

AFTER RECORDING, RETURN TO:

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DECLARATIONS OF TIMBERMILL SHORES

Declarants Modoc Lumber Co., an Oregon corporation, and Pine Cone, LLC., an Oregon Limited Liability Company, are owners of the real property described on Exhibit "A" attached hereto. Said real property is known as TimberMill Shores.

On September 5, 2000, the City Counsel of Klamath Falls, Oregon approved a Special Ordinance granting a zone change for TimberMill Shores property from Industrial to Mixed Use. Said Order required that the Declarants adopt and record Development Standards applicable to all proposed development within the subject property. The Declarants, desiring to establish an Urban Form Mixed Use Development on the subject property, do hereby declare that from the effective date hereof, the real property described on Exhibit "A" shall be held, improved, conveyed, hypothecated, encumbered, used, occupied, and administered subject to the following covenants, conditions, reservations, restrictions, liens, and charges that shall run with the real property and shall be binding on all parties having or acquiring any right, title, or interest in the described properties, or any part thereof, and shall inure to the benefit of each owner thereof:

1. Name. The name of the development shall be TimberMill Shores.
2. Location. The development is located in Klamath County, Oregon within the boundaries of the incorporated city of Klamath Falls.
3. Legal Description. The legal description of the real property (the "Property") subject to these Declarations is set forth on Exhibit "A."
4. Rights reserved to Declarants. The Declarants reserve unto themselves, their successors and assigns, the right to plan the development and to approve the uses and development on the Property. This right reserved to the Declarants shall include, but is not limited to:
 - (1) The right to act as the Architectural Review Committee described below;
 - (2) The right to determine the layout of roads, sewers, utilities, and other improvements for the common benefit of the users of the land;
 - (3) The right to determine the uses for which development may occur on the land;
 - (4) The right to control the design of each improvement on the land as described herein below, including the right to restrict heights of buildings as may be

appropriate for solar access and visual access of the lakefront that adjoins the Property;

(5) The right to change the development plan from time to time;

(6) The right to construct upon the land such streets, utilities, sidewalks, parking areas, and other features for shared use of the occupants of the Property and the right to construct such improvements as the Declarants may deem appropriate for use by the Declarants for lease or letting to other parties, or for resale by the Declarants;

(7) The right to form a not-for-profit corporation ("Association"), of which each land owner will be a member, for the purpose of maintaining and improving the shared elements and developments on the Property, and for the purpose of raising funds for promotion, improvement, and maintenance activities. The Declarants shall act as the Directors of said Association until such time as 75% of the land area has been conveyed or leased to third parties. The Declarants, acting as the Board of Directors of said Association, shall have the right to establish the charges, dues, or assessments that each party shall pay to the Association. Said charges and assessments shall be determined as provided in Bylaws provided by the Declarants at the time the Association is formed and as, thereafter, may be determined by the Board of Directors of the Association;

(8) The Declarants may convey to said Association such portions of the Property as the Declarants may deem appropriate for common or shared use, and the Association shall, thereafter, bear the responsibility for improving and maintaining said Property for the purposes for which it was conveyed to the Association;

(9) The Declarants shall provide in the Bylaws an allocation of votes attributable to each portion or parcel of the Property leased or conveyed to a third party. Said allocation of votes may be based on the square footage of the Property, or on the assessed value of each improvement on the Property, or such other objective criteria as the Declarants may determine;

(10) The Declarants shall, for as long as Declarants serve as the Board of Directors of the Association, maintain a budget for the Association, which budget may include reserve accounts or placement of common and shared elements and for such other costs or improvements as the Board of Directors of the Association deem appropriate; and

(11) After each parcel is conveyed or leased by the Declarants to a third party, said parcel shall be liable for a pro rata share of the expenses of the Association, including reserve accounts and capital construction and improvements to the elements subject to the Association's obligation to maintain and improve them.

5. Amendment of Declarations. These Declarations may be amended if approved by not less than 75% of the owners of the Property with ownership determined on a square-footage basis.

6. Contemplated Improvements. The Declarants do not agree to build any specific improvements and do not choose to limit Declarants' rights to add improvements not described in these Declarations.

7. Enforcement. These Declarations and Covenants may be enforced by the Declarants, their successors and assigns, and any owner of any parcel of land in the development. Should suit or action be instituted to enforce any of the foregoing covenants or restrictions, including the collection of charges, dues, or assessments, then, whether such suit be reduced to decree or judgment, the party seeking to enforce or restrain any violation shall be entitled to have and recover from the defendant or defendants their costs of suit, expert witness fees, title report fees, and such sum as the court may adjudge as reasonable attorney's fees in such suit or action, and on appeal of any trial court or arbitrator's decision.

8. Annexation of Property. The Declarants reserve the right to annex all or any portions of adjoining real property that they now own or may hereafter acquire to TimberMill Shores by recording a Supplemental Declaration of Annexation. Upon the recording of such Supplemental Declaration of Annexation, the real property described therein shall become subject to these Declarations, shall be added to the total land subject to these Declarations, and shall, thereafter, be treated as if initially part of the Property described on Exhibit "A." There shall be no limitation on the right of the Declarants or their successors in interest to annex additional land to this development.

9. Development Standards. These Development Standards describe various elements of urban form that must be addressed in the ongoing development of TimberMill Shores. These Standards serve three purposes:

- (1) Provide prospective developers and designers with a checklist of issues that must be addressed in their development proposals; and
- (2) Provide Pine Cone, LLC. with an overall conceptual approach that will enable determinations on proposals that are in concert with, and add to, the TimberMill Shores plan.

These Standards are performance oriented, and not prescriptive. They address issues regarding the look, feel and function of TimberMill Shores and its environs. They create an environment for design excellence to occur, for small actions to have a major cumulative effect, and for ongoing "reality" checks to see if the vision portrayed in the TimberMill Shores plan is being accomplished. If the Standards are properly followed, each and every development increment will contribute to a better defined and coordinated urban structure.

As the development of TimberMill Shores occurs over time, it is anticipated that modifications of the standards may be required and/or granted for specific circumstances.

9.1 The TimberMill Shores Concept

9.1.1 A Linking and Supportive Neighborhood

Issue: TimberMill Shores occupy a pivotal physical location adjacent to Klamath Falls' downtown, the early site of Linkville along the Link River and Lake Ewauna. The redevelopment goal is to create a new neighborhood that is complete within itself (providing

live, work and recreational opportunities), as well as enhance the offerings of the downtown, recognize the historic location of Linkville, and open up the frontage of Lake Ewauna for public use and accessibility – "linking" areas together while enhancing the redevelopment opportunities of the areas adjacent to TimberMill Shores.

Development Standard: Buildings and the spaces between them should be carefully designed and crafted to reinforce and enhance each other, the public improvements, Lake Ewauna, and the properties adjacent to TimberMill Shores.

9.1.2 Twenty-Four Hour Activity

Issue: Successful down towns are places where people feel comfortable and welcome at any time of day. The public improvements provided at TimberMill Shores offer security and interest through a sequence of public pathways and spaces. Building design, particularly at ground-level, should invite participation and interaction. The feeling of security and belonging should be promoted with buildings that are open to view at the ground level, and which, through the use of materials and forms, encourage participation and exploration.

Development Standard: Development should foster the idea of extended hours of use. Where uses are subject to "business hour" operation, the development should include amenities that provide for external enjoyment of buildings at all times of day.

