

138 89

**BUILDING AND USE RESTRICTIONS  
DESCHUTES RIVER RECREATION HOMESITES, INC.  
DESCHUTES COUNTY, OREGON**

Known to all men by these present: That the undersigned **DESCHUTES RIVER RECREATION HOMESITES, INC.**, An Oregon Corporation, is the owner of Deschutes River Recreation Homesites located in Section 7 and 18, Township 20 South, Range 11 E.W.M., and Sections 12 and 13, Township 20 South, Range 10 E.W.M.; and have heretofore filed a plat covering Blocks 1, 2 and 3 on the 11th day of October 1961; a Plat covering Blocks 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 on the 18th day of October 1962; and a plat covering Blocks 14, 15, 16, and 17 on the 19th day of March, 1963; a plat covering Blocks 18, 19, 20, 21, 22, 23, 24 and 25 on May 23rd, 1963, in the recorded Plats, Deschutes County, Oregon

That Deschutes River Recreation Homesites, Inc. filed Building and Use Restrictions covering these areas platted as Deschutes River Recreation Homesites on February 12, 1962 in book 132 page 367 Deed records of Deschutes County, they filed an amended Building and Use Restrictions covering the same land on March 14, 1963 in book 134 page 257 Deed records Deschutes County, they filed amended Building and Use Restrictions on July 11, 1963, in book 135 page 521, deed records of Deschutes County applying to Blocks 14, 15, 16, and 17; They filed Building and Use Restrictions covering Blocks 18, 19, 20, 21, 22, 23, 24 and 25 (Unit 3) on May 28, 1963, in Book 135 page 200 Deed Records of Deschutes County, Oregon.

They further filed a reservation for Boat Docking facilities and Pedestrian paths, on March 14, 1963, in book 134 page 254 Deed records. It being intended that the above Building and Use Restrictions, boat docking and pedestrian paths reservations should apply to Blocks 1 through 25, of Deschutes River Recreation Homesites. It being further intended that the Boat Docking Facilities should apply to all Blocks in Deschutes River Recreation Homesites platted or to be platted.

The following Building and Use Restrictions shall apply to Blocks 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 (units 4 and 5) and these Blocks shall be subject to the following covenants, conditions and restrictions unless changed by a majority vote of the Directors of the above named Corporation. There shall be no restrictions on Blocks 38 and 39

(1) No lot shall be used except for residential purposes, unless such useage is designed for other purposes by the above board of directors of the Corporation. On the residential lots, no building shall be erected, altered, placed or permitted to remain other than one single-family dwelling and a private garage for not more than two cars. Mobile homes of at least 300 square feet shall be permitted.

- a. All lots in Blocks 35, 36 and 37 are hereby designated for Multiple or single family dwellings.
- b. Use of travel trailers and campers permitted but not for permanent residence.

(2) The floor area of residences shall be of not less than 500 square feet, exclusive of one story porches and garages.

(3) Buildings must be suitable for year around use and must be placed on permanent continuous foundations consisting of concrete, brick, pumice blocks or stone masonry. Pitch of the roof and the size and spacing of rafters and

ceiling joists must be adequate to withstand heavy snow packs. Chimneys must be constructed from ground level and shall consist of pumice or concrete blocks, brick, stone and masonry or comparable fire-resistant materials.

(4) All Buildings and fences must be constructed in a work-man-like manner of attractive, properly finished material that harmonizes with the surroundings. Fences shall not exceed 60 inches in height.

(5) All dwelling owners must comply with laws of the State of Oregon, County of Deschutes, as to fire-protection, building constructions, sanitation and Public Health and any Deschutes County Health and Sanitation requirements supplemental here to.

(6) Sewage disposal system shall consist of a house sewer, a septic tank and a subsurface disposal field. Under no conditions will an exterior latrine be allowed. Required minimum capacities of septic tanks for dwellings:

Number of Bedrooms	Capacity in Gallons
1-2	750 Gallons.
3	900 "
4	1000 "

For each additional bedroom add 250 gallons.

(B) Location of septic tanks shall be not less than the stated distances from the following:

(1) Any source of domestic water supply	50 feet
(2) Property line	10 "
(3) River, stream or lake	50 "
(4) Occupied building line	10 "
(5) Water main or service line	10 "

(C) Septic tanks shall be of water tight construction and be either concrete or of not less than 14 guage steel, covered inside and out with an approved protective asphalt coating, or of other sound and durable material, approved by the State Board of Health.

