



**VERIFICATION OF REPLACEMENT RIGHTS FOR
A LAWFULLY ESTABLISHED DWELLING IN THE SAME SITE AREA
WITHIN THE IMPACTED FOREST LANDS (F-2) ZONE**

Report Date: June 25, 2019
Department File: **509-PA19-05262**
Applicant: Randy Hammond
Owner: Worthy Garden Club
Property Address: 8190 Ten Mile Creek Road, Yachats
Assessor's Map: 15-11-00-00-01003
Acres: 3.22 Acres
Zone: Impacted Forest Lands Zone (F-2)
Comprehensive Plan: Rural Comprehensive Plan (/RCP)
Staff: Aaron Staniak, Planner

I. PROPOSAL

A request for administrative approval to allow a replacement dwelling in the 'same site area' within the Impacted Forest Lands Zone (F-2), as authorized in Lane Code 16.211(2)-2.5 subject to the criteria of 16.211(3)(d),(q),(s), (5), and (6). Per the findings below, the request is **APPROVED**, subject to the conditions found in Exhibit A.

II. BACKGROUND INFORMATION

On April 10, 2019, the applicant submitted a request for verification of replacement rights for one (1) replacement dwelling in the 'same site area' within the Impacted Forest Lands Zone (F-2), pursuant to LC 16.211(2)-2.5. According to the applicant and Assessment and Taxation, the dwelling was placed in 1930. The applicant proposes replacing the existing dwelling and constructing a new dwelling in the 'same site' area.

III. PROPERTY DESCRIPTION

- A. LOCATION:** The subject property is identified as Assessor's Map and Tax Lot 15-11-00-00-01003 and is located at 8190 Ten Mile Creek Rd, Yachats, OR 97498. The subject property is located approximately 13 miles north of the Florence Urban Growth Boundary.
- B. ZONING:** The property is currently designated Forest on the Rural Comprehensive Plan. It is zoned Impacted Forest Lands Zone (F-2) consistent with that designation.
- C. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is 3.22 acres in size. According to the applicant's materials, a stick built dwelling was placed and has remained on the property since 1930 (Lane County Assessment and Taxation records imply that the dwelling was established in 1930, see **Finding 1**). The property also contains a driveway, well, and septic tank & drainfield. The subject property is surrounded by properties zoned Impacted Forest Land (F-

2), with Tenmile Creek flowing along the southern property line and McKinney Creek approximately bordering the eastern property line. Surrounding properties are also zoned F-2 Impacted Forest Lands, and appear to be undeveloped and preserved for nature.

According to the Applicant's materials and Lane County GIS, the vegetation on the property consists of native coastal forest vegetation. The subject property (TL 1003) has a predominantly gentle slope from north (420 feet elevation) to south (360 feet elevation).

IV. APPLICABLE CRITERIA AND FINDINGS OF FACT

The purpose of this report is to verify if the above referenced dwelling complies with the requirements at Lane Code 16.211(2)-2.5, (3)(d), (3)(q), (3)(r), (3)(s), (5), and (6); and therefore qualifies as a "lawfully established dwelling" with rights for alteration, repair or replacement. "Lawfully established" is interpreted to mean that at the time the dwelling was established, its establishment complied with any zoning and land use regulations applicable to the subject property or its establishment predated any zoning and land use regulations applicable to the subject property. The code language is in **boldface** type, followed by the findings of fact.

LC 16.211(3)(d) Use Standards

(d) The alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:

(i) The dwelling was lawfully established;

Finding 1: Per Lane County Assessment and Taxation (A&T) records the existing dwelling was placed in 1930. This date is corroborated by both Proval and Ascend programs from Lane County A&T (**Exhibit E**). A current Property Taxes Due Report (**Exhibit E**) supplied by the applicant indicates that the dwelling is still being taxed as a dwelling on the property currently. Historical zoning maps for Township 15 South, Range 11 demonstrate that Forest Management zoning was adopted on August 11, 1979. The dwelling on the subject property was placed at a time before restrictive zoning was implemented for the subject property.

The submitted materials and information from Lane County A&T indicate that the dwelling was lawfully placed on the subject property and that the 1930 dwelling has existed on the property and been taxed on a continuous annual basis. As such, staff finds this criterion has been met.

(ii) The lawfully established dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

Finding 2: The photos of the dwelling (**Exhibit F**) submitted by the applicant demonstrate intact exterior walls and roof, indoor plumbing, interior wiring, and a heating system. Staff finds the above criteria satisfied.

(iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

Finding 4: The applicant's submitted materials and site plan indicate the proposed replacement dwelling will be sited approximately 81 feet northwest of the existing dwelling. The existing dwelling is to be removed from the property via Demolition Permit and proposed to be a learn to burn opportunity for the Yachats Fire Department. Therefore, staff finds this criterion is met.

(q) For single-family dwellings, the landowner must sign and record in the deed records for the County a document 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 or 30.937.

Finding 5: As a condition of approval, the applicant must record a Farm Use and Forest Management Easement in the Lane County Deeds and Records office. The applicant must provide a copy of the recorded agreement to Land Management Division prior to application for a building permit

(r) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.

Finding 6: This application will be valid for four years from the date of approval, with the potential for one subsequent two year extension; and this will be made a condition of approval.

(s) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.211(5)(a). For the purpose of LC 16.211(3)(s), the "same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

Finding 7: The applicant's submitted materials and site plan indicate the proposed replacement dwelling will be sited within the 200 foot by 200 foot 'same site area' centered on the existing dwelling. More precisely, the proposed replacement dwelling will be placed approximately 81 feet to the northwest of the center of the existing dwelling. Therefore, staff finds this criterion is met.

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.211. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire

hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

(a) Residences, dwellings, and structures must be sited as follows:

Note: Per LC 16.211(3)(s) and Finding 7, subsection (a) is not applicable for this application.

(b) Setbacks. Structures other than a fence or sign cannot be located closer than:

- (i) 20 feet from the right-of-way of a state road, County road, or a local access public road specified in LC Chapter 15.**
- (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).**
- (iii) The minimum distance necessary to comply Sections (5)(a) and (6).**

Finding 8: The applicant's site plan and submitted materials indicates the proposed dwelling will be at a minimum 90 feet from the nearest property line. Staff finds this criterion has been met.

(iv) Riparian Setback Area. A riparian setback area applies to the area (iv) between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.

Finding 9: The subject property is approximately bounded by two different class one streams. Ten Mile Creek runs along the southern property line while McKinney Creek runs along the eastern property line. No structures are proposed within the riparian setback area. Portions of the secondary fire break may overlap with areas of the McKinney Creek riparian setback. In cases where the secondary fire break overlaps with the riparian setback the regulations of Lane Code 16.253 take precedence over the secondary fire breaks as they are the more restrictive conditions per Lane Code 16.009. A Riparian Verification application is necessary to establish the areas where the secondary fire breaks and riparian setback areas may be in conflict. As conditioned, staff finds this criterion has been met.

(c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(5)(c) above, evidence of domestic water supply means:

- (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
- (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
- (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.

