

2010-004563

Klamath County, Oregon



00082737201000045630030033

04/14/2010 03:33:46 PM

Fee: \$47.00

Page 1 of 3

After recording return to:  
Adkins Consulting Engineers, Inc.  
2950 Shasta Way  
Klamath Falls, OR

2010-004531

Klamath County, Oregon



00082702201000045310030031

04/14/2010 12:14:53 PM

Fee: \$47.00

### RESTRICTIVE COVENANT

The undersigned, being the record owners of all of the real property described as Parcel 1 of Land Partition ~~33-09~~, situated in Section 1 and the E½E½ of Section 2 of Township 36 South, Range 13 East of the Willamette Meridian and the W½ of Section 6 and the W½ of Section 7 of Township 36 South, Range 14 East of the Willamette Meridian do hereby make the following restrictive covenants for the above-described real property, specifying that the covenants 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 200 in Township 36 South, Range 13 East, Section 1 and Tax Lot 1300 in Township 36 South Range 14 East, Section 6 and located within an identified Goal 5 Big Game Winter Range habitat area and in a High Wildfire Hazard Area, the following restrictive covenants hereafter bind the subject property:

1. Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the recording of this instrument that the property herein described is subject to Statewide Planning Goal 5 resource habitat protections implemented through the Klamath County Land Development Code, which requires the owner to control free-roaming dogs and prohibits off-road vehicle use on the property herein described during the period of November through April each year; and in regard to fencing requires the perimeter of the property, if fenced, to be for livestock control purposes only; that fencing around home sites shall enclose no greater than 1 acre, and where designed to exclude wildlife shall not be placed within critical habitat or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife.
2. 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.
3. Road access shall meet the following minimum standards:
  - A. Maximum grade shall not exceed 10 percent.

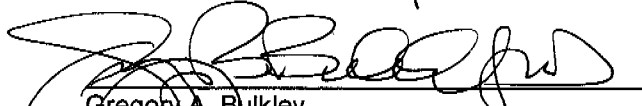
2010-004531 IS BEING RE-RECORDED TO CORRECT A SCRIVNER'S ERROR.

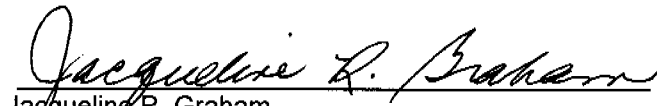
- B. Road surface must be a minimum of 20 feet wide with an all weather surface capable of supporting a fire apparatus at 60,000 lbs minimum or as prescribed by the Fire Marshall.
  - C. The entire legal access way shall be maintained, at all times, as a fuel break free of brush and other flammable material.
  - 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.
4. 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.
5. 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.
- 6.. 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.
7. The owner and successor in interest are hereby prohibited from remonstrating against adjacent and nearby landowners engaged in lawful farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act.

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 covenants contained herein by judicial or administrative proceeding. This covenant is made pursuant to the provisions of the Klamath County Land Development Code.

Dated this 13<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Gregory A. Bulkley

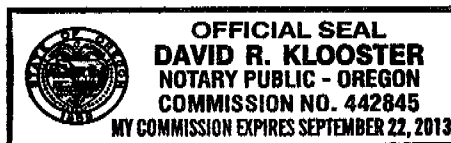
  
\_\_\_\_\_  
Jacqueline R. Graham

State of OREGON )  
County of KLAMATH ) ss.

Personally appeared the above named Gregory A. Bulkley and acknowledged the foregoing instrument to be his voluntary act and deed before me this 13<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_

Notary Public for State of OREGON  
My Commission Expires: Sep. 22, 2013



State of OREGON )  
County of KLAMATH ) ss.

Personally appeared the above named Jacqueline R. Graham and acknowledged the foregoing instrument to be her voluntary act and deed before me this 13<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_

Notary Public for State of OREGON  
My Commission Expires: Sep. 22, 2013

