

2008-013373

Klamath County, Oregon



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09/26/2008 10:45:54 AM

Fee: \$36.00

After recording return to:

NORM & DEBRA FOWLER
PO Box 1333
Chiloquin, OR 97624

RESTRICTIVE COVENANT Fire Siting Standards

The undersigned, being the record owners of all of the real property described as follows; ~~NORMAN E. & DEBRA L. FOWLER 9208 SPRAGUE RIVER RD~~ 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 1200 in Township 34 South, Range 8 East, Section 35, the following restrictive covenant(s) hereafter bind the subject property:

1. All new development 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.

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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 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, 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 26 day of SEPTEMBER, 2008.

Norman E. Fowler
Record Owner

Debra Lynn Fowler
Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names Norman E Fowler & Debra Lynn Fowler and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 26 day of September, 2008.

By Lisa Kessler



Lisa Kessler
Notary Public for State of Oregon
My Commission Expires: Mar 13, 2011

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

96 NOV -8 AM 1:09



STATE OF OREGON,
County of Klamath ss.
WARRANTY DEED

Filed for record at request of:

#05045416
AFTER RECORDING RETURN TO:

NORMAN E. FOWLER
DEBRA L. FOWLER
495 VALDEPENIA WAY
ESCALON, CA 95320

Aspen Title & Escrow
on this 8th day of November A.D. 19 96
at 11:09 o'clock A. M. and duly recorded
in Vol. 196 of Deeds Page 35339
Bernetha G. Letsch County Clerk
By Kathleen Rosen
Fee. \$30.00 Deputy.

UNTIL A CHANGE IS REQUESTED ALL TAX
STATEMENTS TO THE FOLLOWING ADDRESS:
SAME AS ABOVE

GEORGE A. PONDELLA, JR. and DONALD E. BAILEY, hereinafter called
GRANTOR(S), convey(s) to NORMAN E. FOWLER and DEBRA L. FOWLER,
husband and wife, hereinafter called GRANTEE(S), all that real
property situated in the County of Klamath, State of Oregon,
described as:

That portion of the NE 1/4 SW 1/4 of Section 35, Township 34
South, Range 8 East of the Willamette Meridian, in the County of
Klamath, State of Oregon, that lays Southerly of the Sprague
River-Chiloquin Highway, in the County of Klamath, State of
Oregon.

CODE 8 MAP 3408-3500 TL 1200

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE
PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST
FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.390."

and covenant(s) that grantor is the owner of the above described
property free of all encumbrances except covenants, conditions,
restrictions, reservations, rights, rights of way and easements
of record, if any, and apparent upon the land, and will warrant
and defend the same against all persons who may lawfully claim
the same, except as shown above.

The true and actual consideration for this transfer is
\$20,000.00.

In construing this deed and where the context so requires, the
singular includes the plural.

IN WITNESS WHEREOF, the grantor has executed this instrument
this 22nd day of October, 1996.

George A. Pondella Jr.
GEORGE A. PONDELLA, JR.

Donald E. Bailey
DONALD E. BAILEY

STATE OF OREGON, County of Klamath)ss.

On this 30th day of October, 1996, personally appeared the
above named GEORGE A. PONDELLA, JR. and DONALD E. BAILEY, and
acknowledged the foregoing instrument to be their voluntary act
and deed.

Before me: Marlene T. Addington
Notary Public for Oregon
My Commission Expires: 3/22/97

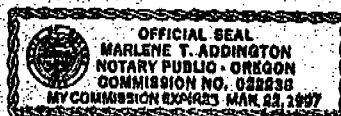


EXHIBIT 6
FILE # FMD 505