

2007-001622

Klamath County, Oregon



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01/30/2007 02:03:19 PM

Fee: \$51.00

*Once recorded, please return to:
John A. Short
PO Box 1830
Bend, OR 97709*

*Please call 541-408-7415 with
recording number*

BUILDING AND USE RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that Whispering Meadows, LLC, an Oregon Limited Liability Company, does hereby declare as follows:

That it is the owner of Whispering Meadows Subdivision located

In the West half of the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Southwest Quarter of the Northeast Quarter and the East Half of the Southwest Quarter of Section twenty- four, Township Twenty-three South, Range Nine, East, Willamette Meridian, Klamath County, Oregon. Excepting there from that portion lying Southeasterly of the Northwesterly line of Highway 97. Further excepting there from that portion described in deed recorded in vol. M88, page 7762.

Subject to all easement, restrictions and right-of way of record and those common and apparent on the land.

And said property as platted shall be subject to the following building and use restrictions:

1. A single family dwelling not to exceed two (2) stories in height and not more than one triple garage or carport and two accessory buildings such as work shops or stables may be constructed or placed upon each lot. Each lot in the subdivision shall be used for rural residential (non-commercial) purposes only.
2. No lot shall be resubdivided into building lots of less than 5.0 acres.
3. The floor area of constructed residences shall be of not less than 500 square feet exclusive of one story porches and garages.
4. Building must be suitable for year around use and must be placed on permanent continuous foundations, consisting of concrete, brick, pumice blocks or stone masonry. Pitch of the roof and size and spacing and veiling joists must be adequate to withstand heavy snow packs. All buildings, fences and improvements must be constructed in a workmanlike manner and kept in a condition of good repair. Buildings shall be positioned within building envelope described on subdivision plot plan.
5. Fences must be constructed of properly finished material and shall harmonize with the surroundings. Fences in deeded habitat areas must meet requirements of wildlife habitat easement (i.e. deer friendly).
6. All land owners must comply with the laws and regulations of the state of Oregon, county of Klamath and any municipality applicable to fire protection, building construction, water, sanitation and public health.

7. No campers or travel trailer shall be allowed for permanent residence. No mobile homes allowed.
8. No more than a 24 months time period shall elapse for the "start-to-finish" completion of a permanent dwelling, nor shall a temporary structure be used as living quarters, except during the construction of a permanent dwelling. An exterior latrine shall be allowed only during the construction of a permanent residence.
9. No portion of the property shall be used or maintained as a dumping ground for rubbish, trash, garbage or other refuse. Such waste shall be kept in sanitary containers at all times. Approved incinerators must be used in the area sufficiently cleared to prevent the possibility of fire starting on the property and shall be kept in a clean and sanitary condition.
10. No commercial, professional, noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
11. The cutting or removal of living trees will only be permitted where necessary for the construction of buildings or thinning for the beautification of the property.
12. Animals shall be kept on leashes when not contained within fences.

These covenants and restrictions or conditions are to remain in effect for a period of ten (10) years from the date of this declaration and shall automatically extend unless the owners of 51% of the total area of all parcels in the subdivision agree in writing to a change.

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

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

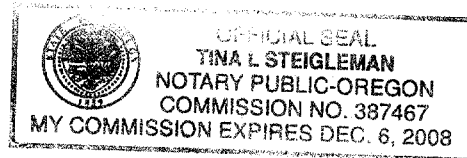
Whispering Meadows, LLC an Oregon Limited Liability Company

By

[Signature]

Member

State of Oregon)
)
County of Deschutes) ss.



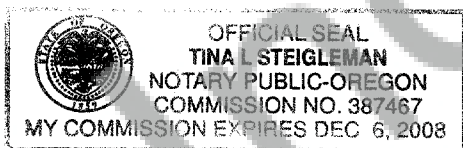
I, Tina L. Steigleman, certify and attest that the signatures appearing on the attached Annexation Petition were signed in my presence.

Dated this 26th day of January, 2007.

[Signature]
(Signature)

1567 SW Chandler Suite 101
(Mailing Address) Bend, OR 97702

Signed or attested before me on January 26, 2007, by
John A. Short



(seal)

[Signature]
Notary Public

My commission expires: 12-6-2008

Wildlife habitat conservation easement
at
Whispering Meadows Subdivision, La Pine, Oregon

by

John A. Short
Bend, Oregon

August 1, 2006

Area designated as wildlife habitat. A total of 60% of the property will be managed for *mule deer migration corridor habitat*, and will be considered *dedicated open space* and protected by this conservation easement for this purpose. The deer migration corridor habitat (dedicated open space) will include all of the property outside the individual 2+ acre dwelling building envelopes as shown on the site plan (Figure 1.)

Only low-intensity recreational uses will be permitted. Bicycle, equestrian, and pedestrian uses consistent with the natural character of the landscape will be permitted within the dedicated open space. Motorized vehicle activity will be prohibited, except as needed for management or emergency fire vehicle access. Access points used in the past by ATV riders or for other prohibited uses will be posted with informational signs providing notice of the prohibited uses. All other high-intensity recreational uses such as golf courses, tennis courts, swimming pools, ski runs, or other high-intensity uses will be prohibited.

Dogs will be kept under control. Dogs that are on the dwelling envelope properties or that are accompanying persons within the dedicated open space areas will not be allowed to run at large unsupervised, but will be kept under visual control by a capable person when not in a kennel or in a home. This requirement will include all dogs, including those that may not be owned by property owners or residents in the dwelling area. Dogs running at large on the properties will be reported to animal control authorities for necessary action, or removed by property owners as necessary. Domestic dogs that are allowed to run at large often chase and kill deer, or cause injury or stress which causes mortality to deer.

Fence construction design will protect deer. Fences restrict the free movement of deer within the habitat, and even carefully-constructed “deer friendly” fences may cause deer mortality, therefore it is not desirable that fences be built on the properties. However, if it is deemed necessary by the landowners to build fences between dwelling properties, along the boundaries of the dedicated open spaces, or in other locations, the fences will be constructed of posts and poles, or posts and smooth single-strand or twisted-strand wire, and will have a minimum bottom pole or wire height of 15 inches from the ground and maximum top pole or wire height of 40 inches from the ground. Small corrals or round pens for horse training or other livestock are excepted.

Woven field fencing or welded “no-climb” fencing, or barbed wire, or solid board fencing will not be used.

All non-organic trash will be removed. Trash such as old fence posts, containers, metal parts, or fencing wire will be removed from the dedicated open space.

Forestry or agricultural activities. Landowners may choose to initiate brush-clearing and branch-pruning activities in the habitat areas for wildfire protection as suggested or mandated by government agencies. Otherwise, no other forestry or agricultural activities, or other activities such as woodcutting that will change the vegetation, will be carried out in the dedicated open space areas.

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Copy