Finding 10: The property is currently served by a spring water system that was established before permits were issued for systems such as the one currently serving the subject property. The spring system indicates that it is feasible that the subject property will have an adequate supply of water available. The applicant has indicated that a new well will be drilled for the proposed replacement dwelling. As a condition of approval, a well constructor's report must be submitted to Lane County before building permits can be issued.

- (d) 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 must 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.

Finding 11: The subject property is served by a private driveway. As such this criterion is not applicable.

(e) Approval of a dwelling is 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 department of Forestry administrative rules.
- (ii) The Director must notify the County Assessor of the above condition at the time the dwelling is approved.
- (iii) Stocking survey report:
 - (aa) If the lot or parcel is more than ten acres, the property owner must submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and
 - (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements,

that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.

Finding 12: The above criterion have been made a condition of approval, with the exception of the stocking survey report requirement. The property is less than 10 acres; therefore a stocking survey report is not required. Upon the approval of this application, the Planning Director will notify the County Assessor regarding the tree replanting requirements. As conditioned, the above criterion have been met.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.211:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:**
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;**
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;**
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;**
 - (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and**
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).**

Finding 13: The subject property is within the service area of Yachats Rural Fire Protection District. The applicant has submitted a letter from the Fire District (**Exhibit G**) signed by Chief

Frankie Petrick verifying the subject property is within Yachats Rural Fire Protection District's jurisdiction and that they will provide fire and ambulance services. As such, this criterion is met.

(b) Fire Safety Design Standards for Roads and Driveways.

- (i) Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.**

Finding 14: In the Fire District Certification Letter (**Exhibit G**) which certifies the Fire District will be able to provide protection to the subject property, there is a list which provides the required objective information about the firefighting equipment. As such, staff finds the above criterion to be met.

- (ii) Road and Driveway Surfaces. Roads must have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways must have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and must have a vertical clearance of 13 feet 6 inches.**
- (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:**
 - (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.211(6)(b)(i) above and must be marked and signed by the applicant**

as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

- (bb) **Cul-de-sac Turnarounds.** Cul-de-sac turnarounds must have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
- (cc) **No cul-de-sacs or hammerhead turnarounds must be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.**

Finding 15: The private driveway that serves the existing dwelling, has a constructed width of 14-18 feet which meets the 12 foot minimum travel surface requirement. The driveway serving the proposed replacement dwelling is approximately 170 feet long, and therefore does not require pull outs or turnarounds. No modifications to the existing driveway are proposed nor required. As such, staff finds this criterion has been met.

- (iv) **Bridges and Culverts.** Bridges and culverts must be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

Finding 16: There are no bridges or culverts within the portion of the existing driveway that serves the subject property and proposed replacement dwelling. As such, this criterion is not applicable.

- (v) **Road and Driveway Grades.** Road and driveway grades cannot exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the firefighting equipment of the agency providing fire protection to access the use, firefighting equipment and water supply.

Finding 17: The existing driveway is gently sloped to the south, much like the property as a whole, and per applicant submitted slope information regarding the driveway (**Exhibit H**), the driveway contains grades of 5° or 8.75 percent. As a condition of approval, the applicant must submit verification for the Yachats Rural Fire Protection District or an engineer licensed in the State of Oregon demonstrating that road and driveway grades are adequate for the firefighting equipment.

- (vi) **Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.**

Finding 18: The subject property is served by a private driveway and not a road, therefore road naming is not required. Staff finds this criterion is not applicable.

- (vii) **Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.**

Finding 19: The private driveway serving the proposed replacement dwelling is approximately 170 feet long, and therefore does not require pull outs or turnarounds. Staff finds this criterion is not applicable to the proposed development.

- (viii) **Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) above may be modified by the approval authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for firefighting equipment from its point of origination to its point of destination.**

Finding 20: No modifications are proposed. This criterion is not applicable.

- (c) **Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.**

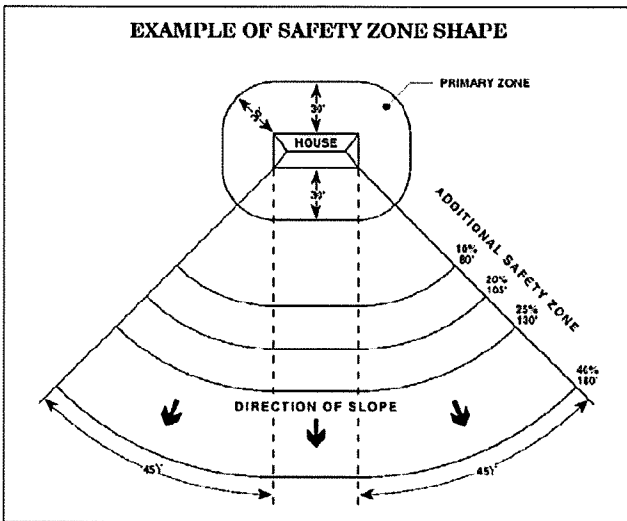
- (i) **Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures, unless otherwise specifically stated in LC 16.211. The goal within the primary safety zone is to exclude fuels that will produce 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 must be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.**

- (aa) **As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:**

Table 16.211-2 Minimum Primary Safety Zone

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

Figure 16.211-1



- (ii) **Secondary Safety Zone.** The secondary safety zone is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary safety zone is 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 safety zone must be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees must be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels must be removed.

Finding 21: The applicant has submitted documentation of a field review of the property indicating slopes around the proposed dwelling are at most 4° or 7% (**Exhibit H**). Slopes less than 10% require no additional primary safety zone beyond the 30 foot primary fuel break. The 100 foot secondary fuel break must be established around the primary fuel break on lands owned or controlled by the owner except in areas where there is conflict with riparian setback areas per Lane Code 16.009. It appears that portions of the eastern fuel break may overlay with the riparian setback of McKinney Creek. Compliance with fuel break standards has been made a condition of approval. Prior to building permit, the applicant will need to request and complete fuel break verification.

(d) The dwelling must have a fire retardant roof.

Finding 22: This has been made a condition of approval. As conditioned, this criterion is met.

(e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.

Finding 23: According to the applicant's materials and Lane County GIS contour data, the proposed home site is not within 30 feet of any slope greater than 40 percent. This has been made a condition of approval. As conditioned, this criterion is met.


(f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

Finding 24: This has been made a condition of approval. As conditioned, this criterion is met.

V. DECISION

Based upon the findings above, the application for a verification of a lawfully established dwelling meets the criteria of Lane Code 16.211(2)-2.5, the applicable siting standards of 16.211(5) and (6), and other applicable criteria. Therefore, this application to verify replacement rights for a dwelling in the F-2 zone is **APPROVED**, subject to all conditions of approval listed in **Exhibit A**.

This decision is a Type I administrative decision, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.

Prepared by:  Date: 6-25-19
Aaron Staniak, Planner

V. EXHIBITS AND ATTACHMENTS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

Exhibit C: Approved Site Plan

Exhibit D: Farm & Forest Management Easement

Exhibit E: Lane County Assessment and Taxation Documents

Exhibit F: Habitability Photos

Exhibit G: Letter from Yachats Rural Fire Protection District, Dated April 4, 2019

Exhibit H: Applicant Reviewed Slope Information

EXHIBIT 'A'

CONDITIONS OF APPROVAL

509-PA19-05262

All of the following conditions are binding on the applicant or successive owner(s) of the parcel or successive applicant(s) who exercise this approval action.

