



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338
503-623-9237 ★ FAX 503-623-6009

AUSTIN MCGUIGAN
Director

NOTICE OF LAND USE APPLICATION

APPLICATION FOR:	The applicant is reapplying to establish a dwelling using the small tract template dwelling criteria on an approximately 55.3 acre property located within the Farm Forest (F/F) Zoning District. The applicant reconfigured the subject property in a property line adjustment, in planning file LLA 14-42, which invalidated the dwelling approval in planning file FORD 12-03.
OWNER:	Jean Ottaway
FILE NUMBER:	FORD 14-08
LOCATION:	One property south of 3785 Liberty Road, Dallas, Oregon (Assessment Map T8S, R6W, Section 13, Tax Lot 100).
APPLICABLE REVIEW AND DECISION CRITERIA:	Polk County Zoning Ordinance Sections 138.070, 138.080(B)(1), 138.110, 138.120, 138.140 and 112.430(B)
STAFF CONTACT:	Sam Thomas. Phone (503) 623-9237; Email: thomas.samuel@co.polk.or.us

DECISION

Based on the Review and Decision Criteria above, this application is **approved** for a single-family dwelling under the small tract "template" dwelling criteria within the Farm Forest (F/F) Zoning District on an approximately 55.3-acre property. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III). Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, or subsequent land use application, etc.).

Conditions of Approval:

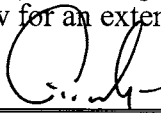
1. This approval is for one, single-family dwelling on the subject property. The dwelling and access to the dwelling shall be established substantially in the location identified in this application as depicted on Attachment A. This dwelling approval is specific to the configuration of the subject tract presented and evaluated in this application. Reconfiguration of the subject tract prior to establishing the approved dwelling would invalidate this approval.
2. Prior to establishing the dwelling on the subject property the property owners shall obtain all necessary permits from the Building and Environmental Health Divisions and Public Works Department. These permits may include, but are not limited to the following: building, manufactured home placement, electrical and plumbing permits from the Polk County Building Division; septic installation permits from the Polk County Environmental Health Division; and an access permit from the Public Works Department.
3. The property owner shall provide evidence consistent with OAR 660-006-0029(A), that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20), and not from a Class F stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
4. The following fire siting standards shall apply to a new dwelling or permanent structures:

- (a) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, 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.
 - (b) A primary fuel break shall be constructed on land surrounding the dwelling that is owned and controlled by the owner, no less than 30 feet wide. The primary fuel break may include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall also be removed.
 - (c) A secondary fuel break shall also be constructed on land surrounding the dwelling that is owned or controlled by the owner, of not less than 50 feet outside the primary fuel break. Dead fuels shall be removed from the fuel break area. It may be advisable to increase the secondary fuel break if the dwelling is located on a slope.
 - (d) No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
 - (e) The applicant shall obtain an address from Polk County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, in a contrasting or visible color and shall comply with all other applicable standards for signs. The applicant shall display the address number at the commencement of construction on the subject property.
5. The dwelling shall meet the following requirements:
- (a) The dwelling will have a fire retardant roof.
 - (b) The dwelling will not be sited on a slope greater than 40 percent.
 - (c) Evidence is provided that the domestic water supply is from a source authorized by the Oregon Water Resources Department and not from a Class F stream as designated by the Oregon Board of Forestry.
 - (d) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.
 - (e) If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 - (f) If the dwelling has a chimney or chimneys, each chimney includes a spark arrester.
6. If meeting the requirements of Condition 5 above would be impracticable, alternative means for protecting the dwelling from fire hazards may be considered. The means selected may include a fire sprinkling system, on-site equipment and water storage, or other methods that are reasonable, given the site conditions.
7. The applicant shall construct and/or improve the driveway to comply with Polk County Standards for Private Roads Serving Dwellings in Forest Zones (Attachment D). The applicant shall obtain an access permit for connection to Liberty Road from the Polk County Public Works Department.
8. All new structures shall comply with the Riparian and Wetland Setbacks found in PCZO 182.050(B) which range from 25-100 feet depending on the size of the stream or wetland area. Any conflicting uses proposed as described in PCZO 182.070(C) would require a management plan filed with the Polk County Planning Division.
9. Any new easement for ingress or egress shall be at least 40 feet wide, unless an exception to the easement width has been granted pursuant to PCSO 91.800. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide

proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

10. The property owner shall submit a stocking survey report to the Polk County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry Rules. If the property does not meet the minimum stocking requirements, the Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.
11. Prior to the issuance of permits for a residence, the property owner shall provide proof of a deed restriction signed and recorded with the Polk County Clerk that complies with PCZO 138.140 (Attachment E). The deed restriction shall bind the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937. The owner shall pay any applicable recording fees. The property owner shall submit a copy of the recorded deed restriction to the Planning Division for inclusion with file number FORD 14-08.
12. As required by OAR 660-006-0035(3), the property owner shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry (See Attachment F, Section B "Fuel Break Standards").
13. The setbacks for the proposed dwelling and any new buildings or structures shall comply with the yard setback standards for the Farm Forest Zoning District listed in PCZO 112.430(B)(1). Those setbacks are: front – thirty (30) feet, side – twenty (20) feet, and rear – twenty (20) feet.

EFFECTIVE DATE: December 8, 2014 at 5:00 p.m. This approval must be exercised within **four (4) years** from its effective date or it shall be null and void. If additional time is required, the applicant shall file a written request for extension, with the appropriate fee, addressed to the Polk County Planning Director, at least **thirty (30) days** prior to the expiration. The Planning Director may allow for an extension of up to **two (2) additional years**.



Austin McGuigan, Planning Director

11/26/2014

Date

Decisions of the Polk County Planning Director may be appealed to the Polk County Board of Commissioners by any person whose interests are adversely affected or who is aggrieved by the decision. Such appeals must be filed within 12 days of the mailing of the decision, with the Polk County Community Development Department, Courthouse, Dallas, Oregon, on the form supplied by that department and the appropriate fee paid at the time of filing. Failure of an issue to be raised in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III, below. This decision becomes effective only if a written appeal is not filed within the appeal period. If an appeal is filed, this decision is stayed until a determination is made by the governing body.

The decision granted herein does not vest (guarantee) the right of the property owner to use the property as authorized in this land use decision in perpetuity. The property owner is responsible for completing required conditions and establishing and continuing the use in order to retain a vested right. The property owner is advised to consult with an attorney to determine the appropriate actions necessary to obtain and retain rights of use authorized by this decision. A copy of the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at no cost and will be provided at the Community Development Department for the cost of copying.

Polk County Community Development, Polk County Courthouse, 850 Main Street Dallas, Oregon 97338.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this Notice of Decision, it must promptly be forwarded to the purchaser.

**Polk County Community Development Department
Planning Division Staff Report**

APPLICATION FOR: The applicant is reapplying to establish a dwelling using the small tract template dwelling criteria on an approximately 55.3 acre property located within the Farm Forest (F/F) Zoning District. The applicant reconfigured the subject property in a property line adjustment, in planning file LLA 14-42, which invalidated the dwelling approval in planning file FORD 12-03.

OWNER: Jean Ottaway

FILE NUMBER: FORD 14-08

LOCATION: One property south of 3785 Liberty Road, Dallas, Oregon (Assessment Map T8S, R6W, Section 13, Tax Lot 100).

APPLICABLE REVIEW AND DECISION CRITERIA: Polk County Zoning Ordinance Sections 138.070, 138.080(B)(1), 138.110, 138.120, 138.140 and 112.430(B)

STAFF CONTACT: Sam Thomas. Phone (503) 623-9237; Email: thomas.samuel@co.polk.or.us

I. PROJECT AND PROPERTY DESCRIPTION

REQUEST: The applicant is proposing to establish a small tract forest “template” dwelling on the subject property. The subject property consists of approximately 55.3 acres and is located within the Farm/Forest (F/F) Zoning District. The applicant’s plot plan is included as Attachment A-1.

