

89-02063

AMENDMENT #1 TO
PROTECTIVE COVENANTS FOR
MT. VISTA
A SUBDIVISION OF DESCHUTES COUNTY, OREGON

BE IT KNOWN THAT:

The following covenants pertain to that portion of Section 10, Township 18 South, Range 12, East of the Willamette Meridian, platted and filed of record as "Mt. Vista" a subdivision of Deschutes County, State of Oregon do hereby and by these present subject said subdivision, and the whole thereof, to the following protective covenants, restrictions, and conditions:

ARTICLE I

ARCHITECTURAL CONTROL COMMITTEE

Section 1. Architectural Control Committee: An architectural Control Committee is hereby established. It shall consist of three members. The Committee may designate a representative to act for it. In case of death or resignation of any member of the committee the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed by such member. In the event that deaths or resignations of all members of the Committee shall occur without successors having been appointed, the owners shall have power to designate successors. The committee's approval or disapproval as required herein shall be in writing.

The Architectural Control Committee shall consist of names of persons as noted in Article III, Section 1.

Section 2. Architectural Guidelines. The purpose of these guidelines is to protect and preserve the value of property and quality of life in the subdivision. The following minimum architectural guidelines will be observed by each builder and/or owner:

(a) Minimum Size, no residence of less than 1400 square feet of living space, exclusive of garage, shall be permitted to be erected on any lot.

(b) Roofs shall have not less than a 4 in 12 pitch and be covered with wood shakes or wood shingles or earth tone concrete or clay tiles.

(c) Exterior Walls, Fences and Trim shall be of wood (manufactured wood products such as plywood, fiberboard, masonite, etc., are not considered acceptable with exception of exposed soffits, etc.), treated with one of the many available semi-transparent wood stains, or finished naturally to allow it to weather. Color samples will be submitted with plans for approval and should normally be in a compatible "earth tone". Paint or heavy body stain, other than on entrance doors, sash, rake and fascia or other incidental trim will not normally be permitted.

(d) Exposed Masonry will normally be limited to local stone. Concrete, concrete block, stucco, and brick may be used only with specific approval of the Architectural Control Committee.

(e) Off-Street Parking will be provided for at least two automobiles per residential unit. the Architectural Control Committee will not normally approve dwellings without enclosed garages. Carports, if any, will normally augment an enclosed garage.

(f) Building Height No building may be erected over two stories in height measured from the natural contour of the ground.

(g) Exterior Lighting will be of a type and so placed to eliminate glare and annoyance to adjacent property owners and passersby.

(h) Driveways will be of concrete, concrete pavers, or asphalt.

(i) House Numbers must be clearly posted and visible from the adjacent street. Numbers must be painted or stained a contrasting color.

(j) Decks and Patios shall be of wood, concrete pavers, or concrete slab.

Section 3. Uses Prohibited without the consent of Committee. Unless the committee has consented in writing, no parts of said property shall be used in any of the following ways:

(a) As a parking or storage place for trailers, truck campers, boats, boat trailers, snowmobiles, or other off-road vehicles; however, such may be stored provided they are garaged or reasonably screened, preferably at the rear of the dwelling, from the view of all roads and adjoining lots.

(b) As a place to burn trash, cuttings, or other items with the exception of barbecue fires.

(c) As a place to raise domestic animals of any kind except a reasonable number of household pets, which are not kept, bred, or raised for commercial purposes and are not a nuisance to other owners.

(d) No sale of subdivided sections of tracts as platted unless also approved by Deschutes County.

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

(f) There shall be no swine, horses, cattle, poultry or goats on said premises.

(g) No building, whether intended for use in whole or in part as a main residential structure, or for use as a garage or other outbuilding, shall be moved upon the premises unless it is aesthetically compatible with the existing buildings in the subdivision.

(h) No used materials will be permitted on exterior surfaces.

(i) Existing trees may be removed only with the permission of the Architectural Control Committee.

Section 4. The committee may make rules and regulation of general Applicability governing the extent to which any of the foregoing may be permitted unless 51 percent of the owners disagree in writing within 10 days of receiving notice of the proposed rules.

Section 5. A vote of 51 percent of the owners of the subdivision can adopt, amend, or repeal such rules.

Section 6. Architectural Control Committee Consent. In all cases in which Architectural Control Committee consent is required the following provisions shall apply:

(a) Material Required to be submitted. Where consent must be acquired by lot owners or any association of owners from the Architectural Control Committee, plans, specifications, and other material the Committee determined to be necessary to enable it to evaluate the proposal must be submitted at least 30 days in advance of the occurrence which requires consent.

(b) Architectural Control Committee Discretion and Guidelines. The Architectural Control Committee may, at its discretion, withhold consent with respect to any proposal if the committee finds the proposal would be inappropriate for the particular lot or incompatible with the quality and high design standards of Mt. Vista. Considerations such as color, design, view, effect on other lots, disturbance of existing terrain and vegetation and any other factor of which the Architectural Control Committee reasonably believes to be relevant may be taken into account by the committee in determining whether or not to consent to any proposal.

