

After recording return to:

Katy M. Dhein

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Returned at Counter

**RESTRICTIVE COVENANT  
Fire Siting Standards**

The undersigned, Philip Capurro & Kathryn Dhein (insert names) being the owners of record of all of the real property described as follows; R- 3809-00000-01502 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 1502 in Township 38 South, Range 9 East, Section 3, 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.
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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.

**EXHIBIT A**  
**DHEIN RESULTANT PARCEL**

An area of land in the Northeast quarter and the Northwest quarter of Section 3, Township 38 South, Range 9 East, Willamette Meridian, Klamath County, Oregon. Being more particularly described as follows:

Parcel 2 of Land Partition 41-96, together with the following:

Commencing at the Southeast corner of said Section; thence along the south section line, North  $89^{\circ}22'20''$  West 1311.40 feet; thence along the east line of Parcel 3 of said Land Partition 41-96 of Klamath County records; North  $00^{\circ}10'38''$  East 3,621.14 feet to the northeast corner of said Parcel 3 and also being the Point of Beginning; thence along the south line of said parcel 2 of said Land Partition, South  $66^{\circ}29'17''$  West 2867.75 feet to a 5/8" iron rod with a red plastic cap marked "Adkins Engineering and Surveying"; thence South  $37^{\circ}59'05''$  West 934.49 feet to a 5/8" iron rod with a red plastic cap marked "Adkins Engineering and Surveying" at the western right of way line of Old Fort Road as recorded in Volume M78, Page 2157; thence along said right of way North  $22^{\circ}40'40''$  West 139.19 feet; thence along a curve to the right having a radius of 1,607.02 feet, an arc length of 251.53 feet and a chord bearing and distance of North  $18^{\circ}11'39''$  West 251.28 feet; thence North  $13^{\circ}44'06''$  West 173.41 feet; thence along a curve to the right having a radius of 1,402.40 feet an arc length of 202.55 feet and a chord bearing and distance of North  $09^{\circ}36'34''$  West 202.37 feet; thence North  $05^{\circ}19'19''$  West 5.46 feet; thence along a curve to the left having a radius of 746.20 feet, an arc length of 174.46 feet and a chord bearing and distance of North  $12^{\circ}10'15''$  West 174.06 feet; thence North  $18^{\circ}49'56''$  West 162.54 feet; thence along a curve to the right having a radius of 154.83 feet, an arc length of 104.50 feet and a chord bearing and distance of North  $00^{\circ}34'41''$  East 102.53 feet; thence North  $19^{\circ}54'53''$  East 115.08 feet; thence along a curve to the left having a radius of 550.87 feet an arc length of 170.99 feet, and a chord bearing and distance of North  $10^{\circ}54'08''$  East 170.31 feet; thence North  $01^{\circ}59'50''$  East 645.16 feet to the northwest corner of said Parcel 2; thence leaving said right of way North  $80^{\circ}43'55''$  East 2,130.96 feet; thence South  $89^{\circ}46'55''$  East 1,307.66 feet to the northeast corner of said Parcel 2; thence South  $00^{\circ}10'38''$  West 466.57 feet to the Point of Beginning. Containing 91.47 acres, more or less.



EXPIRES: 12/31/23

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 15 day of August, 2023.

Kathryn Dhein  
Record Owner

Kathryn Dhein  
Record Owner

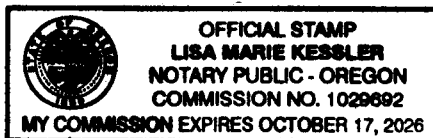
Philip Caputo  
Record Owner

Philip Caputo  
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 15 day of August, 2023.

By Philip Caputo & Kathryn Dhein



Lisa M. Kessler  
Notary Public for State of Oregon

My Commission Expires:

10/17/2026

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