compound in previously untreated areas.

3. Dispose of chemical packaging according to label directions (e.g., triple rinsing, recycling or returning to manufacturer).
4. Other waste products, such as used motor oil, electric batteries and unused solvents, should be recycled or disposed of according to the law and available community disposal techniques.

5. Seek to reduce waste by purchasing products that minimize unnecessary packaging.

**Wildlife management**

1. Habitat for wildlife species that help control pests (e.g., bats, bluebirds, purple martins, etc.) should be protected. Additional habitat for these beneficial species should be created whenever feasible and environmentally desirable.

2. Manage habitat to maintain healthy populations of wildlife and aquatic species.

3. Species such as skunks, non-migratory Canada geese, and deer, when they become damaging, should be managed through nonharmful means whenever possible. Nonharmful control methods could include dogs, noisemakers, repellents, and trapping and removal. Managed hunting may be appropriate where legal and safe.

**E. Facility operations**

1. Facilities should conduct an environmental assessment in order to develop and implement an overall environmental policy and/or long-range plan that reflects or expands upon these principles.

2. Maintain ongoing records to measure and document progress toward environmental improvement.

3. The environmentally responsible practices adopted for the maintenance of the golf course should extend to all areas of the overall facility grounds.

4. Facilities should adopt practices and technologies that conserve natural resources, including water and energy.

5. Facilities should develop and initiate comprehensive programs for recycling, reuse and waste reduction.

6. Facilities should properly store and dispose of solvents, cleaning materials, paints and other potentially hazardous substances.

7. Facilities are urged to join programs that help to foster effective environmental management and policies.

8. Facilities should take active steps to educate golfers, neighbors and the general public about their environmental policies and practices.

**F. What golfers can do to help**

The American golf community is dedicated to preserving the game's treasured links to nature. As a result, golf courses are now being developed, designed and managed more responsibly than ever before. However, we who play the game also have a responsibility to help ensure that golf remains compatible with nature and that our courses are well-managed and in harmony with the environment.

As golfers, we should:

1. Recognize that golf courses are managed land areas that should complement the natural environment.
2. Respect designated environmentally sensitive areas within the course.

3. Accept the natural limitations and variations of turfgrass plants growing under conditions that protect environmental resources (e.g., brown patches, thinning, loss of color).

4. Support golf course management decisions that protect or enhance the environment and encourage the development of environmental conservation plans.

5. Support maintenance practices that protect wildlife and natural habitat.

6. Encourage maintenance practices that promote the long-range health of the turf and support environmental objectives. Such practices include aerification, reduced fertilization, limited play on sensitive turf areas, reduced watering, etc.

7. Commit to long-range conservation efforts (e.g., efficient water use, integrated plant management, etc.) on the golf course and at home.

8. Educate others about the benefits of environmentally responsible golf course management.

9. Support research and education programs that expand our understanding of the relationship between golf and the environment.

10. Take pride in our environmentally responsible courses.

Appendix 1

The "Environmental Principles for Golf Courses in the United States" were developed through a collaborative research and dialogue process managed and facilitated by the Center for Resource Management. The following individuals participated in this process and can be contacted for further information.

**American Farmland Trust**
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Washington, DC 20036
202/659-5170

**Golf Digest**
Andy Nusbaum
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Trumbull, CT 06611
203/373-7127

**American Society of Golf Course Architects**
Bill Love
P.O. Box 510
College Park, MD 20741
302/345-1510
National Coalition Against the Misuse of Pesticides
Jay Feldman
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614/457-9955

Physicians for Social Responsibility
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202/898-0150

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Ron Dodson
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Center for Resource Management
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Rain Bird -- Golf Division
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818/812-3649

Meredith Miller
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Royal Canadian Golf Association
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Oakville, Ontario L6J4Z3 Canada
905/849-9700
Appendix 2

The following organizations have, at the time of publication,* endorsed the "Environmental Principles for Golf Courses in the United States."

American Society of Golf Course Architects
Arizona Golf Association
Audubon International
Center for Resource Management
Club Managers Association of America
Friends of the Earth
Golf Course Builders Association of America
Golf Course Superintendents Association of America
Ladies Professional Golf Association
National Club Association
National Coalition Against the Misuse of Pesticides
National Golf Foundation
National Wildlife Federation
North Carolina Coastal Federation
Pamlico -- Tar River Foundation
Save the Bay
Southern Environmental Law Center
United States Environmental Protection Agency
United States Golf Association

*March 1996. Contact the Center for Resource Management at 801/466-3600 for a current list of endorsing organizations.

(see also United States Golf Association Website
http://www.usga.org/green/download/current_issues/environment/environmental_principals.html
Appendix E

Critical Slope Area Regulations - Mukilteo, WA
Chapter 17.52A
CRITICAL SLOPE AREA REGULATIONS

Sections:
17.52A.010 Purpose of critical slopes.
17.52A.030 Critical slope areas.
17.52A.040 Analysis required.
17.52A.050 Development in critical slope areas.
17.52A.060 Vegetation management on steep slopes.
17.52A.065 Repair of slope instabilities.
17.52A.070 Native growth protection areas and buffers.
17.52A.080 Exceptions.
17.52A.085 Density calculation for critical slope areas.
17.52A.090 Reasonable use provision.

17.52A.010 Purpose of critical slopes.
   A. The purpose of this chapter is to designate critical slope areas in the city and to regulate
development activities in or near critical slope areas to safeguard the public health, safety and welfare.
   B. Several geologic conditions influence development on or adjacent to slopes including: steep
slopes, surface soil types, underlying geology, groundwater and seepage, surface water runoff and
vegetative cover. Therefore, for the purposes of this chapter, a critical slope area screening device has
been established to determine the likelihood of slope stability and/or instability. Development within the
city will be allowed, conditionally allowed, or prohibited, based on the city’s review of the findings of a
geotechnical engineering report prepared by a registered professional engineer licensed in the state of
Washington which addresses each of the items in this chapter. (Ord. 987 § 4 (part), 2000)

17.52A.030 Critical slope areas.
   To determine if a proposed development lies within a potential critical slope area, and whether
geologic and geotechnical engineering expertise is required, a multi-step screening process shall be used.
Once all parameters have been evaluated, any one parameter that leads to “action” triggers the need for a
critical slopes assessment and geotechnical evaluation input. Tables 17.52A.030A, 17.52A.030B and
17.52A.030C provide a step-by-step guide to identify and classify average slopes, soil categories,
groundwater seepage, and steep slope factors that could trigger the need for further evaluation.
Attachments A and B to Ordinance 987, on file in the clerk’s office, show the soil categories and
landslide hazard areas within the city.
   A. On Site Slopes.
      1. Twenty Percent Slope or Less. Slopes equal to or less than twenty percent have a high factor
of safety against failure under almost all conditions;
      2. Twenty to Twenty-five Percent Slope. Slopes greater than twenty percent up to twenty-five
percent have a reasonable factor of safety under most conditions;
      3. Twenty-five to Thirty-nine Percent. Slopes greater than twenty-five percent can, under
certain combinations of soil types and ground water conditions have a marginal or unsatisfactory factor
of safety.

4. Forty Percent or Greater. Steep slopes of forty percent or greater shall always require a
gEoEotechnical evaluation.

B. Soil Type. The twelve soil types listed in the "Preliminary Surficial Geologic Map of the
Mukilteo and Everett Quadrangles, Snohomish County, Washington, 1976," were placed into three
categories (I, II and III) based on their characteristics relative to construction and slope stability.

1. Type I. Soils rated good for the intended use and normally would not require specific
gEoEotechnical engineering input;

2. Type II. Soils are intermediate, generally suitable for development, and would not require
input for moderate and flatter slopes. However since there is an increasing risk of failure as the slope
gradient increases, steeper sloped sites with Type II soils shall require geologic and geotechnical input.

3. Type III. Poor soil types that require geologic and geotechnical input; provided the slope
gradient is above the minimum value.

C. Groundwater. The presence of visible groundwater seepage on slopes greater than twenty percent
will require that a site assessment must be prepared.

D. Presence of a Nearby Steep Slope. Failure of a nearby steep slope could impact a development if
the failure extends into the developed area for slopes located above or below the development. Therefore
if: (1) single-family residential structures are within one hundred feet of a landslide hazard area; or (2)
multifamily, commercial, and industrial structures are within two hundred feet of a landslide hazard area,
a site assessment shall be prepared.

Table 17.52A.030A

Decision Flow Chart

Requirement for Site Assessments for Development on and Adjacent to Steep Slopes
## Average Slope on Property

<table>
<thead>
<tr>
<th>Soil Category</th>
<th>0 - 20%</th>
<th>20-25% (5:1 - 4:1 Slope)</th>
<th>&gt;25-39% (4:1 - 3.3:1 Slope)</th>
<th>≥40% (3:1 Slope)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Groundwater</td>
<td>Yes</td>
<td>Action</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Seepage:</td>
<td>No</td>
<td>No Action</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Landslide</td>
<td>Yes</td>
<td>Action</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Hazard Area *</td>
<td>No</td>
<td>No Action</td>
<td>No</td>
</tr>
</tbody>
</table>

*Applies to: a) single-family residential structures within one hundred feet of a landslide hazard area; and b) multifamily, commercial, and industrial structures within two hundred feet of a landslide hazard area.