1. Approval of 509-PA19-05262 is valid for a **four-year** period from the date of final approval unless an extension is granted in accordance with Lane Code Chapter 14 provisions. An extension may be granted if:
 - a. An applicant makes a written request with the required fee and the request complies with LC 14.090(6) and (7);
 - b. The request is submitted prior to the expiration of the approval period; and
 - c. The request is submitted not sooner than six months before the expiration date.

Approval of an extension granted under this rule is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

The following conditions shall be met prior to the expiration date in condition #1 and prior to issuance of a building permit. Failure to meet conditions of approval as specified prior to the expiration date, and if no extension has been granted prior to that date, shall invalidate this approval, and the development rights conditionally allowed by this planning action shall cease:

2. The replacement dwelling must be constructed in the same site area of the existing dwelling, and consistent with the approved site plan (see **Exhibit C**) unless modification to the site plan is approved by the Planning Director. The proposed dwelling must be located within the 'same site' as the existing dwelling pursuant to LC 16.211(2)-2.5.
3. Complete, have notarized, and record the enclosed *Farm Use and Forest Management Easement* with an attached "Exhibit A" depicting the legal description of the property (which must be recorded together with the Agreement at the Lane County Deeds and Records office). A legal description may be obtained from the Lane County Assessment and Taxation office if needed. Prior to building permit application, provide a copy of the recorded easement to Land Management Division (see **Exhibit D**).
4. The replacement dwelling must be located at least 20 feet from the County road right-of-way and at least 30 feet from all other property boundaries.
5. The replacement dwelling must be located at least 30 feet away from any ravine, ridge or slope greater than 40 percent.

6. A Riparian Verification must be applied for and completed in order to establish the boundary between the riparian setback and the secondary fuel break.
7. Physically establish the primary and secondary fuel breaks per LC 16.211(6)(c). These fuel breaks shall be maintained in perpetuity. The minimum primary safety zone surrounding the proposed dwelling shall be at least 30 feet. The minimum secondary fuel breaks must be at least 100 feet surrounding the primary fuel break on lands owned or controlled by the owner except in areas where there is conflict with riparian setback areas. Please contact Planning staff at (541) 682-3577 with questions about fuel break requirements. The applicant must apply for and have completed a Fuel Break Investigation or Photo Fuel Break Review, with the applicable fee, to ensure compliance with LC 16.211(6)(c) prior to building permit application. Failure to meet minimum fuel break standards as in LC 16.211(6)(c) upon first inspection may require an additional application, with the applicable fee, at the discretion of the Planning Director.
8. The applicant is required to provide a well constructor's report or enough objective information that demonstrates domestic water supply to the proposed replacement dwelling is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629.
9. As an advisory condition of approval, any improvements to the access road / driveway from Tenmile Creek Road to the proposed dwelling, including culverts must comply with the minimum standards of Lane Code 16.211(6)(b) and Lane Code Chapter 15 as applicable, and must be verified in writing by the **Yachats Rural Fire Protection District** or an Oregon Registered Professional Engineer.

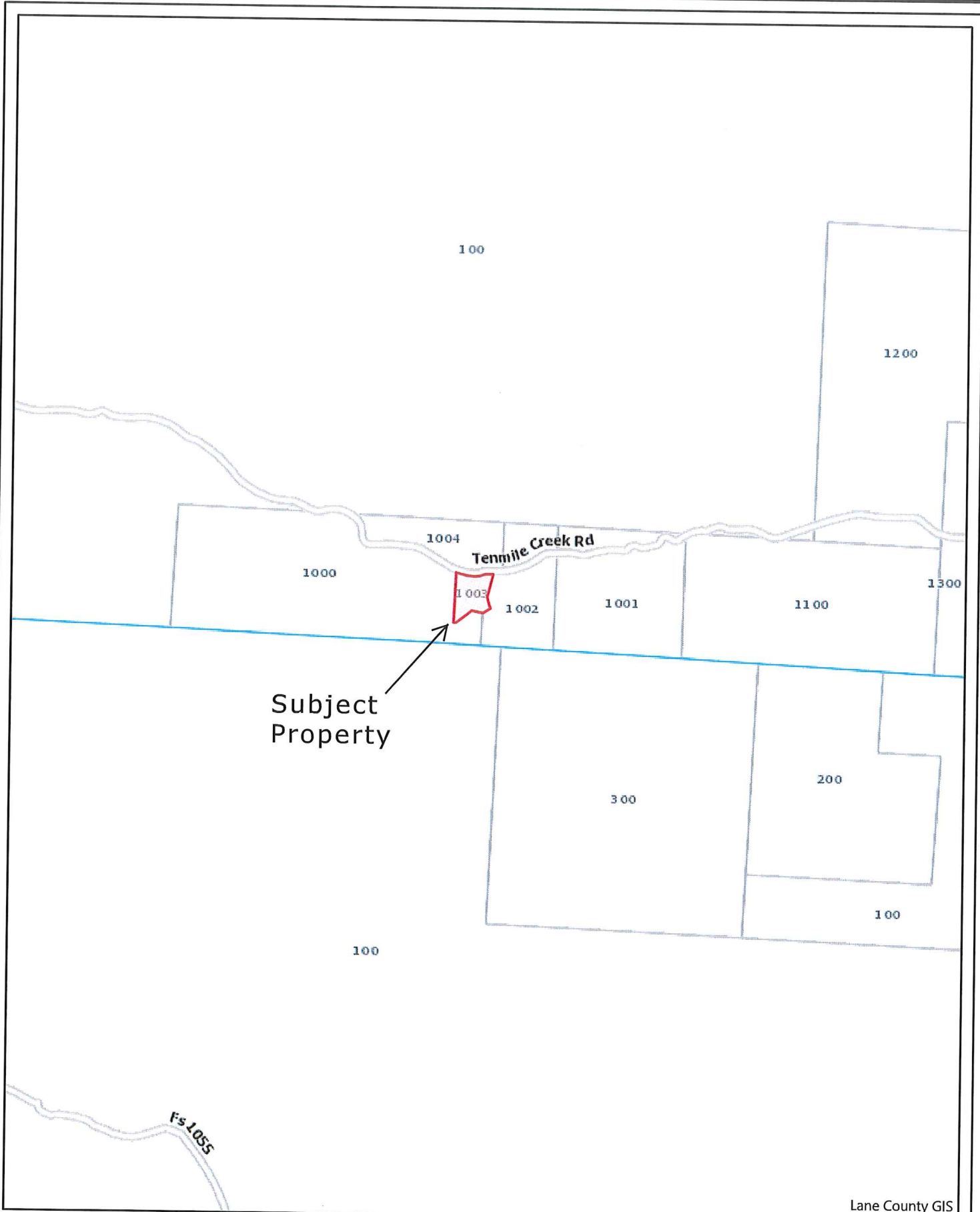
The following condition shall be met prior to approval for legal occupancy of the proposed dwelling:

10. The proposed dwelling shall meet the following requirements to be verified by the Lane County Building Official:
 - a. All buildings or structures with chimneys shall have a spark arrester on all chimneys.
 - b. Wood shingles, wood shakes, or shingles made from wood products for use as roof covering materials for dwellings and accessory structures are prohibited. Such use is a violation of ORS 215.730(1)(b)(A) and subject to civil penalties as contained in Chapter 5, Lane Code. This provision applies to new roofs, reinstallation of roofs, and repair of roofs.