– 9.1.3 A Place of Multiple Activities

Issue: Contemporary planning has resulted in specific planning areas of singular function, i.e. government center, office sector, housing district, etc. This zoning has led to cities that lack the vitality, diversity and activity that create an urban experience. TimberMill Shores plan proposes that this neighborhood should not be specifically zoned, but should include a mix of uses and activity. "Mixed-use" is the theme that the plan is built around – a neighborhood that provides opportunities to live, work and play. The mixed-use characteristic could be a horizontal disposition of uses or a vertical arrangement of uses. The plan does not dictate this richness and diversity, but it does encourage it. Development proposals should explore the potential of mixing uses in buildings and providing flexible outdoor spaces that lead to multiple activities occurring in both interior and exterior spaces.

Development Standard: When practicable, include multiple uses in building structures as well as flexibility in the use of exterior spaces.

9.1.4 Buildings As Good Neighbors

Issue: Unfortunate juxtapositions of buildings that are incompatible in form, program, color or texture are often the rule rather than the exception. While chaos can provide occasional examples of genius, more often than not a building or plaza that ignores the design clues provided by its neighbors results in aesthetic and/or programmatic failure. Cultivating "buildings as good neighbors" is a basic design goal for this development. New

buildings should be designed to fit into the overall concept of TimberMill Shores – as good "supportive" buildings, rather than "image" buildings.

Development Standard: Each building should be designed to fit into and contribute to the evolving context of TimberMill Shores, and should enhance and contribute to the public experience.

9.1.5 Open Space Defined By Buildings

Issue: The "walls" of urban spaces are defined by buildings and/or natural features. Inappropriate building forms which weaken the building wall (and therefore the public space defined by buildings) has a negative effect on the "public-ness" of the space. The space between buildings, in an urban context, is at least as important in defining civic pride as are the buildings which create it. Since "open space" is not a tangible "object", great care must be taken when designing building forms that, in themselves, will define the surrounding open space. Qualities that enhance the experience of public space include: continuity of massing, use of materials that are appropriate to form and function, resting places, punctuation at places of special importance, alignment with view corridors, appropriate vegetation, night lighting, way finding (i.e. understanding the layout and order of the place to easily get around without getting lost), and acoustic consideration.

Development Standards: The spaces in between buildings should enhance the public experience through contributions of the building design, form and organization.

9.1.6 Encouraging Further Development

Issue: It is not the intent in the plan for TimberMill Shores to provide a single "complete" design. A measure of success in fulfilling the Standards will be the project's ability to inspire quality development beyond its borders. Buildings designed for TimberMill Shores should provide opportunities for evolving development on adjacent sites. Eventually, surrounding commercial and residential development may help to weave the buildings of TimberMill Shores into the broader fabric of the City of Klamath Falls.

Development Standard: Buildings and spaces should be of a quality of design and construction that encourage and set a standard for adjunct development.

9.2. City Connections

9.2.1 Extending the Grid

Issue: The form of downtown Klamath Falls is a basic block pattern, traditional among American cities. The block/grid system allows for convenient automobile and pedestrian access, creates a scale and texture of the city made up of structures and open space (streets and sidewalks). TimberMill Shores is not an isolated "project", but is integrated into the scale and texture of the city. Transitions between the city grid and alternate street layouts

occur within TimberMill Shores, allowing for design control by the development team.

Development Standard: Where appropriate, the existing city grid and texture should be extended into TimberMill Shores to make a seamless transition between downtown and new development.

9.2.2 Anomalies as Points of Interest

Issue: Many of the most interesting sites in a city are those that result from circulation systems coming together in a non-regular way. These areas are those that, when designed appropriately, provide interest, variety and individuality to that location. Interest can be developed by building, landscaping or specialty structures. These sites also become features in the overall urban streetscape and may become locations for entries, bay windows, towers or monuments.

Development Standard: At development lots that have shapes not consistent with the city grid, create corner features on buildings or in spaces that recognize and enhance the anomaly to the grid.

9.2.3 Axial Relationships and Monuments

Issue: Successful urban development recognizes key elements of existing and proposed spaces, buildings and history. Axial relationships and monuments provide a context within which the observer is offered clues for his/her own understanding of city history and places of import. Historic events provide a backdrop for city evolution and offer possibilities to note these events with monuments. Connections of these monuments in axial relationships with each other or with other civic places further suggest the cultural heritage of place. Monuments can range from a framed view of a building or activity to statues, fountains and sculptures. These relationships may also be attained using natural features, such as water elements, trees or mountains. Reinforcing those relationships through use of view corridors, walkways and roads, monuments and other features add to the urban design character of the space.

Development Standard: Recognize existing and potential axial relationships of places and buildings. Incorporate (in building form, monuments or natural contextual elements) extensions or terminations of these relationships.

9.2.4 Visual Linkage

Issue: Visual experiences are an integral part of urban participation. Key to the comfort of using an urban area is the feeling of knowing where you are, and the relationships of the place you are occupying to landmarks or other orienting features. The visual connection of the user to his/her surroundings can be as important as a functional connection in developing a welcome and comfortable ambiance.

Development Standard: Design spaces that recognize and promote visual linkages, using defining elements such as points of interest, spaces leading to spaces, view corridors, and other natural and urban landmarks that orient the user.

9.2.5 Places and Connections

Issue: Cities are a result of building over long periods of time. Structures become either "feature" buildings or "background" buildings, both contributing to the overall urban fabric. Both types of buildings will surround Lake Ewauna, providing opportunity to create a new "place" in Klamath Falls and the Klamath Basin. One's "sense of place" within and around TimberMill Shores can be promoted by spaces that allow for spontaneous gathering, quiet reflection, or efficient movement to the day's business. Recognizing and celebrating the unique opportunities buildings can offer, identifying special spaces within the fabric, and creating the visual connections that provide clues to understanding, give character and variety to the place.

Development Standard: Provide a safe, inviting series of interconnected spaces, both interior and exterior to the building structures.

9.2.6 Driving and Parking

Issue: For the present and foreseeable future, Klamath Falls will continue to be a city where travel is predominantly by individual automobile. Because public transit is available and walking is an important and valued activity, the plan of TimberMill Shores will result in a destination center where the visitor parks, takes care of business inside a building, and then continues on to other destinations by foot. Interaction with open spaces and activities around the neighborhood and the lake is desired. A successful design for individual development in TimberMill Shores will recognize the need to conveniently park automobiles in well-lit and secure environments and provide the ability for pedestrians to move into and around buildings without conflict.

Development Standard: In the design of streets and parking areas, functional requirements of vehicular activity should not compromise, but instead enhance the pedestrian environment.

9.2.7 Pedestrian Orientation

Issue: The development of TimberMill Shores fosters a fully developed pedestrian system made up of a number of elements: sidewalks, courtyards, plazas, civic squares, weather-protected outdoor areas or arcades, as well as indoor pedestrian spaces and corridors. Sidewalks and pedestrian pathways need to be enhanced with street furniture, landscape and art objects, activity in adjacent buildings, and need to provide a variety of experiences. The pedestrian system needs to include places to pause, rest and watch the activities of the place, with provisions for both indoor and outdoor circulation. Pedestrian ways should connect buildings and activities, but should also provide information, orient the pedestrian, ensure

safe and secure "defensible" space and allow for handicapped and elderly access.

Development Standard: Integrate pedestrian circulation systems of TimberMill Shores with existing, planned systems of downtown Klamath Falls, both indoor and outdoor, that connect public rights-of-way, spaces, activities and uses. Utilize furniture and landscaping that are convenient to use and in character with the public improvements.

