

2010-003328

Klamath County, Oregon

Page 1 of

After recording return to:

CHRIS WITCRAFT

1506 DEBORAH RD.

NEWBERG, OR 97132

PHONE 503-538-6019

CELL 503-502-6470



00081281201000033280040041

03/16/2010 08:38:00 AM

Fee: \$52.00

**RESTRICTIVE COVENANT
Fire Siting Standards**

The undersigned, GUY C. WITCRAFT (insert names) being the owners of record of all of the real property described as follows; R-3607-001A0-03900 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 develop on property designated by the Klamath County Assessor's Office as Tax Lot 19 in Township Block 7 265 South, Range 76 East, Section 1, the following restrictive covenant(s) hereafter bind the subject property:

1. All new development shall comply with the following:

- A. Provide a dependable supply of water adequate for normal daily consumption and peak emergency needs from a source authorized in accordance with Oregon Administrative Rule (OAR) and that any surface water used is not from a Class II stream.
- B. Provide for and make available a permanent source of water with a capacity of 4000 gallons or more. If a stream, pond, or lake exists within 500 feet of the homesite a 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 and shall be an improved and maintained surface with 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 (e.g., fire hydrants), the following standards shall apply:
 - a. At least one 1 inch hydrant standpipe shall be provided at least 50 feet from a building and no greater distance than 10 feet from the driveway with adequate protection from freezing weather.
 - b. Electrical service to a well pump shall not pass through, under, or onto any non-well protecting structure.

2. Road access shall meet the following minimum standards:

- A. Maximum grade shall not exceed 10 percent.
- B. Road surface must be a minimum of 20 feet wide with an all weather surface capable of supporting a fire apparatus at 60,000 lbs minimum or as prescribed by the Fire Marshall.

- C. The entire legal access way shall be maintained, at all times, as a fuel break free of brush and other flammable material.
 - D. The length of cul-de-sacs shall not exceed 700 feet and have a right-of-way with a 50 foot radius with an improved vehicle turning area not less than 80 feet in diameter.
 - E. Installation of bridges or culverts shall have a minimum load limit of 40,000 lbs (20 ton) and not be narrower than the improved travel surface serving each end.
3. All structures shall be constructed to 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. The siting of a manufactured home shall require fully skirting from the floor-line to the ground-line with vents or openings screened with corrosion-resistant mesh not greater than ¼ inch size.
 - C. All chimneys shall have spark arrest installed with nonflammable, corrosive-resistant material having opening in the mesh no larger than ¼ inch.
4. Property fuel breaks, landscaping and maintenance may be planned in accordance with the following minimum standards:
- A. A Primary Fuel Break shall be created and maintained no less than 30 feet in width extending from the wall line of any structure. Vegetation shall be less than 3 inches high, at all times. All trees within the primary break shall be thinned to 15 feet between tree crowns, and dead limbs near or over-hanging any structure shall be removed at all times.
 - B. A Secondary Fuel Break shall be created and maintained no 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. Live trees and shrubbery shall be pruned to reduce the possibility of fire reaching roofs of structures or the crowns of trees. Low-growing plants and grasses shall be maintained to prevent the buildup of flammable fuels.
 - C. Fences shall be constructed of nonflammable materials and maintained to eliminate the buildup of flammable refuse.
5. Home identification signs shall be posted at the nearest county, state or federal road serving the residence; and, constructed of nonflammable materials with letters at least 3 inches high, ½ inch line width; and, with 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 the Klamath County Planning Department, as hereafter provided.

Dated this 11th day of MARCH, 20 10.

Record Owner

Record Owner

Record Owner

Personally appeared the above named persons and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 11th day of March, 2010.

OFFICIAL SEAL
MONICA COMBS
 NOTARY PUBLIC - OREGON
 COMMISSION NO. 408696
 MY COMMISSION EXPIRES JULY 27, 2010

My Commission Expires:

7-27-10

Rev (12/08)

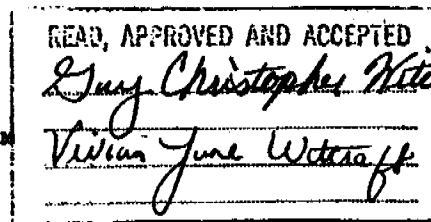
After recording, return to grantee herein.
Until a change is requested send all tax
statements to grantee herein.

KEY TITLE NO: K-48374
ESCROW NO: 27-23581
TAX ACCT. NO: R163101
MAP NO:

GRANTEE'S NAME AND ADDRESS:

GUY CHRISTOPHER WITCRAFT
215 E. 5TH
NEWBERG, OR 97132

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL OR CORPORATION)



DANNY R. SELLERS and JANA L. SELLERS Grantor,

conveys and warrants to:

GUY CHRISTOPHER WITCRAFT and VIVIAN JUNE WITCRAFT, husband and wife, Grantee,

the following described real property free of encumbrances except as
specifically set forth herein:

LOT 19 IN BLOCK 7, TRACT 1042, TWO RIVERS NORTH, ACCORDING TO THE
OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF
KLAMATH COUNTY, OREGON

SUBJECT TO:

1. TAXES FOR 1995-96 ARE NOW A LIEN BUT NOT YET PAYABLE.
2. RESERVATIONS CONTAINED IN THE DEDICATION OF TRACT NO. 1042, TWO RIVERS NORTH.
3. RESERVATIONS AND RESTRICTIONS IN DEED DATED SEPTEMBER 21, 1992 AND RECORDED SEPTEMBER 24, 1992 IN VOLUME M92, PAGE 22105, DEED RECORDS OF KLAMATH COUNTY, OREGON.
4. ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT SOME PORTION OF SAID LAND HAVE REMOVED FROM OR BROUGHT WITHIN THE BOUNDARIES THEREOF BY AN AVULSIVE MOVEMENT OF THE DESCHUTES RIVER OR HAS BEEN FORMED BY THE PROCESS OF ACCRETION OR RELICTION OR HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS ACCRETED TO SUCH PORTION SO CREATED.
5. SUCH RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY WHICH MAY EXIST OVER THAT PORTION OF SAID LAND LYING BENEATH THE WATERS OF DESCHUTES RIVER.

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 CONSULT 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 30.930.

The full consideration for this conveyance is \$15,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the consideration which consideration.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this 29th day of August, 1995.

Witness:

THIS INSTRUMENT WAS RECORDED BEFORE ME ON _____, 1995,
by DANNY R. SELLERS and JANA L. SELLERS