

2011-08709

Klamath County, Oregon

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Fee: \$57.00

After recording return to:

Klamath County Planning

Tru-Line

**RESTRICTIVE COVENANT
Fire Siting Standards**

The undersigned, Donald Scott Johnston (insert names) being the owners of record of all of the real property described as follows; R- 39 - 08 - 32 - 100 + and further identified by "Exhibit A" attached hereto, do hereby make the following restrictive 39 08 31 A 100 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 100 in Township 39 South, Range 08 East, Section 32, the following restrictive covenant(s) hereafter bind the subject property: 4 39 08 31 A 100

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.

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 25 day of July, 20 11.

Donald Scott Johnston
Record Owner

Record Owner

Record Owner

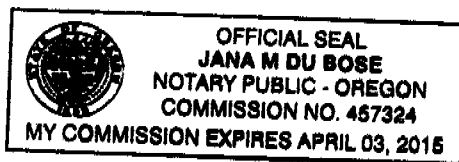
Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above named persons and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 25th day of July, 20 11.

By Donald Scott Johnston jmo
Jana M DuBose

Jana M DuBose
Notary Public for State of Oregon



My Commission Expires:

4/3/2015

Note: A copy of the recorded instrument must be returned to Klamath County Planning Department before development permits can be issued.

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

THE N 1/2 NE 1/4 AND THE SE 1/4 NE 1/4 OF SECTION 31, TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

PARCEL 2:

ALL THAT PORTION OF THE NW 1/4 OF SECTION 32 LYING NORTHERLY AND WESTERLY OF THE GREENSPRINGS HIGHWAY AND WESTERLY OF THAT PARCEL OF LAND BEGINNING AT THE INTERSECTION OF A WELL ESTABLISHED FENCE LINE AND THE NORTH LINE OF SE 1/4 SW 1/4 OF SECTION 29 WHICH POINT IS APPROXIMATELY 368 FEET WEST OF THE NORTHEAST CORNER OF SAID SE 1/4 SW 1/4, THENCE WEST TO AN INTERSECTION WITH A LINE RUNNING PARALLEL WITH AND DISTANT 206 FEET MEASURED AT RIGHT ANGLES WESTERLY FROM SAID FENCE LINE; THENCE SOUTHEASTERLY ALONG SAID LINE PARALLEL WITH THE FENCE LINE, 3520 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF THE STATE HIGHWAY; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID HIGHWAY TO AN INTERSECTION WITH SAID FENCE LINE; THENCE NORTHWESTERLY ALONG THE FENCE LINE TO THE PLACE OF BEGINNING, CONVEYED BY RALPH A JOHNSTON ET UX TO ERWIN HEIM ET UX BY DEED RECORDED IN VOLUME 245 PAGE 214, OF DEEDS, RECORDS OF KLAMATH COUNTY, OREGON ALL IN TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

ALSO THE FOLLOWING DESCRIBED PORTION OF THE NW 1/4 SW 1/4 OF SECTION 32, DESCRIBED AS FOLLOWS: BEGINNING AT THE 1/4 SECTION CORNER ON THE WEST LINE OF SAID SECTION 32; THENCE SOUTH ALONG THE SECTION LINE 870 FEET; THENCE EAST 879 FEET, MORE OR LESS, TO THE WEST LINE OF THE STATE HIGHWAY; THENCE NORTHERLY ALONG SAID LINE OF HIGHWAY TO A POINT WHICH IS 1100 FEET EAST AND 206 FEET SOUTH OF SAID 1/4 SECTION CORNER, THENCE NORTH 206 FEET TO THE NORTH LINE OF SAID NW 1/4 SW 1/4; THENCE WEST ALONG SAID LINE 1100 FEET TO THE SAID 1/4 SECTION CORNER. ALL IN TOWNSHIP 39 SOUTH RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

After recording return to:

Klamath County Planning

**RESTRICTIVE COVENANT
Conditional Use Permit**

The undersigned, being the record owners of all of the real property described as follows; See attached exhibit "A" 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 100 in Township 39 South, Range 08 East, Section 32, the following restrictive covenant(s) hereafter bind the subject property: + 39 08 31A 100

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby recognize(s) the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farming practices and Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code."

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.

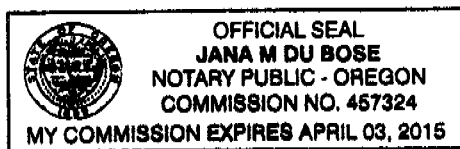
Dated this 25 day of July, 2011.

Donald Scott Johnston
Record Owner

Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names Donald Scott Johnston and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 25 day of July, 2011.
By Jana M. DuBose



Jana M. DuBose
Notary Public for State of Oregon
My Commission Expires: 4/3/2015

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