### Table 17.52A.030B

#### Soil Category Chart

<table>
<thead>
<tr>
<th>Soil Category</th>
<th>Soil Name</th>
<th>Soil Map</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Vashon Till</td>
<td>Qvt</td>
</tr>
<tr>
<td>II</td>
<td>Double Bluff Drift</td>
<td>Qdb</td>
</tr>
<tr>
<td>II</td>
<td>Vashon Recessional Outwash</td>
<td>Qvr</td>
</tr>
<tr>
<td>II</td>
<td>Vashon Advance Outwash</td>
<td>Qva</td>
</tr>
<tr>
<td>II</td>
<td>Whidbey Formation</td>
<td>Qw</td>
</tr>
</tbody>
</table>

II Artificial Fill Af
II Modified Land ml
III Beach Deposits Qb
III Landslides Qls
III Peat Qp
III Old Landslides Qols
III Esperance Sand Qe

Soil map identification from "Preliminary Surficial Geologic Map of the Mukilteo and Everett Quadranges, Snohomish County, Washington, 1976".

Table 17.52A.030C
Geologic Hazard Areas Chart

LM Moderate Landslide Hazard Area. Areas sloping between fifteen and forty percent and underlain by soils that consist largely of sand, gravel, bedrock or glacial till. Erosion potential is moderate to high.

LH High Landslide Hazard Area. Areas sloping between fifteen and forty percent and underlain by soils consisting largely of silt and clay, and all areas sloping more steeply than forty percent. Erosion potential is moderate to high.

LV Very High Landslide Hazard Area. Areas of known mappable landslide deposits. Erosion potential is generally moderate to high.

(Ord. 987 § 4 (part), 2000)

17.52A.040 Analysis required.

All development proposals requiring an "action" under the critical slope classification system listed in Section 17.52A.030 shall include require an additional site assessment including a geotechnical report prepared by a registered professional engineer licensed in the state of Washington, grading and temporary erosion control plan, and a landscape/re-vegetation plan. The site assessment shall be provided at the applicant's expense and shall contain the following information:

A. Geotechnical Report.

1. Data regarding the nature, distribution and soil parameters used for analysis of existing soils and the characteristics of the underlying geology, conclusions and recommendation for grading procedures, design criteria for corrective measures and opinions and recommendations regarding the capabilities of the site;

2. Analysis of the overall slope stability from toe to top of all slopes of interest related to the development, not limited to the site being developed. The report shall consider static stability in dry and saturated conditions, and seismic stability in both dry and saturated conditions;

3. A description of the hydrology of the site, conclusions and recommendations regarding the effect of hydraulic conditions on the proposed development, and proposed measures, if adequate, for mitigating the identified impacts.

B. Grading and Erosion Control Plan.

1. A grading plan which shall include a schedule showing when each stage of the project will be completed, and to estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period, the time that soil is exposed and unprotected;

2. Show measures to be taken for slope stabilization and erosion control using best management practices as contained in the Department of Ecology’s Storm Water Management Manual for the Puget Sound Basin, or other methodology as approved by the public works director.

C. Landscape/Re-Vegetation Plan.

1. A re-vegetation plan shall be prepared which uses the guidelines developed by the Department of Ecology in their publication “Vegetation Management: A Guide for Puget Sound Bluff Property Owners,” or other methodology as approved by the Planning and Public Works Directors. The re-vegetation plan shall include:
   a. Measures to be taken for protection and replacement of the natural vegetative cover; and
   b. A schedule showing when each stage of the project will be re-vegetated with estimated starting and completion dates. (Ord. 987 § 4 (part), 2000)

17.52A.050 Development in critical slope areas.
A. Applicant’s proposing development on existing and/or previously developed lots within a critical slope area shall submit the required site assessment and structures shall be set back a minimum of twenty-five feet from the top or toe of a steep slope. Decks and accessory buildings one hundred and twenty (120) square feet or less may extend into the setback area to within ten feet of the top or toe of a steep slope.

B. New lots developed as part of a subdivision, short subdivision, binding site plans and those lots reconfigured as part of a boundary line adjustment, shall be created in such a manner so that:
   1. There is sufficient area to construct all proposed structure(s), driveways, private roads, parking areas and yard areas while maintaining a twenty-five foot setback from the top or toe of a steep slope;
   2. Decks and accessory buildings one hundred twenty square feet or less may extend into the setback area to within ten feet of the top or toe of a steep slope; and
   3. The lots must comply with the bulk requirements of the underlying zone in which it is located.

C. To provide some flexibility in site plan designs, minor modifications from this section may be approved by the planning director and public works director if the applicant can show:
   1. A site assessment has been submitted showing that the amendment has minimal impact on the site and surrounding properties;
   2. Modifications to slopes of forty percent or greater may only be allowed in small, isolated areas;
   3. An increase in the amount of open space is provided;
   4. The modification results in a reduction in the amount of impervious surface and storm water runoff; and/or
   5. An applicant may request approval of an innovative design which addresses critical slope areas in a creative manner that deviates from the standards set forth in this chapter. The creative solution must demonstrate that the proposal will achieve an improvement in site design, protection of slope areas, or provide further slope stabilization of the property than that which is achievable using the provisions of this chapter. (Ord. 987 § 4 (part), 2000)

17.52A.060 Vegetation management on steep slopes.
Vegetation on steep slopes (slopes of forty percent and greater) shall be preserved over the entire steep
sloped area except as listed below in subsections A through D of this section. Modifications from this section may be allowed as recommended in the Department of Ecology's handbook "Vegetation Management: A Guide for Puget Sound Bluff Property Owners" and as approved by the city's planning and public works directors.

A. Alder, Willow and Bitter Cherry and other similar trees may be cut and removed from the site in a method determined by the planning director and public works director; however, the stumps and root systems shall be left undisturbed to protect the slope from erosion. Deep rooted bushes or ground cover such as Ocean Spray, Snow Berry, Salal or Evergreen Huckleberry shall be planted around the stump of the tree to establish erosion control functions that the tree once provided.

B. Trees (such as Big Leaf Maple, Vine Maple, Pacific Machine, Red Cedar and Douglas Fir) which help to stabilize bluffs, offer wildlife habitat, and keep soils from being over saturated with water may not be cut down or topped, except with the submittal of a geotechnical report and as approved by the public works director to maintain slope stability. However, the following tree trimming practices may be used in combination to provide some views without compromising tree health or slope stability. When using these tree trimming or pruning practices, a minimum of sixty percent of the original tree canopy/foliage must be retained to maintain the tree’s health (Figures 17.52A.060A and 17.52A.060B).

1. Windowing. Pruning major limbs that obscure a view, excluding the top third of the tree;
2. Interlimbing. Removal of an entire branch or individual branches throughout the canopy, excluding the top third of the tree, to allow more light to pass through as well as reducing wind resistance; and
3. Skirting-Up. Limbing the tree from the bottom upward to a maximum of twenty feet from the ground.

Figure 17.52A.060A

ALTERNATIVE PRUNING PRACTICES CONIFERS

Figure 17.52A.060B

ALTERNATIVE PRUNING PRACTICES DECIDUOUS
C. Himalayan Blackberry, Scot’s Broom, Thistle and other similar invasive plants (including those listed by the Snohomish County noxious weed control board) may be removed manually from a steep slope, but the slope must immediately be replanted with native shrub species such as Oregon Grape, Salal and Evergreen Huckleberry.

D. To ensure adequate habitat for wildlife, no cutting of trees over twenty-four inches in diameter is allowed. Removal of trees over twenty-four inches in diameter may only be considered if they are dead, dying, diseased or hazardous trees as determined by a certified landscape architect or arborist and approved by the planning and public works directors. (Ord. 987 § 4 (part), 2000)

17.52A.065 Repair of slope instabilities.

Repair of slope instabilities and emergency slope failures shall be allowed by the planning and public works directors as needed to correct an immediate danger to the public health, welfare and safety. The directors shall use the guidance of this chapter when evaluating the necessary repairs and add mitigation measures as appropriate to ensure that the intent of this chapter has been met. (Ord. 987 § 4 (part), 2000)

17.52A.070 Native growth protection areas and buffers.

A. For development activities where land division is proposed or required, native growth protection areas shall be placed in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the city. The location and limitation associated with the critical area and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the Snohomish County assessor’s office.

B. Native growth protection areas and buffers shall not be used for storage or deposit of construction debris or material or deposit of vegetative spoils.

C. All native growth protection areas shall be shown on the development site plans or final plat map, and shall be noted as follows:

There shall be no clearing, excavation, or fill within a Native Growth Protection Area shown on the face of this site plan/plat, with the exception of required utility installation, removal of dangerous trees, thinning of woodlands for the benefit of the woodlands as determined by a Certified Landscape Architect or Arborist, and removal of obstructions on drainage courses, or as allowed under Section 17.52A.060, Vegetation Management on Steep Slopes.
D. A temporary sign shall be placed at the boundary of all native growth protection areas during periods of construction, clearing, grading, or excavation on adjacent property. The sign shall describe the limitations of on-site disturbance and development within the native growth protection area. A permanent sign shall be placed at the boundary of all native growth protection areas describing the limitation on development.

E. A written report by a certified landscape architect or arborist shall be provided with all requests to modify or disturb a native growth protection area. The report shall be reviewed by the planning and public works director, which shall approve, condition or reject the request based on findings presented. (Ord. 987 § 4 (part), 2000)

17.52A.080 Exceptions.
A. Public Agency and Utility Exceptions. If the application of this chapter would prohibit a development proposal by a public agency or utility, or the installation of necessary utilities for a development proposal, the agency, utility or private applicant may apply for an exception pursuant to this section. Applications for an exception shall include a report describing the exception request, and the development must meet the following criteria:

1. A geotechnical report shall be submitted to the city describing the proposal and any impacts the development may have on the critical slope area;
2. The applicant can show that there is no other feasible and reasonable alternative to the proposed development with less impact on the critical slope area; and
3. The proposal minimizes the impact on the critical slope area and incorporates all reasonable mitigation measures. (Ord. 987 § 4 (part), 2000)

17.52A.085 Density calculation for critical slope areas.
A. An owner of a site or property containing a critical slope area may be permitted to transfer the density attributable to the steep slope portion of the property to another nonsensitive portion of the same site or property subject to the limitation of this section.