9.3. Spaces and Landscape

9.3.1 Layers of Landscape

Issue: Within TimberMill Shores, the landscape treatment should be appropriate to the activities, use and character of the specific site. The "theme" of landscape treatment is a series of "layers", transitioning from a naturalistic lake edge to a small town street treatment. Numerous opportunities for transitions between layers exist, as well as potential interventions into the layers (civic plazas and linear parkways). The following layers have been identified:

- Lake Edge: Naturalistic, riparian habitat with constructed seawall or rip-rap at the land/water edge. Constructed recreational trail and interventions at key civic areas.
- Esplanade: Pedestrian walkway with promenade treatment north and south. Formal park blocks and courtyard/plazas at specific locations.
- Street: Sidewalk, street trees, crosswalk and street furniture configuration according to the established streetscape plan for TimberMill Shores.
- Transitions and Connections: Landscape zones that connect between lake edge, esplanade and street systems.

Development Standard: The landscape design should respond to the specific character and theme of the layer in which the development occurs.

9.3.2 Spaces of Many Functions

Issue: City plans and planning tend to segregate uses and activities by category, i.e. residential, commercial, industrial, etc. The vitality of a city results when a variety of activities occur within an area. In development of TimberMill Shores, both outdoor spaces and building should be looked at as areas that can be used for many functions. Open spaces should have the capability of accommodating both structured celebrations or the casual visitor, large gatherings or the single stroller. Enclosed public spaces, arcades, or other connecting devices should be designed in such a way that they can be used as an incremental piece of the city or as a part of a larger system of circulation or activity.

Development Standard: Create pathways, open spaces and enclosed or sheltered public spaces to be flexible and to accommodate a number of functions, whether organized or

casual.

9.3.3 The Street as a Linear Room

Issue: In Klamath Falls, as in most cities, streets were initially established on the basis of engineering drawings with widths, turning radii, curb dimensions and traffic engineering specifications. In the context of an urban area, the "street" takes on larger significance and should be thought of as a linear room with floor, walls and roof. Definition of the street occurs through abutting buildings, street landscaping, surface textures, lighting and signage.

Development Standard: Define the street through delineation of right-of-way with the building edge, landscaping, lighting and signing appropriate to the function of the street and the area it serves.

9.3.4 The Intersections

Issue: TimberMill Shores will be a rich overlapping of a number of elements that combine in a three-dimensional and sensory manner. Intersections are one such element. Intersections in the vehicular and pedestrian network are designed according to function, combining vehicle flow, drainage and convenient pedestrian crossings. Preservation of the richness of this development requires examination of the intersections to develop a series of lasting characteristics: movement (both vehicular and pedestrian), identity, and definition of place. Buildings abutting existing intersections and defining new intersections should help articulate the function and character of the space and the overall conceptual organization of community vehicle and pedestrian movement.

Development Standard: Create and enhance intersections in ways that extend beyond functional needs, including location of building entries, abutting uses, building details, street lighting, landscaping and signage.

9.3.5 Civic Rooms

Issue: Civic spaces are a basic building block of TimberMill Shores. They are the "rooms" of the city – places for active and passive use by the citizenry. Civic rooms are defined by structures delineating space – buildings, arcades and walls. The character of the civic room is determined by those uses and artifacts that are in and adjacent to the space. Civic rooms require surrounding active uses to give them flavor. As in a building, civic rooms should be a part of a larger sequence of spaces and places – a pathway system that links rooms to rooms, rooms to services, and rooms to parking. Civic rooms can be a part of the indoor and outdoor pedestrian experience, and are not limited to pedestrian use. Civic rooms can be made more dynamic by the careful integration of vehicular movement (cars and public transit) with pedestrians.

Development Standard: Public development within and around TimberMill Shores should contribute to the formation of "civic rooms". Within these rooms, specific

commercial and public uses, circulation patterns, and architectural character will be encouraged to reinforce the "room" and its linkage to the overall area as well as downtown Klamath Falls.

9.3.6 Courtyards and Plazas

Issue: A primary attribute of successful open spaces in cities is their ability to accommodate major gatherings of people, while at the same time providing a comfortable environment for the single pedestrian passing through. Open spaces should have the qualities that allow people to "see or be seen". The courtyards and/or plazas which may be incorporated in the private development within TimberMill Shores should take these attributes into consideration. The materials of construction, visual access, concern for acoustic impacts, landscape treatment and relationship to spaces within buildings should be addressed in the design. Courtyards and plazas should be designed as exterior rooms, not just leftover spaces between buildings.

Development Standard: In private development, design courtyards and plazas that provide a continuity of experience between the inside and outside of the building, incorporating furniture and accessories that allow active use of the space.

9.3.7 Parking Courts and Gardens

Issue: Traditional surface parking lots are "seas" of asphalt, mitigated by trees and landscape buffers. TimberMill Shores' plan proposes that parking areas contribute to the character of the place as an integral part of the urban fabric. Parking areas should be designed as an integral and contributing element of urban form, demonstrating the quality of construction, delineating vehicular and pedestrian movement, and defining the street edge through wall and landscape treatments. Constructed enclosures (walls and trellises) should be designed as segments with visual breaks to allow view into and out of parking areas. Continuous walls should be articulated with places for benches and landscape treatment where adjoining public walkways or street sidewalks.

Development Standard: Parking areas should be delineated by walls a minimum of 42 inches high. Walls should be articulated with places for benches and landscape treatment where adjoining public walkways or street sidewalks. Horizontal surfaces should have pedestrian pathways expressed with a material contrasting to asphalt.

9.3.8 The Waterfront

Issue: Natural areas are desirable close to a downtown area. Lake Ewauna lends itself perfectly to providing a scenic recreation area for residents and guests of the area. It is a natural feature for viewing, recreation and reflection. The waterfront is a very important element in linking TimberMill Shores to the Lake. The proposed Lake Ewauna Trail will encourage pedestrian activities along the water's edge, enlivening the development. The waterfront should reflect the riparian habitat of the area. Native plants and animals are

crucial to a vital, living, healthy ecosystem. They maintain the balance of an area. They also create natural visual and acoustic interest for users of the waterfront.

Development Standard: The waterfront should welcome the user to Lake Ewauna, provide stopping points along the trail, places to rest and appropriate amenities. The character of the lake edge should be a transition between a recreated natural lake environment and the proposed development. The 30 feet adjoining the water's edge shall be reserved for the development of the trail. The trail shall include a concrete walkway not less than ten feet wide, ample landscaping including grass and native plants and trees, an automatic irrigation system, benches at regular intervals, monuments, lighting, and many works of art.

9.4 Buildings

9.4.1 Inside and Outside

Issue: In street-level pedestrian experiences there is a zone of sensory interaction between exterior pedestrian walkways and the activities that occur within a building. This zone of activity can enliven and enhance the pedestrian experience. Window, display cases, exhibits and art are all devices that create a transparency at the building base. Ground floor activities in buildings in TimberMill Shores should present an interesting and enticing addition to the pedestrian experience.

Development Standard: Blank walls (walls without windows, showcases, displays or pedestrian access points) should be limited to 50% of any ground level building element which abuts public roads, streets, sidewalks and pathways. Service elements for buildings should be integrated into the building envelope and, when possible, be placed away from pedestrian ways and screened visually and acoustically.