The following conditions are informational items and apply to the development proposal as applicable:

11. The dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling.
12. 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 department of Forestry administrative rules.

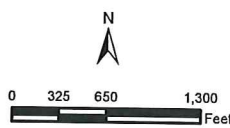
- 13.** The approval is valid for two years as stated in condition one. An extension, if sought and granted in compliance with Lane Code Chapter 14, is limited to a single 2 year extension unless State law or Lane Code amendments allow otherwise.



Subject Property

Lane County GIS

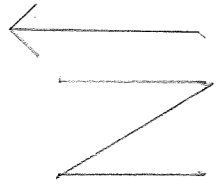
The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



Vicinity Map for 15-11-00-00-01003

Lane County, Oregon

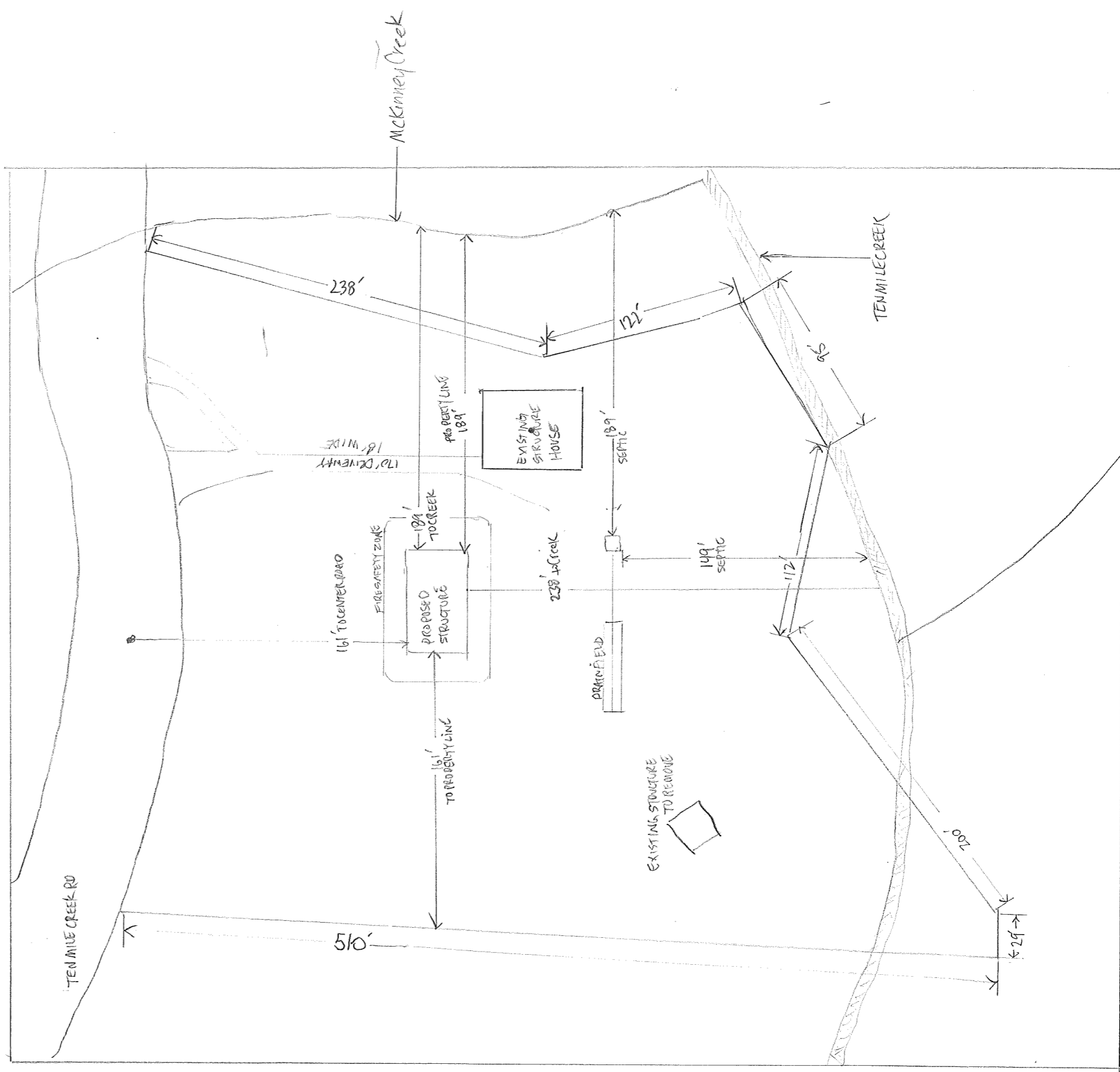
EXHIBIT B



WORTHY GARDEN CLUB
495 NE BELLEVUE DR
BEND, OR 97498
541-647-6970

ASSESSORS MAP TAX LOT 15-11-00-00-01003

1" = 70'



510' x 7.3"

After Recording Return to: Grantor's Full Name & Address:

FARM USE AND FOREST MANAGEMENT EASEMENT

Grantor(s) _____
print name(s)

is/are the owner(s) of real property as described on Exhibit "A", attached hereto. In accordance with the conditions set forth in the decision of the Lane County Land Management Division dated _____ approving Planning Action PA # _____, for Assessor's Map and Tax Lot _____ Grantor(s) hereby grant(s) to the owner(s), (Grantees), of all property zoned for farm or forest use, a perpetual non-exclusive farm use and forest practices management easement as follows:

1. The Grantor(s), the heirs, successors, and assignees acknowledge by the granting of this easement that the above described property is situated in a farm or forest zone in Lane County, Oregon, and may be subjected to conditions resulting from farm use or commercial forests operations on lands zoned for farm or forest use. Such operations may include farm use as defined in ORS 215.203 and management and harvesting of timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, and other accepted and customary forest management activities conducted in accordance with Federal and State Laws. Said farm use and forest management activities ordinarily and necessarily produce noise, dust, odors, smoke and other conditions, which may conflict with Grantor's use of Grantor's property for residential purposes, and Grantor(s) hereby give(s) an easement to the property owners of lands zoned for farm or forest use for the resultant impact on Grantors property caused by the farm use or forest management activities on such lands.
2. Grantor(s) shall comply with all restrictions and conditions for maintaining residences in farm and forest zones that may be required by State, Federal, and local land use laws and regulations. Grantor(s) will comply with all fire safety regulations developed by the Oregon Department of Forestry for residential development within a forest zone.