The application was submitted and deemed complete on October 27, 2014.

PARCEL SIZE: 55.3 acres

Zoning:	Comprehensive Plan Designation	Zoning Designation
Subject property	Farm/Forest	Farm/Forest
Property North	Farm/Forest	Farm/Forest
Property East	Farm/Forest	Farm/Forest
Property South	Farm/Forest	Farm/Forest
Property West	Farm/Forest	Farm/Forest

PROPERTY DESCRIPTION: The subject property is located one property south of 3785 Liberty Road, Dallas, Oregon (Assessment Map T8S, R6W, Section 13, Tax Lot 100). Based upon a review of the Polk County Assessor’s Records, the subject property is currently vacant. A majority of the site is forested, based upon a review of 2011 Polk County Aerial Photograph.

The subject property was lawfully created pursuant to PCSO 91.950(1)(b) as evidenced by a partition plat number 2008-0001, recorded. The subject property is identified as “Parcel 1 of the aforementioned partition plat. The subject property obtained its current configuration as the result of a mutual consent property line adjustment, Polk County file LLA 14-42, approved October 23, 2014. Staff found that the conditions of LLA 14-22 have been satisfied as evidenced by the recording of a bargain and sale deed recorded in Polk County Clerk Document # 2014-8978, dated October 27, 2014. The subject property constitutes the entire tract because there are no contiguous parcels under the same ownership. The subject property was approved for a forest “template” dwelling by Polk County file FORD 12-03. The applicant reconfigured the parcel in a property line adjustment (LLA 14-42). Therefore, the dwelling approval in FORD 12-03 was rendered null and void. This application would allow four years to begin construction on the forest “template” dwelling with an opportunity for an extension.

There are no identified historic sites on the property, based on information in the Polk County Geographic Information System map. The property is not located within the Willamette River Greenway. The property is located outside the identified Special Flood Hazard Area, pursuant to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0125C, dated December 19, 2006. The National Wetland Inventory (NWI) Dallas quad map does identify a wetland area on the northwestern corner of the subject property. All new structures shall comply with the Riparian and Wetland Setbacks found in PCZO 182.050(B) which range from 25 feet to 100 feet, depending on the size of the stream or wetland area. A conflicting use, such as vegetation removal or road construction, within a riparian management area or a significant wetland shall require a management plan as outlined in PCZO 182.040(E).

The subject property is located within a significant resource area for archaeological resources as identified on the Polk County Significant Resource Areas Map. If any archaeological resources are discovered during construction, the applicant is required to notify the Planning Director, the State Historic Preservation Office and the Grand Ronde Tribe, and construction shall be halted, for a period of time not to exceed 30 days, until a determination is made as to the location, quantity, quality and significance of the resource per OAR 660-16-000 [PCZO 183.060].

Access: The subject property has frontage along Liberty Road. Liberty Road is a local road as defined in the Polk County Transportation Systems Plan, Figure 3. An access permit to Liberty Road would be required from the Polk County Public Works Department.

Services: The applicant proposes an individual sewage disposal (septic) system and well to serve the proposed forest dwelling on the subject property.

School: Dallas School District #2.

Fire: Southwest Polk Rural Fire Protection District.

Police: Polk County Sheriff.

II. COMMENTS RECEIVED

Environmental Health: No septic files for this property. Apply for a site evaluation to determine site suitability for an on-site septic system; provide potable water.

No other comments were received as of the writing of these findings.

III. REVIEW AND DECISION CRITERIA

The authorization for a small tract "template" dwelling within the Farm Forest (F/F) Zoning District is provided under PCZO Sections 138.070, 138.080(B)(3), 138.110, 138.120, and 138.140; subject to administrative review. Sections 111.240 and 111.250 of the PCZO authorize the Planning Director to conduct such review and render a decision in this matter. Staff findings and analysis are as follows. Criteria are identified in **bold** text and findings are written in standard text.

- 1) The siting of dwellings and certain other land uses within the Farm/Forest Zoning District are based on a determination of the predominant use of a tract as either farm or forest land. A "tract" is defined as one (1) or more contiguous lots or parcel(s) under the same ownership.**

Predominant use is defined as more than 50 percent of the area of the tract. Polk County will review tax assessor records, aerial photos, soils capability data, and existing uses to determine on a case-by-case basis whether a tract was predominantly used for farm or forest purposes as of January 1, 1993. [PCZO 138.070]

Staff Findings: The subject property was recently reconfigured by a property line adjustment, Polk County file LLA 14-42, that was approved October 23, 2014. Staff found that the property line

adjustment has been exercised as evidenced by the recording of a deed mentioned above. Previously, the subject property was partitioned by Polk County Planning File LP 06-13, that divided an approximately 114.0 acres parcel into two separate approximately 57 acre parcels. Partition Plat No. 2008-0001, dated on January 18, 2008, indicates resulting parcels of 56.94 acres (T8S, R6W, Section 13, Tax Lot 100), the subject property, and 56.95 acres (T8S, R6W, Section 13, Tax Lot 107), the adjacent property. The Polk County partition application LP 06-13 was submitted concurrently with FORD 06-14, which evaluated the evidence submitted by the applicant to place a forest "template" dwelling on the subject property. In FORD 06-14, staff made the following findings:

The subject property was predominantly used for forestry on January 1, 1993, based upon a review of the 1994 aerial photograph on the Polk County Geographic Information System and as indicated in the applicant's statement. The subject property is being assessed as forestland and receiving special assessment, as found on the Polk County Assessment Report for assessment year 2006.

Staff confirmed the findings from FORD 06-14 that the subject property was predominantly used for forestry on January 1, 1993. This finding was based on a review of the 1994 Polk County Aerial Photograph, which shows a recently cleared timber site and the 2008 Polk County Aerial Photograph, which shows significant growth of trees and vegetation. Based on the soils information in Table 1 above, the subject property has an average annual forest productivity rate of 138.00 cubic feet of wood fiber per acre. The subject property continues to be assessed as forestland and receives special assessment, as found on the Polk County Assessment Report for assessment year 2014.

Based on the above findings, the subject property was predominantly used for forest purposes as of January 1, 1993.

2) Small Tract "Template" Dwelling [OAR 660-006-0027(3)]. A dwelling may be authorized on a tract that meets the following criteria: [PCZO 138.080(B)(3)]

(A) The tract is less than 60 acres in size; [PCZO 138.080(B)(3)(a)]

Staff Findings: Based on a review of Polk County Assessor's data, the owner of the subject property does not own any contiguous lots or parcels. The subject property constitutes the entire tract, and does not contain a dwelling. Based on the Polk County Assessor Map and the applicant, the subject property contains approximately 55.3 acres and would continue to be located in the Farm Forest (F/F) Zoning District. The subject property is primarily managed for forest production.

The subject property complies with this standard.

3) The tract meets one of the following:

(A) The tract is composed of soils that are capable of annually producing more than 85 cu. ft. per acre of wood fiber if: [PCZO 138.080(B)(3)(b)(i)]

(1) All or part of at least eleven (11) other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract. However, if the tract abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the maximum extent possible; and [PCZO 138.080(B)(3)(b)(i)(A)]

(2) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or [PCZO 138.080(B)(3)(b)(i)(B)]

(B) The tract contains no dwellings on other lots or parcels that make up the tract. [PCZO 138.080(B)(3)(e)]

(C) The tract is not subject to deed restrictions established under OAR 660-006-0027(6) and Section 138.080(B)(2)(b) of this Ordinance. [PCZO 138.080(B)(3)(f)]

(D) Parcels 10 acres or less in size shall not be required to submit a stocking report prior to receiving a permit for the dwelling as authorized by this subsection. [PCZO 138.080(B)(3)(g)]

(E) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsections 138.080(B)(4). [PCZO 138.080(B)(3)(h)]

Staff Findings: Based on the soils information in Table 1 above, the subject property has an average annual forest productivity rate of 138.00 cubic feet of wood fiber per acre. This exceeds the 85 cu. ft. per acre of wood fiber. See Attachment B for forest productivity report and soils analysis.

