

2009-002420

Klamath County, Oregon



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02/18/2009 09:49:08 AM

Fee: \$36.00

After recording return to:  
Rhine-Cross Group, LLC.  
112 N 5<sup>th</sup> Street, Suite 200  
Klamath Falls, OR 97601

**RESTRICTIVE COVENANT  
Fire Siting Standards**

The undersigned, being the record owners of all of the real property described as follows: Township 39, and Range 07, Sections 3, 4, 5, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, 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 R-3907-0000-00200-000 in Township 39 South, Range 07 East, Sections 3, 4, 5, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, 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 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 home site, road access shall be provided to within 15 feet of the water's edge. Access to water shall not be 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 fifty (50) feet from a building and shall have adequate protection from freezing weather. A standpipe shall be located no greater than ten (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

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- b. Road surface must be a minimum of 20 feet wide, all weather surface capable of supporting a fire apparatus at 60,000 pounds.
  - 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 pounds (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 a 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 opening in skirting shall be screened with corrosion-resistant mesh with a mesh size not greater than ¼ inch.
4. Property fuel breaks, landscaping and maintenance may be planned in accordance with 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 breaks: 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 structures 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 down hill 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 build-up of flammable fuels.
  - c. Wherever practicable, fences shall be constructed of non-flammable materials and maintained to eliminate the build-up 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 three (3) inches high, ½ inch line width, and 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 17<sup>th</sup> day of February, 2009.

[Signature]  
JWTR, LLC, Owner

JWTR, LLC  
Record Owner

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

Personally appeared the above name(s) Thomas Ludlow and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 17<sup>th</sup> day of February, 2009.



Catherine Gray  
Notary Public for the State of Oregon  
My Commission Expires: 5/7/2012

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

**EXHIBIT A**  
**LEGAL DESCRIPTION**

Legal description is recorded in Deed Volume 2007-017387 at the Klamath County Clerks office in Klamath County, Oregon.