

AFTER RECORDING RETURN TO:  
Frank Proctor  
1070 Arrowhead Drive  
Klamath Falls, OR 97601

LYNNEWOOD SUBDIVISION  
COVENANTS  
CITY OF KLAMATH FALLS, OREGON

AMENDED DECLARATION OF CONDITIONS AND  
RESTRICTIONS FOR LYNNEWOOD

INTRODUCTION

We, the undersigned, being the registered owners and parties of interest in Lynnewood subdivision as described in the official plat thereof, located in Klamath County, State of Oregon, do hereby make the following declaration of conditions and restrictions covering the above described real property, specifying that the declaration shall constitute covenants to run with all of the land, and shall be binding on all persons claiming under them and that these conditions and restrictions shall be for the benefit of and the limitations upon all future owners of said real property. These restrictions shall apply only to single family dwellings.

Lynnewood offers a unique mountain and lake setting close to city center. These introductory statements are intended as guidelines for builders and homeowners for the protection of the beautiful alpine environment of Lynnewood.

The site design, architecture, and landscaping should work as a unit.

In locating the structure and planning the landscaping, every effort should be made to preserve the natural features of the site and to prevent obscuring the principal views of surrounding properties. The site should not be arbitrarily modified simply to conform to the design of the structure, but rather the structure designed with the site in mind. All outdoor paved areas will be kept to an absolute minimum.

It is encouraged that homes in Lynnewood be designed and planned with originality and varied set-back lines, using materials and finishes compatible with the mountain-like setting.

Suggestions for appropriate materials are as follows: timbers, laminated beams, board and batten, wood siding, stone, natural wood and glass. Fire resistant roofing such as ceramic tile, concrete tile or imitation shake are strongly recommended.

Earth tone colors that blend with the setting are recommended. Earth colors, as defined by the Sheffield School of Design, New York, NY, "are the browns-the deep rich brown of farming soil, the reddish brown of clay and the orange brown of the painted deserts of the American West." Bright colors will be restricted to front entry doors.

The basic objectives of landscaping and revegetation are to enhance and compliment the natural beauty of the property and the dwelling while at the same time screening visually objectionable elements such as service areas, storage yards, utilities, etc. from public view. Saving trees should be given top priority as long as they do not endanger the integrity of the structure and the safety of the occupants.

It is hoped that these covenants will help to preserve our home investment and enhance the naturally beautiful and peaceful quality of life in Lynnewood.

## DESIGN REVIEW COMMITTEE

There shall be formed a "Design Review Committee" for the purpose of controlling and enforcing the conditions of this declaration and also to assist builders in construction and maintaining a beautiful residential area. The committee shall consist of no less than three Lynnewood property owners elected by a majority vote.

The covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of fifteen (15) years from the date these covenants are recorded, after which time these covenants shall be automatically extended for successive periods of ten (10) years, unless a majority vote of the then lot owners has been recorded, agreeing to change these covenants in whole or in part. One vote is allowed for each full sized, non-partitioned lot. Any deviations from the conditions in this declaration will be allowed by a majority vote of the committee.

Invalidation of any of these covenants shall in no way affect any of the other provisions, which shall remain in full force and effect.

The following conditions and restrictions shall bind and enure to the benefit of, and be enforceable by suit for injunction or for damages, by the owner or owners of any of the above described lands, each of their legal representatives, heirs, successors, or assigns. Failure to enforce any of such conditions or restrictions shall in no event be deemed a waiver of the right to do so thereafter.

Should suit or action be instituted to enforce any of the following restrictions or covenants after written demand for the discontinuance of a violation thereof, and any failure to do so, then, whether said suit be reduced to decree or not, the owner seeking to enforce or to restrain any such violation shall be entitled to have and recover from such defendant or defendants, in addition to the costs and disbursements allowed by law, such sum as the Court may adjudge reasonable as an attorney fee in such suit or action.

All prior covenants and restrictions are hereby rescinded and terminated.

