



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE * DALLAS, OREGON 97338
(503) 623-9237 * FAX (503) 623-6009

AUSTIN MCGUIGAN
Director

February 1, 2022

David Brinker
16492 Brown Road
Dallas, OR 97338

CC: David Hafliger as the Personal Representative of the Lawrence Wright Estate

RE: Notice of Decision for Replacement Dwelling Application RD 21-19

Dear Mr. Brinker:

The Polk County Community Development Department has reviewed your request to establish a replacement dwelling on the property located at 6675 Ridgeway Road, Sheridan, Oregon (T6S, R6W, Section 19, Tax Lot 814, and T6S, R6W, Section 20, Tax Lot 413). The subject property contains approximately 47.2 acres and constitutes the entire tract. The plot plan provided with this application is included as Attachment B-1. Attachment B-2 is a map created by staff intended to depict the subject property and surrounding area.

The subject property is designated Farm/Forest on the Polk County Comprehensive Plan Map and is located within the Farm/Forest (F/F) Zoning District. The F/F Zoning District is a resource zone, and as such, requests for replacement dwellings are subject to a review based upon criteria listed in Polk County Zoning Ordinance (PCZO) Section 138.050(M), 138.110, 138.120, 138.140, and Oregon Administrative Rule (OAR) 660-006-0035(3). Recently, standards in State law for replacement dwellings changed on January 1, 2020, identified in Oregon Revised Statute (ORS) 215.291, which are also applicable to this application.

Based on the findings submitted in the record and discussed in the staff report (Attachment A), the request to replace the dwelling located at 6675 Ridgeway Road, Sheridan (T6S, R6W, Section 19, Tax Lot 814, and T6S, R6W, Section 20, Tax Lot 413) with another dwelling is hereby **approved**, subject to the following conditions:

1. This approval authorizes the establishment of one (1) single-family dwelling on the subject property, to replace the formerly sited dwelling that was established in 1976. The replacement dwelling and access to the dwelling shall be established substantially in the locations depicted on the applicant's plot plan (Attachment B-1).
2. The replacement dwelling and any future structures shall comply with the setback standards of the F/F Zoning District found in PCZO 112.430(B), as follows: front yard-30 feet, rear yard-20 feet, and side yards-20 feet. The dwelling and future structures should also comply with any other applicable setback standards that are listed in the PCZO.
3. Prior to establishing the replacement dwelling, the property owner shall obtain all necessary permits from the Polk County Building and Environmental Health Divisions, and the Oregon Department of Transportation (ODOT). These permits may include, but are not limited to the following: building, manufactured placement, electrical, mechanical, and plumbing permits from the Building Division; an Existing System Evaluation Report and Minor Authorization Notice from the Environmental Health Division; and a new or amended access permit from ODOT.

4. The property owner 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 property owner shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owner.
5. The property owner shall submit a stocking report to the Polk County Assessor for the Assessor to verify that the minimum stocking requirements have been met by the time required by the Oregon Department of Forestry (ODF) Rules. If the property does not meet the minimum stocking requirements, the Assessor may remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.
6. 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 property owner shall provide proof of a long-term road access use permit or agreement. The road use permit may require the property owner to agree to accept responsibility for road maintenance.
7. Road access to the dwelling shall be constructed and/or improved to comply with Polk County Standards for Private Roads Serving Dwellings in Forest Zones (Attachment C).
8. The following fire siting standards shall apply to new dwellings 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 firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source. The property owner shall coordinate with the West Valley Fire District to determine water suitability for fire protection.
 - 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 property 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 property owner 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 property owner shall display the address number at the commencement of construction on the subject property.
9. The dwelling shall meet the following requirements:
 - a. The dwelling shall have a fire retardant roof.
 - b. The dwelling shall not be sited on a slope greater than 40 percent.

- c. The property owner shall provide evidence 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 shall be 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 applicants shall provide evidence that the applicants have asked to be included in the nearest such district.
 - f. If the dwelling has a chimney or chimneys, each chimney shall include a spark arrester.
10. If meeting the requirements of Condition 9 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.
11. As required by OAR 660-006-0035(3), the owner of the dwellings and structures shall maintain a minimum 30 foot 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, Recommended Fire Siting Standards for Dwellings and Structures, Section B "Fuel Break Standards" (Attachment D).
12. Prior to the issuance of permits for a dwelling, 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 F). 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 property 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 RD 21-19.
13. Prior to any future development within a wetland area, the property owner shall be responsible for ensuring that all applicable State or Federal permits have been obtained, such permits may include, but are not limited to, a Removal Fill Permit from the Oregon Department of State Lands (DSL).

EFFECTIVE DATE: February 14, 2022 at 5:00 P.M.



Austin McGuigan, Planning Director

2/11/22

Date

A decision 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. This decision becomes effective only if a written appeal is not filed. If an appeal is filed, this decision is stayed until a determination is made by the governing body. 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. 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, OR 97338; (503) 623-9237.**

The decision granted herein does not vest (guarantee) the right of the property owners to use the property as authorized in this land use decision. The property owners are responsible for completing

required conditions and establishing and continuing the use in order to retain a vested right. The property owners are advised to consult with an attorney to determine the appropriate actions necessary to obtain and retain rights of use authorized by this decision.