(c) Failure to Act. In the event the Architectural Control Committee fails to render its decision with respect to any proposed work within the 30 days granted it in Section 6 (a) the Committee shall conclusively be deemed to have consented to the proposal.

(d) Effective Period of Consent. Architectural Control Committee Consent shall be revoked 1 year after issuance unless the work has been commenced or the owner has applied for and received an extension of time from the Architectural Control Committee.

ARTICLE II RESTRICTION ON USE OF PROPERTY FOR HOMEOWNERS

Section 1. Use and Occupancy of Private Areas. Each owner shall be entitled to the exclusive use and benefit of each lot owned by him, except as otherwise expressly provided herein.

Section 2. Construction and Alterations of Improvements in Private Areas. No person, association, or owner shall construct or reconstruct any improvements on any lot or alter or refinish the exterior of any improvement on any lot, make any change in any lot, whether by excavation, fill, alteration of existing drainage, or the cutting or removal of vegetation, shrubs, or trees, install a utility, outside antenna, or other outside wire on a lot unless the person, association, or owner has first obtained the consent thereto of the Architectural Control Committee.

Section 3. Landscaping plans. The use of natural flora and bark, ground covers and trees native to the area is encouraged. All homesites will be landscaped within a 10' perimeter of the house as per the Architectural Control Committee's approval.

Section 4. Maintenance of lots. Each lot and its improvements shall be maintained in a clean and attractive condition, in good repair, and in such a fashion as not to create a fire hazard.

Section 5. Mobile Homes, Campers, Trailers. No mobile home or trailer may be used as a residence.

Section 6. Appearance. All garage, trash, cuttings, refuse, or garbage containers, fuel tanks, clothes drying apparatus or lines, and other service facilities shall be screened from view from neighboring lots in a manner approved by the Architectural Control Committee.

Section 7. Utilities. No above-ground utilities, pipes, or wires shall be used to connect improvements with supply facilities.

Section 8. Offensive or Commercial Activities. No offensive or commercial activity shall be carried on in any lot nor shall anything be placed or constructed on any lot or anything done on a lot which interferes with or jeopardizes the enjoyment of other lots, or private recreational areas.

Section 9. View. The height of improvements or imported vegetation and trees on a lot shall not materially restrict the view of other lot owners. The Architectural Committee shall be the sole judge of the suitability of such heights. If the Architectural Control Committee determines there is such restriction in the view of other lot owners, written notice shall be delivered to the offending owner. If after 30 days the improvement, vegetation, or trees are not removed or reduced in height as directed by the Architectural Control Committee, the Committee shall enter the offending lot, complete the removal or reduction charging the owner of the lot the reasonable cost of the work done. This section is not to be read as justification to create views not present when lot is originally purchased.

Section 10. Independent water systems prohibited. Independent water wells any systems are prohibited without the consent of committee.

Section 11. Lighting. No exterior lighting or noise-making devices shall be installed or maintained on a lot without written Architectural Control Committee consent.

ARTICLE III

Architectural Control Committee Membership

Section 1: The Architectural Control Committee

The following are duly elected to serve on the Architectural Control Committee:

Hap E. Alexander
21103 Charity Lane,
Bend, OR 97702

Thomas E. McNab
61283 Mt. Vista
Bend, OR 97702

Wallace A. Christianson
21097 High Meadow Circle
Bend, OR 97702

The proceeding Covenants have been reviewed and voted on by the property owners in Mt. Vista Subdivision. The vote resulted in approval of the amended covenants by a 62 percent positive vote of the owners.

IN WITNESS WHEREOF, the owners and developers of Mt. Vista Subdivision have caused this instrument to be executed for recording as the Protective Covenants, Restrictions, and Conditions for Mt. Vista this 31st day of January, 1989.

Hap E. Alexander
Hap E. Alexander
Thomas E. McNab
Thomas E. McNab
Wallace A. Christianson
Wallace A. Christianson

STATE OF OREGON,

County of Deschutes

ss.

BE IT REMEMBERED, That on this 31st day of January 1989 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Hap E. Alexander, Thomas E. McNab, Wallace A. Christianson

known to me to be the identical individual S described in and who executed the within instrument, and they acknowledged to me that they executed the same freely and voluntarily.

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

Charles L. Mc
Notary Public for Oregon.

My Commission expires 8-31-90

WA Christensen
21097 High Meadow Cir
Bend, Or 97702

STATE OF OREGON) ss.
COUNTY OF DESCHUTES)

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

89 JAN 31 PM 12:15

MARY SUE PENHOLLOW
COUNTY CLERK

BY: D. B. B. B. DEPUTY
NO. 89-02063 FILE 30-
DESCHUTES COUNTY OFFICIAL RECORDS