B. Up to twenty-five percent of the density that could be achieved on the steep slope portion of the site can be transferred to the nonsensitive portion of the property, subject to:

1. The density limitation of the underlying zoning classification;
2. Lots shall not be less than four thousand five hundred (4,500) square feet in size;
3. All applicable setbacks and lot coverage standards of underlying zoning regulations apply;
4. The front lot line width may be reduced to forty feet; and
5. Provided that the area to which the density is transferred shall not be constrained by another environmentally critical area regulation. (Ord. 987 § 4 (part), 2000)

17.52A.090 Reasonable use provision.
A. The standards and regulations for critical slope areas in this chapter are not intended and shall not be construed or applied in a manner to deny all reasonable economic use of private property. If an applicant demonstrates that strict applications of these standards would deny all reasonable economic use of its property, development may be permitted subject to appropriate conditions.

B. For relief from the strict application of these standards, an applicant shall demonstrate the following:
1. That no reasonable use with less impact on the critical slope area, or steep slope, is feasible and reasonable;
2. That there is no feasible and reasonable on-site alternative to the activities proposed, considering possible changes to the site layout, reductions in density and similar factors;
3. That the proposed activities as conditioned will result in the most minimal possible impacts to critical slope areas and steep slopes;
4. That all mitigation measures have been implemented or insured; and
5. That the inability to derive reasonable economic use is not a result of actions by the applicant.
C. All applications for reasonable use exceptions shall be processed in accordance with Chapter 17.13, Project Permit Review Process. (Ord. 987 § 4 (part), 2000)
Appendix F

Wildlife Habitat Protection Standards - Pitkin County, CO
Wildlife Habitat Protection Standards - Pitkin County, CO

3-80-080 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Subsection 3-80-030. The standards apply to areas mapped by the Colorado Division of Wildlife on the County's adopted Wildlife Resource Information System (1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Division of Wildlife. In all cases mapping will be field verified by the Colorado Division of Wildlife or the Pitkin County Wildlife Biologist.

A. General Standards: The standards in this section apply to all wildlife habitat areas.

1. Commercial, industrial or high impact recreational development, open pit mineral extraction, or construction of roads should avoid the habitat areas identified in this section.

2. Residential development shall be clustered outside of habitat areas to the maximum extent possible to minimize impacts on wildlife.

3. The removal of vegetation shall be minimized. Disturbed areas shall be promptly revegetated with beneficial browse species.

4. When existing vegetation must be altered, for an access road, utility line or similar uses, an applicant will cooperate with the County and the Colorado Division of Wildlife to devise a compensation plan acceptable to the County. Such compensation plan may substitute (in a nearby area on the subject property) vegetation equal in type and quantity to that being removed to mitigate effects on wildlife species.

5. Food, cover and water sources beneficial to wildlife shall be preserved. Mitigate development effects which would destroy or damage these. Give special consideration to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

6. Wildlife food species and woody cover along fences should be encouraged as one way of improving wildlife habitat.

7. Waterholes, springs, seepage, marshes, ponds and other watering areas should be preserved.

8. Endangered species habitat shall be protected. All disturbances to such habitat shall be minimized.

9. All golden eagle nest sites and bald eagle roost sites shall be protected. Provide a three-hundred (300) yard buffer around nest sites. Protect all other raptor nest sites with one hundred (100) yard buffers.

10. Mesh or woven wire fences are prohibited.

(Pitkin Co. Land Use Code 11/01) 198

11. Wire fencing shall employ a three strand barbed or smooth wire fence with a forty-two inch (42") maximum height above ground level and at least twelve inches (12") between the top two strands. Wood rail fencing shall employ three rails or less, be the round or split rail type, shall not exceed forty-eight inches (48") in height above ground level and twelve inches (12") in width (top view), and shall have at least eighteen inches (18") between two (2) of the rails.

12. Edges (places where two habitat types meet) must be avoided by development and shall be maintained whenever possible since deer and many other species of wildlife utilize edge areas. Vegetation disturbances on winter ranges should be minimized and all disturbances revegetated with beneficial browse species.

13. Tall, overly mature trees and standing dead trees should be retained whenever possible as nesting habitat for woodpeckers and other tree nesting species, such as eagles and hawks. Den trees in wooded areas which provide homes for birds, squirrels, and raccoons should also be retained. Disturbance or destruction of wildlife den sites shall be prohibited except in certain nuisance cases, like skunks under homes.

B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range/Critical Habitat: Development is prohibited within deer, elk and bighorn sheep winter concentration areas and severe winter range areas. In the event that there is no hazard-free area on a site and a development application is subsequently denied, an applicant may petition the Board of County
Commissioners for consideration pursuant to Section 3-290 of this Code. If an appeal is granted by the Board and development is permitted, an application shall be reviewed according to the following standards:
1. Avoid overgrazing of ranges by livestock.
2. Restrict development to areas that minimize wildlife impacts.
3. Preserve access to the Division of Wildlife for managing wildlife.
4. Prohibit commercial activity (such as seismic activity, construction and timber harvesting) and recreational uses from December 1, through March 31.
5. Prohibit dogs within or adjacent to elk, mule deer, and bighorn sheep severe winter ranges and winter concentration areas, except for dogs working as part of an agricultural operation.

C. Deer, Elk and Bighorn Sheep Winter Range: Land uses located in deer, elk or bighorn sheep winter range shall comply with Subsections 3-80-080(A); 3-80-080(B)(1), (2), (3) and (4), and the standards in this section.
1. Prohibit high impact recreational uses.
2. Kennel dogs within or adjacent to winter range, except for working dogs when at work.

D. Deer and Elk Migration Patterns/Corridors and Highway Crossings: Land uses located in deer and elk Migration Corridors shall comply with Subsections 3-80-030, 3-80-080(A) and the standards in this section.
1. Prohibit development blocking a corridor and preventing migration between summer and winter ranges.
2. Kennel dogs within one-quarter (1/4) mile of mule deer and elk migration corridors and patterns, except for working dogs when at work.

E. Deer and Elk Production Areas: Development is prohibited within deer and elk production areas. In the event that there is no hazard-free area on a site and a development application is subsequently denied, an applicant may petition the Board of County Commissioners for consideration pursuant to Section 3-290 of this Code. If an appeal is granted by the Board and development is permitted, an application shall be reviewed according to the following standards:
1. Prohibit development in production areas and prohibit other activities during the calving season which would disrupt reproduction.
2. Prohibit dogs within one-quarter (1/4) mile of deer or elk production areas. Kennel dogs within one-half (1/2) mile of deer or elk production areas.
3. Preserve access for the Colorado Division of Wildlife for trapping, tagging or studying wildlife.
4. Prohibit manipulation of vegetation except as approved by the Division of Wildlife.

G. Riparian, Shoreland and Wetland Areas: Development shall be prohibited within riparian, shoreland and wetland areas with the exception that bridges, roads, utility crossings and other structures such as irrigation devices may be permitted upon a finding that there is no feasible alternative location and that any impacts will be adequately mitigated. In the event that there is no hazard-free area on a site and a development application is denied, an applicant may petition the Board of County Commissioners for consideration pursuant to Section 3-290 of this Code. If development is permitted or an appeal is granted by the Board, an application shall be reviewed according to the following standards:
1. For the protection of both terrestrial and aquatic habitat, any development or activity which is permitted within such areas shall incorporate measures designed to maintain vegetation, reduce erosion and sedimentation, maintain cold water temperatures, and otherwise allow man to function in harmony with, rather than be destructive to, wildlife habitat.
2. The development shall demonstrate compliance with Section 3-70 concerning water resources and with Subsection 3-50-040 concerning stream setbacks.

(Pitkin Co. Land Use Code 11/01) 200
3. Removal of vegetation in riparian and shoreland areas and disturbance of ground cover adjacent to streams and in shorelands shall be avoided to the maximum extent possible. This destroys insect habitat and streambank stabilization, removes natural cover that provides shelter and insulation, and disrupts the natural filtering action of the landscape. Riparian and shoreland habitat areas should be allowed to develop naturally since they provide habitat for many birds and insects, shade and insects for fish and den sites for aquatic mammals.

4. Permitted land uses which disturb or denude areas of vegetation adjacent to wetland or riparian areas shall be revegetated as quickly as possible.

5. Channelization of streams destroys aquatic habitat and is prohibited. Development shall be designed to fit the channel rather than allowing changes in the channel in order to fit the project.

6. Placing culverts which may become barriers to fish passage and may plug or wash out during high flows shall not be permitted. Perennial stream channels should be bridged whenever possible. When this is not feasible, culverts shall be designed to avoid plugging and prevent washouts.

7. Adequate erosion control measures shall be incorporated in any development site plans.

8. Sewer lines shall be designed to avoid leakage of contaminants into the ground water resource.

9. There shall be permitted no changes to the stream channel or its capacity (provided, however, that bridge abutments may affect the stream channel if they do not substantially encroach on the flood channel and comply with any other building permit conditions); and no activity shall be allowed which will increase stream sedimentation and suspension loads.

10. All efforts must be made to reduce stream pollution and interference with the natural changes of the stream, and to enhance the value of the stream as an important natural feature.

11. In the event there is a trail designated by an approved trail plan within the development site, such trail shall be dedicated for public use; and a fisherman's access easement shall be granted, if appropriate.

12. Developments otherwise permitted shall not raise water temperature in portions of a watercourse or along the entire watercourse. Land use proposals should also be evaluated in terms of sewage and other organic and inorganic pollutants which have potential to lower the present high water quality and degrade the County's fishery.

13. Development shall maintain the pristine water quality of cutthroat trout streams if cutthroat trout are to be maintained within the County.