This easement is appurtenant to all property zoned for farm or forest use, and shall bind the heirs, successors, and assignees of Grantor(s), and shall endure for the benefit of the owners of lands zoned for farm or forest use, their heirs, successors, and assignees. The grantees, their heirs, successors, and assignees are hereby expressly granted the right of third party enforcement of this easement.

Grantor Signature

Grantor Signature

IN WITNESS WHEREOF, the Grantor(s) has/have executed this easement on _____
(date)

State of OREGON
County of _____

Signed or attested before me on _____, 20____

by _____
(Name of Grantor)

Signature of Notary

Recording Label Here

My commission expires: _____



Search Criteria

Property No. 1421641

As of Date 05/21/2019

Tax Year

Use Start Dates
 Use End Dates

Effective

Tax Year Date
 Assessment Date

Clear

Search

3 Documents 4 Exemptions 5 Value Changes 6 Property Transfer 7 Leverages 8 Receipts 9 Other

Search Results

Summary Parcels Values Taxes Events 1 Receipts

Proval Dwelling Information

Imp Type DWELL
 Year Built 1930
 Effective Year Built 1942
 Percent Complete 100

Grade 32
 Size 0
 Full Baths 1
 Bedrooms 4
 Finished Living Area 2426

Property Use

Property No.	Use Type	From Tax Year	To Tax Year	Document No.	Approval Date	Application

Proval Memos

Memo id	Memo text
130	Stat Class
130	107
AL18	Allocated Sales Price 2018

Close Help...

IMPROVEMENT DATA

1421641 R01

PHYSICAL CHARACTERISTICS

Style: 31 stat 130
 Occupancy: Single family
 Story Height: 1.0
 Finished Area: 2426
 Attic: Finished
 Basement: 3/4
ROOFING
 Material: Metal
 Type: Gable
 Framing: Std for class
 Pitch: Not available

FLOORING
 Slab B
 Sub and Joists 1.0, A
 Base Allowance B, 1.0, A
EXTERIOR COVER
 Wood shake B, 1.0, A
INTERIOR FINISH
 Drywall 1.0, A

ACCOMMODATIONS
 Finished Rooms 4
 Bedrooms 4
 Fireplaces: 1

HEATING AND AIR CONDITIONING

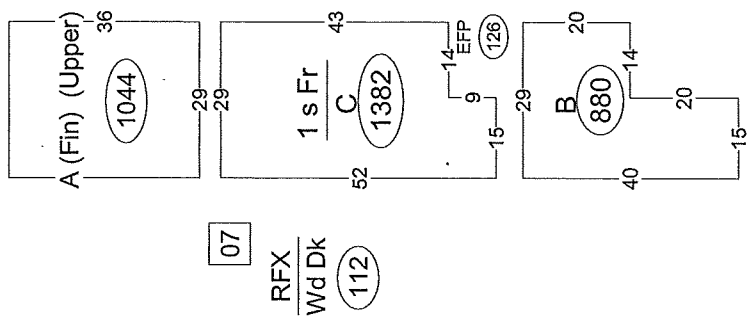
Primary Heat: Other
 Lower Full Part
 /Bsmt 1 Upper Upper

PLUMBING

3 Fixt. Baths # 3
 Kit Sink 1 1
 Water Heat 1 1
 TOTAL 5

REMODELING AND MODERNIZATION

Amount Date



09

SPECIAL FEATURES

Description	Value
D : Remod 1972	500
BATHTUB	750
FLU-BACK	250
LAVATORY	510
OVEN	250
TOILET	-2
01 : GF	1
GRFWS	0
02 : GRFWS	0
ROOFGAB	0
WDFLR	0
04 : D	0
ROOFGAL	0
ROOFSHED	0
WALLGAL	0

SUMMARY OF IMPROVEMENTS

ID	Use	Stry Hgt	Const Year	Const	Year Eff	Base Rate	Feat- ures	Adj Rate	Size or Area	Computed Value	Phys Obsol	Market %	Depr Adj	Comp Value
D	DWELL	1.00	1930	1942	AV	0.00	Y	0.00	3306	148060	28	0	100	106600
01	DETGAR	0.00	1939	1910	AV	39.36	Y	38.66	520	20100	95	10	100	909
02	UTLISHED	0.00	1939	1910	AV	13.52	Y	13.52	15x 18	3650	95	0	100	180
04	MACHINE	8.00	1979	1939	AV	8.62	Y	7.86	14x 36	3960	79	0	100	830
06	EFF	0.00	1930	1930	AV	0.00	N	0.00	126	6110	88	0	100	730
07	UTLISHED	0.00	1996	1960	AV	22.82	N	22.82	8x 8	1460	58	0	100	610
08	WDDK	0.00	1996	1996	AV	0.00	N	0.00	112	5530	22	0	100	4310
09	LEANTO	0.00	1950	1950	AV	3.41	N	3.41	16x 24	1510	68	0	100	420
TOTAL BASE														129420
Row Type Adjustment														1.00%
SUB-TOTAL														129420
0 Interior Finish														20380
0 Ext Lvg Units														0
0 Basement Finish														0
Fireplace(s)														750
Heating														0
Air Condition														0
Frame/Siding/Roof														3040
Plumbing Fixt: 5														1750
Other Features														510
Exterior Features														155850
SUB-TOTAL ONE UNIT														155850
SUB-TOTAL 0 UNITS														155850
Garages														0
0 Integral														0
0 Att Garage														0
0 Att Carports														0
0 Bsmt Garage														0
Ext Features														0
SUB-TOTAL														155850
Quality Class/Grade														3-
GRADE ADJUSTED VALUE														148060

(LCM: 100.00)

Data Collector/Date 196 01/12/2015
 Appraiser/Date 216
 Neighborhood Neigh 974500 AV
 Supplemental Cards TOTAL IMPROVEMENT VALUE 114589

OWNERSHIP WORTHY GARDEN CLUB 495 NE BELLEVUE DR BEND, OR 97701 Township 15 Range 11 Section 00 Quarter 00 TL 01003

OWNERSHIP SERBU DANIEL A Doc #: 343921 \$202511 MAMER MARY C Doc #: 276623 \$78052 OGNIBENE BARBARA LEE Doc #: 274977 \$0 MULLANE SAMUEL Doc #: 121509 \$98000 MULLANE MICHAEL T Doc #: 91314 \$0

Transferred 05/21/2019 Card No. 1 of 2

RESIDENTIAL

VALUATION RECORD

Assessment Year	01/01/2013	01/01/2014	01/01/2015	01/01/2016	01/01/2017	01/01/2018
Reason for Change						
VALUATION	88810	87415	87415	87415	86061	83449
0	97146	118416	145904	184203	183613	206435
	185956	205831	233319	271618	269674	289884
VALUATION	0	0	0	0	0	0
0	97146	118416	145904	184203	183613	206435
	97146	118416	145904	184203	183613	206435