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

cc: Area Property Owners

**Polk County Community Development Department
Planning Division Staff Report for RD 21-19**

I. COMMENTS RECEIVED

- Environmental Health:** The existing septic system located at 6675 Ridgeway Road contains 420 feet of drainfield lines and a 1000 gallon septic tank, which was finaled on August 6, 1979. Provide an Existing System Evaluation Report with a Minor Authorization Notice.
- Oregon Department of Transportation (ODOT):** The site has access to OR-22 at MP 2.37. The applicant is not proposing any modifications to the approach and ODOT has no other requirements based on this land use action.

No other comments were received as of the writing of this staff report. Full comments are included in the record.

II. REVIEW AND DECISION CRITERIA

The subject property is designated Farm/Forest on the Polk County Comprehensive Plan Map and is located within the Farm/Forest (F/F) Zoning District. The F/F Zoning District is a resource zone, and as such, requests for replacement dwellings are subject to a review based upon the criteria listed in Polk County Zoning Ordinance (PCZO) Section 138.050(M), 138.110, 138.120, 138.140, and Oregon Administrative Rule (OAR) 660-006-0035(3). Additional standards found in Oregon Revised Statute (ORS) 215.291 took effect January 1, 2020 and also apply directly to the review of this application. Those criteria and the associated findings to address those criteria are provided below.

- 1. The dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority:**
 - A. Finds to the satisfaction of the permitting authority that the dwelling to be altered, restored or replaced has, or formerly had:**
 - (i) Intact exterior walls and roof structure;**
 - (ii) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
 - (iii) Interior wiring for interior lights; and**
 - (iv) A heating system; and [PCZO 138.050(M)(1)(a)]**
 - B. If the dwelling was removed, destroyed or demolished:**
 - (i) The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and**
 - (ii) Any removal, destruction or demolition occurred on or after January 1, 1973;**
 - C. If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien or delinquent ad valorem taxes; or**
 - D. A dwelling not described in subparagraphs (A) or (B) of this paragraph was assessed as a dwelling for purposes of ad valorem taxation:**
 - (i) For the previous five property tax years; or**
 - (ii) From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010 [ORS**

215.291(1)].

Findings: The subject property is located at 6675 Ridgeway Road, Sheridan, Oregon (T6S, R6W, Section 19, Tax Lot 814, and T6S, R6W, Section 20, Tax Lot 413). The subject property contains approximately 47.2 acres and constitutes the entire tract. The subject property was lawfully created in accordance with Polk County Subdivision and Partition Ordinance (PCSO) Section 91.950(1)(b) as evidenced by a Partition recorded as County Survey (CS) 5336, dated September 8, 1976. The subject property was subsequently reconfigured by a Property Line Adjustment (LLA 97-11), which was exercised by the recording of a Bargain and Sale Deed in Polk County Book of Record 341, Page 1415, dated June 23, 1997. This bargain and sale deed only described the resultant configuration of the other parcel involved in the property line adjustment, located at 6645 Ridgeway Road, Sheridan (T6S, R6W, Section 19, Tax Lot 816, and T6S, R6W, Section 20, Tax Lot 414). A new legal description to describe the resultant configuration of the subject property has not been recorded because the subject property has not been further conveyed. The subject property is currently described in its previous size and configuration in a Notice of Contract for Sale of Real Property recorded in Polk County Book of Record 105, Page 843, dated June 14th, 1977.

According to the 2021 Polk County Assessor's Records, the subject property currently contains five (5) accessory structures. According to the applicant's statements, the subject property recently contained one (1) manufactured dwelling that was located on Tax Lot 814 of the subject property, which had been removed during the summer or fall season of 2021. The manufactured dwelling was lawfully established in 1976 pursuant to building permit B76-331. The applicant states that the manufactured dwelling formerly had all of the features listed in PCZO 138.050(M)(1)(a) including intact exterior walls, a roof structure, indoor plumbing consisting of a kitchen sink, a toilet, and bathing facilities connected to a septic system, interior wiring for interior lights, and a heating system. According to the Polk County Tax Collector's Records, the tax lot on which the dwelling was previously located, Tax Lot 814, is not subject to a lien for delinquent ad valorem taxes as no tax payments are currently due.

Staff finds that the dwelling proposed to be replaced was lawfully established, removed after January 1, 1973, formerly had the required structural conditions, and that the dwelling's tax lot does not have a lien for delinquent ad valorem taxes. Staff concludes that the proposed replacement dwelling application complies with the above criteria.

2. For replacement of a lawfully established dwelling under the section:

A. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

- (i) **Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or**
- (ii) **If the dwelling to be replaced is, in the discretion of the county, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the county that is not less than 90 days after the replacement permit is issued.**

B. The replacement dwelling:

- (i) **May be sited on any part of the same lot or parcel.**
- (ii) **Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling. [ORS 215.291(2)(a)-(b)]**

Notes: (1) A replacement dwelling permit that is issued under ORS 215.283(1)(p) is not subject to the time to act limits of ORS 215.417 [OAR 660-0033-0130(8)(d)(B)]

(2) These temporary provisions to ORS 215.283 sunset on January 2, 2024.

