

0093-0295

85- 8164

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Revised 12 September 1984

84-15821

DECLARATION AND ESTABLISHMENT OF
CONDITIONS, COVENANTS, RESERVATIONS
AND RESTRICTIONS FOR
RIVER VIEW

River Village Properties, an Oregon General Partnership, being the owner of all the following described premises, situate within the County of Deschutes, State of Oregon:

Tract "B", River Village III *GP*

Owner shall act as developer of said real property. River View shall be subject to all conditions, covenants, reservations and restrictions as set forth in documents of record with respect to development of property known as "Sunriver". For purpose of further insuring the development of the land so platted as an area of high standards, developer reserves the power to control the buildings, structures and other improvements placed on each lot, as well as to compliment the entire development known as "Sunriver". These covenants and restrictions are for the beneficial interest of each lot within River View. They are not to be construed as an approval for construction before additional submittals are approved by both the Sunriver Design Review Committee and Deschutes County. The lots within River View shall be used solely for the purpose of single family residential dwellings; no duplex or multi-family dwellings are allowed. Therefore, developer hereby declares as follows:

I. All documents of record with respect to the plan of "Sunriver", Phase I and Phase II, are incorporated herein by this reference.

II. Subject to the documents of record with respect to the development of "Sunriver", the developer hereby reserves the power to control the buildings, structures and other improvements placed on each lot, and in addition to the "Sunriver" design committee rules, each private dwelling upon any such lot shall contain:

1. CONSTRUCTION APPROVAL

- A. PURPOSE. Before any improvements may be submitted to the Sunriver Design Review Committee, the owner must obtain an approval letter from the developer. The purpose of this section is to set forth the requirements for obtaining such an approval.
- B. Building or structure must be designed by a professional firm such as American Institute of Architecture (AIA) or American Institute of Building Design (AIBD).
- C. Dwelling size minimums: Heated living space without garages.
Lots #1 thru 4 -- 2500 sq. ft.
Lots #5 thru 7 -- 2000 sq. ft.

*Return: Alpha Custom Homes, Inc.
P.O. Box 4265
Sunriver Oregon 97142*

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- D. SITE PLAN. The application must be submitted with a complete site plan with a minimum scale of 1" equals 20' which shows the exterior perimeter of the lot, any trees located on the lot, any significant topographical features, proposed location of all driveways and pathways and easements and setbacks as shown on the applicable subdivision plat, including solar shadow drawings.
- E. BUILDING ELEVATIONS. Four exterior elevations shall be submitted showing all exterior building features, roof pitches, roofing, siding, trash location, windows, chimneys, storage and trash areas, etc. and shall be at a scale of $\frac{1}{4}$ " equals 1'.
- F. FLOOR PLANS. Floor plans for the proposed improvement shall be submitted at a scale of $\frac{1}{4}$ " equals 1', with all exterior overall dimensions. The square footage of each floor shall be designated as well as the total square footage of the proposed plan.
- G. STRING LAYOUT. The owner shall be responsible for providing a string layout on the lot of the buildings, driveway and parking on the site and property lines.
- H. EXPIRATION DATE OF APPROVAL. The construction approval shall be valid for a period of one year at which time it shall expire.

2. ARCHITECTURAL RULES AND GUIDELINES

- A. HOURS OF CONSTRUCTION OPERATION. Hours of construction operation are to be limited to 8 a.m. to 5 p.m. Monday through Saturday. The use of loud equipment, (including chain saws) is prohibited on Sunday.
- B. ACCESSORY BUILDINGS. None are permitted, except portable toilet facility must be provided at each construction site.
- C. ADJACENT PRIVATE PROPERTY. Adjacent property may not be used for access to any construction site under any circumstances. Adjacent property shall not be used as a parking lot by any contractor or subcontractor working on the lot. Damage to adjacent property shall be the responsibility of the lot owner and general contractor.
- D. ANTENNAS. No antennas or any other electronic devices are permitted on exterior of building.
- E. SETBACKS. Each lot in River View shall have a 7'-6" side yard setback, a front yard setback of 22'-0", and a rear yard setback to conform to Sunriver Design Committee Manual except Lot #4, 15 feet. The 15 feet of home setback is to the building line including upper decks on west property line (N 2° 22' 52" W 72.13'). Ground level decks are exempt.