A 160 acre rectangle centered on the center of the subject property situated parallel to Liberty Road, was used to determine the number of lots or parcels that existed on January 1, 1993 (Attachment C-2). The template test identified four (4) tax lots under separate ownership and seven (7) lots under the same ownership that were created in 1911 by the Laureldale subdivision SP 2A-23. Staff assumes that separate ownerships equate to separate lots or parcels. As a result, staff found at least eleven (11) separate lots or parcels (See Attachment C-1). The identified lots or parcels contained at least three (3) dwellings on January 1, 1993. Based upon a review of the current Polk County Assessor's Records, three (3) of the dwellings that existed on January 1, 1993 remain. The evaluation of the proposed dwelling is specific to the configuration of the subject tract presented in this application. Reconfiguration of the subject tract prior to establishing the proposed dwelling, if this application is approved, would invalidate the approval.

Based on a review of Polk County Assessor's data, the owner of the subject property does not own any contiguous lots or parcels. The subject property constitutes the entire tract, and does not contain a dwelling. The subject property is 55.3 acres and has been approved for a dwelling that required a deed restriction under OAR 660-006-0027(6) and Section 138.080(B)(2)(b) of this Ordinance. As required above, this applicant shall be required to submit a stocking report prior to receiving a permit for the dwelling. Based on a review of the Polk County Zoning Map, neither the subject property nor any lots or parcels included in the "template" test were located within any urban growth boundary.

Subject to the submission of a stocking report, the subject property would comply with these criteria.

4) 138.110 GENERAL SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-006-0029]. The following standards apply to all new dwellings and structures: [Amended by Ordinance 11-03] [PCZO 138.110(A)(1 - 5)]

(A) All new dwellings and structures authorized under Sections 138.080(B) and 138.090(B)(1) are subject to the siting standards in this Section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a the building site which:

- (1) Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;**
- (2) Ensures that forest operations and accepted farming practices will not be curtailed or impeded;**
- (3) Minimizes the amount of forest lands used for the building sites, road access and service corridors; and**
- (4) Consistent with the provisions of Section 138.120 minimizes the risk associated with wildfire.**
- (5) Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat.**

Staff Findings: The subject property contains approximately 55.3-acres. The subject property slopes down to the south and the northwest. The property contains soil classes that range in slopes from 3-50%. Based on the Polk County Map GIS layer, Staff found slopes ranging from approximately 8% to approximately 30%. Prevailing winds would typically be from the southwest. Adjacent properties north, east, west, and south are in the F/F Zoning District, and range from 1.5-acres to 65.7-acres. Properties in Section 13 range from 0.36-acres to 65.71-acres and are almost exclusively F/F zoned, except for one property located in the Mineral Extraction (ME) Zoning District. In the surrounding F/F zoned properties, activities may include pasture, hay, Christmas tree production, and forest uses.

Practices that occur on agricultural properties may include: plowing, disking, seeding, fertilizing, and harvesting of hay. Cattle grazing may also occur. Forestry practices in the area may include; spraying, thinning, harvesting, planting, and transporting of forest products. The applicant states that forestry management practices would continue on the subject property.

According to the plot plan provided, the proposed dwelling would be located in the northeastern quadrant of the property near a family memorial easement described in Polk County Clerk File # 2009-011491. The proposed dwelling would be located roughly 400 feet from the eastern edge of the property and approximately 400 feet from the northern edge of the property. The 2011 Polk County Aerial Photography shows what appear to be unpaved roads connecting the proposed dwelling location to the northern, southern, and eastern portions of the subject property.

The 2011 Polk County Aerial Photograph indicates the area proposed for the dwelling is mainly cleared of vegetation with a few mature trees that may require removal to construct the dwelling. According to the contour lines provided by the Polk County Geographic Information System map, the proposed location of the dwelling would be on approximately 13% slopes. This is in contrast to approximately 20% slopes on the majority of the subject property. Staff finds that the proposed location would minimize the risk of loss from wildfire because the area required for primary and secondary fire breaks would be contained on the parcel. Structures in addition to the dwelling would be required to be clustered near the dwelling to reduce potential impact.

The applicant states that there is an existing logging road that would be improved with minimal impact on forestry practices and would connect the proposed dwelling to Liberty Road. The applicant does not intend for the use of the existing logging road as the driveway to hinder the existing timber management practices or future logging operations. Selective harvest of lumber on the property will likely occur in five years time. Staff has not identified any conflicts between the proposed dwelling on the subject property and the surrounding farm and forest operations. Based on the evidence in the record, the proposed dwelling location and proposed driveway would not curtail or impede forest or farming operation and practices. The use of an existing logging road and the placement of the dwelling on already thinned or cleared timber land would minimize the amount of forest lands used for the building site, road access and service corridors.

The subject property is not located within the special flood hazard or the Willamette River Greenway and no landslide areas are noted. A portion of the property is mapped as containing significant archaeological resources. In the event that archaeological resources are unearthed or discovered during construction activities, the applicant shall notify the Planning Director, the State Historic Preservation Officer and the Grand Ronde Tribe and construction shall be halted for a period of time not to exceed 30 days until a determination is made as to the location, quantity, quality and significance of the resource per OAR 660-16-000. The National Wetland Inventory (NWI) Dallas quad map does identify a wetland area on the northwestern corner of the subject property. The width of the riparian management area for lakes and significant wetlands shall average 25 to 100 feet (PCZO 182.050(B)(2)), based on the size of the stream, lake, or wetland. The applicant intends to install a culvert or bridge over the seasonal creek to allow access from Liberty Road along an existing logging road to the proposed dwelling location. A conflicting use, such as vegetation removal or road construction, within a riparian management area or a significant wetland may require a management plan as outlined in PCZO 182.040(E).

Based on these findings, forestry practices would continue on the subject property and the placement of the dwelling and access road would not impede forest operations and accepted farming practices or negatively impact adjacent properties. Therefore, staff finds that the subject property is consistent with the requirements contained in the Comprehensive Plan. In order to assure that the proposed development would be consistent with development in forested areas, the property owner shall comply with the development standards for the authorization of location of dwellings and structures listed in PCZO 138.110(B) through (D) and the fire siting standards for dwellings and structures listed in PCZO 138.120 prior to final approval of building permits.

The dwelling and access to the dwelling shall be established substantially in the location identified in this application as depicted on Attachment A. Prior to establishing the dwelling on the subject property the property owners shall obtain all necessary permits from the Building and Environmental Health

Divisions and Public Works Department. These permits may include, but are not limited to the following: building, manufactured home placement, electrical and plumbing permits from the Polk County Building Division; septic installation permits from the Polk County Environmental Health Division; and an access permit from the Public Works Department.

The application complies with these criteria.

- 5) **The applicant shall provide evidence consistent with OAR 660-006-0029(A), that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class F stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. [PCZO 138.110(B)]**

Staff Findings: The applicant stated that potable water would be provided by an on-site well. Staff recommends that the provision of potable water on the subject property be included as a condition of approval. With the condition of approval, the application complies with this criterion.

- 6) **As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. [PCZO 138.110(C)]**

Staff Findings: The subject property has direct access from Liberty Road on its northwest corner. The applicant stated that a driveway would be an existing logging road with the addition of a culvert or bridge to connect the proposed dwelling to Liberty Road. Staff recommends that the access route to the proposed dwelling be placed in substantially the same location as identified in Attachment A as a condition of approval. With the condition of approval, the application complies with this criterion.