(D) All sub-surface disposal fields shall have a water tight distribution box with not less than 2 outlets. The sub-surface disposal fields shall be no less than stated distances from the following:

(1) Any source of domestic water supply	100 feet
(2) River, stream or lake	50 "
(3) Property or dwelling line	10 "
(4) Water main or service line	10 "

(E) The depth, width and length of the trenches in the disposal field shall conform to State Board of Health standards with the exception that the depth of the trench shall not be more than 2 feet. The constructions and operation of all domestic sewage disposal systems shall meet standards as set forth by the Oregon State Board of Health regulations governing the disposal of domestic sewage

and other household wastes.

(7) Wells: A properly developed deep ground water public water supply as required for adequate safety.

(a) All wells shall be completed with unperforated well casing that extends to a depth of not less than 18 feet below land surface.

(b) All casing installed shall be of regular approved steel well casing, in new or like new condition, being free of pits and breaks. Casing joints shall be water tight.

(c) There shall be an impervious seal extending to a depth of not less than 18 feet below land surface, which seal shall be at least 3 inches thick surrounding the circumference of the casing.

(d) As State regulations are officially adopted by the office of the State Engineer, they shall supercede the above regulations, numbered A through D relating to "Wells".

(8) Garbage Disposal.

(a) Garbage shall be stored in an insect and rodent proof container.

(b) Garbage shall be hauled at least once a week to an approved area.

(c) Under no conditions will dumping of any refuse in any streams or on the adjoining Federal Lands be permitted. The grounds and buildings shall be maintained in a neat and orderly manner.

(9) No structure of a temporary character, basement, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

(10) A time limit is hereby imposed on the length of time required for construction of the residence structure. A period of time not to exceed eighteen months is allowed to complete the residence or dwelling. This period of time is from the start of construction to completion of the same.

(11) No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become any annoyance or nuisance to the neighborhood.

(12) No animals, except domesticated types, and no more than two (2) horses on each parcel shall be allowed.

(13) Cutting of parcels into smaller lots is prohibited. No cutting of trees will be permitted except where necessary for constructions of building and landscaping of the terrain or authorized by the Board of Directors of the above named corporation.

(14) These restrictions shall be deemed to be for the protection and benefit of each of the owners or occupants of any portion of the subdivision, it is intended hereby that any such person shall have the right to prosecute such proceeding at law or in equity as may be appropriate to enforce restrictions herein set forth.

(15) Invalidation of any of these foregoing covenants, restrictions or conditions or any portion thereof by court order, judgment or decree shall in no way affect any of the other remaining provisions hereof which shall, in such a case continue to remain in full force and effect.

(16) The foregoing covenants, restrictions or conditions are to be in effect until January 1, 1970 and are automatically extended for successive periods of five years unless the owners of a majority of the parcels agree in writing at least four months before the final expiration date thereof to change them.

Dated this 5th day of August 1963

DESCHUTES RIVER RECREATION HOMESITES, INC.

*Dan H. Heierman*  
Signed Dan H. Heierman

*Bill Mayfield*  
Signed Bill Mayfield

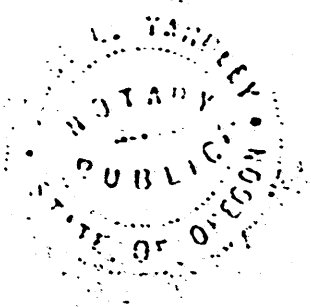
State of Oregon )  
                          ) ss.  
County of Deschutes)

On this 5th day of August, 1963, before me appeared Dan H. Heierman and Bill Mayfield, both to me personally known, who being duly sworn, did say that he, the said Dan H. Heierman is the president, and he, the said Bill Mayfield is the assistant secretary of Deschutes River Recreation Homesites, Inc. the within named Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and Dan H. Heierman and Bill Mayfield acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

*Paul Gardner*  
Notary Public for Oregon

My Commission expires May 28, 1966



STATE OF OREGON  
County of Deschutes  
I hereby certify that the within instrument of writing was received for Record the 7th day of August A. D. 1962 at 2:17 o'clock P. M. and recorded in book 136 on pages 87. Record  
By *Helena Macacy* County Clerk  
By *Opal Sprague* Deputy

Indorsed