9.4.2 The Outside Wall

Issue: Almost every building or complex of buildings is primarily experienced by the public as a passing exterior view, a momentary connection while in transit to another place. The interaction is greater for pedestrians, but nonetheless occurs in views from cars and transit. For most people, the perception of a building is limited to the presentation of the outside wall – the interface between object and person. Building faces viewed from outside should inspire interaction from passers by.

Development Standard: The building's "outside wall" presentation should invite participation both to passers-by and to users. Upper levels of buildings facing the lake should incorporate decks, balconies, loggias, or other devices that activate the wall enclosing the lake.

9.4.3 Building Entrances

Issue: Public buildings might require a number of entrances to serve different purposes

depending on their program requirements. Entrances to major foyers and vertical circulation will have one design, service and secondary street entrances will have another. Where the public is expected and invited, the entrance should bid welcome. All building entrances must be accessible to those in wheelchairs, accessible to parking and drop-off points, and oriented to pedestrian pathways. Buildings should have more than one public entry from parking as well as the street or lakeside.

Development Standard: Celebrate the action of entering the building by clearly expressing this unique interaction in massing and location. Provide an environment at entries that invites, protects and enlivens the process of public use.

9.4.4 The Craft of Building

Issue: Historic buildings have the similar characteristic of displaying the "craft of building". They employ materials in a fashion that describes the way materials are assembled, giving architectural expression that is held in high regard by citizenry – they express the fact that they are "hand-made". The evolution of building technology and the subsequent loss of trained craftsmen has resulted in the substitution of monolithic and synthetic materials, compiled for aesthetic purpose only, with limited respect for the craft of building – they often express the fact that they are "fake" and "machine-made". The approach to new buildings in TimberMill Shores should be to use the craft of building in a traditional manner. "Making" the building should demonstrate an honest and straight-forward use of materials and technology. Recognize the lessons historic buildings provide. The detail arising out of the assembly of materials can be articulated in such a way as to give the same quality and feel of detail that is found in nearby historic buildings, and create a new tradition of building quality.

Development Standard: In designing buildings in TimberMill Shores, recognize the "craft of building" as fundamental in creating appropriate building detail. Do not incorporate artificial or synthetic decorative devices for the sole purpose of replicating historic precedent.

9.4.5 Building Form

Issue: To date, recent buildings in Klamath Falls have been designed as "stand-alone" structures or malls. New construction in TimberMill Shores should be a combination of "stand-alone" structures and "context" buildings that weave together to form the streets and public spaces, defining boundaries, volume and character. "Stand-alone" buildings should be used for special places or functions. "Context" buildings should be used for supportive mixed uses for the development, supporting retail, commercial and office, also contributing to the context of the place, streets, and public spaces they define.

Development Standard: Single-purpose buildings should be treated as "stand-alone" structures with style and size appropriate to use. Mixed-use buildings should be treated as "context" buildings. All new development should compliment adjacent existing buildings.

9.4.6 Building Character

Issue: Downtown Klamath Falls buildings have a unique architectural quality based on traditional design principles. Outlying areas are a conglomeration of styles and types of structures that have been built over a span of years, unimpeded or influenced by the historic context of the early city development. As such, the quality building design varies greatly, with some buildings being quite successful while others do not contribute to sense of place. It would be wrong to superimpose a "style" or "period" requirement on the TimberMill Shores development or redevelopment, but the basic principles inherent in historic architecture should be followed. Key issues to be considered:

- Modularity: repetitive facade elements;
- Form: rectangular facades;
- Proportion: vertically-oriented window breakup;
- Detail: developed from the "craft" of construction and based on existing historic elements from the area;
- Roof or Cornice: separate element terminating the wall, not dominating the structure;
- _ Wall: importance of the facade wall as the dominant element of the building; and
- Materials: wood, brick masonry, "natural" textures.

Development Standard: New development should recognize and honor the city's historic architectural language through the use of quality building materials, building proportions, forms, details, and architectural devices. New buildings should not be copies of historic structures, but should be contemporary interpretations of traditional language.

9.4.7 Transition

Issue: Building and open space designs are frequently oriented to a specific site, without a great deal of thought or analysis of the effect of the design on neighboring Properties. Design attention should focus on transitions between different buildings. The edges of TimberMill Shores currently lack definition. Buildings within TimberMill Shores should define the street and promote pedestrian-friendly activity, and also serve as transitions to adjacent residential and park areas. Transitions which are appropriate here are those which do not have an abrupt change in architectural style, building massing, volume and height.

Development Standard: Design buildings that create appropriate transitions to neighboring Properties, both within and adjacent to TimberMill Shores.

9.4.8 Interior Working Environment

Issue: The design of work and living spaces within buildings has often been a secondary consideration in design. The quality and desirability of work environments within a building has direct psychological and physiological impacts on its inhabitants. The lack of visual and/or physical connection to the outside environment can cause a sense of alienation and separation which results in lower productivity and morale. Dependence on electric lighting and mechanical ventilation further exacerbates this problem. Interior design of buildings in TimberMill Shores should recognize the need for quality work environments for all its users.

Development Standard: To attain the quality work environment desired, natural lighting and ventilation should be utilized to the maximum extent possible. Energy efficient design options should be explored which might utilize geothermal energy, capitalizing on the solar access and other sustainable principles.

9.5. Specific Standards for Uses

9.5.1 Housing

9.5.1.1 Industrial/Rural Forms and Historic Context

Issue: TimberMill Shores is in transition from an industrial area to a mixture of uses. But rural or industrial building forms may provide clues for new buildings which help maintain a continuity with the past and present.

Development Standard: Designs for new buildings should respect the local context by utilizing basic components such as simple volumes, peaked roofs, trim and siding details.

9.5.1.2 Connections to Public Pedestrian Way

Issue: TimberMill Shores has been designed with a clear public walkway system to encourage safe and enjoyable public access throughout the neighborhood. The success of the pedestrian walkway system, however, depends upon the extent to which private development supports and reinforces it. While circulation within the housing parcel may be private, the edges which are adjacent to public walkways should offer safe and convenient access for residents to and from the development.

Development Standard: Housing development within TimberMill Shores should recognize and reinforce the public walkway system.

9.5.1.3 Materials of Construction

Issue: The City of Klamath Fall has a variety of housing types from which examples of appropriate construction materials may be found. The housing at TimberMill Shores will be adjacent to other more urban buildings, yet still in context with more traditional residential neighborhoods, therefore a broader palette may be considered.

Development Standard: The use of permanent materials such as brick or stone is encouraged, however more traditional housing materials such as wood clapboard siding and trim are equally appropriate.

9.5.1.4 Building Facade

Issue: Building materials are assembled into an organization of the building facade. In turn, the building facade may be analyzed by form, proportions, directional expressions (horizontal or vertical), opening relationships of detail articulation and entrance placement. In historic Klamath Falls, multi-family residential facades are generally rectangular in shape, with proportions so that the height of the building is taller than its width. The directional expression of a building's facade is established by a predominance of vertical or horizontal elements often most evident in windows, doors, and architectural details. In downtown Klamath Falls, the primary orientation of these elements is vertical – the size and relationship to width and height of which substantially affect the visual quality of the facade. Facades have a design rhythm. This rhythm is a recurrent alternation of strong and passive elements, such as wall, window, wall, window, wall. The location of a building's entrance and the relationship it has to the sidewalks is important in maintaining a rhythm of entrances along the block.