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence
Soil ID	Acreage	Depth	Factor	Rate	Rate	Value	Factor
Actual	Effective	Effective	Depth	Rate	Rate	Value	Factor
Frontage	Frontage	Depth	Square Feet	Rate	Rate	Value	Factor
1 MSDC	12	0.0	0.00	11000.00	11000.00	11000 M	-1%
2 R NEIGHBORHOOD - BASE 4	3.2200	3.2200	1.00	57706.00	57706.00	185813 7	-25%
Zoning:							
F2 - IMPACTED FOREST							
Legal Acres:							
3.2200							

Public Utilities:

Street or Road:

Neighborhood:

Zoning:

F2 - IMPACTED FOREST

Legal Acres:

3.2200

130: Stat Class

107

All: Allocated Sales Price 2018

08/18 sales at \$400,000 total RMV \$572,577 ratio 1.43 includes 1421641,1297850. sale price allocated on 1421641 (BATCH)

insp: 1/30/19 104 sale RMV=data clnup 2/04/15 190 Sale NPvr: 2015: CLE- move gpb to TL 1002, OMP= liv qtr RMV=data cln up, add exst imps 195 2008: Data clean up and sketch. SF of Fin Attic corrected per RAC

Supplemental Cards

TRUE TAX VALUE

150250

Measured Acreage

Average True Tax Value/Acre

TRUE TAX VALUE FARMLAND

Classified Land Total (+)

Homesite(s) Value (+)

Excess Acreage Value (+)

Supplemental Cards

TOTAL LAND VALUE

150250

Date

VALUATION RECORD

Assessment Year
 Reason for Change
 VALUATION

Site Description

LAND DATA AND CALCULATIONS

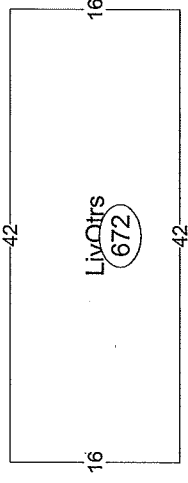
Rating Soil ID -or- Actual	Measured Acreage -or- Effective	Table Effective Depth	Prod. Factor -or- Depth Factor	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value

Supplemental Cards
 TOTAL LAND VALUE

IMPROVEMENT DATA

1421641 R02

PHYSICAL CHARACTERISTICS



SPECIAL FEATURES

Description Value

01	LIVCITS	0.00	3	1960	1966	AV	64.69	N	64.69	16x	42	43470	52	0	100	100	20870
----	---------	------	---	------	------	----	-------	---	-------	-----	----	-------	----	---	-----	-----	-------

SUMMARY OF IMPROVEMENTS

ID	Use	Stry Hgt	Const Type	Year Eff	Const Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Phys Obsol	Market Value	Depr	Adj Comp	Value		
01	LIVCITS	0.00	3	1960	1966	AV	64.69	N	64.69	16x	42	43470	52	0	100	100	20870

(LCM: 100.00)

Data Collector/Date

196 01/12/2015

Appraiser/Date

Neigh 974500 AV

Supplemental Cards

TOTAL IMPROVEMENT VALUE

Neighborhood

196 01/12/2015

Neigh 974500 AV

20870

Due Report

Lane County Property Taxes Due Report

Lane Cou

Tax Account # 1297850
Alternate Property # (maplot) 15-11-00-00-01001
Tax Code Area (TCA) 14300
Location
Taxpayer WORTHY GARDEN CLUB
 495 NE BELLEVUE DR
 BEND, OR 97701

Alternate Property # (maplot) 15-11-00-00-01001
Tax Code Area 14300
Location 8190
Taxpayer WORTHY GARDEN CLUB

Property Values & Taxes

Real Market Value (RMV)					
	Land	Improvement	Total	Total Assessed Value	Tax
2018	128,128	0	128,128	38,127	340.66
2017	137,984	0	137,984	38,693	347.75

Real Market Value (RMV)					
	Land	Improvement	Total	Total Assessed Value	Tax
2018	128,128	0	128,128	38,127	340.66
2017	137,984	0	137,984	38,693	347.75

Current Year Assessed Value 38,127.00
Less Exemption Amount (0.00)
Taxable Value 38,127.00
Frozen Assessed Value 0.00
Exemption Type

Current Year Assessed Value 38,127.00
Less Exemption Amount (0.00)
Taxable Value 38,127.00
Frozen Assessed Value 0.00

Account Status

Account Status Active Account Current Tax Year
Account Status Notes
 • Active Account Current Tax Year
Remarks Potential Additional Tax

Taxes Due for Account # 1297850

Delinquent Interest (if applicable) Computed Through: 4/16/2019

The tax shown is the amount certified in October unless a value change has been processed on the property, resulting in a tax correction. Value changes typically occur as a result of appeals, clerical errors and omitted property.

Year	Description	Tax	Min. Due	Bal. Due	Due Date
2018	Property Tax Interest	9.23	0.00	0.00	04/03/2019
2018	Property Tax Interest	1.37	0.00	0.00	04/03/2019
2018	Fire Patrol District Principal	44.06	0.00	0.00	11/15/2018
2018	Property Tax Principal	296.60	0.00	0.00	11/15/2018

Taxes & Assessments due for Account Number 1297850: \$0.00

Lane County Property Taxes Due Report

Tax Account # 1421641
Alternate Property # (maplot) 15-11-00-00-01003
Tax Code Area (TCA) 14300
Location 8190 TENMILE CREEK RD YACHATS, OR 97498-9726
Taxpayer WORTHY GARDEN CLUB
 495 NE BELLEVUE DR
 BEND, OR 97701

Property Values & Taxes

Real Market Value (RMV)					
	Land	Improvement	Total	Total Assessed Value	Tax
2018	83,449	206,435	289,884	102,329	862.29
2017	86,061	183,613	269,674	99,349	821.59

Current Year Assessed Value 102,329.00
Less Exemption Amount (0.00)
Taxable Value 102,329.00
Frozen Assessed Value 0.00

Exemption Type

Account Status

Account Status **Account Status Notes**

- Active Account Current Tax Year

Remarks none

Taxes Due for Account # 1421641

Delinquent Interest (if applicable) Computed Through: 4/16/2019

The tax shown is the amount certified in October unless a value change has been processed on the property, resulting in a tax correction. Value changes typically occur as a result of appeals, clerical errors and omitted property.

Year	Description	Tax	Min. Due	Bal. Due	Due Date
2018	Property Tax Interest	24.77	0.00	0.00	04/03/2019
2018	Property Tax Interest	0.59	0.00	0.00	04/03/2019
2018	Property Tax Interest	1.48	0.00	0.00	04/03/2019
2018	Fire Patrol District Principal	18.75	0.00	0.00	11/15/2018
2018	Fire Patrol District Surcharge	47.50	0.00	0.00	11/15/2018
2018	Property Tax Principal	796.04	0.00	0.00	11/15/2018

Taxes & Assessments due for Account Number 1421641: \$0.00

Lane County Property Taxes Due Report

Tax Account # 1347861
Alternate Property # (maplot) 15-11-00-00-01002
Tax Code Area (TCA) 14300
Location
Taxpayer WORTHY GARDEN CLUB
 495 NE BELLEVUE DR
 BEND, OR 97701

Property Values & Taxes

Real Market Value (RMV)					
	Land	Improvement	Total	Total Assessed Value	Tax
2018	153,715	850	154,565	108,402	863.77
2017	165,539	890	166,429	105,245	825.08

Current Year Assessed Value 108,402.00

Less Exemption Amount (0.00)

Taxable Value 108,402.00

Frozen Assessed Value 0.00

Exemption Type

Account Status

Account Status

Account Status Notes

- Active Account Current Tax Year

Remarks none

Taxes Due for Account # 1347861

Delinquent Interest (if applicable) Computed Through: 4/16/2019

The tax shown is the amount certified in October unless a value change has been processed on the property, resulting in a tax correction. Value changes typically occur as a result of appeals, clerical errors and omitted property.