## COVENANTS AND RESTRICTIONS

1. **MASS GRADING OF A SITE WILL NOT BE PERMITTED:** Earth work shall be only that required for foundations and driveways and be under and immediately adjacent to structures. Earth work required in the landscape areas will be limited to grooming the natural contour and topography of the lot. Construction trash, debris and disturbance will be cleaned up within 30 days of completion of the structure.
2. **TEMPORARY STRUCTURE:** No structure of a temporary nature, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, and no old structure shall be moved or placed onto any of said lots.
3. **SURFACE DRAINAGE:** Special attention shall be given to site surface drainage so that surface waters will not adversely affect neighboring properties. All drain systems will be buried and out of view.
4. **SET-BACK LINES:** No dwelling or other building shall be erected within twenty feet of a front property line, except a corner or unusually shaped lot which may have a twenty-foot set-back line on the side abutting the street; however, a building may be placed further back from the set-back line, if desired. Side yard set-back lines shall be not less than 10 percent of the lot width. Variations in set-backs are encouraged and exceptions to the preceding rule which will enhance the site and structure will be approved by the design review committee.
5. **BUILDINGS:** No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling and a private garage for not more than three automobiles. In no event shall the residential building exceed 28 feet in height. Building height will be measured at the center of the structure. At that point, height will be the vertical distance between the highest peak of the roof and the average grade of the lot. (See Exhibit A)
6. **MOBILE HOMES:** No mobile homes, manufactured homes or modular homes will be permitted.
7. **SIZE OF DWELLINGS:** No single family dwelling shall be less than 1200 square feet for the main structure, exclusive of porches and garages.
8. **MATERIAL AND FINISHES:** All garages or car ports must be finished with the same or complimentary material as the exterior of the home. All exterior rough hardware shall be galvanized or otherwise rust resistant. All siding and roofing material must be cleared by the design review committee. Reflective roof surfaces shall not be permitted and tar and gravel roof surfaces will be permitted only when aggregate is used in sufficient size and thickness to insure full coverage of base coats. Fire resistant roofing such as ceramic tile, concrete tile or imitation shake are strongly recommended. No asphalt tile or metal roofs will be permitted. All metal surfaces including flues, exposed flashings, vents, pipes, trim, etc. shall be anodized or painted to blend with the exterior colors and be non-reflective. Exposed foundation walls will be covered with compatible siding, paint or stain.

9. **PAINT AND STAIN:** Earth tone colors are recommended, as defined by the Sheffield School of Design, New York, NY. (SEE INTRODUCTION). Examples of these include variations of brown such as rust, cedar, tan, caramel etc. Colors that will not be permitted include saturated variations of red, orange, yellow, green, blue, violet, white and black. Variations of gray and other neutral blended colors must be approved by the design review committee. Bright colors will only be allowed on front entry doors.
10. **PUBLIC UTILITIES:** All utility services shall be brought underground from the point of the utility company connection to the structure.
11. **SEWERAGE:** No individual sewage disposal system nor any drainage field shall be permitted on any lot and all lots shall be hooked to the sanitary sewerage system of the City of Klamath Falls.
12. **FENCES AND WALLS:** No fences, or walls used as fences, shall be erected or maintained on any lot or property line within the front set-back areas, except around outdoor storage areas or carports. No fence or wall used as a fence on any other portion of the property shall exceed a maximum height of six feet at any point. All fencing must match or be compatible with the exterior finish of the house.
13. **STORAGE AREAS:** All outdoor storage areas, garbage cans, utility boxes, meters and trash areas shall be fenced or screened with material which matches or is compatible with the exterior finish of the house. All recreational vehicles, including boats, snowmobiles, camper trailers and pickup campers shall be stored in a manner to be out of view to the general public.
14. **ANTENNAS:** No roof antenna of any kind will be allowed. Mini satellite dishes will be permitted only when all attempts are made to keep them inconspicuous and out of view.
15. **ANIMALS:** No livestock, poultry, horses, or other such animals shall be raised, bred, or kept on any lot with the exception of household pets.
16. **COMMERCIAL VENTURE:** Permitted commercial ventures will be those that have no noticeable impact on the neighborhood such as traffic, noise, smell, advertising, etc. Examples of permitted commercial ventures are writers, consultants, indoor artists, tele-commuters, self employed in a home office, etc.
17. **SIGNS:** No signs will be displayed for any commercial venture. One sign of not more than five square feet will be allowed to advertise the property for sale, rent or during construction by the builder.
18. **CONDITION OF LOTS:** Each lot shall be maintained in a good and clean condition and free of hazards to the adjacent property and to the occupants thereof. No lots shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. If trash containers are stored outside, a definite enclosed location shall be provided and located convenient to the street, unlocked for pickup, protected from animals and out of view. No outdoor clothes lines shall be permitted.

