

2007-018419

Klamath County, Oregon



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10/26/2007 08:42:27 AM

Fee: \$46.00

After recording return to:

Tru-Line Surveying Inc.  
2333 Summers Lane  
Klamath Falls OR 97603

### RESTRICTIVE COVENANT Fire Siting Standards

The undersigned, being the record owners of all of the real property described as follows;  
Land Partition 129-06 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 use permit to construct a single family dwelling on property designated by the Klamath County Assessor's Office as Tax Lot 500/600 in Township 35S South, Range 7 East, Section 2, the following restrictive covenant(s) hereafter bind the subject property:

1. All new dwellings shall comply with the following:

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).

Individual residences where a permanent source of water with a capacity of 4000 gallons or more at the lowest flow such as a stream, pond, or lake exists within 500 feet of the homesite, road access shall be provided to within 15 feet of the water's edge. 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.

Where residences are supplied with individual water systems without a permanent source of water for fire suppression, the following standards shall apply:

At least one 1 inch standpipe shall be provided at least 50 feet from a building and shall have adequate protection from freezing weather. A standpipe shall be located no greater than 10 feet from any driveway.

Electrical service to a well pump shall be from independent service drops that do not pass through or onto any building.

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

A. Maximum grade shall not exceed 10 percent.

B. Road surface must be a minimum of 20 feet wide, all weather surface capable of supporting a fire apparatus at 60,000 lbs.

C. The entire right-of-way 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 a right-of-way with a 50 foot radius and 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  $\frac{1}{4}$  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  $\frac{1}{4}$  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, ½ inch line width, and a reflective color that contrasts sharply with the background of both the sign itself and the surrounding vegetation.

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

This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time, and the Klamath County Community Development Department, 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 23 day of October, 2007.

Brad Kalita  
Record Owner

William K. Kalita  
Record Owner

STATE OF OREGON     )  
                                  ) ss.  
County of Klamath    )

Personally appeared the above names Brad Kalita & Wm Kalita and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 23 day of October, 2007



Teresa R Foreman  
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.

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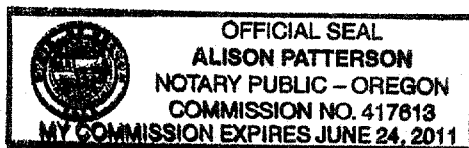
Dated this 19<sup>TH</sup> day of OCTOBER, 2007.

John A. Kalita  
Record Owner

\_\_\_\_\_  
Record Owner

STATE OF OREGON )  
County of Klamath ) ss.  
Lane

Personally appeared the above names John A. Kalita and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 19 day of October, 2007



Alison Patterson  
Notary Public for State of Oregon  
My Commission Expires: 6/24/11

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

## SURVEYOR'S CERTIFICATE

I, DENNIS A. ENSOR, A REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE PARTITIONED, PLATTED, AND CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE BOUNDARY LINE COMMON TO PARCELS 1 AND 2, "LAND PARTITION 129-06", BEING A REPLAT OF PARCEL 3 OF "LAND PARTITION 81-16", SITUATED IN THE NE1/4 OF SECTION 2, T35S, R7EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, SAID POINT BEING A 2 1/2" ALUMINUM CAP MARKING THE W-E 1/64 CORNER COMMON TO SECTION 35, T34S, R7EWM, AND SAID SECTION 2; THENCE N89°21'47"E, ALONG THE NORTH LINE OF SAID SECTION 2, 653.40 FEET TO THE E 1/16 CORNER COMMON TO SAID SECTIONS 35 AND 2; THENCE N89°21'47"E, CONTINUING ALONG THE NORTH LINE OF SAID SECTION 2, 791.5 FEET, MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF CHILOQUIN RIDGE ROAD; THENCE, ALONG THE SAID WESTERLY RIGHT OF WAY LINE, S39°08'00"E 10.57 FEET, ON THE ARC OF A CURVE TO THE RIGHT (RADIUS EQUALS 1095.92 FEET AND CENTRAL ANGLE EQUALS 40°05'00") 766.69 FEET AND S00°57'00"W 673.33 FEET TO THE NORTHEAST CORNER OF "MINOR PARTITION NO. 81-136"; THENCE, ALONG THE BOUNDARY OF SAID "MINOR PARTITION NO. 81-136", S89°07'56"W 282.53 FEET, S00°33'09"W 966.82 FEET AND S52°W 65 FEET TO THE THREAD OF SPRAGUE RIVER; THENCE NORTHWESTERLY, ALONG THE THREAD OF SPRAGUE RIVER, 769 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE SE1/4 NE1/4 OF SAID SECTION 2; THENCE N00°30'06"E, ALONG THE SAID WEST LINE, 190 FEET, MORE OR LESS TO THE C-S-NE 1/64 CORNER OF SAID SECTION 2; THENCE, S89°08'13"W 653.54 FEET TO THE SW-NE 1/64 CORNER OF SAID SECTION 2; THENCE N00°30'11"E 661.42 FEET TO THE C-W-NE 1/64 CORNER OF SAID SECTION 2; THENCE N00°30'19"E 1323.03 FEET TO THE POINT OF BEGINNING, CONTAINING 76 ACRES, MORE OR LESS.

# LAND PARTITION 129-06

BECING A REPLAT OF PARCEL 3 OF MINOR LAND PARTITION 81-16,  
SITUATED IN THE NE 1/4 OF SECTION 2, T35S, R72E, W4,  
KLAMATH COUNTY, OREGON  
SEPTEMBER, 2007  
FOR KALITA LIVING TRUST

## LEGEND

- SET 5/8" X 30" IRON PIN WITH TRU LINE SURVEYING INC. PLASTIC CAP
- FOUND MONUMENT AS SHOWN
- (2000) RECORD DISTANCE BY LAND PARTITION 81-16
- (2000) RECORD BEARING AND/OR DISTANCE PER R.O.S. 4886
- ((2000)) RECORD BEARING AND/OR DISTANCE PER R.O.S. 2317
- ((2000)) RECORD BEARING AND/OR DISTANCE PER KLAMATH COUNTY ROAD RECORDS "CHILQUIN RIDGE ROAD-KR-3-1" DRAWING

## RESERVATIONS, RESTRICTIONS, AND/OR EASEMENTS

NOT LOCATED THIS SURVEY

PER PLATENT RECORDED IN DEED VOLUME 300, PAGE 340  
PER LAND STATUS REPORTS RECORDED IN DEED VOLUME 300, PAGE 340  
PER LAND STATUS REPORTS RECORDED IN DEED VOLUME 300, PAGE 340  
PER LAND STATUS REPORTS RECORDED IN DEED VOLUME 307, PAGE 89

I, HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF LAND PARTITION 129-06, AS PARTITIONED AND PLATTED.

\_\_\_\_\_ GORDON A. ENSOR O.R.S. 3402

I, HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF LAND PARTITION 129-06, AS PARTITIONED AND PLATTED.

KLAMATH COUNTY CLERK \_\_\_\_\_ BY \_\_\_\_\_ DEPUTY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

GORDON A. ENSOR  
JULY 2000  
DENNIS A. ENSOR  
2442  
RENEWAL DATE 12-31-07

TRU-LINE SURVEYING, INC.  
2333 SUMMERS LANE  
KLAMATH FALLS, OREGON 97603  
SHEET 2 OF 2