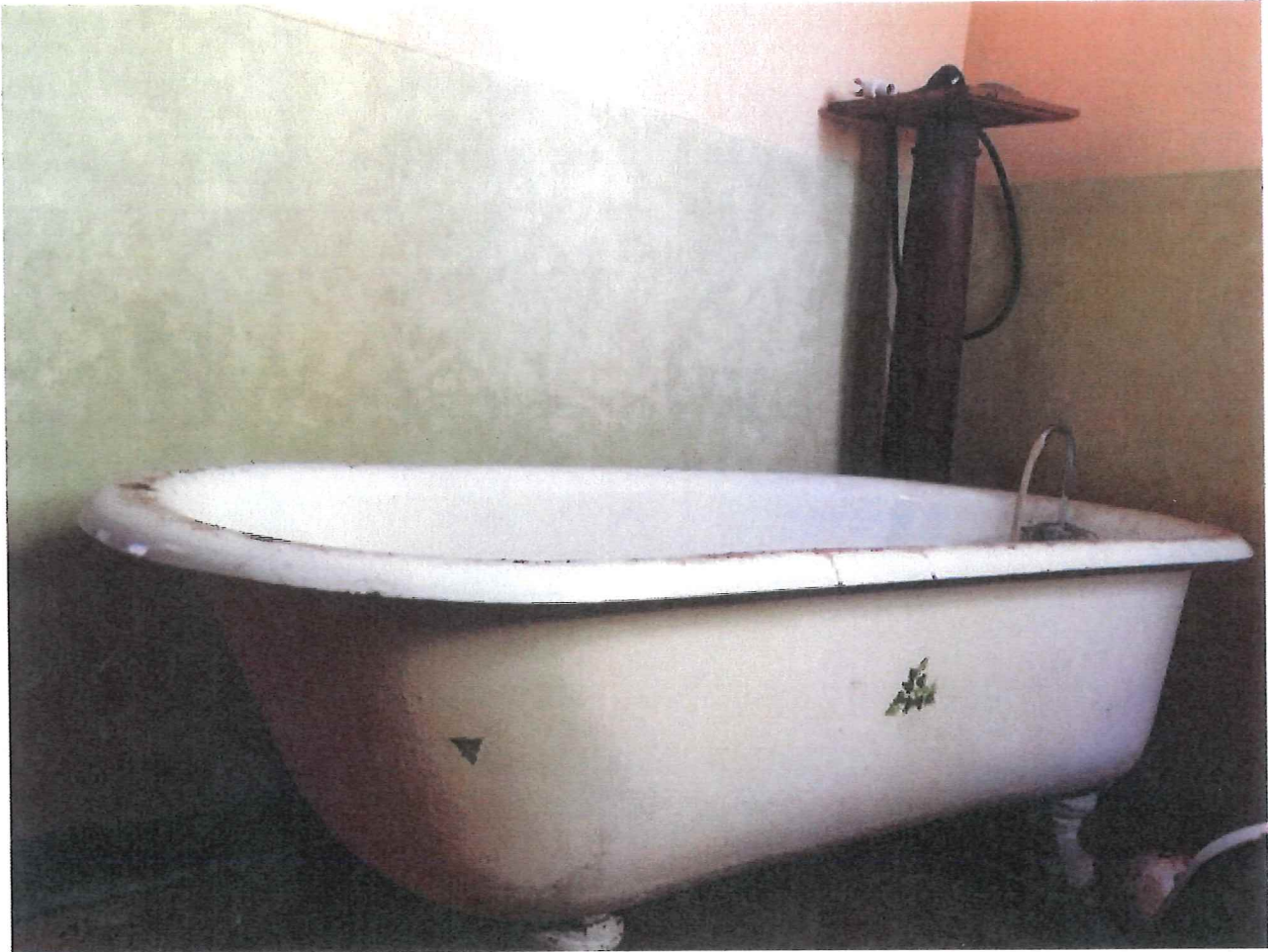
Year	Description	Tax	Min. Due	Bal. Due	Due Date
2018	Property Tax Interest	26.24	0.00	0.00	04/03/2019
2018	Property Tax Interest	0.64	0.00	0.00	04/03/2019
2018	Fire Patrol District Principal	20.49	0.00	0.00	11/15/2018
2018	Property Tax Principal	843.28	0.00	0.00	11/15/2018

Taxes & Assessments due for Account Number 1347861: \$0.00



1

picture, interior lighting



>
>
>

picture. Bathroom



>
>
>

picture, exterior of dwelling



picture, exterior of dwelling



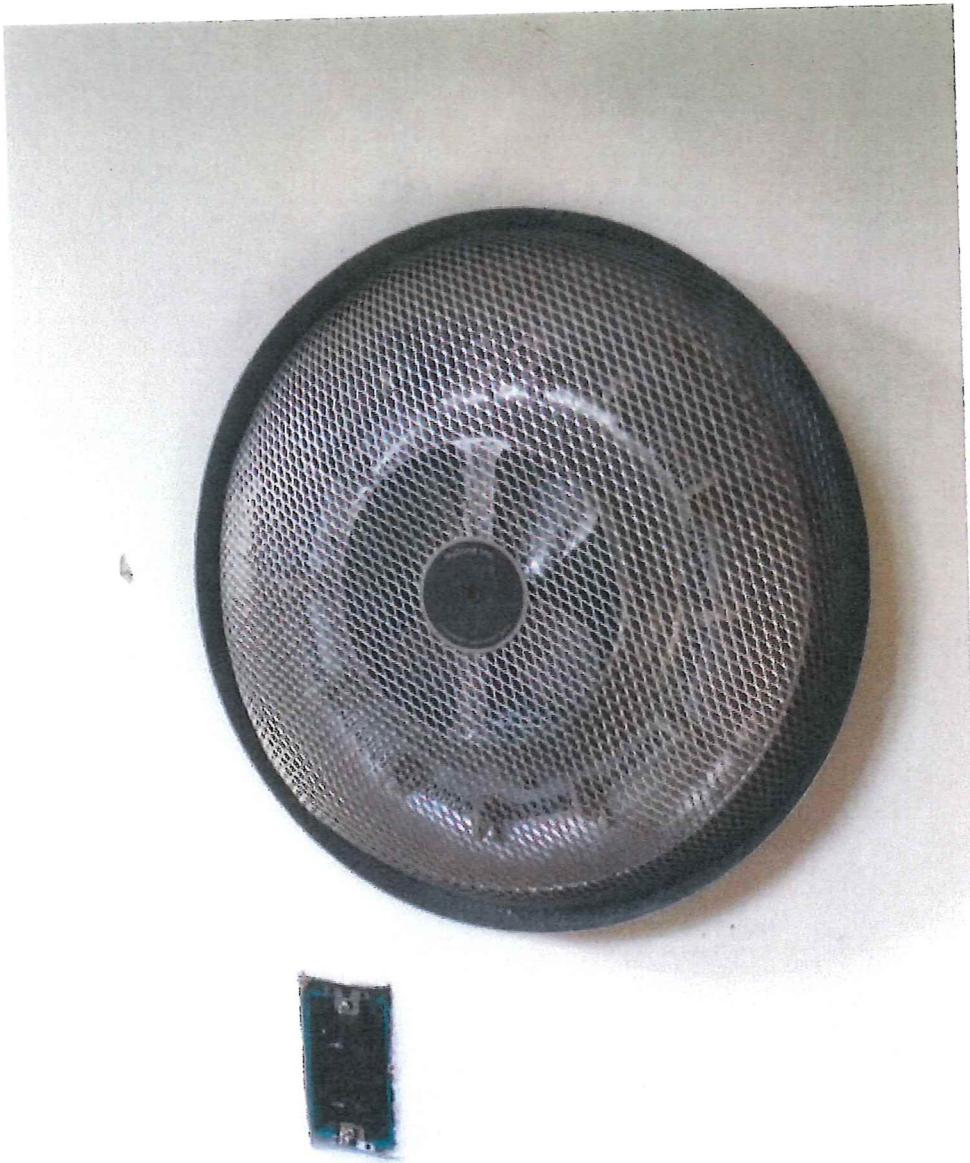
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picture, kitchen sink