- 7) **Approval of a dwelling on a parcel or tract which is larger than 10 acres in size shall be subject to the following requirements: [PCZO 138.110(D)(1 - 4)]**
- (A) **Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules.**
 - (B) **The Planning Department shall notify the Polk County Assessor of the above condition at the time the dwelling is approved.**
 - (C) **The property owner shall submit a stocking survey report to the Polk County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry Rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey or where the survey report indicates that minimum stocking requirements have not been met.**
 - (D) **Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.**

Staff Findings: The subject property contains approximately 55.3-acres; the provisions identified herein would be required as conditions of approval for establishing the dwelling.

8) **138.120 FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-006-0035]. The following standards apply to all new dwellings and structures: [Amended by Ordinance 11-03] [PCZO 138.120(A - H)]**

(A) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, 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.

Staff Findings: There does not appear to be a water supply that is available for fire protection on the subject tract based on a review of the 2011 Polk County aerial photograph. However, in case circumstances change, staff recommends that this criterion be listed as a condition of approval.

(B) Road access to the structure shall meet the County road design standards.

Staff Findings: Based on the applicant's plot plan, the proposed dwelling would have direct access to State Highway 22. A condition of approval shall require that road access to the dwelling shall comply with the Polk County Standards for Private Roads Serving Dwellings in Forest Zones. See Attachment C.

(C) A primary fuel break shall be constructed on land surrounding the dwelling that is owned and controlled by the owner, no less than 30 feet wide. The primary fuel break could include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall also be removed.

(D) A secondary fuel break shall also be constructed, on land surrounding the dwelling that is owned or controlled by the owner, of not less than 50 feet outside the primary fuel break. Dead fuels shall be removed from the fuel break area. It may be advisable to increase the secondary fuel break if the dwelling is located on a slope.

Staff Findings: The updated fuel break standards of OAR 660-006-0035(3) are more restrictive than those of PCZO 138.120(C) and (D); therefore, staff must apply the current OAR. As stated by the Oregon Department of Forestry (ODF), the goal within the primary safety zone is to remove fuels that would produce flame lengths in excess of one foot. The secondary fuel break is intended to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced.

According to the provisions of OAR 660-006-0035 and "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, published by the ODF (Attachment E), a minimum 30 foot primary safety zone (fuel break) and an additional secondary fuel break of at least 100 feet in all directions around the primary fuel break would be required. A larger fuel break may be required if the dwelling is located on a slope. The nearest property lines, to the south and east of the proposed dwelling location, are approximately 130 feet away. Based on a review of the Polk County contour topographical map, the proposed dwelling site has a slope of approximately 5%. As a result, no additional fuel break around the proposed dwelling would be required. The secondary fuel break would need to total a minimum of 100 feet around the required primary fuel break. The total fuel break required would be 130 feet surrounding the dwelling unit on land owned or controlled by the owner.

As a condition of approval, the required fuel breaks shall be constructed and maintained on the subject tract in compliance with OAR 660-006-0035(3) and "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry, Section B "Fuel Break Standards" (See Attachment F).

(E) No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.

(F) The applicant shall obtain an address from the County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for

numbering. The numbers shall not be less than three inches in height, in a contrasting or visible color and shall comply with all other applicable standards for signs.

(G) The dwelling shall meet the following requirements:

- (1) The dwelling has a fire retardant roof.**
- (2) The dwelling will not be sited on a slope of greater than 40 percent.**
- (3) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class F stream as designated by the State Board of Forestry.**
- (4) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.**
- (5) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.**
- (6) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.**

(H) If meeting the requirements of Section 138.120 (G) would be impracticable, alternative means for protecting the dwelling from fire hazards may be considered. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions.

Staff Findings: Staff recommends the dwelling be required to be constructed with any and all necessary fire restrictive materials in compliance with the fire siting standards of PCZO 138.120. The above criteria listed in PCZO 138.120(E)-(H) shall be required as conditions of development. With the above conditions, staff finds that the proposed dwelling site would comply with the above section of the Polk County Zoning Ordinance.

9) NON-REMONSTRANCE DEED RESTRICTION Pursuant to OAR 660-006-0029 (4)(e), for any dwelling, residential facility, private park, reservoir or water impoundment, home occupation, or private fishing or hunting accommodations approved under sections 138.050, 138.060, 138.080 and 138.090, and partitions approved under subsections 138.130(F), (G), and (H), the landowner for the property shall be required to sign and record a deed restriction binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937. [PCZO 138.140]

Staff Findings: As required by PCZO 138.140, the property owner shall sign and record with the Polk County Clerk a non-remonstrance deed restriction specific to the subject property, (Attachment E) recognizing allowed farm and forestry uses prior to the issuance of permits for a residence. The property owner shall submit a copy of the recorded deed restriction to the Planning Division for inclusion in file FORD 14-08.

10) SETBACK REQUIREMENTS: [PCZO 112.430(B)(1)]

(A) There shall be front, side and rear yards of the following depths for lots in the Farm Forest Zoning District: [PCZO 112.430(B)(1)(a)]

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

(B) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard. [PCZO 112.430(B)(1)(b)]

(C) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required than is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply. [PCZO 112.430(B)(1)(c)]

(D) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks. [PCZO 112.430(B)(1)(d)]

Staff Findings: The minimum setbacks for the proposed dwelling and any authorized accessory structures shall be front: thirty (30) feet; side: twenty (20) feet; rear: twenty (20) feet. The applicant's plot plan indicated the dwelling would be at least 400 feet from the eastern edge of the property, which is the closest property line to the proposed dwelling location. The proposed dwelling shall be required to comply with the above setback standards. With the setback condition of approval, the application could comply with these criteria.

V. CONCLUSION

Based on the Review and Decision Criteria above, the application complies with the provisions for a single-family dwelling in the Farm Forest (F/F) Zoning District on an approximately 55.3-acre parcel utilizing the small tract "template" dwelling criteria.

The application would be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III). Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III, above. Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application).

Conditions of Approval:

1. This approval is for one, single-family dwelling on the subject property. The dwelling and access to the dwelling shall be established substantially in the location identified in this application as depicted on Attachment A. This dwelling approval is specific to the configuration of the subject tract presented and evaluated in this application. Reconfiguration of the subject tract prior to establishing the approved dwelling would invalidate this approval.
2. Prior to establishing the dwelling on the subject property the property owners shall obtain all necessary permits from the Building and Environmental Health Divisions and Public Works Department. These permits may include, but are not limited to the following: building, manufactured home placement, electrical and plumbing permits from the Polk County Building Division; septic installation permits from the Polk County Environmental Health Division; and an access permit from the Public Works Department.
3. The property owner shall provide evidence consistent with OAR 660-006-0029(A), that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20), and not from a Class F stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
4. The following fire siting standards shall apply to a new dwelling or permanent structures:
 - (a) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, 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.
 - (b) A primary fuel break shall be constructed on land surrounding the dwelling that is owned and controlled by the owner, no less than 30 feet wide. The primary fuel break may include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall also be removed.