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- F. BUILDING Height. Building height maximum is 34' 0" to the top of the ridgeline from the finish grade. Verify height limitation in compliance with Deschutes County Solar Ordinance and Sunriver Design Committee Manual except for lot #4; no structure, pole, tree or vegetation shall at any time exceed the height limitations with a 10' solar fence (fireplace chimneys exempted) as set by Deschutes County Solar Ordinance #83-037 and outlined on River View Plat #655.
- G. CHIMNEYS. All exterior chimneys must be of native stone. No brick or unit masonry will be allowed in conjunction with design review committee.
- H. CLOTHESLINES. No clotheslines shall be permitted.
- I. DRIVEWAYS. Driveway cuts will be limited to one per lot. The maximum entrance width shall be 16'. Surface material shall be asphalt or concrete. No cinders allowed. Circle driveways allowed with one entry.
- J. EXCAVATION. All excavation must be done so as to create a minimum disturbance on the site. All dirt and debris as a result of excavation must be removed from the site, or used with landscaping berms as submitted.
- K. EXTERIOR LIGHTING. All exterior lights shall be down-cast lights with wood to match siding. Colored light sources shall be prohibited.
- L. EXTERIOR WALLS AND TRIMS. Indigenous natural wood species or stucco and wood combinations are required for all exterior walls. The siding must run one, consistent direction on all exterior walls and be of one wood species only. If exterior wood sidings are used, only the highest quality semi-transparent or full body stain such as Cuprinol, Fuller or Moorwood shall be used. If stucco and wood combinations are used, a solid color may be used on the stucco. Exterior colors must harmonize with the surrounding landscape and all colors are subject to approval by the Design Review Committee. All reflective material such as chimney stacks, flashings, exhaust vents and pipes must be painted to match or blend with surrounding materials. All such colors are also subject to approval by the Sunriver Design Review Committee; submit color chips for verification.

All draperies and window coverings should also be of materials and colors which harmonize with the surroundings and should be chosen in consideration with neighbors and neighboring views.

All windows and exterior door units must be wood. The use of a clad exterior frame cover is acceptable if color is bronze and anodized or dark brown.

The use of plywood siding is prohibited.

No log construction will be allowed.

No reflective glass will be allowed.

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- M. FENCING. Fences are prohibited. A fence is defined as a structural barrier which separates one space from another to define property boundaries or which is constructed for ornamental purposes regardless of height; provided, however, that it shall not include architectural extensions of the structure designed as screening for parking, wood storage, garbage disposal area, and other service areas. However, any such architectural extensions are subject to Design Review Committee approval.
- N. GARAGES. Each home in River View shall have a minimum double car garage, and it should connect to the main house by a roof and be part of the house structure. Consideration should be given to relating the design of the garage to that of the residence. No open carports will be allowed.
- O. GARBAGE CANS. All garbage cans must be placed in areas screened from the view of adjoining property and roads, or contained within a structure of the same siding as the residence, and shall be designed so as to provide outside access. Any such structure must first be approved by the Design Review Committee.
- P. HEATING AND COOLING SYSTEMS. All interior or exterior heating and cooling systems must be screened from the view of neighboring property and roads.
- Q. PARKING. A minimum of two exterior parking places shall be required for each residential homesite. Camping trailers, trucks, campers, boats, boat trailers, and motor homes must be parked in the compound specifically designated for such vehicles, or be completely concealed from view if located on the residential homesite.
- R. ROOFS. Heavy wood shakes, cedar shingles or concrete tile shall be the only approved roof material. Verify color of tile with submittal of sample. No metal roofing allowed.
- S. SERVICE YARDS. When not provided by other structures, each residence should have a screened service yard enclosing garbage and trash containers, bicycles, and other outdoor maintenance equipment and must be placed where they will not be seen from the roads or neighboring homesites.
- T. SIGNS. Residential identification signs shall be permitted provided that they are of a natural unpainted wood and the letters are painted with a color that is consistent with the natural wood tones used in that sign, and further provided that all signs and their proposed locations must first be approved by the committee. No lighted signs shall be permitted. All residences shall have a designated lot number that is easily viewed from the road.