Development Standard: Design facades for new residential buildings that build on the qualities of existing facades in downtown Klamath Falls with predominant attention given to the verticality of elements. Articulate facade volumes with roof forms, dormers, window and door openings, porches and other organizational elements.

9.5.1.5 Water Features

Issue: A defining theme for TimberMill Shores is its location next to Lake Ewauna, as well as other water features. The lake organizes this area. These water features provide an organizing element and amenity which is common to all individual developments, both public and private. Water features other than the lake may include fountains, waterways, ponds and other landscape features.

Development Standard: The design of each housing parcel should include water features that extend the influence of the lake as a site organization element.

9.5.1.6 Parking

Issue: While automobile parking for residents and guests is necessary for multi-family housing development, the quality of the development could be adversely affected by the need to maneuver and park the required number of cars.

Development Standard: At least one parking space per unit should be within the residential buildings or in adjacent enclosed garages.

9.5.1.7 Pedestrian/Automobile Circulation

Issue: Given the anticipated density of development on the housing parcels, as well as the amount of land needed for automobile circulation, public and private pedestrian pathways, and visitor parking, there exists a strong possibility for pedestrian/automobile conflicts. Where pedestrian and auto pathways cross, the pedestrian pathway should be clearly differentiated from the auto pathway through the use of contrasting surfacing materials.

Development Standard: Surface parking and driveways should be minimized to allow greater landscaping and open space and to reduce pedestrian/auto conflicts.

9.5.2 Hoffice

9.5.2.1 Building Form/The "Hoffice" Concept

Issue: Living and working in two different locations is not ideal for some people, nor is it efficient in terms of time and commuting costs. Recognizing that a market exists for a housing type that includes a business at the same location, the design for TimberMill Shores has included the potential for a "hoffice" concept. The home-office is anticipated to be owner-occupied housing over a retail/office space.

– Development Standard: Hoffice units will have immediate access to a public pedestrian way, as well as patron and resident parking.

9.5.2.2 Public vs. Private Identity

Issue: Hoffices will be both public business establishments and private residences. It is recognized that to ensure both privacy for residents and security for businesses, a building type different from typical business buildings or condominiums may be necessary.

Development Standard: Hoffice buildings should clearly define public and private spaces, while allowing convenient and clear entrance to both.

9.5.2.3 Materials of Construction

Issue: Delineation of ownership and function is similar to older "mom and pop" stores with housing over. Cues from historic examples are appropriate. Successful building designs will recognize the unique functions and identity of this mixed-use concept. The design should look to both uses and combine materials in a way that is complementary and expressive to both.

Development Standard: It is appropriate to distinguish ground floor business uses from upper level residential used through the use of different construction materials.

9.5.2.4 Business Identity – Signs

Issue: Since it is desired that business have access to a public pedestrian walkway, yet the public parking for these businesses will be on the opposite side, business identity signs are anticipated to be necessary on both sides. Signs, however, should not diminish the residential qualities of the project.

Development Standard: Business identity signs, should be limited to non-illuminated wall or blade signs on the parking side of buildings, and to any street sign regulation on the public walkway side of buildings. Building designs should account for sign locations and business access ways.

9.5.2.5 Parking and Site Circulation

Issue: Parking and driveways for hoffice businesses and residents will be located on the side of the building opposite the public walkway. Some inherent conflicts between pedestrians and auto traffic, and public vs. private circulation may occur. Minimal surface parking and driveways allow greater landscaping and open space and provide a more hospitable pedestrian environment.

Development Standard: Minimize pedestrian/auto conflicts though site design and building design. At least one parking space per unit should be within the buildings or in adjacent enclosed garages. Minimize surface parking and driveways.

9.5.3 Mixed Use

9.5.3.1 Building Form

Issue: The appeal of a mixed-use building lies in its adaptability to change with a district over time. These buildings need to allow for change in use. They should accommodate various functions without compromising the building form. Retail or commercial use on the ground level with housing or offices above supplies activity to the neighborhood for extended hours, making the district a desirable area. A mixed-use neighborhood is by nature lively, changing its nature and character with the time of day.

Development Standard: Utilize systems of construction that have a separate structure, skin, and internal walls for adaptability. They will be two stories or more, with the ground floor vocabulary enhancing the public realm it fronts.

9.5.3.2 Urban Context

Issue: Mixed-use buildings are a historic precedent in downtown Klamath Falls. They lend convenience and a sense of safety to the user. The appeal of services close to where one lives and/or works is ideal with today's lifestyle. This building type must emphasize the public character of the street, reinforcing each activity along it within and

without.

Development Standard: Mixed-use buildings should meet the sidewalk edge to encourage pedestrian movement and ease of activities.

9.5.3.3 Materials of Construction

Issue: Pleasing proportions, basic elements of natural lighting and good ventilation should be the most important considerations in design. Imagine the space adapting from insurance office to artist's studio. Consider materials that endure over time, evoking a sense of permanence, yet can change as the interior environment dictates. The ground floor will use details and materials which exhibit its public nature, differentiating it from the floors above.

Development Standard: Materials should be chosen to give a sense of solidity and timelessness. The nature of mixed-use is the ability to change over time.

9.5.3.4 Parking and Circulation

Issue: High pedestrian and vehicular use is inherent with this building type. Access to the building should be simple and convenient. The circulation should encourage the pedestrian experience. It is desired for the patron to park, do business, and continue to any other destinations on foot. A variety of parking is also necessary to adapt with the use of the building.

Development Standard: Mixed-use buildings should have short and long-term parking close-by. Long-term parking should be in buildings where possible. Walls should delineate the sidewalk edge from the lot at a minimum of 42 inches high. The wall may provide for street furniture and landscaping within its design.

9.5.4 Commercial Office

9.5.4.1 Building Form

Issue: Office buildings must facilitate a comfortable work environment. Suburban commercial office buildings are one-story boxes with fluorescent lighting and a maze of cubicles. These buildings internalize their function and give nothing back to the community in which they reside. A pleasant workplace has natural light, ventilation, and view. These components not only enhance conditions within the building but also serve to enliven the street experience. More than one story provides diversity for internal function, also defining the street outside.

Development Standard: Provide a more traditional building typology for office space, with operable windows for light and air, view, and flexibility for growth and change.

9.5.4.2 Urban Context

Issue: In Klamath Falls, the common solution places the building in the middle of the site, surrounding it with parking on all sides. Anyone taking public transportation or on foot must walk further to enter the facility. Commercial office buildings should support the greater context of the district. The entrance to the building ought to be prominent and address the community, not turn internally towards its parking lot. The entrances need to interact with the sidewalk.

Development Standard: Place the building at the street edge. "Celebrate" the entrance to the building from the street.

9.5.4.3 Materials of Construction

Issue: These buildings will provide the transition from the neighboring Properties into the heart of Klamath Falls. The blend of existing development to TimberMill Shores should be seamless. Extra care at the fringe of the development should be taken to combine elements of the existing context into well-detailed, quality buildings.

Development Standard: Buildings materials should reflect a blend of new and old, contributing to the permanence and coherency of the district.

– 9.5.4.4 Parking and Circulation

Issue: Klamath Falls is at this time auto-oriented; long term parking is essential for daily users of commercial offices. However, it is important that the buildings, not the parking lots serving them become the focal point. Parking for these buildings is seldom used except during business hours. It would be advantageous to share parking with other business who have different user hours, i.e. a movie theater or restaurant.