Findings: As discussed earlier, the manufactured dwelling previously located on the subject property was lawfully established in 1976 pursuant to building permit B76-331. The applicant states that this dwelling has already been removed from the subject property, and is proposing to locate the replacement dwelling in the same footprint as the previously sited dwelling. The subject property is located entirely within the F/F Zoning District. Therefore, the proposed replacement dwelling must comply with general siting standards listed in PCZO 138.110 and fire siting standards listed in PCZO 138.120. These siting standards are discussed in greater detail below.

The Polk County Sanitarian provided comments indicating that the existing septic system on the property contains 420 feet of drainfield lines and a 1000 gallon septic tank which was finalized on August 6, 1979. These comments also indicate that an Existing System Evaluation Report and a Minor Authorization Notice would be required in order to connect to the existing septic system. Staff recommends, as a condition of approval, that the property owner shall obtain all necessary permits from the Polk County Building and Environmental Health Divisions, and the Oregon Department of Transportation (ODOT), prior to establishing the replacement dwelling. These permits may include, but are not limited to the following: building, manufactured placement, electrical, mechanical, and plumbing permits from the Building Division; an Existing System Evaluation Report and Minor Authorization Notice from the Environmental Health Division; and a new or amended access permit from ODOT.

With the above condition, the application complies with these criteria.

3. Notwithstanding subsection (2)(b)(A) of this section, a replacement dwelling under this section must be sited on the same lot or parcel:

- A. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and**
- B. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure. [ORS 215.291(3)]**

4. RESOURCE ZONE DEVELOPMENT STANDARDS: Farm Forest Zoning District [PCZO 112.430(B)]

Setbacks for All Buildings and Structures

| Front | Side | Rear |
|--------------|-------------|-------------|
| 30 feet | 20 feet | 20 feet |

Findings: According to the applicant's plot plan and staff's measurements using Polk County Geographic Information System (GIS) tools, the proposed dwelling would utilize the previous dwelling's footprint in the south-central portion of the subject property, approximately 130 feet from the southern property line and approximately 925 feet from the western property line. Staff finds that the proposed replacement dwelling location would exceed the setback requirements of the zone, and would continue to be accessed via the existing driveway located entirely on the subject property. To ensure compliance, staff recommends a condition of approval that the replacement dwelling and any future structures shall comply with the setback standards in PCZO 112.430(B). Those setbacks are: front yard 30-feet, rear yard-20 feet, and side yards-20 feet. The dwelling and future structures should also comply with any other applicable setback standards that are listed in the PCZO. Additionally, this analysis is based on the proposed replacement dwelling and access locations evaluated in the application. Therefore, staff recommends that a condition of approval requires the replacement dwelling and access to be established substantially in the locations depicted on the applicant's plot plan (Attachment B-1).

With the above condition, the application complies with these criteria.

5. GENERAL SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-006-0029]. The following standards apply to all new dwellings and structures:

A. All new dwellings and structures authorized under the provisions of this Ordinance 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 the building site which:

- (i) Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;**
- (ii) Ensures that forest operations and accepted farming practices will not be curtailed or impeded;**
- (iii) Minimizes the amount of forest lands used for the building sites, road access and service corridors; and**
- (iv) Consistent with the provisions of Section 138.120 minimizes the risk associated with wildfire.**
- (v) 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. [PCZO 138.110(A)]**

Findings: The standards listed above are general standards intended to help determine an appropriate location for approved structures, including dwellings. The subject property is located within the F/F zone, contains approximately 47.2 acres which constitutes the entire tract. Based on the applicant's statements and staff's review of 2018 Aerial Photography accessed through Polk County's GIS, the subject property is primarily managed for forestry and is also used for residential purposes.

Neighboring properties are primarily located within the F/F zone, and range from approximately 30.0 acres to approximately 148.9 acres in size, with the exception of the neighboring property to the northeast which is located within the Exclusive Farm Use (EFU) zone and is approximately 21.4 acres in size. Neighboring properties are primarily managed for agriculture and forestry, but are also used for residential purposes. Agricultural practices may include, but are not limited to: planting, spraying, tilling, and harvesting activities. Forestry practices may include, but are not limited to: spraying, thinning, harvesting, planting, and transporting of forest products.

According to the applicant's plot plan and staff's measurements using Polk County GIS tools, the proposed dwelling would utilize the previous dwelling's footprint in the south-central portion of the subject property, approximately 130 feet from the southern property line and approximately 925 feet from the western property line. The proposed replacement dwelling would also continue to be accessed via an existing driveway located entirely on the subject property. As discussed earlier, the proposed replacement dwelling location exceeds the setback requirements of the F/F zone, resulting in a significant south-central buffer distance from surrounding farm and forest operations. Additionally, there is no evidence in the record to suggest that the proposed replacement dwelling location would curtail or impede farm practices or forest operations. Therefore, because the replacement dwelling is proposed to be established within the previous dwelling's footprint, in a location that provides a significant buffer distance from adjacent lands, and would be accessed via an existing driveway, staff finds that the proposed building site, road access, and service corridors would minimize the use of forest lands and would have the least impact on nearby or adjacent lands that are zoned for forest or agricultural uses.