14. Development shall maintain baseline biological conditions established by existing water quality and aquatic biology conditions for major streams and lakes affected by the development. (Ord. 98-20 (part)) Section 3-90

Pitkin Co. Land Use Code, Article 3, 11/01
Appendix G

Fire Siting Standards Covenant - Douglas County, OR
Fire Siting Standards Covenant - Douglas County, OR

_____________________________ ("Grantors") are the owners of real property described as follows:
In consideration of approval of a _________________________ and the issuance of a _________________________ permit on the above described property by Douglas County, I (We), ____________________________, the undersigned real property owner(s), for themselves and their heirs, executors, administrators, and assigns, do hereby agree and covenant that they shall comply with the following fire siting standards with respect to all new dwellings or structures on the property:

1. Owners of new dwellings shall maintain an adequate water supply suitable for fire protection, and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.
   1.1. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.
   1.2. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of 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.

2. Road access to new dwellings shall, at a minimum, meet the following standards:
   2.1. Maximum grade shall not exceed 20 percent;
   2.2. Top surface width shall be 12 feet;
   2.3. A turn-around shall be provided which allows for either a 35 foot radius cul-de-sac, or a 60 foot "T-shaped" design;
   2.4. The road bed shall have an all weather surface; and

3. Owners of new dwellings and other structures shall:
   3.1. Maintain a primary fuel-free building setback of at least 30 feet surrounding all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than 2 feet high), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
   3.2. Clear and maintain a secondary fuel-free building setback of at least 100 feet in all directions around the primary safety zone. Vegetation within this secondary safety zone should be pruned and spaced so that fire will not spread between the crowns of trees.
   3.3. Maintain adequate access, conforming with road access standards in this agreement, to the dwelling for fire fighting equipment vehicles.
   3.4. Use fire resistant building materials and construction standards. Wood roof shingles or shakes shall not be permitted. Power lines that service the dwelling or structure shall be insulated.

4. If adjacent to a Rural Fire Protection District, the property owner shall apply for annexation into that district.

5. In areas subject to the State Scenic Waterway Program, compliance with the primary and secondary fuel-free building setback requirements of this agreement may be modified to comply with specific siting standards contained in a state approved Scenic Waterway Management Program when such regulations conflict.

All the covenants contained in this instrument shall be binding upon, apply and inure to the burden of the heirs, executors, administrators and assigns of the Grantor(s) and all covenants shall be construed as covenants running with the land in perpetuity. Specifically, the Grantor(s) intend that the burden of the covenants run to successors of the successors of the Grantor(s).
I (We), _________________________________, do further agree that failure to comply with any provision of this agreement shall constitute a violation of this agreement. To facilitate the enforcement of this agreement, any violation of the agreement shall constitute a nuisance and may be enjoined, abated, or removed by Douglas County or otherwise enforced as provided at law or equity.

IN WITNESS WHEREOF, the Grantors have executed this covenant on __________

Grantor

Grantor

STATE OF

County of

This instrument was acknowledged before me on __________ by __________________

________________________________
Signature of Notary
firesit.cov (12/98)

Grantor: Grantee:
Consideration:
All Tax Statements to: After Recording Return to:
After Recording Return to:

Douglas County, OR website
(http://www.co.douglas.or.us/planning/Plan_docs.htm)
Appendix H

Wildfire Area Standards - Pitkin County, CO
AN EMERGENCY ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PITKIN COUNTY, COLORADO, ADOPTING AMENDMENTS TO THE PITKIN COUNTY
LAND USE CODE SECTION 3-80-070, WILDFIRE AREAS

Ordinance No. 07 - 2002

1. The Board of County Commissioners ("BOCC") has directed the preparation of amendments to the Wildfire Hazard Areas section of the Pitkin County Land Use Code ("the Code").

2. The amendments to section 3-80-070 of the Code are clarifications relating to the coverings of roofs in 1041 Wildfire Hazard Areas of Pitkin County.

3. The Planning and Zoning Commission ("P&Z") reviewed the Code amendments at a regularly scheduled meeting on February 5, 2002 and recommended approval of the amendments as contained in this Ordinance.

4. The BOCC considered the amendments to section 3-80-070, Wildfire Area, of the Land Use Code to allow fire treated shake shingles in low wildfire areas at regular meetings on February 13, 2002, February 27, 2002 and March 13, 2002.

5. The BOCC adopted an Emergency Ordinance amending section 3-80-070, Wildfire Area, of the Land Use Code on March 27, 2002 and confirmed said Emergency Ordinance at a publicly noticed hearing held on April 24, 2002.

NOW, THEREFORE, BE IT ORDAINED by the Pitkin County Board of Commissioners that it hereby enacts the following amendments to Section 3-80-070, Wildfire Areas, of the Pitkin County Land Use Code, as contained in Attachment A.

ADOPTED ON THE 27TH DAY OF MARCH, 2002 AND SET FOR CONFIRMATORY PUBLIC HEARING ON THE 24TH DAY OF APRIL.


CONFIRMED AT A PUBLIC HEARING ON 24TH DAY OF APRIL, 2002.


EFFECTIVE ON THE 27TH DAY OF MARCH, 2002.
ORDINANCE NO. 007 2002
Page 2

ATTEST:

Lyndee R. Dean
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO

Patti Kay-Clapper
Chairperson

Date: 05-29-02

APPROVED AS TO FORM:

John Ely,
County Attorney

APPROVED AS TO CONTENT:

Cindy Houben,
Community Development Director
ATTACHMENT A

Repeal and Re-enact Section 3-80-070, Wildfire Areas

3-80-070 Wildfire Areas
A. Severe Hazard Wildfire Areas: Development is prohibited within any of the following areas:

1. Areas designated as "C - Severe Hazard: Trees" or "X - Severe Hazard: Brush" wildfire hazard on Pitkin County's adopted wildfire hazard area maps.

2. Areas that are not mapped but are identified by the Colorado State Forest Service and/or the Pitkin County Sheriff's Department as areas containing "C - Severe Hazard: Trees" or "X - Severe Hazard: Brush" wildfire hazard.

3. Areas that are incorrectly mapped and but are identified by the Colorado State Forest Service and/or the Pitkin County Sheriff's Department as areas containing "C - Severe Hazard: Trees" or "X - Severe Hazard: Brush" wildfire hazard.

4. Note: In all cases mapping will be field verified by the Colorado State Forest Service or the Pitkin County Sheriff's Department.

In the event that there is no area of a development site free of "C - Severe Hazard: Trees" or "X - Severe Hazard: Brush" wildfire hazards and a development application is subsequently denied, an applicant may appeal the denial to the Board of County Commissioners pursuant to Section 3-290 of this Code. If an appeal of a project denial is granted by the Board, then the development application shall incorporate hazard mitigation according to the standards in subdivision C of this subsection.

B. Low and Medium Hazard Wildfire Areas: If the development proposal is located within any of the following areas:


2. Areas that are not mapped but are identified by the Colorado State Forest Service and/or the Pitkin County Sheriff's Departments as areas containing "A - Low Hazard: Trees and Grass," "B - Medium Hazard: Trees" wildfire hazard.

3. Areas that are incorrectly mapped and but are identified by the Colorado State Forest Service and/or the Pitkin County Sheriff's Department as areas containing "A - Low Hazard: Trees and Grass," "B - Medium Hazard: Trees" wildfire hazard.

4. Note: In all cases mapping will be field verified by the Colorado State Forest Service or the Pitkin County Sheriff's Department.

Or if an appeal of a project denial in a "C - Severe Hazard: Trees" or "X - Severe Hazard: Brush" wildfire hazard area is granted by the Board, then a development application shall be reviewed according to the following standards:

C. Mitigation Standards:
1. Location: The building envelope shall not be located in draws, canyons or on slopes greater than thirty percent (30%).

2. Defensible Space: The area around the structure shall incorporate landscaping with wildfire defensible space considerations as follows:

   Note: Actual vegetation manipulation to meet these conditions may not be necessary where the natural vegetation patterns have already fulfilled these conditions.

   a. Brush, debris, and non-ornamental vegetation shall be removed within a minimum ten-foot (10') perimeter around the structure.

   b. Vegetation shall be reduced to break up the vertical and horizontal continuity of the fuels a minimum of a thirty-foot (30') foot perimeter around a structure built on flat ground. (For greater slopes reference CSFS Safety Zone chart. Page 13, Wildfire Guidelines For Rural Homeowners).

   c. Spacing between clumps of brush and vegetation within the thirty-foot (30') perimeters shall be a minimum of two (2) times the height of the fuel. Maximum diameter of the clumps shall be two (2) times the height of the fuel. All measurements shall be from the edges of the crowns of the fuel.

   d. All branches from trees and brush within the thirty-foot (30') perimeter shall be pruned to a height of ten feet (10') above the ground and removal of ladder fuels from around trees and brush.

   e. Tree crown separation within the thirty-foot (30') perimeters shall have a minimum of ten feet (10') between the edges of the crowns. This does not apply to mature stands of Aspen trees where the above recommendation for removal of ladder fuels have been complied with. In areas of Aspen regeneration, the spacing guidelines shall be followed.

   f. All branches which extend over the roof eaves shall be trimmed and all branches within fifteen feet (15') of the chimneys shall be removed.

   g. The density of fuels within a one hundred-foot (100') perimeter of the structures shall be reduced where natural reduction has not already occurred.

   h. All deadfall within the one hundred-foot (100') perimeter shall be removed.

   i. The applicant shall be responsible for the continued maintenance of the defensible space vegetation requirements.