Development Standard: Place the buildings close to the street edge, encouraging pedestrian commuters and public transportation. Parking should be adjacent to the building; convenient, but not the prominent object on the site. Overflow parking areas should be designed as public space, for use by residents and visitors to the area as a plaza when not needed for automobiles.

9.5.4.5 Group Tenants and Uses

Issue: The neighborhood is strengthened by clusters of buildings rather than isolated single-use structures between parking lots. Multi-storied buildings easily separate tenants vertically or horizontally. They also enable a business flexibility to grow (or shrink) by leasing more (or less) space within the same structure.

Development Standard: Build multi-storied commercial space for multiple tenants and services.

9.5.5 Retail

9.5.5.1 Building Form

Issue: Traditionally, retail consisted of small shops concentrated in a central location. Trends have created strip malls and "super" stores that are often single-story buildings housing only one tenant. Large signs and a "sea" of parking in front of the building epitomize this type of development. A return to the human scale is important to foster a sense of community. Verticality of form allows several tenants, even large ones, to share a building side by side. Each may have frontage on the street, but save valuable ground floor real estate by housing their goods on several levels.

Development Standard: Capitalize on going up rather than out. Encourage multiple tenants through the building form. Provide pedestrian amenities at the street level.

9.5.5.2 Urban Context

Issue: Shopping is a leisure activity. As such, there should be public places within the retail context. A good example of this provision is in the retail mall. There is a pedestrian street for people to wander down and browse through the shops. You can find at least one "plaza" for people to stop, rest, meet others, or simply observe. Around the largest "plaza" are amenities for eating, drinking, relaxing. In TimberMill Shores, these activities need to be encouraged externally, within the public realm, making the neighborhood lively, not just the inside core of a building.

Development Standard: Focus retail to the street, incorporating design elements which encourage browsing, window shopping, resting.

9.5.5.3 Materials of Construction

Issue: Materials of a building contribute considerably to the character of that district. Different materials each lend visual richness to a building's facade. This area has not traditionally been a retail district. Care must be taken to construct an image that enhances the area, displaying neighborhood pride. Selection of materials should be similar to those in the neighboring areas.

Development Standard: A human scale of detail should be thoughtfully articulated in these high-traffic buildings. Synthetic or artificial materials should be discouraged, particularly in exterior applications.

9.5.5.4 Parking and Circulation

Issue: The retailer's goal is to attract customers into their shop. Placing retail buildings on streets where vehicular traffic is slower allows both pedestrian and auto-oriented users time to see what stores have to offer. Parking must be varied, convenient, and safe.

Development Standard: Provide short-term parking convenient to shops. Longer term parking should be visibly apparent and close-by. Consider an entrance on both sides of the building as much of the parking may occur at the rear of the buildings.

9.5.5.5 Signage

Issue: Signs inform people and give direction. They are crucial to the retail environment. However, they must add to the greater whole and character of TimberMill Shores rather than serving only the singular purpose of drawing a customer into a particular store. A cohesive nature is desired to strengthen the nature of the district .

Development Standard: Limit non-illuminated signs to the parking sides of the buildings and any street sign regulations for the public walkway sides. Signage should be considered within the overall building design.

9.5.6 Institutional

9.5.6.1 Building Form

Issue: Institutional buildings are the focal points of an area. They signify civic presence. Of all buildings, these must connect to the outdoor "room" they create by their form and massing. They are buildings for the public, providing a sense of place. They are distinctive and serve as markers within the district.

Development Standard: Create buildings that reinforce the urban nature of this area. The building must speak of solidity and permanence. They should be the focus and yet when within them, focus that attention back to the rest of the neighborhood. The entry should be clear, accessible and welcoming.

9.5.6.2 Urban Context

Issue: Vistas and site lines define this building type. It is important for the visitor and resident in this district to immediately recognize these buildings as public in nature. Pieces of the building should be visible from many areas of the neighborhood.

Development Standard: Explore opportunities to establish a focus or view, both looking toward the building and while within the structure. Design elements which reinforce the building as a marker in the district.

9.5.6.3 Materials of Construction

Issue: The position of institutional buildings in a community is fixed. Looking to historic Klamath Falls for inspiration is appropriate. These buildings will serve as informants for cultural heritage. They should evoke solidity and permanence to the passerby.

Development Standard: Stone or masonry should be employed on the first level. Overall materials for institutional buildings should be of a lasting quality.

9.5.6.4 Parking and Circulation

Issue: These are destination buildings. Parking is still a necessary component within the overall scheme, yet the experience of entry and exit to the building is of most importance. Those arriving by car ought to experience the same significant sense of entry as the pedestrian.

Development Standard: Establish a meaningful path to the main entrance. Incorporate a drop-off zone for vehicular arrival within the design. Place parking within the structure where possible, adjacent to the building otherwise.

9.5.6.5 Define the District

Issue: Institutional buildings have the best opportunity to lend character and definition to an area. The vocabulary of form and material they display provides opportunities for other building types to follow.

Development Standard: Reflect the character of TimberMill Shores in building and site design. The institutional buildings will establish the construction and design standards for TimberMill Shores.

9.5.7 Recreational

9.5.7.1 Building Form

Issue: Visitors as well as residents enjoy the services these buildings provide. They should reinforce the beauty of the area, focus to the outdoor environment, and encourage interaction from all. This building is a "fabric" building and should serve more than one function where possible. A health club might incorporate a salon and café on the ground floor which patrons could enter without having to belong to the club. This encourages more interaction at the ground level. It also welcomes a wider range of users to the facility.

Development Standard: The buildings should provide the link between the activities outdoors and those within. Externalize activities to the outdoor spaces by providing several entrances which accommodate different functions.

9.5.7.2 Outdoor Spaces

Issue: The location of TimberMill Shores lends itself perfectly to a variety of outdoor activities. The ideal "jumping-off" point to those activities are the recreational buildings at Lake Ewauna's edge. They should take advantage of the lake, directing views to the natural

environment provided by the water. There must be a strong connection between these buildings and outdoor activity areas.

Development Standard: Create visual links and functional to pedestrian and bicycle paths, and the lake. Incorporate elements into the building envelope which extend to the outdoor room, such as terraces, balconies, or loggias.

9.5.7.3 Materials of Construction

Issue: The excitement a recreational building offers comes from the activity within. It is advantageous to make these activities apparent to those passing by. This enlivens the community experience and is a self-advertisement to draw patrons.

Development Standard: The building design materials should discourage internalization. Use inviting materials which convey warmth and welcome.

9.5.7.4 Parking and Circulation

Issue: The entry of the building is the gateway to the recreation within. Circulation from all types of transportation ought to be clear and direct. Visitors may have needs to load or unload equipment. It is important to make provisions for this in a gracious and welcoming way. Vehicular zones are secondary, farther away from views and recreational activity areas, but convenient to the building entrance.

Development Standard: Delineate clear pedestrian and bike pathways (including bicycle parking) to the entrance of the buildings, also continuing to outdoor spaces within the rest of the district. Incorporate loading/unloading areas for users of the buildings in the overall design. Parking lots should be kept small and put within the building where possible.

9.5.8 Industrial

9.5.8.1 Building Form

Issue: Traditionally, industrial buildings took the form of one to two story warehouses. They were modest in size, with additional buildings constructed if needed. This ideology preserved the continuity of the city and provided adaptability as companies grew or downsized. The contemporary form for industrial buildings are huge one-story structures. They are devoid of any personality and contribute little to the greater context of the area within which they are placed. TimberMill Shores desires to maintain a high standard of pride within the community for all types of development. Quality and good design should be equally important for an industrial building as an institutional building within this development.