picture, bathroom

picture, heating system





picture, heating system

Spring water system



spring water cistern



**YACHATS RURAL FIRE PROTECTION DISTRICT
P.O. BOX 1
YACHATS, OREGON 97498
Tel. 541-547-3266 Fax 541-547-4257
Email yrfpd@peak.org**

April 4, 2019

To Whom It May Concern

RE: Property outside of district boundary

This is a letter to confirm that we will response to structure fires in the area south of our district known as Ten Mile, specifically that property located at MP 7 bearing an address of 8190 Ten Mile Road which is off of S.Hwy 101 at milepost 175.00 S Yachats, Oregon 97498.

That area is outside our district, greater than five miles from our station and has no hydrants. However we have been responding to fires in that area since 1949 and will continue to do so as needed. We respond with an initial engine with 1100 gallons and have an Automatic Mutual Aid agreement with the district to the north to immediately roll another engine and a tender for any fire we respond to. Additionally the fire district to the south will also respond to our request for Mutual Aid in the Ten Mile area. As you know we have a legal responsibility to respond to a fire in our district first, but there again the Automatic Mutual Aid with adjacent agencies would still apply.

We do bill the homeowner for an out of district response at Oregon State Fire Marshall rates.

Please call me if you have any other questions.

Sincerely,



Frankie Petrick, Fire Chief

STANIAK Aaron T

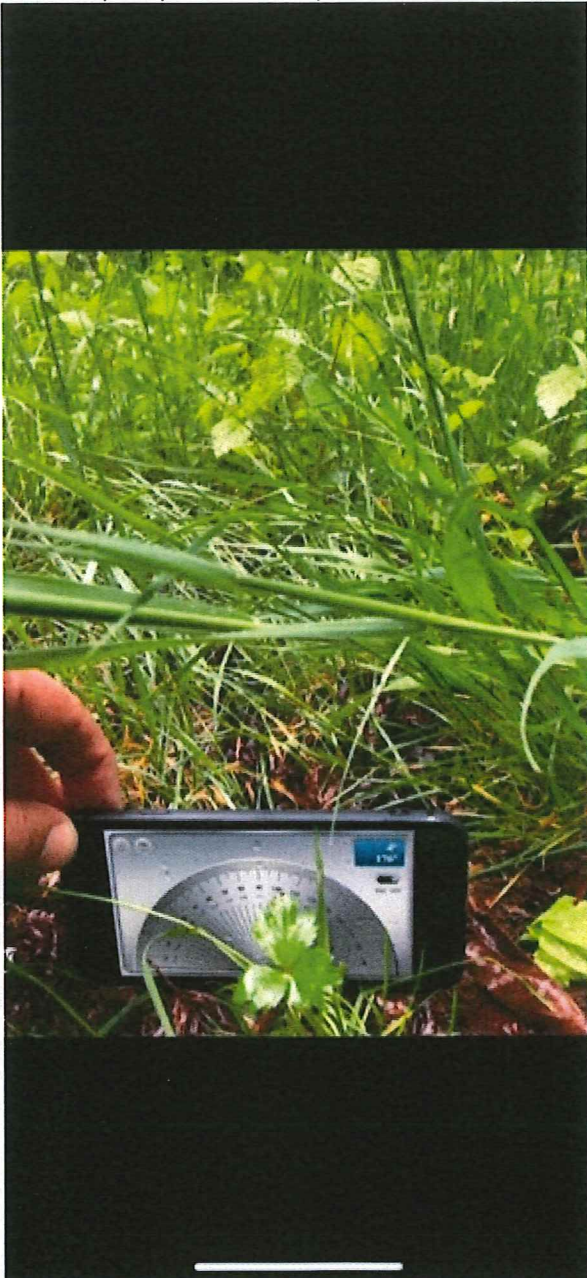
From: randy.r.hammond@gmail.com
Sent: Thursday, June 13, 2019 9:19 AM
To: STANIAK Aaron T
Subject: Re: Verification of Replacement Rights App PA19-05262

[EXTERNAL □]

Good morning, Aaron.

Would a new well be sufficient for the water rights? The water system has been there long before the county started keeping records in the 1940s.

The steepest part of the replacement dwelling is in 4 degree slopes.



The steepest part of the driveway is on 5 degree slopes



How is progress on the remaining items?

Thank you,

Randy Hammond
541-525-2101

On May 22, 2019, at 5:05 PM, STANIAK Aaron T <Aaron.STANIAK@co.lane.or.us> wrote:

Hello Randy,

I have been working through your application and a few questions have popped up during my review.

The first and most important question I have for you is about the water supply for the property. I have copied the code section below:

- (c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(5)(c) above, evidence of domestic water supply means:**
- (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;**
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or**
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.**

I am hoping you can provide both a copy of the easement for the water supply to be used on the subject property, and evidence that the water supply has a permit, proof that a permit is not required, or water rights exist.

The second item I am hoping you may have more information on is the slopes for the property and more specifically the driveway and 30 feet around the proposed structure. Any evidence you might have to show what the slopes are like would be helpful in my review.

Let me know if you have any questions about any of this.

Have a good night,
Aaron Staniak - Planner
Land Management Division
3050 N. Delta Hwy. Eugene, OR 97408
541-682-8910 – Fax 541-682-3947