In order to ensure that the establishment of the replacement dwelling would be consistent with Polk County standards for development in the F/F Zoning District, a condition of approval shall require the

property owner to comply with the fire siting standards for dwellings and structures listed in PCZO 138.120 and OAR 660-006-0035(3). These sections are discussed below.

Based on a review of the National Wetland Inventory (NWI) maps, Sheridan Quadrangle, a riverine wetland is located on the subject property. This wetland is a tributary of South Yamhill River. According to the Polk County Significant Resources Area (SRA) map, the portion of the tributary located on the subject property is not inventoried as a fish bearing stream, therefore, the standards for significant wetlands found in PCZO Chapter 182 are not applicable. Nevertheless, this report serves as notice to the property owner of the presence of wetlands on the subject tract, and the possible need for State or Federal permits. Prior to any future development within a wetland area, the property owner shall be responsible for ensuring that all applicable State or Federal permits have been obtained, such permits may include, but are not limited to, a Removal Fill Permit from the Oregon Department of State Lands (DSL).

Based on a review of the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0065F, dated December 18, 2006, the subject property is not located within the Special Flood Hazard Area (SFHA). According to the Polk County SRA Map, the subject property does not contain any inventoried significant resources. The subject property is not located within the Willamette River Greenway and does not contain any inventoried historic sites.

This analysis is based on the proposed replacement dwelling and access locations evaluated in the application. Therefore, staff recommends that a condition of approval requires the replacement dwelling and access to be established substantially in the locations depicted on the applicant's plot plan (Attachment B-1).

With the above conditions, the application complies with these criteria.

- B. 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)]**

Findings: The replacement dwelling is proposed to be served by an existing on-site well. This development standard would be applied at the time that the property owner applies for building permits. To ensure compliance, staff recommends that this standard be listed as a condition of approval.

With the above condition, the application complies with this criterion.

- C. 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)]**

Findings: The subject property is currently accessed from Highway 22 via an existing driveway located entirely on the subject property. Nevertheless, to ensure compliance, staff recommends that this criterion be listed as a condition of approval.

With the above condition, the application complies with this criterion.

- D. Approval of a dwelling on a parcel or tract which is larger than 10 acres in size shall be subject to the following requirements:**

- (i) **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.**
- (ii) **The Planning Department shall notify the Polk County Assessor of the above condition at the time the dwelling is approved.**
- (iii) **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.**
- (iv) **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. [PCZO 138.110(D)(1) through (4)]**

Findings: The subject property contains approximately 47.2 acres. Therefore, staff recommends a condition of approval that the property owner shall submit a stocking report to the Polk County Assessor for the Assessor to verify that the minimum stocking requirements have been met by the time required by the Oregon Department of Forestry (ODF) Rules. If the property does not meet the minimum stocking requirements, the Assessor may remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.

With the above condition, the application complies with these criteria.

6. FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-006-0035]. The following standards apply to all new dwellings and structures: [PCZO 138.120]

- 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. [PCZO 138.120(A)]**

Findings: As stated above, a riverine wetland is located on the subject tract. It is unclear if this water source would be suitable for fire protection. There does not appear to be any other water supply that is available for fire protection on the subject tract based on a review of the 2018 Aerial Photograph accessed through Polk County's GIS. To ensure compliance, staff recommends this criterion be listed as a condition of approval. The applicant shall coordinate with the West Valley Fire District to determine whether a water source would be suitable for fire protection.

With the above condition, the application complies with this criterion.

- B. Road access to the structure shall meet the County road design standards. [PCZO 138.120(B)]**

Findings: The subject property is currently accessed from Highway 22 via an existing driveway located entirely on the subject property. The applicant states that the existing driveway will be improved to meet county road design standards. To ensure compliance, staff recommends a condition of approval that the road access shall comply with the Polk County Standards for Private Roads Serving Dwellings in Forest Zones (Attachment C). These standards may require improvements to the existing driveway.

With the above condition, the application complies with this criterion.

- 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. [PCZO 138.120(C)]**
- 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. [PCZO 138.120(D)]**
- E. The owners of the dwellings and structures 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 D]. [OAR 660-006-0035(3)]**

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 ODF, the goal within the primary safety zone is to remove fuels that would produce flame lengths in excess of one (1) 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 D), 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 structure is located on a slope. Based on the applicant's plot plan, the proposed dwelling location is approximately 130 feet from the southern property line and approximately 925 feet from the western property line. Based on elevation profile tools accessed through Polk County GIS, staff determined the proposed dwelling location has an average slope of 10% trending downhill towards the north. As a result, an additional safety zone of 50 feet towards the north side of the dwelling would be required. The secondary fuel break would be 100 feet surrounding both the primary and additional safety zone. The total fuel break required would be 130 feet surrounding the dwelling, and 180 feet towards the north side of the dwelling specifically. Based on the applicant's plot plan, the required primary fuel break, additional safety zone, and the secondary fuel break would be located entirely on land owned or controlled by the owner.