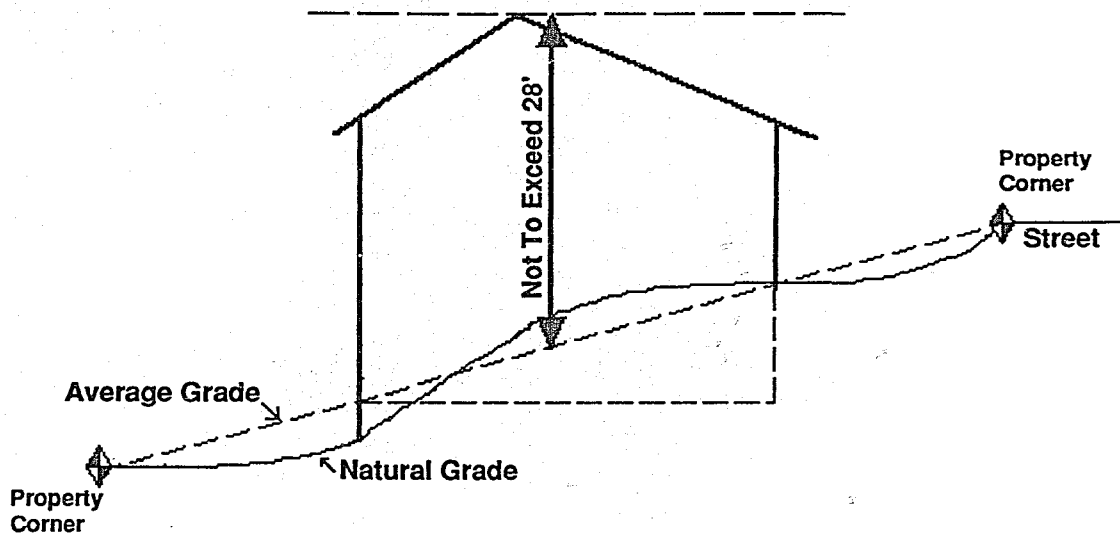
19. **LANDSCAPING:** The basic objectives of landscaping and revegetation are to enhance and compliment the natural beauty of the property and the dwelling while at the same time screening visually objectionable elements such as service areas, storage yards, utilities, etc. from public view. Preliminary landscape plans shall be presented to the design review committee within 30 days of completion of the structure. The majority of the work will be completed or under way within one year after approval of the plans. Landscaping should be compatible and blend with the neighborhood.
20. **TREES:** No live tree measuring more than six inches in diameter at a point measured three feet above the ground shall be removed without approval of the design review committee. Beetle killed trees will be removed as soon as possible to prevent spreading to neighboring trees. Planted trees, especially fast growing deciduous and evergreen trees that are not native to the Lynnewood neighborhood, should be located in such a manner as to preserve the principal views of surrounding properties. When blockage of a view occurs, the principal parties involved are encouraged to work out solutions by selective pruning. Any unresolved conflict will be reviewed only at the discretion of the design review committee.
21. **PLANS:** No single family dwelling shall be built upon any of the lots in the above described property without first submitting architectural house plans to the design review committee, and gaining approval prior to beginning work. Submitted plans should show the location of the structure on the lot (plot plan) and clearly display and label the total structure height (elevation plan) according to exhibit A. No two homes with the same floor plans may be built next to each other. Any deviation from the original approved plans will not be allowed and the design review committee shall have the authority to request a court injunction. The approval of the design review committee shall be mandatory on the construction of any new home, addition or for a change of any landscape plan. The decision of the design review committee shall be final.