Development Standard: Design buildings for industry, considering the context of the site and design for the good of the overall development. Include prominent entrances,

windows and openings that enhance public ways and provide a quality workplace.

9.5.8.2 Urban Context

Issue: Historically, industrial buildings met the street edge just like any other building. This one element reinforces the outdoor room, addressing the street and respecting the rest of the development. These buildings should read in the overall context similarly to other building types -- as background buildings enriching the overall development. In other words, each piece works together for a better neighborhood.

Development Standard: Industrial buildings should meet the sidewalk edge to encourage pedestrian use and public transportation. They should be more than one story where possible.

9.5.8.3 Materials of Construction

Issue: Standards for most industrial buildings are tilt-up concrete construction or other solutions for these inexpensive structures; many are metal shells over steel frames. They degrade any area simply by their cheapness of material. In meeting TimberMill Shores desire to retain quality throughout, ways to use conventional construction techniques in unusual ways should be explored.

Development Standard: Maintain the overall richness of TimberMill Shores by using quality building materials, expanding the aesthetic vocabulary by utilizing ordinary materials in unordinary ways.

9.5.8.4 Parking and Circulation

Issue: Vehicular activity is varied surrounding an industrial building. The treatment of parking in front of the site and the building placed to the back of the site weakens the street room. Employee parking should be accommodated in an unobtrusive manner, convenient to the building but visually shielded from the street. The users of the building should have parking readily visible and close to the street, adjacent to the building. Truck delivery is an important consideration for industrial building types. The loading and unloading area should be convenient from the street, making sure to avoid conflict with any small vehicle parking as well as pedestrian activity on the street.

Development Standard: Design the parking and circulation to reflect use patterns on the site and reducing truck, car and pedestrian conflict.

10. Review Process. The guidelines set forth above are intended to encourage vitality and diversity in design within TimberMill Shores. Proposed developments will be reviewed on a case by case basis. Approval is subject to compliance with the design standards as interpreted by the Architectural Review Committee. No land will be transferred to a

developer until the Architectural Review Committee has evaluated the proposed design and is satisfied that it appropriately responds to the development standards. Any improvements thereafter constructed shall be constructed in strict performance with the design approved by the Architectural Review Committee. No changes shall be made without prior written approval of said committee. The person proposing development shall provide to the Architectural Review Committee the design and plan specifications that address the design standards, a plat map showing the precise location of the proposed improvements, including all landscaping, and a detailed description of the improvements, including construction materials, types and location of parking lots, sidewalk improvements, and the types and location of plants and ground cover to be incorporated in the landscaping. Within ten (10) days of receipt of said documents, the Architectural Review Committee shall review the documents for completeness. If additional information is required before the review can be completed, the committee shall so notify the applicant, in writing. Such notice shall be delivered or mailed to the applicant within five (5) days after the expiration of the ten (10) day initial review period. The committee shall take no further action until said complete documentation is received from the applicant. The committee shall, thereafter, have twenty (20) days to complete its review of the design information provided by the applicant, and it shall provide the applicant with its written decision. The decision may deny the application in whole, it may approve the application, or it may approve the application with conditions. If the application is approved with conditions, the applicant shall thereafter, within ten (10) days, advise the committee of its acceptance of the conditions of approval. If the applicant fails to advise the committee of its acceptance of the conditions, then the application shall be deemed denied. If the committee fails to provide any of the notices required above within the time limits set forth, then the application shall be deemed approved. Any decision of the Architectural Review Committee shall require concurrence of a majority of its members. The committee shall be composed of not less than three (3) nor more than seven (7) members. The members of the committee shall be determined by the Declarants until such time as 75% of the total development has been sold or leased to third parties, at which time the membership of the committee shall be determined by the Board of Directors of the not-for-profit corporation described in paragraph 4.a.(7), above. The Board of Directors of the Association may serve as the committee or as members of the committee, in conjunction with other members.

11. Use and Maintenance of the Property. The following is a statement of use and maintenance standards that shall be observed by all property owners, tenants, and other users of the Property.

11.1 Utility Connections. No above-ground utilities, pipes, or wires shall be used or allowed in the development. In addition, any radio, telephone, or television antennas or dish shall be screened from site.

11.2 No Temporary Structures. No structure of a temporary character shall be used at any time, unless approved in writing by the Declarants or by the Board of Directors of the Association. However, a builder or its agents may construct or move construction sheds or trailers onto the Property for the duration of the construction period. Any construction shall

be diligently pursued and completed without delay.

11.3 Nuisance. No noxious or offensive activity shall be carried on, nor shall anything be done that may be or may become an annoyance or nuisance to the use of Property by other land owners and tenants within the development.

11.4 Maintenance. The common and shared elements and all privately owned property and improvements shall be maintained in a clean and attractive condition, in good repair, and in such fashion as to not create a fire hazard or visual nuisance.

11.5 Replacements. If any improvement is damaged or destroyed by vandalism, fire, or other hazard, the building or improvements shall be repaired or replaced to the approval of the Declarants or the Board of Directors of the Association, as soon as reasonably possible.

11.6 Refuse Disposal. Rubbish, trash, garbage, and other waste shall not be kept or allowed on any property, except in sanitary containers that shall be screened from view. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

11.7 Lighting. No offensive exterior lighting or noise-making devices shall be installed or maintained without the prior written approval of the Declarants or the Board of Directors of the Association.

11.8 Signs. No sign of any kind shall be displayed to public view within the development, except upon the prior written approval of the Declarants or the Board of Directors of the Association.

11.9 Parking. Streets shall not be used for parking vehicles, except on a temporary basis by patrons of the businesses or by invited guests of the residences located within the development. No parking or storage of trailers, trucks, campers, boats, boat trailers, or snow mobiles, or other off-road vehicles, shall be permitted unless they are garaged, screened, or concealed from view.

11.10 Animals. Residents of the Property may keep not more than two (2) domestic animals in their units. Animals shall not be allowed to roam outside the owners' premises, unless controlled by the owner on a leash or in an area designated for the exercise of animals. Domestic animals are permitted on the waterfront under reasonable control of the owner. Owner shall clean up after domestic animals. Rules and regulations of the Oregon Department of Fish & Wildlife and other regulatory agencies shall be strictly applied. No person shall feed, touch, or harass any water fowl, birds, wild animals, or fish on or from the Property.

11.11 City Standards and Regulations. All use and development of the Property shall be subject to the then existing ordinances and regulations of the City of Klamath Falls.

11.12 Additional Powers of the Association. The Association and the Declarants shall have authority to grant leases, easements, rights of way, licenses, and similar interests affecting the common areas and shared areas, and to consent to the vacation of roadways within and adjacent to the Property.

12. Effective Date. These Declarations shall be effective and shall bind and burden the Property upon recording in the Deed Records of the Clerk of Klamath County, Oregon.

MODOC LUMBER CO.
Post Office Box 257
Klamath Falls, Oregon 97601

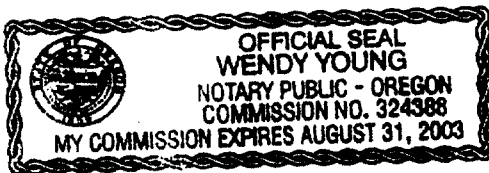
By: Thomas J. Shaw
Thomas J. Shaw, Its President

PINE CONE, LLC.
Post Office Box 257
Klamath Falls, Oregon 97601

By: Robert J. Shaw
Robert J. Shaw, Its Operating Manager

STATE OF OREGON, County of Klamath) ss.