3. Structural Design and Construction Requirements

   a. Roofing: Roofs shall have a non-combustible roof covering on a Class A assembly. Wood shake/shingle roof covering are prohibited in all wildfire hazard areas. Roofs with less than 3:12 pitch are not permitted in 1041 Wildfire Areas unless they comply with the following:

      1) All roof coverings shall be non-combustible materials as defined in the Uniform Building Code (UBC) 1997 Section 1504 and installed on a Class A roof assembly.

      2) All roof coverings shall have a surface that shall facilitate the natural process of clearing the roof.
3) All roof designs shall facilitate the natural process of clearing roof debris. Protrusions above the roofline, such as parapets, shall be prohibited.

4) Roofs shall be installed as required by UBC 1997 Chapter 15 and shall have a minimum slope of 1:48.

5) All roof designs, coverings, or equivalent assemblies shall be specifically approved by the Fire Marshall prior to submittal of a building permit application.

b. Notwithstanding the prohibition against wood shake shingles in paragraph a above, the Board of County Commissioners may select one or more "test" development projects where wood shake shingles may be installed in a manner that results in a Class A roof covering installed in accordance with product listing. Listing agencies accredited by the American National Standards Institute are acceptable. These "test" sites shall be on mapped or field verified Low Hazard Wildfire Areas, and within a 5-minute response time from a Fire Station. Prior to designation as a "test" project a protocol for the monitoring and testing procedures shall be accepted by the BOCC. The protocol criteria shall include the suitability of the use for scientific review and study of the results of the application. This testing protocol shall be developed in conjunction with the Colorado State Forest Service, the affected local fire districts, and the wood shake shingle provider or manufacturer. This provision, section 3-80-070(C)(b), shall expire on its own accord without further action by the Board of County Commissioners on April 24, 2003.

b.c. Vents: Vents shall be screened with corrosive resistant wire mesh with mesh one-fourth-inch (1/4") maximum.

4. Structural Design and Construction Options: It is the policy of Pitkin County to encourage development to avoid wildfire hazards; however, when this is not possible, the Board may, in its discretion, approve a development which incorporates the following architectural design standards in substitution for the defensible space requirements in subdivision (C)(2) of this Subsection. Where structural design is proposed in lieu of defensible space requirements, the Board must find that the same level of protection would be provided as that gained through measures to create defensible space.

a. Projections (Heat Traps)

1) Projections at the roof line (which include but are not limited to eaves, cornices, soffits and roofs over open decks) shall be sheathed with materials approved for one hour fire-resistive construction.

2) For projections below the roof line (including but are not limited to exterior balconies, decks, porches, cantilevered floor projections, and bay windows which extend over a flat or sloped surface) the open space between grade and the underside of projections below the roof line shall be enclosed by solid, vertical walls. These walls shall be constructed with materials approved for one-hour fire-resistive construction on the exterior side of the wall and shall extend from the top of grade to the underside of the floor decking or walls of the projection.

An alternative construction method for such projections would require use of noncombustible building materials, or heavy timber or log wall construction, if the underside of the projecting portion is covered with materials approved for one-hour fire-resistive construction and if there are no inside angles of less than seventy-five degrees (75°). Areas below such projections shall be void of vegetative or other combustible materials. These areas below projections shall be protected from accumulation of vegetative materials by placement of a vegetative barrier covered with rocks or gravel or by coverage with concrete.
or stone. There shall be no storage of combustible materials under projections. The walls underneath projections shall be constructed with materials approved for one-hour fire-resistive construction on the exterior side of the wall. Window openings in walls below projections shall be tempered glass. Doors shall be noncombustible or one and three-fourths inch (1 3/4") solid wood.

b. Windows and Glass: Glazed openings shall be provided with closable, solid, exterior non-flammable shutters or shall be tempered glass.

c. Exterior Walls and Siding: Siding and exterior wall construction shall have a minimum one-hour fire-resistive rating ground level to roof line. Exterior doors shall be noncombustible or one and three-fourths inch (1 3/4") solid wood.

d. Foundations: Foundations, skirting and crawl space openings shall be fully enclosed and constructed with materials approved for one hour fire-resistive construction on the exterior side of the walls and shall extend from the top of grade to the underside of the floor decking or walls.

e. Stilt Construction: The underside of decks and structures with stilt foundations shall be fully enclosed and constructed with materials approved for one hour fire-resistive construction on the exterior side of the walls and shall extend from the top of grade to the underside of the floor decking or walls.

5. Maintenance

a. Roofs and gutters shall be kept clear of debris.

b. Yards shall be kept clear of all litter, slash, and flammable debris.

c. All flammable materials shall be stored on a parallel contour a minimum of fifteen feet (15') away from any structure.

d. Weeds and grasses within the ten-foot (10') perimeter shall be maintained to a height not more than six inches (6").

6. Miscellaneous

a. Firewood/wood piles shall be stacked on a parallel contour a minimum of fifteen feet (15') away from the structure.

b. Swimming pools shall be accessible by the Fire Departments.

c. Fences shall be kept clear of brush and debris.

d. Wood fences shall not connect to the structure.

e. Any outbuildings or additional structures shall adhere to the same standards as structures.

f. Fuel tanks shall be installed underground with an approved container.

g. Propane tanks shall be installed according to NFPA 48 standards and on a contour away from the structure with standard defensible space vegetation mitigation around any above-ground tank. Any wood enclosure around the tank shall be constructed with materials approved for two (2) hour fire-
resistive construction on the exterior side of the walls.

h. Each structure shall have a minimum of one ten (10) pound ABC fire extinguisher.

i. Addresses shall be clearly marked with two inch (2") non-combustible letters and shall be visible at the primary point of access from the public or common access road and installed on a non-combustible post.

7. Access

a. Access roads shall be built to County standards; however, these standards may be increased to mitigate wildfire hazards based on comments provided by the Colorado State Forest Service, the Sheriff's Department or local fire protection districts. Where feasible, looped routes of access/egress to the main artery/highway shall be incorporated in the project design. Looped routes of access/egress is defined as two (2) or more dedicated access roads to the main artery/highway for widely separated ingress/egress; looped drives with one entrance point or divided single entrances do not satisfy this condition. Where this is not feasible, the Board may approve vehicular turnaround areas a maximum of seven hundred fifty feet (750') apart installed between the road intersection and its terminus. Turnaround areas shall be the same standard as cul-de-sac turnaround pads; these may be incorporated into the proposed driveway entries.

b. Dead-end streets (not cul-de-sacs) shall not be permitted.

c. Cul-de-sac turn around pads shall have a minimum of a thirty-foot (30') drivable surface inside turning radius.

d. The driveways and access roadway shall enter the roadway at a ninety degree (90°) angle for the first twenty-five feet (25') of the driveway.

e. Fuel breaks shall be incorporated into the roadways of the subdivision for one hundred feet (100') on each side of the roadway. (For greater slopes, reference CSFS Fuelbreak Guidelines for Forested Subdivisions).

Note: Actual vegetation manipulation to meet this condition may not be necessary where the natural vegetation patterns have already fulfilled these conditions.

f. Access roads shall be built at a minimum to County standards; however, these standards may be increased to mitigate wildfire hazards based upon comments provided by the Colorado State Forest Service, the Pitkin County Sheriff's department and the local fire protection districts.

8. Water Supply

a. When access to a public or private pressurized water system is not available or if it is necessary to augment fire protection water systems, private ponds may be used if approved by Pitkin County and the local fire protection district.

b. Any fire department recommendation for individual structure water supply and storage shall be accessible to fire department vehicle from the exterior of the structure through a Fire Department approved mechanism (such as a fire hydrant). The amount of storage capacity shall be determined by the fire protection district with a minimum of one thousand (1,000) gallon storage capacity per structure.
c. Residential structures located within areas identified as containing "C - Severe Hazard: Trees" or "X - Severe Hazard: Brush" wildfire hazard shall be required to install in-house sprinkler systems which meet the standards of the local fire protection district and the Uniform Building Code.


10. Additional: Additional recommendations from the Colorado State Forest Service, the Pitkin County Sheriff's Department and the local fire protection district may be incorporated into any conditions of approval as necessary to mitigate wildfire hazards. (Ord. 99-39)
DIVISION 49500 EMPLOYEE HOUSING STANDARDS

SECTION 49510 FINDINGS AND PURPOSE
A. Findings. The findings contained in this section are abstracted primarily from Chapter 5, Affordable Housing, and Appendix B (to Chapter 5), Seasonal Employee Housing Needs Assessment, of the Jackson-Teton County Comprehensive Plan, which is adopted by resolution of the Jackson Town council and is available from the office of the Jackson Town Clerk.
1. Economic well-being. The economy of Jackson and Teton County is based primarily on tourism. Peak visitation occurs in the summer months of June, July, and August when almost 3 million tourists visit the county. During this period of time, county employment increases by more than 4,500 jobs.
2. Affordable housing shortage. There is a shortage of over 200 affordable rental housing units in Teton County. There is essentially no contract rental housing available for the influx of seasonal workers.
3. Private market not responsive. Because of the relatively low wages earned by seasonal workers, the private housing market does not respond to their need for basic shelter.
4. Need for regulatory action. The Seasonal Employee Housing Needs Assessment (Appendix B to Chapter 5 of the Jackson-Teton County Comprehensive Plan) concludes that housing must be provided for approximately 69 percent of the seasonal labor force.

B. Purpose. The purpose of this Division is to provide for a reasonable supply of affordable, attainable housing suitable for the needs of the seasonal work force in Teton County. It is the intent of this Division to set forth standards, guidelines, and requirements for such housing to be equitably provided in conjunction with nonresidential development. (Ord 518 § 1, 1995.)

SECTION 49520 APPLICABILITY
The standards of this Division apply to development of nonresidential uses, as listed in Section 2220.C, Nonresidential Uses, unless exempted in Section 49530, Exemptions. (Ord 518 § 1, 1995.)