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- U. UTILITIES. All connections from trunk lines to individual structures must be underground. Exposed plumbing and electrical lines are not allowed. Materials must conform to the State Electrical and Plumbing Codes. Water and sewer hookups must be inspected by the State Plumbing Inspector. All excavation for site utility hookups must be restored to its natural conditions.
 - V. SOLAR HEAT SYSTEMS. Any solar heat system must be reviewed on an individual basis, and requires the approval of the committee.
 - W. SPARK ARRESTORS. Spark arrestors will be required on all fireplace flues in accordance with the Uniform Building Code.
 - X. STAGING AREA. Each construction approval submittal must designate one staging area for a homesite, subject to approval by the committee.
 - Y. TRAILERS AND MOBILE HOMES. Storage of mobile homes, motor homes, campers, trailers, boats, and camp trailers are prohibited.
3. LANDSCAPING POLICIES
- A. LANDSCAPE PLANS. All lots in River View shall submit a landscape plan at the time of construction submittal, and said plan must be completed no later than twelve months from the date of construction final approval by Sunriver Design Review Committee or Deschutes County.
 - B. PATHS AND WALKWAYS. Paths and walkways may be of exposed aggregate, asphalt, or stepping stones, subject to approval by the committee. No cinders allowed.
 - C. FLOWERS. All nursery type flowers and small shrubs are to be restricted to small planters located on or about the residence. Any planters larger than 4' x 1' must be approved by the Design Review Committee. Trees and shrubs should be indigenous to Oregon and are subject to approval by the committee.
 - D. REMOVAL OF TREES, ROCKS, SHRUBS OR OTHER NATURAL FORMS. All removal of trees, rocks, shrubs, or other natural vegetation must be approved by the committee.
 - E. OUTDOOR FURNITURE. All outdoor furniture should be chosen in consideration with the neighbors and neighboring views and roads.
 - F. GROUND COVER. All existing ground cover must be maintained, provided, however, that maintenance shall not increase fire danger that would otherwise exist.

- G. DRIVEWAYS. Driveways must not be lined with logs or rocks that would otherwise hinder emergency vehicles and which would be hidden under accumulations of snow. Recessed border that is flush with the top of apron would be considered.

III. Whether or not provision therefor is specifically stated in any conveyance of a lot made by the developer, the owner or occupant of each and every lot, by acceptance of title thereto or by taking possession thereof, covenants and agrees that no building, wall or other structure shall be placed upon such lot unless and until the plans and specifications therefor and plot plan have been preliminarily submitted to other owners and developer for no less than 14 days prior to Sunriver Design Committee submittal. During such time, each owner may review and convey to developer his acceptance or suggestions in writing for alterations to exterior design. This letter must be received by developer within the first seven days of submittal. Developer, after review of total information, will, within the final seven days of submittal, approve or deny in writing plans and specifications. No plans will be submitted to Sunriver Design Committee without a letter of approval by the developer. Each such building, wall or structure shall be placed on the premises only in accordance with the plans and specifications and plot plan so approved. Refusal of approval of plans and specifications by such developer may be based on any ground, including purely aesthetic grounds which, in the sole and uncontrolled discretion of the developer, shall seem sufficient. No alteration in the exterior appearance of the buildings or structures shall be made without like approval. These covenants, conditions, reservations and restrictions are and each thereof is imposed upon such lots, all of which are to be construed as restrictive covenants running with the title to such lots and with each and every parcel thereon.

IV. If the owners of such lots or any of them, or their heirs or assigns, shall violate any of the covenants hereinafter set out, it shall be lawful for any other person owning real property situate in such subdivision to prosecute any proceedings at law or in equity against the person or persons violating any of such covenants, and either to prevent him from so doing or to recover damages for such violation, or both.

V. Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

VI. In the event the developer employs attorneys to enforce any of the foregoing covenants, conditions, reservations or restrictions, or re-entry, by reason of such breach, all costs incurred in such enforcement, including a reasonable attorney fee, shall be paid by the owner of such lot or lots and the developer shall have a lien upon such lot or lots to secure payment of all such accounts.

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STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

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:

1984 SEP 12 AM 9 47

MARY SUE PENHOLLOW
COUNTY CLERK

BY: Naomi Cork DEPUTY
NO. 84-15824 FEE 25-
DESCHUTES COUNTY OFFICIAL RECORDS

0093-0302

This document is being re-recorded to correct the Phase number as shown in the legal description, and to add the signature and acknowledgment page to that certain document that was recorded September 12, 1984, in Book 72, Page 746, Deschutes County Official Records, Deschutes County, Oregon.

Dated this 18th day of April, 1985.

RIVER VILLAGE PROPERTIES,
an Oregon General Partnership

By: Thomas L. Adleta
Thomas L. Adleta, President
Adleta Properties, Inc.,
a Texas corporation, Managing Partner

STATE OF OREGON)
) ss.
County of Deschutes)

Personally appeared before me this 18 day of April, 1985,
THOMAS L. ADLETA, who being duly sworn, did say that he is the President of
Adleta Properties, Inc., and that said instrument was signed in behalf of
said Corporation, as the Managing Partner of River Village Properties, an
Oregon General Partnership.

Ruby E. Thompson
NOTARY PUBLIC FOR OREGON
My Commission expires: 4/1/88

STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

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:

1985 APR 18 PM 3:01

MARY SUE PENHOLLOW
COUNTY CLERK

BY: Phyllis L. ... DEPUTY
NO. 85-5164 FEE
DESCHUTES COUNTY OFFICIAL RECORDS