Staff recommends a condition of approval that the fuel breaks shall be constructed and maintained on the subject property 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 ODF, Section B "Fuel Break Standards" (Attachment D). Based on the applicant's plot plan, proposed replacement dwelling location could comply with these fuel break standards.

With the above condition, the application could comply with these criteria.

- F. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney. [PCZO 138.120(E)]**
- G. 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. [PCZO 138.120(F)]

H. The dwelling shall meet the following requirements:

- i) The dwelling has a fire retardant roof.
- ii) The dwelling will not be sited on a slope of greater than 40 percent.
- iii) 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.
- iv) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.
- v) 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.
- vi) If the dwelling has a chimney or chimneys, each chimney has a spark arrester. [PCZO 138.120(G)(1) through (6)]

I. 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. [PCZO 138.120(H)]

Findings: The subject property is located within the area served by the West Valley Fire District, and the Sheridan Rural Fire Protection District. The proposed dwelling would be located within the area served by the West Valley Fire District. These development standards would be applied at the time of building permits. Staff recommends that the above standards be listed as conditions of approval.

With the above condition, the application complies with these criteria.

7. NON-REMONSTRANCE DEED RESTRICTION. Pursuant to OAR 660-006-0026(6) and 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(D), (H), and (K), 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]

Findings: For any dwelling approved under PCZO 138.050(M), the property owner shall be required to sign and record a deed restriction binding the landowners and landowner's successors in interest from pursuing a claim for relief or cause of action injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937. To ensure compliance, staff recommends that prior to the issuance of permits for a dwelling the property owner shall sign and record with the Polk County Clerk a non-remonstrance deed restriction specific to the subject property (Attachment E). The property owner shall pay the applicable recording fees. The property owner shall submit a copy of the recorded deed restriction to the Planning Division for inclusion in file RD 21-19.

With this condition, the application complies with this criterion.

CONCLUSION: Based on the findings above and submitted material in the record, the application to replace the formerly sited dwelling located at 6675 Ridgeway Road, Sheridan, Oregon (T6S, R6W, Section 19, Tax Lot 814, and T6S, R6W, Section 20, Tax Lot 413), as identified on Attachment B-1, with another dwelling complies with all of the applicable review and decision criteria. Staff

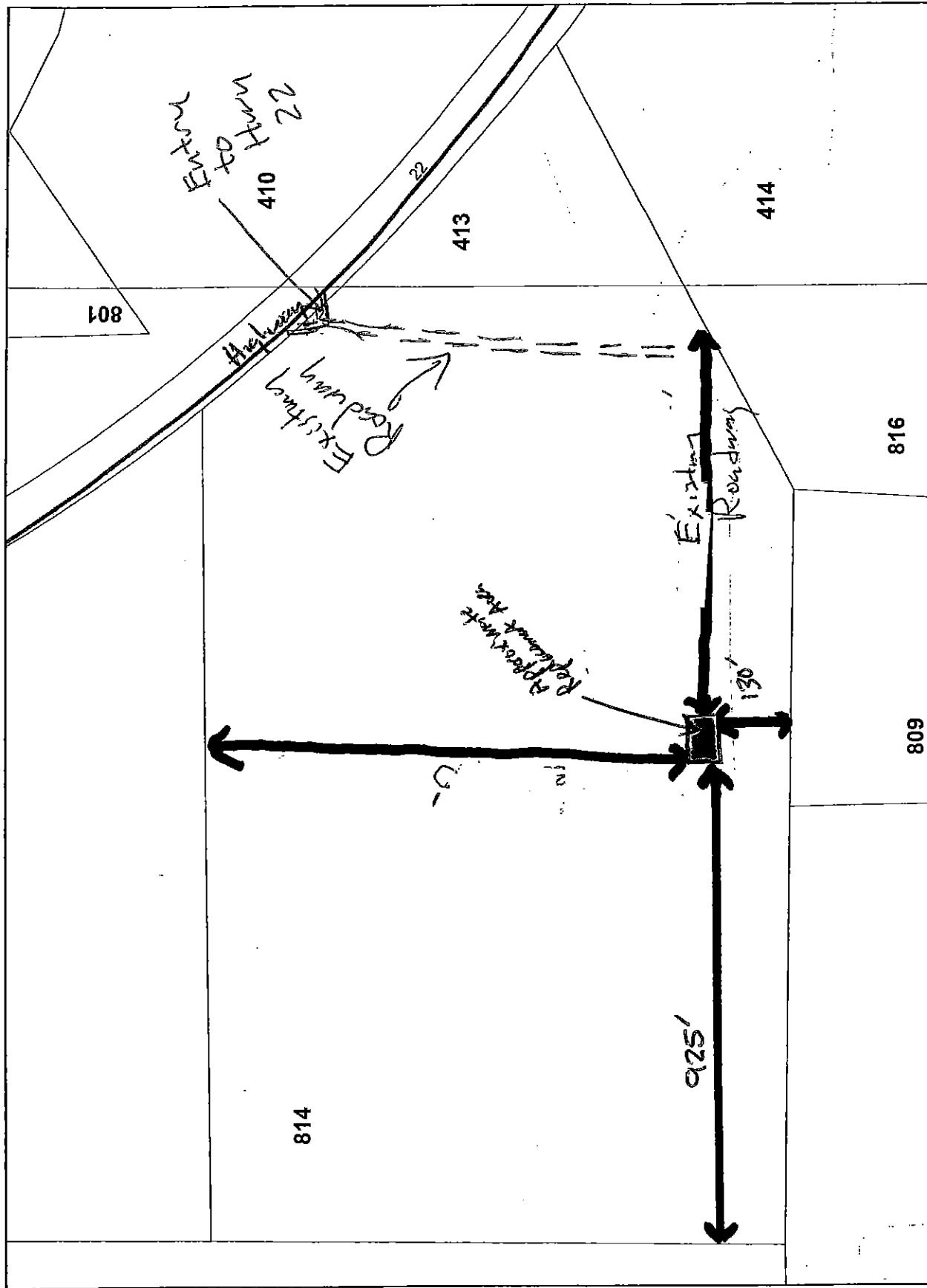
recommends the following conditions of approval:

1. This approval authorizes the establishment of one (1) single-family dwelling on the subject property, to replace the formerly sited dwelling that was established in 1976. The replacement dwelling and access to the dwelling shall be established substantially in the locations depicted on the applicant's plot plan (Attachment B-1).
2. The replacement dwelling and any future structures shall comply with the setback standards of the F/F Zoning District found in PCZO 112.430(B), as follows: front yard-30 feet, rear yard-20 feet, and side yards-20 feet. The dwelling and future structures should also comply with any other applicable setback standards that are listed in the PCZO.
3. Prior to establishing the replacement dwelling, the property owner shall obtain all necessary permits from the Polk County Building and Environmental Health Divisions, and the Oregon Department of Transportation (ODOT). These permits may include, but are not limited to the following: building, manufactured placement, electrical, mechanical, and plumbing permits from the Building Division; an Existing System Evaluation Report and Minor Authorization Notice from the Environmental Health Division; and a new or amended access permit from ODOT.
4. The property owner 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 property owner shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owner.
5. The property owner shall submit a stocking report to the Polk County Assessor for the Assessor to verify that the minimum stocking requirements have been met by the time required by the Oregon Department of Forestry (ODF) Rules. If the property does not meet the minimum stocking requirements, the Assessor may remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.
6. 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 property owner shall provide proof of a long-term road access use permit or agreement. The road use permit may require the property owner to agree to accept responsibility for road maintenance.
7. Road access to the dwelling shall be constructed and/or improved to comply with Polk County Standards for Private Roads Serving Dwellings in Forest Zones (Attachment C).
8. The following fire siting standards shall apply to new dwellings 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 firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source. The property owner shall coordinate with the West Valley Fire District to determine water suitability for fire protection.
 - 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 property 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 property owner 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 property owner shall display the address number at the commencement of construction on the subject property.
9. The dwelling shall meet the following requirements:
- a. The dwelling shall have a fire retardant roof.
 - b. The dwelling shall not be sited on a slope greater than 40 percent.
 - c. The property owner shall provide evidence 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 shall be 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 applicants shall provide evidence that the applicants have asked to be included in the nearest such district.
 - f. If the dwelling has a chimney or chimneys, each chimney shall include a spark arrester.
10. If meeting the requirements of Condition 9 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.
11. As required by OAR 660-006-0035(3), the owner of the dwellings and structures shall maintain a minimum 30 foot 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, Recommended Fire Siting Standards for Dwellings and Structures, Section B "Fuel Break Standards" (Attachment D).
12. Prior to the issuance of permits for a dwelling, 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 F). 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 property 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 RD 21-19.
13. Prior to any future development within a wetland area, the property owner shall be responsible for ensuring that all applicable State or Federal permits have been obtained, such permits may include, but are not limited to, a Removal Fill Permit from the Oregon Department of State Lands (DSL).