SECTION 49530 EXEMPTIONS
The following development is exempted from the standards of this Division.
A. Redevelopment of preexisting uses. Redevelopment or remodeling of a nonresidential use existing prior to the effective date of this Division is exempt from the standards of this Division, provided no additional floor area is created by the redevelopment or remodeling activity. In the event new floor area is created, only the area that existed prior to the redevelopment or remodeling shall be exempt from the provisions of this Division.

B. Change of use. Any change of use which would result in an employee housing requirement less than or equal to a prior use legally existing on the effective date of this Division is exempt from the provisions of this Division. In the event that a change of use results in an employee housing requirement which is greater than that of the prior Jackson Municipal Code - Land Development Regulations Article IV - Development Standards Page 61 of 66 legally existing use, only the difference in the employee housing requirement is subject to being provided pursuant to this Division.

C. Development on lot or parcel for which employee housing standard has already been met. Development on any lot or parcel for which the employee housing standard, pursuant to this Division, has already been met through provision of employee housing, conveyance of land, or payment of fees-in-lieu, is exempt from the standards of this Division.

D. Agriculture. Agriculture, as listed in Section 2220.C.1.a, Agriculture, is exempt from the standards of this Division.

E. Agricultural employee housing. Development of agricultural employee housing is exempt from the standards of this Division.

F. Institutional residential. Development of an institutional residential unit is exempt from the standards of this Division.
G. **Institutional uses.** Development of an institutional use, as listed in Section 2220.C.2, Institutional uses, is exempt from the standards of this Division.

H. **Home uses.** Development of a home use, as listed in Section 2220.C.5, Home Uses, is exempt from the standards of this Division.

I. **Temporary uses.** Development of a temporary use, as listed in Section 2220.C.8, Temporary uses, is exempt from the standards of this Division. (Ord 518 § 1, 1995.)

### SECTION 49540 CALCULATION OF EMPLOYEE HOUSING STANDARDS FOR NONRESIDENTIAL DEVELOPMENT

The employee housing standards for all nonresidential development not exempted pursuant to Section 49530, Exemptions, shall be as follows.

A. **Required employee housing.** Nonresidential development not exempted pursuant to Section 49530, Exemptions, shall provide housing for seasonal employees pursuant to the standards of Table 49540.A, Nonresidential Employee Housing Standards. The employee housing shall be provided consistent with the standards of Section 49550, Methods for Providing Employee Housing.

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Employees Required to be Housed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>0.03 per 1000 sf</td>
</tr>
<tr>
<td>Commercial retail</td>
<td>0.42 per 1000 sf</td>
</tr>
<tr>
<td>Heavy retail/service</td>
<td>0.05 per 1000 sf</td>
</tr>
<tr>
<td>Service</td>
<td>0.15 per 1000 sf</td>
</tr>
<tr>
<td>Restaurant/bar</td>
<td>1.01 per 1000 sf</td>
</tr>
<tr>
<td>Commercial lodging</td>
<td></td>
</tr>
<tr>
<td>Dude ranch</td>
<td>0.62 per guest</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>0.43 per 1000 sf of commercial floor area + 0.75 per 34 camp sites</td>
</tr>
<tr>
<td>Hotels, motels, and other short term rental</td>
<td>0.13 per bedroom</td>
</tr>
</tbody>
</table>

### Table 49540.A.

**NONRESIDENTIAL EMPLOYEE HOUSING STANDARDS**

- Land Use Category Employees Required to be Housed
- Office 0.03 per 1000 sf
- Commercial retail 0.42 per 1000 sf
- Heavy retail/service 0.05 per 1000 sf
- Service 0.15 per 1000 sf
- Restaurant/bar 1.01 per 1000 sf
- Commercial lodging
- Dude ranch 0.62 per guest
- Campgrounds 0.43 per 1000 sf of commercial floor area + 0.75 per 34 camp sites
- Hotels, motels, and other short term rental 0.13 per bedroom

Jackson Municipal Code - Land Development Regulations

Article IV - Development Standards

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B. **Other nonresidential development.** The employee housing standard for any nonresidential use not listed in Table 49540.A, Nonresidential Employee Housing Standards, shall be determined by an independent calculation, pursuant to Section 49570, Independent Calculation. The standard given in the Table 49540.A is the result of calculating the number of summer (peak) season employees who are in need of housing, accounting for those who may already live in the community and accounting for average wages paid by various land uses (see Seasonal Employee Housing Needs Assessment, Appendix B, Chapter 5, Affordable Housing, Jackson/Teton County Comprehensive Plan.) (Ord 518 § 1, 1995.)
SECTION 49550 METHOD FOR PROVIDING EMPLOYEE HOUSING

Applicants shall demonstrate how the employee housing standards established in Section 49540, Calculation of Employee Housing Standards, are to be met by submitting a housing mitigation plan pursuant to the procedures and standards of Section 49560, Housing Mitigation Plan. Employee housing standards may be met by one (1), or a combination of the following methods.

A. On-site housing
   1. General. Where permitted by these Land Development Regulations, the applicant may provide employee housing on site through mixed-use development. All mixed-use development is subject to the standards set forth in Table 2400, Schedule of Dimensional Limitations. This is the primary and preferred method for providing employee housing, and should be used whenever possible and wherever practicable.
   2. Accessory Residential Units. The residential component of a mixed-use development may be comprised, in whole or in part, by Accessory Residential Units pursuant to Section 2370, Accessory Residential Units.
   3. Rent. Rents charged for any on-site residential unit produced to satisfy the standards of this Division may not exceed thirty (30) percent of the seasonal employee's gross wages, in accordance with Teton County Housing Authority Affordable Housing Guidelines.
   4. Maintenance. All employee units shall be regularly maintained, and kept in a safe, sanitary, liveable, and rentable condition.

B. Off-site housing

   1. General. The applicant may provide or cause to be provided, off-site conventional residential housing, either single family or multiple family, or dormitories. Applicants with obligations to provide employee housing may pool their required units with affordable units from other developments to create a viable offsite housing project.
   2. Number of employees per unit credited. The following Table 49550.B.2, Number of Persons Housed Per Unit, gives the number of employees each type of unit will be credited toward an applicant's employee housing obligation.

   Table 49550.B.2
   NUMBER OF PERSONS HOUSED PER UNIT
   Unit Type Persons Housed Per Unit
   Studio 1.25
   One Bedroom 1.75
   Two Bedroom 2.25
   Three Bedroom 3.00
   Four Bedroom 3.75
   Five Bedroom 4.50
   Each Additional Bedroom 0.50
   Dormitory 1.00 per 150 s.f. of net habitable area

   3. Rent. Rents charged for any on-site residential unit produced to satisfy the standards of this Division may not exceed thirty (30) percent of the seasonal employee's gross wages, in accordance with Teton County Housing Authority Affordable Housing Guidelines.
   4. Use of existing housing stock not permitted. The purchase or otherwise designation, assignment, or commitment of existing housing stock is not permitted for purposes of meeting the requirements of this Division.

C. Campgrounds
   1. General. The applicant may provide or cause to be provided campground facilities.
   2. Dimensions per seasonal employee. A minimum of 350 square feet of space shall be provided per person.
3. **Facilities.** The campground facilities shall consist of sanitation and bathing facilities, and each campsite shall be provided with a fire pit or grill.

4. **Rent.** Rents for this housing shall not exceed a rate that is greater than thirty (30) percent of the seasonal employees’ wages.

5. **Other restrictions.** All applicable provisions of these Land Development Regulations shall apply.

**D. Payment of in-lieu fees**

Jackson Municipal Code - Land Development Regulations Article IV - Development Standards Page 64 of 66

1. **General.** The applicant may pay an in-lieu fee for each employee required to be housed by this Division. A fee schedule shall be set by resolution of the Town Council and shall be reviewed and updated within two (2) years of its original adoption, and at least every two (2) years thereafter.

2. **Time of payment and use of funds.** Payment of the in-lieu fee shall be made to the Town of Jackson prior to, and on a proportionate basis to the issuance of any building permits for the free market portion of the development.
   a. **Interest bearing account.** The Town shall transfer the funds to an interest bearing trust fund.
   b. **Authorized uses of fees.** The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing employee housing units.

3. **Refund of fees**
   a. **Seven year limit.** Fees collected pursuant to this Section may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within seven (7) years from the date of payment, unless the Town Council shall have earmarked the funds for expenditure on a specific project, in which case the Town Council may extend the time period by up to three (3) years.
   b. **Sequence of expenditures.** Fees paid pursuant to this section are deemed to be spent or encumbered in the sequence in which they were received.
   c. **Written request.** To obtain the refund, the present owner must submit a written request to the Planning Director within one (1) year following the end of the seventh (7th) year from the date payment was received.
   d. **Refunds for expired permits.** Any payment for a project for which a building permit has expired due to non-commencement of construction may be refunded provided a request for refund is submitted to the Planning Director within three (3) months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.
   e. **Credit for non-refunded payments.** Any payments made for a project which is not begun or completed for any reason, and for which a refund has not been requested in accordance with subparagraph c. above, shall be retained by the Town of Jackson and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future employee housing obligations on the subject property. A record of such credit shall be maintained by the Town of Jackson. (Ord 518 § 1, 1995.)

**SECTION 49560 HOUSING MITIGATION PLAN**

A. **Housing mitigation plan required.** For all developments not exempted pursuant to Section 49530, Exemptions, a housing mitigation plan shall be submitted. Any applicant required to provide less than one employee housing unit, pursuant to Section 49550.A., Production of New Units, shall instead pay an in-lieu fee, pursuant to Section 49550.D., Payment of In-lieu Fee.

