

2021-011462

Klamath County, Oregon



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07/26/2021 04:05:21 PM

Fee: \$97.00

After recording return to:

**RESTRICTIVE COVENANT
Fire Siting Standards**

The undersigned, Daryl Newbury Frances Newbury (insert names) being the owners of record of all of the real property described as follows; R-_____-_____-_____- 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 _____ in Township 34 South, Range 7 East, Section 27, the following restrictive covenant(s) hereafter bind the subject property:

R194131

Par, #

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.

Daryl Newbury
Returned at Counter

- 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 26 day of July, 20 21

Daryl Newbury
Record Owner

Frances Newbury
Record Owner

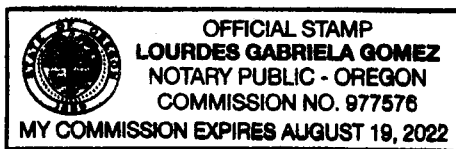
Record Owner

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 26 day of July, 2021.

By Daryl A Newbury and Frances Ann Newbury



[Signature]
Notary Public for State of Oregon

My Commission Expires:

08/19/2022

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

Exhibit "A"

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Mary Ward-Fairfield & Wallace Ward
1762 Aspen Run Ave
Sutherlin, OR 97479

Grantor's Name and Address

Wallace Ward & Mary Ward-Fairfield,
Trustees - 1762 Aspen Run Ave
Sutherlin, OR 97479

Grantee's Name and Address

After recording, return to (Name and Address):

Wallace Ward & Mary Ward-Fairfield
1762 Aspen Run Ave
Sutherlin, OR 97479

Until requested otherwise, send all tax statements to (Name and Address):

Wallace Ward & Mary Ward-Fairfield
1762 Aspen Run Ave
Sutherlin, OR 97479

SPACE RESERVED
FOR
RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM

Wallace Ward and Mary Ward-Fairfield

conveys to Wallace J. Ward and Mary E. Ward-Fairfield, Trustees of the
WARD/WARD-FAIRFIELD FAMILY TRUST dated June 12, 2013

the following real property situated in Klamath County, Oregon:

The E1/2 S1/2 SE1/4 NW1/4 NW1/4 Section 27, Township 34 South, Range 7 East of the
Willamette Meridian, County of Klamath, State of Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$-0- (Here, comply with the requirements of ORS 93.030.)
However, the actual consideration consists of or includes other property or value given
or promised which includes the whole consideration.

DATED 20 February 2018; any signature on behalf of a business or other entity is made with the
authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND
SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON
LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS
DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETER-
MINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2
TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WALLACE WARD

MARY WARD-FAIRFIELD

STATE OF OREGON, County of Douglas

This instrument was acknowledged before me on 20 February 2018
by WALLACE WARD AND MARY WARD-FAIRFIELD

This instrument was acknowledged before me on 20 February 2018

by

as

of



OFFICIAL STAMP
MICHELLE LEA HOFFFLIGER
NOTARY PUBLIC-OREGON
COMMISSION NO. 937932
MY COMMISSION EXPIRES APRIL 06, 2019

Michelle Lea Hoefflinger
Notary Public for Oregon
My commission expires 6 April 2019