- (c) A secondary fuel break shall also be constructed on land surrounding the dwelling that is owned or controlled by the owner, of not less than 50 feet outside the primary fuel break. Dead fuels shall be removed from the fuel break area. It may be advisable to increase the secondary fuel break if the dwelling is located on a slope.
 - (d) No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
 - (e) The applicant shall obtain an address from Polk County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, in a contrasting or visible color and shall comply with all other applicable standards for signs. The applicant shall display the address number at the commencement of construction on the subject property.
5. The dwelling shall meet the following requirements:
 - (a) The dwelling will have a fire retardant roof.
 - (b) The dwelling will not be sited on a slope greater than 40 percent.
 - (c) Evidence is provided that the domestic water supply is from a source authorized by the Oregon Water Resources Department and not from a Class F stream as designated by the Oregon Board of Forestry.
 - (d) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.
 - (e) If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 - (f) If the dwelling has a chimney or chimneys, each chimney includes a spark arrester.
 6. If meeting the requirements of Condition 5 above would be impracticable, alternative means for protecting the dwelling from fire hazards may be considered. The means selected may include a fire sprinkling system, on-site equipment and water storage, or other methods that are reasonable, given the site conditions.
 7. The applicant shall construct and/or improve the driveway to comply with Polk County Standards for Private Roads Serving Dwellings in Forest Zones (Attachment D). The applicant shall obtain an access permit for connection to Liberty Road from the Polk County Public Works Department.
 8. All new structures shall comply with the Riparian and Wetland Setbacks found in PCZO 182.050(B) which range from 25-100 feet depending on the size of the stream or wetland area. Any conflicting uses proposed as described in PCZO 182.070(C) would require a management plan filed with the Polk County Planning Division.
 9. Any new easement for ingress or egress shall be at least 40 feet wide, unless an exception to the easement width has been granted pursuant to PCSO 91.800. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
 10. The property owner shall submit a stocking survey report to the Polk County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry Rules. If the property does not meet the minimum stocking requirements, the Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.
 11. Prior to the issuance of permits for a residence, the property owner shall provide proof of a deed restriction signed and recorded with the Polk County Clerk that complies with PCZO 138.140 (Attachment E). The deed restriction shall bind the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action

alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937. The owner shall pay any applicable recording fees. The property owner shall submit a copy of the recorded deed restriction to the Planning Division for inclusion with file number FORD 14-08.

12. As required by OAR 660-006-0035(3), the property owner shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry (See Attachment F, Section B "Fuel Break Standards").
13. The setbacks for the proposed dwelling and any new buildings or structures shall comply with the yard setback standards for the Farm Forest Zoning District listed in PCZO 112.430(B)(1). Those setbacks are: front – thirty (30) feet, side – twenty (20 feet), and rear – twenty (20) feet.

Polk County Map

8.6.13

Roads

GRAVEL

Taxlot12



Taxlot Arrows12
Taxlot Boundary 12
taxlot12

Taxlot13

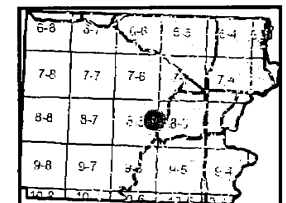
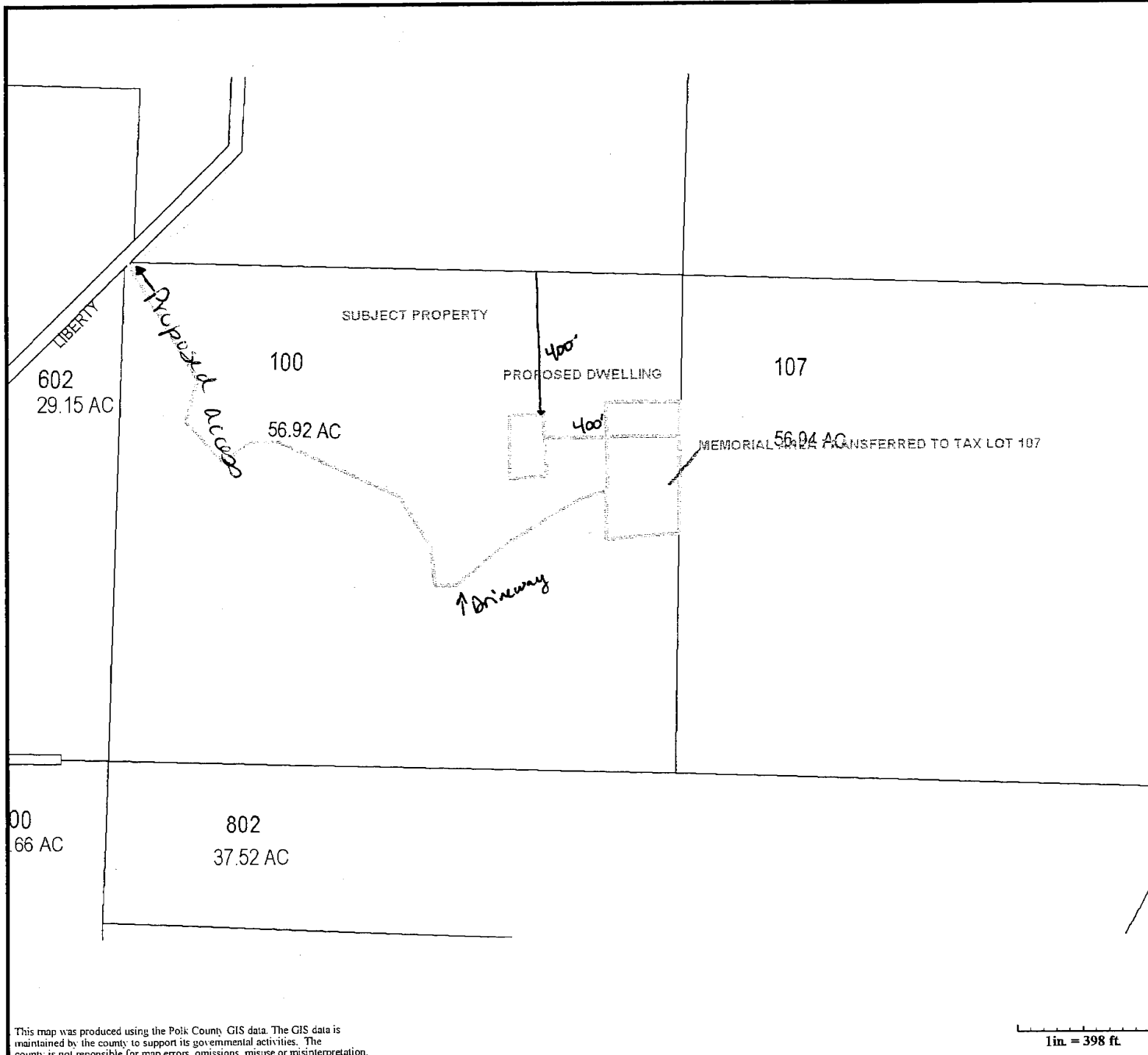


Taxlot Arrows13
Taxlot Boundary 13
taxlot13

Taxlot14



Taxlot Arrows14
Taxlot Boundary 14
taxlot14



This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

1 in. = 398 ft.



10/27/2014



Polk County Soil Analysis Detail.txt

FOREST PRODUCTIVITY REPORT AND SOILS ANALYSIS

Application FORD 14-08

Time: 3:17:59 PM

Date: 8/9/2012

The following values are the rounded calculations of the selected area...

ID LAYER PERCENT KEY	SOIL TYPE	SOIL NAME	SOIL CLAS	PRM CLS	HI VA	MIN SLP	MAX SLP	FOR PRD	SOIL PERCENT	SOIL ACRES	ERROR
861300 100	36D	Jory silty clay	IIIE	NO	YES	12	20	172	0.98%	0.56	0.25%
861300 100	36E	Jory silty clay	IVE	NO	YES	20	30	172	24.37%	14.08	1.93%
861300 100	68C	Suver silty clay	IIIE	NO	NO	3	12	0	0.23%	0.13	0.30%
861300 100	27D	Dupee silt loam	IVE	NO	NO	12	20	0	4.29%	2.48	0.95%
861300 100	60D	Rickreall silty	VIE	NO	NO	12	20	0	0.63%	0.37	0.42%
861300 100	36E	Jory silty clay	IVE	NO	YES	20	30	172	28.52%	16.48	3.19%
861300 100	60D	Rickreall silty	VIE	NO	NO	12	20	0	8.98%	5.19	1.50%
861300 100	37E	Jory silty clay	VIE	NO	NO	30	50	172	1.24%	0.72	0.65%
861300 100	36E	Jory silty clay	IVE	NO	YES	20	30	172	3.16%	1.83	0.99%
861300 100	37E	Jory silty clay	VIE	NO	NO	30	50	172	2.56%	1.48	0.41%
861300 100	36D	Jory silty clay	IIIE	NO	YES	12	20	172	19.54%	11.29	2.25%
861300 100	60C	Rickreall silty	VIE	NO	NO	3	12	0	5.51%	3.18	1.31%
									-----	-----	
									100.00%	57.78	

