

2008-006935

Klamath County, Oregon



05/12/2008 11:41:51 AM

Fee: \$36.00

FIRE SITING STANDARDS COVENANT

Stephen + Janice Peterson the owners of real property described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

In consideration of approval of a pole barn and the issuance of a building permit on the above described property by Klamath County, I (We), Stephen + Janice Peterson, the undersigned real property owner(s), for themselves and their heirs, executors, administrators, and assigns, do hereby agree and covenant that they shall comply with the following fire siting standards with respect to all new dwellings or structures on the property:

1. All new dwellings shall comply with the following:

- A. 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).
- B. 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 home site, 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.
- C. Where residences are supplied with individual water systems without a permanent source of water for fire suppression, the following standards shall apply:
 - 1. 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.
 - 2. 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.

All the covenants contained in this instrument shall be binding upon, apply and inure to the burden of the heirs, executors, administrators and assigns of the Owner(s) and all covenants shall be construed as covenants running with the land in perpetuity. Specifically, the Owners(s) intend that the burden of the covenants run to successors of the successors of the Owner(s).

IN WITNESS WHEREOF, the Owner(s) have executed this covenant on 5/10/08.

Stephen W. Peterson
Owner

Janice G. Peterson
Owner

STATE OF Oregon

County of Josephine

This instrument was acknowledged before me on by Stephen W. Peterson
and Janice G. Peterson.

Mary E. Groves
Signature of Notary



EXHIBIT A

(attach copy of legal description)

FORM No. 633 - WARRANTY DEED (Individual or Corporate) *KC7C 40569* *2458*
OK *57-40* *Vol 77-1* *Page 458*
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That KEITH W. DODD and LILA M. DODD, husband and wife hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by STEPHEN W. PETERSON and JANICE G. PETERSON, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

That portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, in Section 16, Township 31, South Range 7, East of the Willamette Meridian, lying West of the Oregon State Highway.

Subject to:

1. Telephone Ling Right of Way Easement, including the terms and provisions thereof, recorded September 13, 1983, in Volume M-83 at page 15641, Deed records of Klamath County, Oregon.

117