1. **Content.** The housing mitigation plan shall include the following:
   a. **Requirement calculations.** Calculations determining the employee housing standard that indicate each step of the calculation, from projected full-time equivalent employees to actual number of employee units required to be provided.
   b. **Method.** The method by which housing is to be provided, in compliance with Section 49550, Method for Providing Employee Housing.
   c. **Unit descriptions.** A conceptual site plan and building floor plan (if applicable), illustrating the number of units proposed, their location, and the number of bedrooms and size (square feet) of
each unit. A tabulation of this information shall also be submitted.

d. **Units developed.** If employee housing units are proposed to be developed, the proposed restrictions that will be placed on the units to ensure the units will remain available as employee housing units. All restrictions are subject to approval of the Teton County Housing Authority (TCHA).

e. **Fee calculations.** If fees-in-lieu are proposed, the calculations for determining the required fee amounts, pursuant to Section 49550.C, Payment of In-lieu Fee, shall be submitted. 2. **Procedure.** Review of the housing mitigation plan shall occur at the time of the initial review of the free market portion of the development plan.

B. **Review standards.** The Town Council shall approve the housing mitigation plan if it complies with the standards of this Division, addresses the need for affordable housing, and is consistent with the Jackson-Teton County Comprehensive Plan. (Ord 518 § 1, 1995.)

SECTION 49570 INDEPENDENT CALCULATION

A. **General.** An applicant may submit an independent calculation requesting modification to the amount of affordable employee housing required to be provided, and/or the in-lieu fee amount.

B. **Calculation contents.** The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence that supports the proposed modification.

C. **Procedure and standards.** The independent calculation shall be reviewed by the Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the standards of this Division because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications. (Ord 518 § 1, 1995.)
Appendix J

Dark Sky Ordinance - Ketchum, ID
Dark Sky Ordinance - Ketchum, ID

Ordinance Number 743

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, TO BE KNOWN AS THE "DARK SKY ORDINANCE" ESTABLISHING REGULATIONS AND GUIDELINES FOR EXTERIOR LIGHTING; PROVIDING FOR GENERAL PROVISIONS, DEFINITIONS, CRITERIA, NOTIFICATION, THE CITY’S ROLE, AND VIOLATIONS, LEGAL ACTIONS AND PENALTIES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, unnecessary and improperly designed light fixtures cause glare, light pollution and wasted resources; and,

WHEREAS, glare and light pollution can result in: hazardous circulation conditions for all modes of transportation; the diminishing ability to view the night sky; light trespass; and, unattractive townscape; and,

WHEREAS, the people who live in and near Ketchum value the natural environment, including the beauty and high quality of the night sky; and,

WHEREAS, the City of Ketchum is a destination resort community, economically dependent upon tourists and part-time residents, and is dependent upon its natural resources and environment to attract tourists and part-time residents; and,

WHEREAS, the City of Ketchum desires to protect the health, safety and welfare of the (residents, tourists, motorists and) general public, and to protect the night sky that adds to the quality of life and economic well being of the City; and,

WHEREAS, these regulations for exterior lighting will not sacrifice the safety of our citizens or visitors, or the security of property, but instead will result in safer, efficient and more cost-effective lighting.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:

SECTION 1 - GENERAL PROVISIONS

1.1 Title - This Ordinance together with the amendments thereto, shall be known and may be cited as the Ketchum Dark Sky Ordinance.

1.2 Purposes - The general purpose of this Ordinance is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process of review for exterior lighting. This Ordinance establishes standards for exterior lighting in order to accomplish the following:

a. To protect against direct glare and excessive lighting;
b. To provide safe roadways for motorists, cyclists and pedestrians;
c. To protect and reclaim the ability to view the night sky, and thereby help preserve the quality of life and the tourist experience;
d. To prevent light trespass in all areas of the City;
e. To promote efficient and cost effective lighting;
f. To ensure that sufficient lighting can be provided where needed to promote safety and security;
g. To allow for flexibility in the style of lighting fixtures;
h. To provide lighting guidelines;
i. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this Ordinance; and,

j. To work with other jurisdictions within Blaine County to meet the purposes of this Ordinance.

1.3 Scope - All exterior lighting installed after the effective date of this Ordinance in any and all zoning districts in the City of Ketchum shall be in conformance with the requirements established by this Ordinance and any other applicable ordinances. All existing lighting installed prior to the effective date of this Ordinance in any and all zoning districts in the City of Ketchum shall be addressed as follows:

a. All existing lighting located on a subject property that is part of an application for a City of Ketchum Planning Department Design Review, Conditional Use, or Subdivision Permit, or Building Permit is required to be brought into conformance with this Ordinance. Conformity shall occur prior to issuance of Certificate of Occupancy, Final Inspection, or Final Plat Recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.

b. All existing exterior commercial lighting that is not in conformance with this Ordinance shall be brought into conformance with this Ordinance within twelve (12) months from the date of adoption of this Ordinance, by June 30, 2000.

c. All existing lighting that does not meet the requirement of Zoning Ordinance Number 208, Section XXIV, Subsection 24.5, which states that "any parking, yard, or building illumination in [any] zoning [district] shall be so directed as to protect adjacent properties from glare and direct lighting" is required to be brought into conformance with this Section of Zoning Ordinance Number 208.

d. All existing exterior residential lighting, not affected by (a) and (c) above, that does not comply with this Ordinance is required to be brought into conformance with this Ordinance within two years from the date of adoption of this Ordinance, by June 30, 2001.

e. In the event of a discrepancy in applicable ordinances, the most restrictive shall apply.

SECTION 2 - DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

2.1 Area Light - Light that produces over 1800 lumens (See Addendum 1 for Light Output of Various Lamps). Area lights include, but are not limited to, street lights, parking lot lights and yard lights.

2.2 Average Footcandle - The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

2.3 Ballast - A device used with a discharge lamp to obtain the necessary voltage, current, and/or wave form for starting and operating the lamp.

2.4 Building Official - The City of Ketchum Building Official.

2.5 Bulb - The source of electric light. To be distinguished from the whole assembly (See Luminaire).

2.6 Candela (cd) - Unit of luminous intensity.

2.7 Commission - The City of Ketchum Planning and Zoning Commission.

2.8 Eighty-Five (85) Degree Full Cut-Off Type Fixtures - Fixtures that do not allow light to escape above an 85 degree angle measured from a vertical line from the center of the lamp extended to the ground. (See Figure 2).
2.9 Existing Lighting - Any and all lighting installed prior to the effective date of this Ordinance.

2.10 Exterior Lighting - Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this Ordinance.

2.11 Fixture - The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

2.12 Flood Light - Light that produces up to 1800 lumens (See Addendum 1 for Light Output of Various Lamps) and is designed to "flood" a well-defined area with light. Generally, flood lights produce from 1000 to 1800 lumens.

2.13 Flux (radiant flux) - Unit is erg/sec or watts.

2.14 Footcandle - Illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

2.15 Full Cut-Off Fixtures - Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. (See Figure 1).

2.16 Glare - Intense light that results in discomfort and/or a reduction of visual performance and visibility.

2.17 Holiday Lighting - Festoon type lights, limited to small individual bulbs on a string, where the spacing of bulbs is not closer than three inches and where the output per bulb is no greater than 15 lumens.

2.18 IESNA - Illuminating Engineering Society of North America (IES or IESNA) - The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

2.19 Illuminance - Density of luminous flux incident on a surface. Unit is footcandle or lux.

2.20 Lamp - The source of electric light: the bulb and its housing. To be distinguished from the whole assembly (See Luminaire).

2.21 Light - The form of radiant energy acting on the retina of the eye to make sight possible; brightness; illumination; a lamp, as defined above.

2.22 Light Pollution - Any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

2.23 Light Trespass - Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

2.24 Lighting - Any or all parts of a luminaire that function to produce light.

2.25 Lumen - Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot. One lux is one lumen per square meter.
2.26 **Luminaire** - The complete lighting unit, including the lamp, the fixture, and other parts.

2.27 **Luminance** - At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area. The luminance is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

2.28 **Non-Essential** - Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes. Example: For purposes of this Ordinance, lighting for a business sign is considered essential during business hours, however, is considered non-essential once the business is closed.

2.29 **Partially Shielded** - The bulb of the fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb. (See Figure 3).

2.30 **Planning and Zoning Administrator** - The City of Ketchum Planning and Zoning Administrator or a member of the City of Ketchum Planning Department Staff.

2.31 **Recessed** - When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

2.32 **Shielded** - When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture. (See Figure 4).

2.33 **Temporary Lighting** - Means lighting that is intended to be used for a special event for seven (7) days or less.

2.34 **Uplighting** - Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

SECTION 3 - CRITERIA

The Commission, the Building Official and/or the Planning and Zoning Administrator shall have the authority to require new lighting, and existing lighting pursuant to Section 1.3(a) hereinabove, to meet the recommendations and guidelines, in addition to the requirements of this Ordinance.

3.1 All applications for Design Review, Conditional Use, Subdivision and/or Building Permits shall include lighting plans showing location, type, height, and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this Ordinance. The Planning and Zoning Administrator, Commission and/or Building Official shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

3.2 All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the following exceptions:

   a. Luminaires that have a maximum output of 260 lumens per fixture, regardless of number of bulbs, (equal to one 20 watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up. (See Figure 5).

   b. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs, (equal to one 60 watt incandescent light) may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up. (See Figure 3).
c. Flood lights with external shielding may be angled provided that no light escapes above a 25 degree
angle measured from the vertical line from the center of the light extended to the ground, and only
if the light does not cause glare or light to shine on adjacent property or public rights-of-way. (See
Figure 6). Flood lights with directional shielding are encouraged. (See Figure 7). Photocells with
timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged.

d. Holiday lights as defined in Subsection 2.17 are exempt from the requirements of this Ordinance for
the six and one half month period from November 1 to April 15, except that flashing holiday lights
are prohibited on commercial properties. Flashing holiday lights on residential properties are
discouraged. Holiday lights are encouraged to be turned off after bedtime and after close of
businesses.

e. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent
direct glare and lighting into properties of others or into a public right-of-way, and provided the light
is set to only go on when activated and to go off within five minutes after activation has ceased, and
the light shall not be triggered by activity off the property.

f. Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments,
or other emergency services shall be exempt from the requirements of this Ordinance.