-----FOREST PRODUCTIVITY REPORT-----

TAXLOT	RANGE	VALUE	ACRES	VALUE*ACRE
861300 100	0-230	0	11.34	0.00
861300 100	0-230	172	46.43	7986.50
			-----	-----
			57.77	7986.50
GRAND TOTALS	RANGE	VALUE	ACRES	VALUE/ACRE
	0-230	0	11.34	0.00
	0-230	172	46.43	3.70
			-----	-----
			57.77	

Total: 7986.50
 Average: 138.25
 Percent Error (+/-): 3.32%

-----HIGH VALUE SOIL REPORT-----

GRAND TOTALS	VALUE	ACRES	PERCENT
	High Value soils	44.24	76.56%
	Non High Value Soils	13.54	23.44%

		57.78	

Percent Error (+/-): 4.38%

Disclaimer: Information is based on NRCS soil information & Polk County Tax Assessment data. This information is provided for land use planning purposes only. Polk County is not responsible for map errors, omissions, misuse, or misinterpretation. Percent and total calculations are based on precise geometric calculations and may be rounded to the nearest significant digit.

Small Tract "Template" Dwelling Separate Parcel Criteria Analysis

PCZO 138.080(3)(b)(i) allows us to use the 160 rectangle if the tract abuts a road. Here the tract abuts Liberty Road.

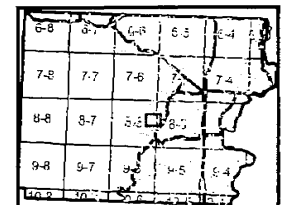
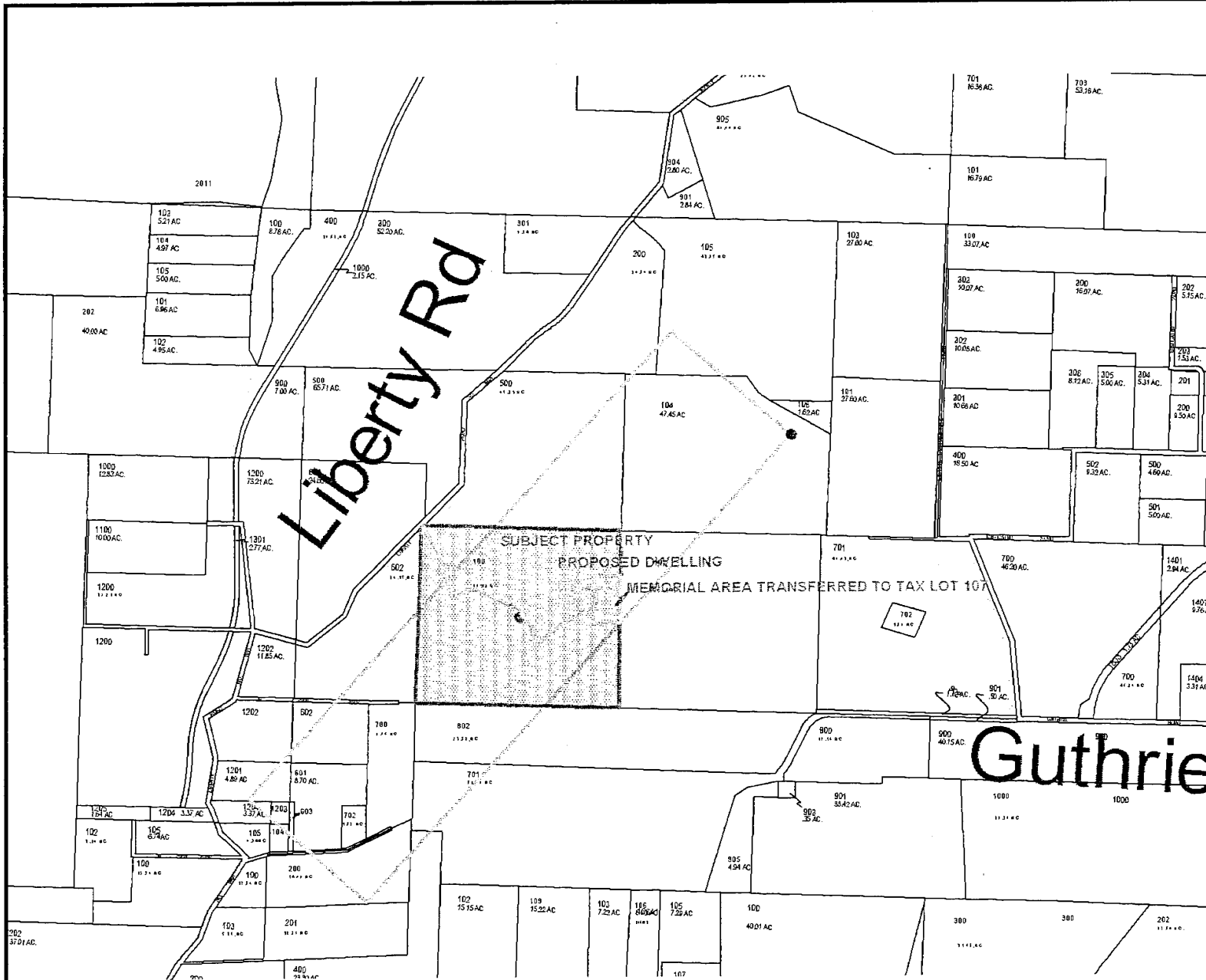
With the rectangle aligned to Liberty Road we can pick up the following separate parcels which were in existence in 1993. The properties with dwellings continue to have dwellings based on a review of the Polk County Assessors Map.

- | | | | | |
|-----|--------|-----|---|------------------------------|
| 1. | 8.6.13 | 104 | 1 dwelling | Ottaway, George H et al |
| 2. | 8.6.13 | 500 | 1 dwelling | Holton, Charles E |
| 3. | 8.6.13 | 800 | | Cooley, Lloyd & Barbara |
| 4. | 8.6.24 | 400 | | McCrystal, Michael |
| 5. | 8.6.24 | 200 | 1 dwelling (Laureldale subdivision SP 2A-23) – parcel 25 | Smith, Charles & Smith Olive |
| 6. | 8.6.13 | 602 | (Laureldale subdivision SP 2A-23) – parcel 8 | Smith, Charles & Smith Olive |
| 7. | 8.6.13 | 602 | (Laureldale subdivision SP 2A-23) – parcel 9 | Smith, Charles & Smith Olive |
| 8. | 8.6.13 | 602 | (Laureldale subdivision SP 2A-23) – parcel 10 | Smith, Charles & Smith Olive |
| 9. | 8.6.13 | 700 | (Laureldale subdivision SP 2A-23) – parcel 24 | Smith, Charles & Smith Olive |
| 10. | 8.6.13 | 700 | (Laureldale subdivision SP 2A-23) – parcel 29 | Smith, Charles & Smith Olive |
| 11. | 8.6.13 | 701 | Remainder of 8.6.13 700 from Laureldale subdivision SP 2A-2 | Smith, Charles & Smith Olive |

Polk County Map

8.6.13

- County
- Roads
- GRAVEL
- CO-GRAVEL
- Taxlot12
 - Taxlot Arrows12
 - Taxlot Boundary 12
 - taxlot12
- Taxlot13
 - Taxlot Arrows13
 - Taxlot Boundary 13
 - taxlot13
- Taxlot14
 - Taxlot Arrows14
 - Taxlot Boundary 14
 - taxlot14



This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

1 in. = 1162 ft



10/27/2014



Polk County Standards for Private Roads Serving Dwellings in Forest Zones

The construction and maintenance of a private road are the responsibility of the applicable property owners and/or users. In addition, property owners or users shall be aware that public service vehicles such as fire trucks and ambulances may have need to use a private road in order to perform their public mission.