Plot Plan



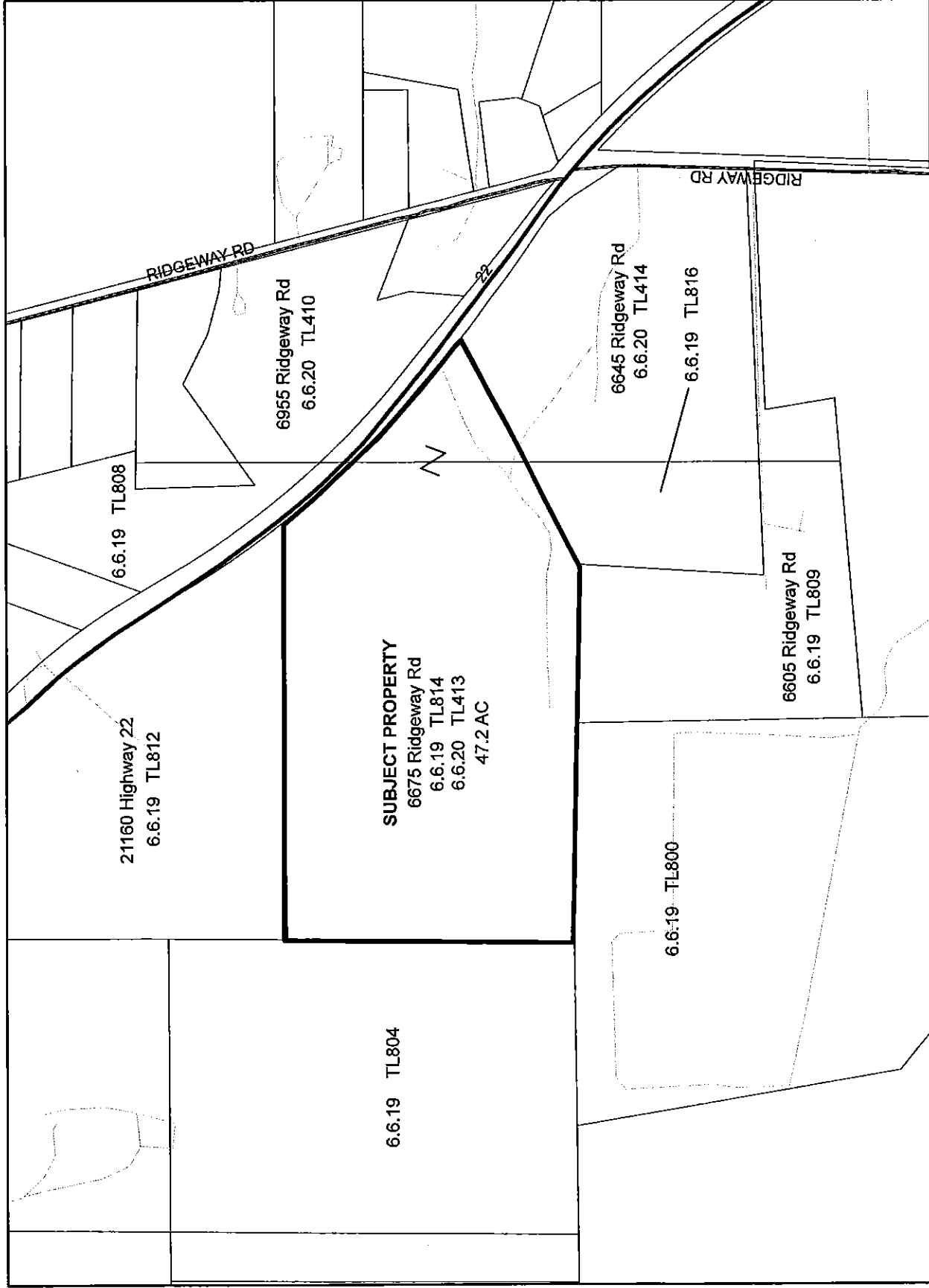
DEC 28 2021
POLK COUNTY
COMMUNITY DEVELOPMENT

Property lines

Date: 11/3/2021

This map was produced from the Polk County geographic databases to support its governmental activities. This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503) 923-0713.





Date: 12/28/2021
This map was produced from the Polk County geographic databases to support its governmental activities. This product is for informational purposes and may not have been prepared for, or be suitable for legal engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.

Date: 12/28/2021

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.

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 660-06-040 (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:

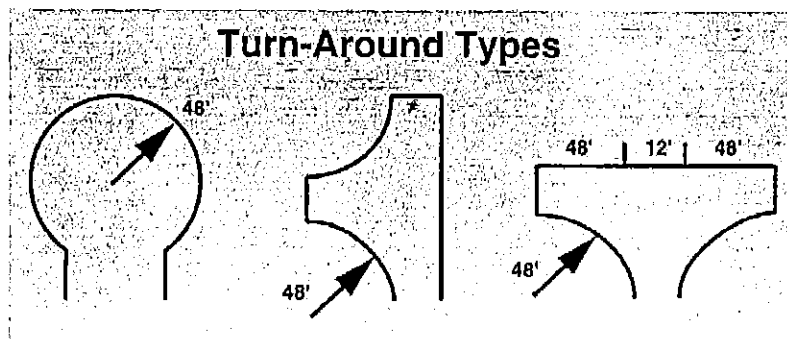
Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

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.

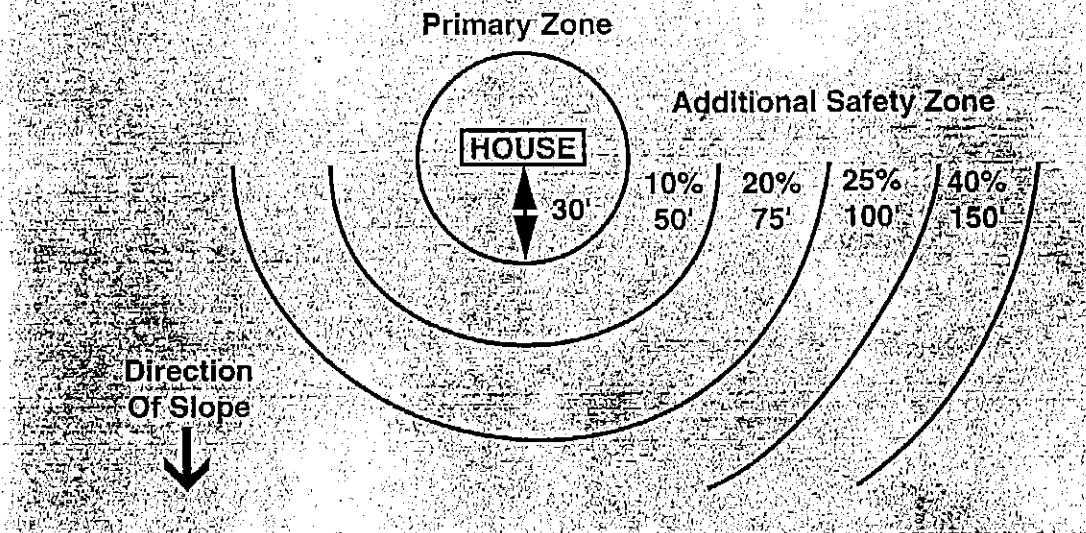
2. Secondary Fuel Break— The secondary fuel break is a fuel break extending a mini-