3.3 Light Trespass - It is the intent of this Ordinance to eliminate and prevent light trespass through the
proper installation of lighting fixtures. All existing and/or new exterior lighting shall not cause light trespass
and shall be such as to protect adjacent properties from glare and excessive lighting.

3.4 IESNA Guidelines - The Commission may require that any new lighting or existing lighting that comes
before them meet the standards for footcandle output as established by IESNA.

3.5 All non-essential exterior commercial and residential lighting is encouraged to be turned off after
business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are
encouraged to replace existing lighting that is desired for security purposes.

3.6 Area Lights - All area lights, including street lights and parking area lighting, shall be full cut-off
fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be in
accordance with the Idaho Power Franchise Agreement and/or the Light Conformance Schedule adopted by
resolution by the City Council. Street lights shall be high pressure sodium, low pressure sodium, or metal
halide, unless otherwise determined by the Council that another type is more efficient. Street lights along
residential streets shall be limited to a 70 watt high pressure sodium (hps) light. Street lights along
nonresidential streets or at intersections shall be limited to 100 watts hps, except that lights at major
intersections on state highways shall be limited to 200 watts hps. If the Council permits a light type other
than high pressure sodium, then the equivalent output shall be the limit for the other light type (See
Addendum 1). For example: a 100 watt high pressure sodium lamp has a roughly equivalent output as a 55
watt low pressure sodium lamp, or a 100 watt metal halide lamp.

Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as
opposed to fewer in number, higher in height and higher in light level. Parking lot lighting shall not exceed
IESNA recommended footcandle levels.

All freestanding area lights within a residential zone, except street lights, shall be mounted at a height equal
to or less than the value $3 + (D/3)$, where $D$ is the distance in feet to the nearest property boundary.

3.7 Luminaire Mounting Height - Free standing luminaires shall be no higher than 25 feet above the
stand/pole base, except that luminaires used for playing fields shall be exempt from the height restriction
provided all other provisions of this Ordinance are met and the light is used only while the field is in use, and
except that street lights used on major roads may exceed this standard if necessary as determined by the City Council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

3.8 Uplighting - Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and an Idaho licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Ordinance.

3.9 Flag Poles - Upward flagpole lighting is permitted for governmental flags only, and provided that the maximum lumen output is 1300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.

3.10 Service Stations - The average footcandle lighting level for new and existing service stations is required to be no greater than 30 footcandles, as set by the IESNA for urban service stations.

3.11 Canopy Lights - All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

3.12 Landscape Lighting - Lighting of vegetation is discouraged and shall be in conformance with this Ordinance. Uplighting is prohibited.

3.13 Towers - All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

3.14 Temporary Lighting - Temporary lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Planning and Zoning Administrator only after considering 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and, 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning and Zoning Administrator. The Administrator shall provide written notice of said request to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the request during a period of not less than ten (10) days after mailing of the notice and prior to final action on said request.

3.15 Neon Lights - Neon lights are only permitted pursuant to the Sign Ordinance, Section XXIV, Zoning Ordinance Number 208.

3.16 The attached figures and information sheets shall be incorporated into this Ordinance as guidelines for the public and the City for use in meeting the intent of this Ordinance. The figures and information sheets only serve as examples. The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Ketchum Planning Department.

SECTION 4 - NOTIFICATION

4.1 The City of Ketchum Building and Planning Department permits shall include a statement asking whether the subject property of the proposed work includes any exterior lighting.

4.2 Within thirty (30) days of the enactment of this Ordinance, the Planning and Zoning Administrator shall send a copy of the Dark Sky Ordinance with a cover letter to all local electricians and local electric suppliers listed in the local 1999 telephone books, as well as to the Ketchum/Sun Valley Chamber of Commerce.
Within ninety (90) days (coincide with next available mailing) the Planning and Zoning Administrator shall send notice to all property owners on the Ketchum Water/Sewer mailing list.

SECTION 5 - THE CITY'S ROLE

5.1 The City of Ketchum will commit to changing all lighting within the City rights-of-way and on City-owned property to meet the requirements of this Ordinance through the franchise agreement with the power company and/or through the Light Conformance Schedule adopted by resolution by the Council.

5.2 The City of Ketchum will assist property owners and/or occupants to correct any nonconforming lighting through consulting with the owner/occupant and assisting in the provision of shields.

SECTION 6 - VIOLATIONS, LEGAL ACTIONS AND PENALTIES

6.1 Violations and Legal Actions - If, after investigation, the Planning and Zoning Administrator finds that any provision of this Ordinance is being violated, the Administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning Department Staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this Ordinance and to collect the penalties for such violations.

6.2 Penalty - A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of one hundred dollars ($100) and each day of violation after the expiration of the thirty (30) day period provided in Subsection 6.1 above, shall constitute a separate offense for the purpose of calculating the civil penalty.

SECTION 7 - SAVINGS AND SEVERABILITY CLAUSE

It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8 - REPEALER CLAUSE

All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 9 - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and approved by the Mayor this 21st day of June, 1999.

_______________________
Guy P. Coles
Mayor
Attest:

______________________
Sandra E. Cady, City Clerk
Publish: Idaho Mountain Express
June 30, 1999
Appendix K

Goals and Policies Guiding Small-Scale Recreational and Tourist Uses - Jefferson County, WA
SMALL-SCALE RECREATIONAL AND TOURIST RELATED USES

GOAL:

LNG 7.0 Foster economic development in rural areas which is small-scale recreational or tourist-related and that relies on a rural location and setting.

POLICIES:

LNP 7.1 Small-scale recreational or tourist uses that do not include new residential development shall be provided for by the conditional use permitting process, subject to all of the following criteria:

LNP 7.1.1 Small-scale recreational or tourist uses shall demonstrate under the permit review process that the proposed wholly new location or use or expansion of existing location or use is reliant upon a particular rural location and setting.

LNP 7.1.2 Small-scale recreational or tourist uses shall be defined as those uses reliant upon the rural setting, incorporating the scenic and natural features of the land. These uses may include uses similar to campgrounds, U-fish ponds, hot springs, trails, boat launches and docks, outdoor/recreational equipment rental, private parks, recreational, cultural or religious retreats (non-residential), mini-golf, historic sites, gardens open to the public, animal viewing farms or wild game farms, horse arenas and stables, shooting ranges, music festivals/festival sites, and marinas. Under no circumstances should this policy be interpreted to permit new residential development or a Master Planned Resort pursuant to RCW 36.70A.360.

LNP 7.1.3 The primary use of the site shall be for the small-scale recreational or tourist use. Commercial facilities, as provided for within an approved conditional use permit for small-scale recreational or tourist uses, shall serve only those recreational and tourist uses and shall be clearly accessory to and dependent upon the primary recreational or tourist uses.

LNP 7.1.4 Small-scale recreational or tourist uses shall not include new residential development, except that necessary for on-site management.

LNP 7.1.5 Public services and public facilities shall be limited to those necessary to serve the recreational or tourist use and shall be provided in a manner that does not permit low-density sprawl.

LNP 7.1.6 The following measures to minimize and contain the site shall be incorporated into the site plan of the wholly new or expanding recreational or tourist use:

7.1.6(a) A single site plan shall designate the location of all uses, and shall be processed as a conditional use permit.

7.1.6(b) The location of small-scale recreational or tourist uses shall be based upon the scenic and/or natural features of the land that support the need for a rural location and setting.

7.1.6(c) Standards shall include compatibility of the small-scale recreational or tourist uses with the rural character of adjacent lands including forestry, agriculture and rural residential uses. The rural character of the area shall be protected by landscape buffers and physical setbacks away from major transportation corridors, and otherwise ensuring visual compatibility with the surrounding rural area.

7.1.6(d) Conversion of undeveloped land into sprawling, commercial development in the rural area shall be prohibited.

7.1.6(e) Site design for small-scale recreational or tourist uses shall ensure the protection of critical areas, as provided in RCW 36.70A.060, and surface water and ground water.
resources.

7.1.6(f) Site design for small-scale recreational or tourist uses shall ensure protection from conflicts with the use of agriculture, forest, and mineral resource lands of long-term commercial significance designated under RCW 36.70A.170.

LNP 7.1.7 Upon application for intensification/expansion of existing small-scale recreational or tourist areas and uses, the ultimate size and configuration of the site should be established and maintained by logical outer boundaries. Existing areas and uses are those that are clearly identifiable and contained, and where there is a logical boundary delineated predominately by the built environment as of July 1990, but may also include undeveloped lands if the overall goals of the Rural Element are maintained, by:
   a. preserving the character of the existing natural neighborhood;
   b. physical boundaries such as bodies of water, roadways, and land forms and contours are used to assist in delineation of the site;
   c. abnormally irregular site boundaries are prevented;
   d. public facilities and services are provided in a manner that does not permit low-density sprawl; and
   e. protecting critical areas and surface and groundwater resources.

LNP 7.1.8 Within Jefferson County’s isolated West End, allow small-scale recreation and tourist uses to provide basic goods and services to meet the needs of a local population living at a distance from commercial areas. This limited expansion of uses is also intended to allow for the creation of local jobs in an area of high unemployment and distressed economic conditions.

Source: Jefferson County Comprehensive Plan, 1998