Done this 1st day of March, 1995.

## Exhibit A

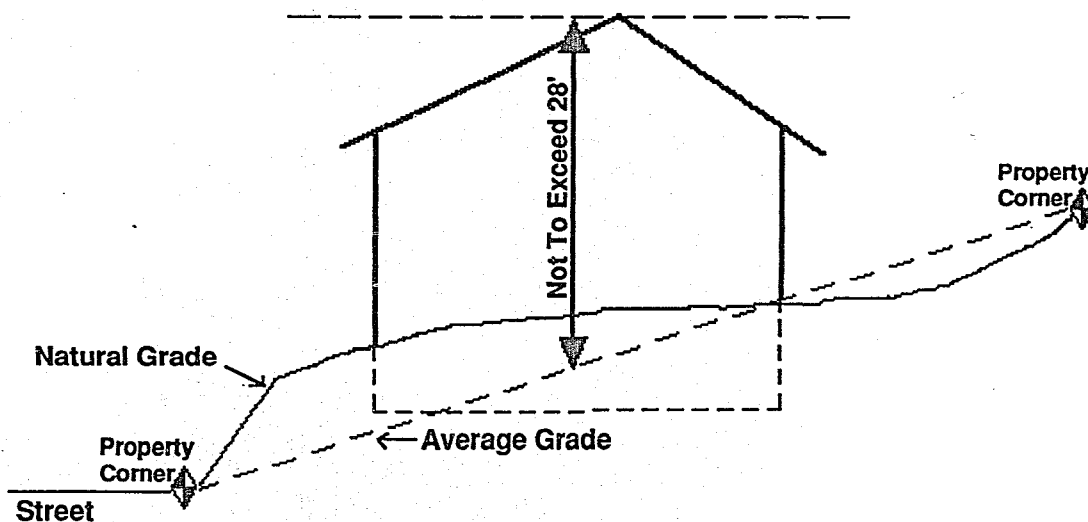
Lynnewood  
Subdivision

## DOWN HILL LOT



Building height will be measured at the center of the structure. At that point, height will be the vertical distance between the highest peak of the roof and the average grade of the lot. The maximum allowable height shall not exceed 28 ft.

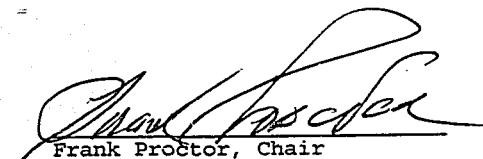
## UP HILL LOT



The foregoing Amended Declaration of Conditions and restrictions for Lynnewood were approved by a majority of the owners of the Lots in voting conducted by the Lynnewood Design Review Committee in early 1995. A majority of the property owners (86) responded and 82.5% gave written acceptance of the foregoing amended covenants.

These amended covenants will totally replace and supersede all previously recorded covenants, conditions and restrictions for Lynnewood.

Dated this 3rd day of May, 1995.

  
Frank Proctor, Chair  
Design Review Committee

STATE OF OREGON } ss.  
COUNTY OF KLAMATH }

On the 3rd day of May, 1995, personally appeared the above named Frank Proctor and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

  
Notary Public for Oregon



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Frank Proctor the 8th day  
of May A.D., 19 95 at 10:37 o'clock A M., and duly recorded in Vol. M95  
of Deeds on Page 11818

FEE \$40.00

Bernetha G. Letsch, County Clerk  