Unless specified otherwise, the following standards for private roads are **required** for all new construction of private roads, bridges, and driveways serving residences on lots or parcels within the Timber Conservation (TC) Zoning District and for lots or parcels where the predominate use is in forest use in the Farm/Forest (FF) Zoning District. For properties in all other zones, these standards are recommended only and are not required.

A. Private Roads Accessing Residences

1. Roads shall be built and maintained to provide a minimum width of 12 feet with an all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet, and a vertical clearance of 13 feet 6 inches.
2. Dead-end roads over 150 feet in length shall have cul-de-sac, L-shape, or T-shape turnarounds at the end of the road with dimensions not less than those shown in Standard Drawing 0025. Turnouts 20 feet wide and 40 feet long (for a maximum combined roadway/turnout width of 20 feet), shall be provided at a maximum spacing of 500 feet
3. Bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds.
4. Road grades shall not exceed an average of eight (8) percent, with a maximum grade to be determined by the Public Works Director, but not to exceed fifteen (15) percent. Grades in excess of fifteen (15) percent may be approved by the Board of Commissioners.
5. It is recommended that all roads be uniquely named or numbered or visibly signed at each road intersection. Letters or numbers should be a minimum of three (3) inches in height and constructed of reflective material.

RESTRICTIVE COVENANT

Owner: Jean Ottaway
File Number: FORD 14-08, Request: Small Tract "Template" Dwelling
Location: T8S, R6W, Section 13, Tax Lot 100

Be it known to all that the undersigned, being the legal owner(s) of the real property described below, hereby consent and covenant as follows:

The property herein described is situated in a farm or forest zone or area in Polk County, Oregon where the intent is to encourage and minimize conflicts with, farm and forest use. Specifically, residents may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Activities by residents may create management difficulties or increased costs for nearby farm or forest operations.

In consideration for the approval by Polk County of a small tract "template" forest dwelling, the grantee, including their heirs, assigns and lessees, by the recording of this declaratory statement, and in return for allowing a dwelling on this property, hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area. The property owner acknowledges the need to avoid activities that conflict with nearby farm or forest uses. The property owner, including successors in interest, are hereby prohibited from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.

Legal Description: Please attach legal description.

This covenant shall be binding upon the undersigned and their heirs, successors, and assigns as a covenant running with the land or released by Polk County and/or as otherwise noted above.

Owner(s) Signature Printed Name(s) Address

1. _____

2. _____

State of Oregon)
County of Polk) ss

On _____, 20____, before me a notary public personally appeared by above-named _____ and acknowledged the foregoing instrument to be a voluntary act and deed.

<p>Before me: _____ Notary Public of Oregon</p> <p>My Commission Expires: _____</p>	<p>This space Reserved For use by the Polk County Recorder</p>
---	--

AFTER RECORDING, RETURN TO: Community Development Department Polk County Courthouse, Dallas, Oregon

LAND USE PLANNING NOTES >>>



NUMBER 1 • MARCH 1991

PURPOSE: This technical bulletin has been developed jointly by the Department of Forestry and structural fire protection agencies in Oregon as technical guidance and recommended minimum standards to meet the requirements of new administrative rules, OAR 660-06-035 (fire siting standards for dwellings and structures) and OAR 66006-040 (fire safety design standards for roads) adopted by the Land Conservation and Development Commission for forest land zones (Goal 4 lands). Counties are encouraged to adopt stricter rules in forest zones where these recommendations might not adequately address a particular hazard or risk.

RULE REQUIREMENTS:

OAR 660-06-035 (Fire Siting Standards for Dwellings and Structures) requires that:

"[T]he following fire siting standards or their equivalent apply to new dwelling or structures in a forest or agriculture/forest zone:

"(1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, 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 the dwelling shall meet road design standards described in OAR 660-06-040.

"(3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting

Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads

Published by:

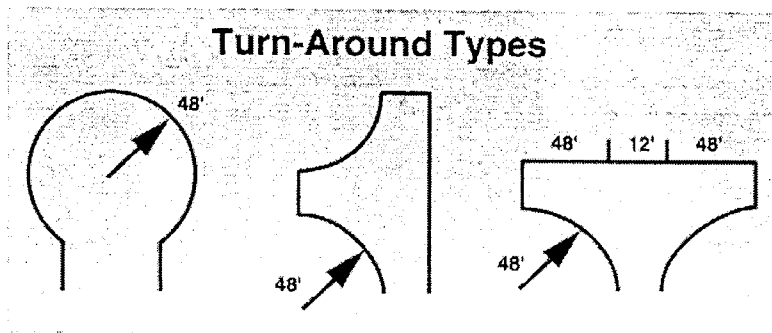
Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

equipment vehicles in accordance with the provisions in *Protecting Your home from Wildfire* (National Fire Protection Association)."

OAR 660-06-040 (Fire Safety Design Standards for Roads) requires that:

"[T]he governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards."

Though there are no similar rule requirements to be met in rural residential zones in forested areas, the Department of Forestry encourages the adoption by local government of these recommended fire safety standards in these zones as well.



Though some of the recommendations are strictly to accommodate structural fire protection apparatus and needs, it is recommended that the standards be applied to all lands within forest zones, regardless of the presence or absence of a rural (structural) fire protection district. The standards should be applied in anticipation of structural fire protection eventually becoming present.

RECOMMENDED FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES:

A. Water Supply Standards:

1. Access— If a water supply—such as a swimming pool, pond, stream, or lake—of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%) an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach should provide a turn-around with a 48-foot radius of one of the types shown in the illustration below.

2. Identification— Emergency water supplies should be clearly marked along the access route with a county approved sign.

B. Fuel Break Standards:

1. Primary Safety Zone— The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce

flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from

beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table and illustration on the next page.

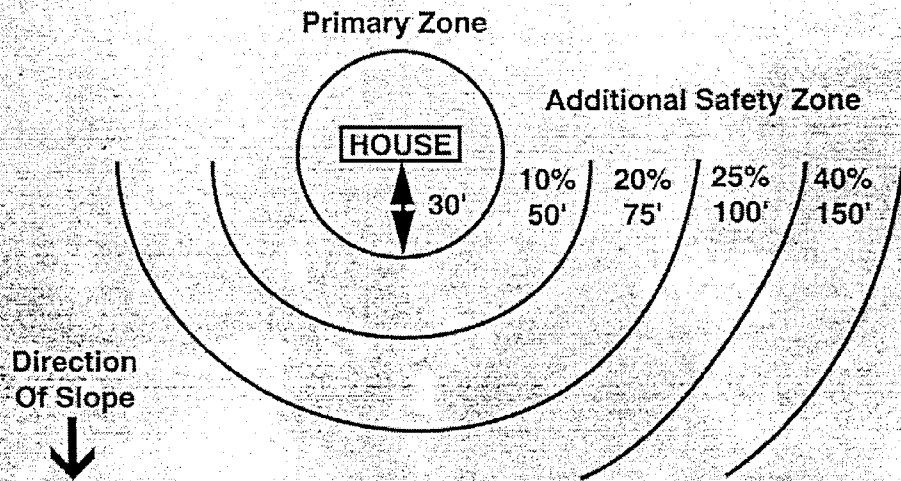
2. Secondary Fuel Break— The secondary fuel break is a fuel break extending a mini-

Size of Primary Safety Zone by Percent Slope

Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Buildings should be restricted to slopes of less than 40 percent.

EXAMPLE OF SAFETY ZONE SHAPE



mum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels should be removed.

RECOMMENDED FIRE SAFETY DESIGN STANDARDS FOR ROADS:

A. Road Standards (public roads and private roads accessing 2 or more residences):

1. Right-of-ways— Roads should be built and maintained to provide a minimum 20 foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".