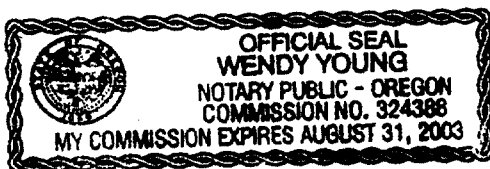
The foregoing instrument was acknowledged before me this 20th day of June 2001 by Thomas J. Shaw, President of Modoc Lumber Co.



Wendy Young
Notary Public for Oregon
My Commission Expires: 8-31-2003

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 20th day of June 2001 by Robert J. Shaw, Operating Manager of Pine Cone, LLC.



Wendy Young
Notary Public for Oregon
My Commission Expires: 8-31-2003

Parcel I: Parcel 1 as shown on the Plat of Klamath County
Land Partition No. 43-00.

29989

Parcel II: Parcel 3 as shown on the Plat of Klamath County
Land Partition No. 43-00.

Parcel III: All of Blocks 71, 72, 86, 87, 88, 89, 90, 91, 99, 100,
101, 102, 108, 109, 110, and 111, the South one half
of Block 73, and Lots 6, 7, and 8 in Block 85, Klamath
Addition to the City of Klamath Falls, together with
all those portions of the vacated streets and alleys that
inure thereto.

Parcel IV: A rectangular parcel 7 feet by 10 feet located in the
most Southerly corner of Lot 3, Block 75, of
KLAMATH ADDITION to the City of Klamath
Falls, Oregon, the most Southerly corner of said
parcel being coincident with the most Southerly
corner of said Lot 3 and particularly described as
beginning at the most Southerly corner of said Lot
3, thence Northeasterly on the northerly line of the
alley 7 feet; thence Northwesterly parallel to Fourth
Street 10 feet; thence at right angles Southwesterly
7 feet to the line between Lots 3 and 4 of said Block
75; thence Southeasterly on said last mentioned line
to the place of beginning.

Parcel V: Beginning at the most Easterly corner of the parcel
of land described as Parcel No. II in deed from
Harry M. Ackley, et al., to Central Pacific Railway
Company, dated October 25, 1926 and recorded in
Volume 72 of Deeds at page 504, Records of
Klamath County, State of Oregon, said corner being
described in said deed as being in the Southwesterly
line of Block 88, KLAMATH ADDITION to the
City of Klamath Falls, at a point distant thereon
North 51 degrees 04' West, 18 feet from the South
corner of said Block 88; thence along the
Southeasterly line of said Parcel No. II the
following four courses: (1) South 74° 15' West,
30.00 feet, (2) South 82° 51' West, 271.00 feet, (3)
South 69° 28' West, 74.00 feet and (4) South 55° 28'
West, 99.00 feet to a point; thence South 38° 48'
West, 1.90 feet to a point; thence South 38° 40'
West, 60.00 feet to a point in the Northeasterly
prolongation of a line which is parallel with and
distant 200 feet Southeasterly measured at right
angles from the Southeasterly line of that portion of
Klamath Avenue (60 feet wide) bearing North 66
degrees 32' East; thence South 66 degrees 32' West
along said prolongation and parallel line 689.89 feet

to a point in the Southeasterly prolongation of the Northeasterly line of Payne Alley; thence North 23° 28' West along said prolongation 200.00 feet to a point in said Southeasterly line of Klamath Avenue; thence North 66° 32' East along last said line 586.00 feet to a point; thence South 50° 55' East, 114.32 feet; thence North 74° 03' 20" East, 73.23 feet to a point in the Southwesterly line of the Center Street lot; thence North 50° 55' West along said Southwesterly line 19.24 feet to the most Westerly corner of the parcel of land described as Parcel No. I in said deed dated October 25, 1926; thence along the Northerly line of Parcels No. I and II of last said deed the following six courses: (1) Easterly along a curve to the left having a radius of 370.78 feet through a central angle of 12° 08' 17" (chord of said curve bears North 79° 15' East, 78.40 feet) an arc distance of 78.55 feet, (2) North 64° 48' East, 15.30 feet, (3) North 67° 48' East, 48.89 feet, (4) North 64° 48' East, 11.50 feet, (5) Easterly along a curve to the right having a radius of 586.359 feet through a central angle of 25° 31' 44" (chord of said curve, bears North 77° 47' East, 259.10 feet) an arc distance of 261.26 feet and (6) Easterly along a curve to the left having a radius of 561.552 feet through a central angle of 7° 54' 49" (chord of said curve bears North 86° 33' 40" East 77.93 feet, shown as North 86° 35' East 77.50 feet in last said deed) an arc distance of 77.99 feet to a point in said Southwesterly line of Block 88; thence South 51° 04' 00" East, along last said line 51.20 feet to the point of beginning.

Parcel VI:

Beginning at the Southwesterly corner of Center Street and Klamath Street, also known as Klamath Avenue, Klamath Falls, Oregon; thence Westerly from said corner along the Southerly line of said Klamath Street (also known as Klamath Avenue), 60 feet; thence Southerly at right angles with said Southerly line of Klamath Street, also known as Klamath Avenue, and parallel with the extension of the Westerly line of said Center Street to the water line of Lake Ewauna; thence Easterly along the water line of said Lake Ewauna to the intersection with the extension of said Westerly line of Center Street; thence Northerly along the Westerly line of said Center Street to the place of beginning, being a portion of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, and according to the plat of Linkville and Klamath Falls, as recorded in the office of the County Clerk of Klamath County, Oregon.

Parcel VII: Beginning at a point 70 feet North and 51° 4' West of the West corner of Block 71 in said Klamath Addition, and 30 feet South 38° 56' West, thence South 51° 4' East to Lake Ewauna; thence along the meander line of said river or lake Westerly to the intersection of the extension of the West line of Center Street in Klamath Falls, Oregon, thence North 51° 4' West to the East corner of Block 31 in ORIGINAL TOWN OF KLAMATH FALLS, thence North 38° 56' East 30 feet to the place of beginning, as described in Deed, Book 68, page 591. EXCEPT that portion of said tract which lies in Klamath Street or Avenue.

SAVING AND EXCEPTING therefrom the following described parcel of property:

That portion of Block 74, Klamath Addition, City of Klamath Falls, Klamath County, Oregon, the vacated alley located in said Block 74 and the adjoining portion of vacated Walnut Avenue, described as follows:

Beginning at a point located 250' 7" S 38°58'00" W and 87' 6" S 51°04'00" E of the Northerly corner of Lot 1, Block 74, Klamath Addition, City of Klamath Falls; thence N 51°04'00" W 87' 6" to the Southerly right of way line of Klamath Avenue; thence N 38°58'00" E 250' 7" to the Northerly corner of said Lot 1, Block 74, which is also the intersection of the Southerly right of way line of Klamath Avenue and the westerly right of way line of 4th Street; thence S 51°04'00" E along the westerly right of way line of 4th Street 221' 6" to a point; thence S 38°58'00" W and parallel to the Southerly right of way line of Klamath Avenue 124' 9" to a point; and thence Westerly 189' 4" +/- to the point of beginning.

State of Oregon, County of Klamath
Recorded 06/22/01, at 8:25 a.m.
In Vol. M01 Page 29962
Linda Smith,
County Clerk Fee\$ 166⁰⁰-