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.

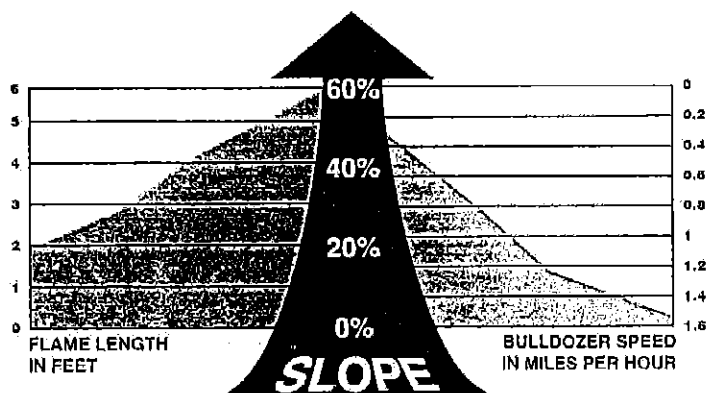
- It is very difficult to back up long distances in large fire apparatus, and this difficulty can be compounded if driveway grade is not level. Therefore, turnouts and turnarounds are very important.



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

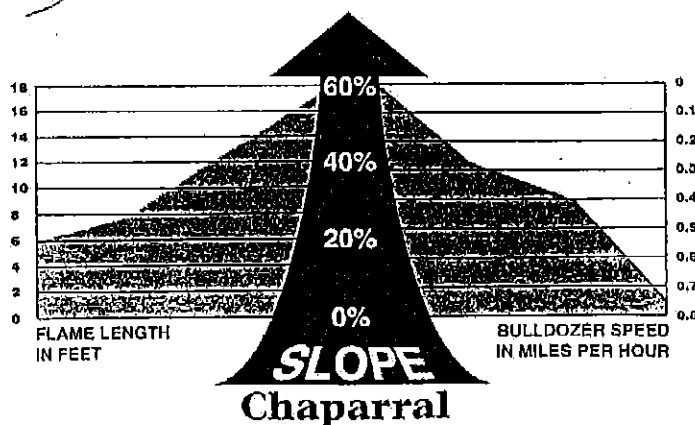
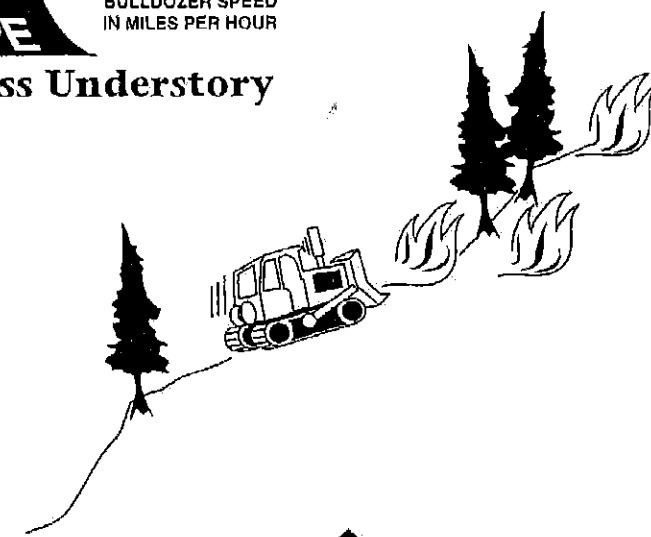


Timber with Grass Understory

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:

Oregon Department of Forestry
Resource Planning Office

Land Conservation and
Development Commission

Office of State Fire Marshal

Oregon Fire Chiefs Association

To Order Copies of This Publication
Call or Write:

Oregon Department of Forestry
Public Affairs Office
2600 State Street
Salem, Oregon 97310
503-378-2562



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

RESTRICTIVE COVENANT

Owner: Lawrence Wright (DC), David Hafliger as Personal Representative
 File Number: RD 21-19, Request: Replacement Dwelling
 Location: 6675 Ridgeway Road, Sheridan, OR 97378
 (T6S, R6W, Section 19, Tax Lot 814, and T6S, R6W, Section 20, Tax Lot 413)

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 for a Replacement 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: See Exhibit A.

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 97338