

After recording return to:

Sia Barney
12341 Supreme Blvd
Klamath Falls, OR
97603



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08/21/2007 10:35:00 AM

Fee: \$36.00

RESTRICTIVE COVENANT Fire Safety Standards

The undersigned, being the record owners of all of the real property described as follows; R-3910-01000-00600-000 and further identified by "Exhibit A" attached hereto, do hereby make the following restrictive covenant(s) for the above-described real property, specifying that the covenant(s) shall run with the land and shall be binding on all persons claiming under such land, and that these restrictions shall be for the benefit of and limitation on all future owners of said real property.

In consideration of approval by Klamath County, Oregon of a land partition permit (LP 47-06) to create two parcels 7.8 and 2.1 acres in size, respectively on property designated by the Klamath County Assessor's Office as Tax Lot 600 in Township 39 South, Range 10 East, Section 10, the following restrictive covenant(s) hereafter bind the subject property:

1. Prior to issuance of building permits for any new dwelling, outbuilding or addition to any existing building on said property, the owner of the parcel shall comply with the following:

A fire apparatus turn-out must be constructed at the location indicated on the recorded final plat. At the property owner's option, the costs of turn-out may be shared between Parcel 1 and Parcel 2 or funded solely by a single owner. Compliance with said condition will be determined by the Fire District #1 Fire Marshal and must be verified in writing from the Fire District before issuance of building permits by the County.

All structural developments shall have a dependable supply of water adequate for normal daily consumption and peak emergency needs. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with OAR 690, Division 10 and OAR 690, Division 20 and that any surface water used is not from a Class II stream as defined in OAR 629-24-101 (3). Access to water shall be not less than 15 feet wide, shall be an improved and maintained surface and shall have an improved vehicle turning area of sufficient size to accommodate local fire protection equipment.

2. Driveway access to new dwellings shall, at a minimum, meet the following standards:

- A. Maximum grade shall not exceed 10 percent.
- B. Travel surface must be an all-weather surface a minimum of 16 feet wide capable of supporting a fire apparatus at 60,000 lbs.
- C. The entire driveway shall be maintained as a fuel break free of brush and other flammable material.
- D. The length of cul-de-sacs shall not exceed 700 feet.

E. Cul-de-sacs shall have an improved vehicle turning area not less than 80 feet in diameter.

F. Bridges or culverts shall have a minimum load limit of 40,000 lbs (20 ton) and shall not be narrower than the improved travel surface serving each end.

3. Construction of new dwellings and other structures shall meet the following standards:

A. Roofing materials shall carry a minimum of Class B rating. In areas of extreme fire hazard rating, Class A rated roof shall be required.

B. Manufactured homes shall be fully skirted from the floor-line to the ground-line. Vents or openings in skirting shall be screened with corrosion-resistant mesh with a mesh size not greater than ¼ inch.

C. All dwellings shall install a spark arrest on all chimneys. It shall be constructed of nonflammable, corrosive-resistant material. The opening in the mesh shall be no larger than ¼ inch.

4. Property fuel breaks, landscaping and maintenance may be planned in accordance with the guidelines found in "Protecting your Home from Wildfire", available from the Planning Department or the Oregon Department of Forestry. The following minimum standards shall apply:

A. Primary Fuel Break: all residences shall create and maintain a primary fuel break not less than 30 feet in width extending from the wall line of the structure. Primary fuel breaks consist of vegetation less than 3 inches high. Isolated landscape trees are acceptable if no branches overhang. Trees shall be thinned to 15 feet between tree crowns, and dead limbs near or over-hanging any structure shall be removed.

B. Secondary Fuel Break: beyond a primary fuel break, residences shall create and maintain a secondary fuel break not less than 70 feet wide on the down-slope side of a residence and 35 feet on all other sides. Extend the fuel break to 100 feet on the downhill side where steep slopes or dense vegetation are present. Secondary fuel breaks consist of live trees and shrubbery pruned to reduce the possibility of fire reaching roofs of structures or the crowns of trees. Low-growing plants and grasses are to be maintained to prevent the buildup of flammable fuels.

C. Wherever practicable, fences shall be constructed of nonflammable materials and maintained to eliminate the buildup of flammable refuse.

D. Outbuildings and accessory structures will meet the same standards as the residence or primary structure in terms of building construction and fuel breaks.

5. Home identification signs shall be posted at the nearest county, state or federal road serving the residence, and shall comply with the Klamath county house numbering system in existence. Home identification signs may be

constructed of nonflammable materials with letters at least 3 inches high, 1/2 inch line width, and a reflective color that contrasts sharply with the background of both the sign itself and the surrounding vegetation.

This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time, and Klamath County Fire District #1, as hereafter provided.

KLAMATH COUNTY, a political subdivision of the State of Oregon, shall be considered a party to this covenant and shall have the right, if it so desires, to enforce any or all of the covenant(s) contained herein by judicial or administrative proceeding. This covenant is made pursuant to the provisions of the Klamath County Land Development Code.

Dated this 21 day of August, 2007.

[Signature]
Record Owner

Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names LIA BARNEY and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 21 day of August, 2007



[Signature]
Notary Public for State of Oregon
My Commission Expires:

Note: A copy of the recorded instrument must be returned to Community Development Planning Dept before permits can be issued.

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of the NW1/4 of the NW1/4 of Section 10, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the Southwest corner of said NW1/4 of NW1/4, thence North 0° 08' West along the West line of said NW1/4 NW1/4 333.94 feet; thence South 89° 30' 57" East 1292.43 feet to the East line of said NW1/4 of NW1/4; thence South 00° 10' 53" East 333.80 feet to the Southeast corner of said NW1/4 of NW1/4; thence North 89° 31' 22" West 1294.26 feet to the point of beginning.

Tax Account No: 3910-01000-00600-000
Tax Account No: 3910-01000-00600-000

Key No: 580810
Key No: 595939