2. Cul-de-Sacs— Cul-de-sacs should be defined as dead-end roads over 150 feet in length. Cul-de-sacs should have turn-arounds of not less than 48 feet radius at a maximum spacing of 500 feet between turn-a-rounds. All turn-a-rounds should be marked and signed as "NO PARKING."

3. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

4. Road Grades— Road grades should not exceed an average of 8 percent, with a maxi-



A set of burned golf clubs lay in the ruin of a home burned by the 1990 Awbrey Hall Fire. Twenty-two homes burned during this fire, which raced along the outskirts of Bend, Oregon. Most of the burned homes had insufficient fuel breaks surrounding them.

Photograph courtesy of The Bulletin, Bend

mum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

5. Identification— Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

B. Driveway Standards (private roads accessing a single residence):

1. Driveways— Driveways should be built and maintained to provide a minimum 12-foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".

2. Vehicle Passage Turnouts— Driveways in excess of 200 feet should provide 20-foot wide by 40-foot long passage space (turnouts) at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.

3. Dead-end driveways— Dead-end driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead-end driveways should have turn-a-rounds of not less than 48-foot radius.

4. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

5. Driveway Grades— Driveway grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

6. Identification— Driveways should be marked with the residence's address unless

the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

C. Certification:

1. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 gross vehicle weight standard should be provided from an Oregon Registered Professional Engineer. Otherwise, written verification of compliance should be provided by the applicant.

BASIS FOR RECOMMENDATIONS:

A. Water Supply

Water is a critical tool in fire suppression. Hydrants are generally not available in forested areas. Therefore, fire suppression in forested areas is dependent upon the water carried in the responding fire equipment and water sources available for refill or that can be pumped from an engine. Water available for refilling an engine can mean the difference between saving or losing a structure, or preventing a wildfire from escaping initial attack. When a fire engine or tanker runs out of water, turn around time to a refill site may be quite lengthy. A 4,000 gallon water supply is large enough to refill a large tanker or several smaller fire engines. Requiring construction of an all weather approach to within 15 feet of 4,000 gallon or larger water sources within 100 feet or less of a driveway or road will greatly help fire protection agencies.

B. Fuel Breaks

The steeper the slope, the greater the flame length, the hotter the flame front, and the faster the rate of fire spread. This greater fire activity is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below, and more flame contact with upslope fuels. On steeper slopes, failure to provide for larger safety zones downslope from a residence will make it more difficult for fire personnel to protect the structure. The

firefighter is also in a more tenuous safety position.

On the last page are two graphs showing the relationships of flame length and dozer line construction speeds to slope for two fuel types. Flame lengths increase with slope and dozer fire line construction rates decrease. Other fire fighting methods such as water attack and hand line construction are also hampered by steep slopes. Generally, hand lines are useless when flame lengths reach 4 feet; dozer lines fail with 8-foot flame lengths.

C. Road & Driveway Specifications

Fire fighting apparatus (fire engines, tankers, dozer and lowboy, etc.) are much larger and heavier than personal vehicles. These vehicles

require greater road width and clearance for passage, wider road curves for turning, and level or at most moderate road grades for maintaining vehicle engine performance and driver safety.

- The 1988 Oregon Uniform Fire Codes, Chapter 10.207 specifies that all roads shall be all weather surfaced, minimum 20 feet width, and have a vertical clearance of 13' 6".
- A filled, fully equipped 3,000 gallon tanker weighs around 40,000-45,000 pounds. Many rural fire departments utilize this size tanker as a water source for the small fire engines. A minimum road surface load limit of 50,000 pounds provides for this load plus an appropriate safety margin.

- Large, heavy vehicles have difficulty driving up and down steep road grades. Additionally, most rural fire departments are principally staffed by volunteers and most forest fire agency employees are *seasonal*. While these people are capable drivers, very few are professional truck drivers and they may have a more difficult time maneuvering a truck up a steep winding road than would the professional driver.

- Rural address identification is extremely important. While the local resident may be familiar with the localized road or driveway system, emergency responders generally will not. Proper signing of roads and driveways with 3" or larger reflectorized letters or numbers will assist fire fighters in locating threatened residences, especially when visibility is impaired by darkness or smoky conditions.

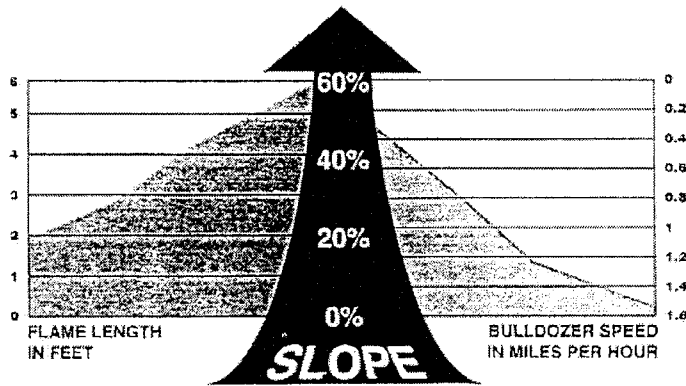
- It is very difficult to back up long distances in large fire apparatus, and this difficulty can be compounded if driveway grade is not level. Therefore, turnouts and turnarounds are very important.



The 1989 Dooley Mountain Fire threatened the residents of Baker City.

Photograph courtesy of The Democrat-Herald, Albany

The Relationship of Flame Length to Fuel Type and Slope: Two Situations

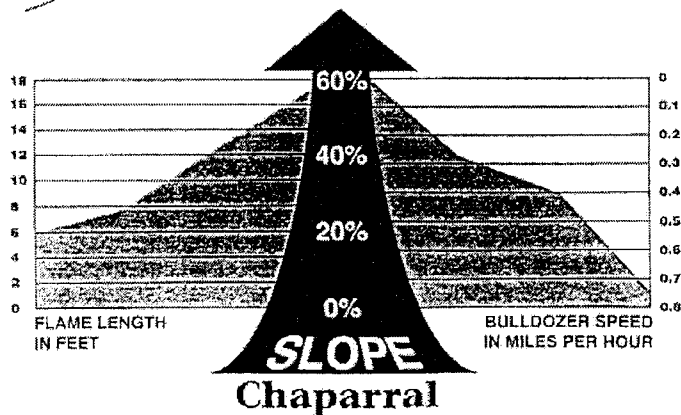
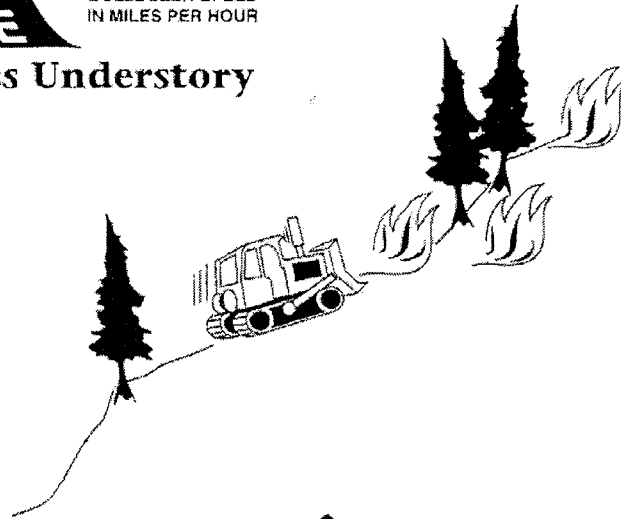


Timber with Grass Understory

These two graphs illustrate the effect of slope on flame length and bulldozer speed in two common fuel types.

In open timber with grass, flames traveling up a 20% slope can reach 3-4 feet in length. Chaparral, on the same slope, will generate flame lengths of 6-8 feet. Hand-constructed fire lines usually fail to stop fires having 4-foot or longer flame lengths. Bulldozer-constructed fire lines usually fail to stop fires having 8-foot or longer flame lengths.

Fire lines become less effective as slope increases and as fuel loads increase.



Chaparral

Information Provided By:

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