

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

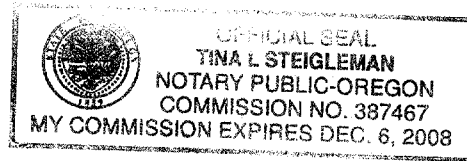
[Signature]

Member

State of Oregon)

County of Deschutes)

ss.



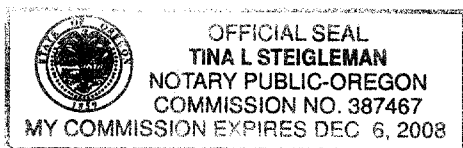
I, Tina L. Steigleman, certify and attest that the signatures appearing on the attached Annexation Petition were signed in my presence.

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.

GENERAL NOTES:

OWNER:	VEN PROPERTIES 423 MAIN STREET KALAMATH FALLS, OREGON 97631 PHONE (503) 544-4444
DEVELOPER:	VEN PROPERTIES 423 MAIN STREET KALAMATH FALLS, OREGON 97631 PHONE (503) 544-4444
SURVEYOR/ENGINEER:	TERREMARK 1000 SOUTH SPRINGS DRIVE KALAMATH FALLS, OREGON 97631 PHONE (503) 544-4270
CURRENT ZONING:	R9 - RURAL 9 ACRES
ADJACENT ZONING:	R9 - RURAL 9 ACRES (TO THE NORTH) R9 - RURAL 9 ACRES (TO THE WEST) R9 - RURAL 9 ACRES (TO THE SOUTH, WEST AND EAST)
TAX LOT NUMBER:	28 OF 60 COUNCIL 1, 28 OF 240 COUNCIL 28 OF 60 COUNCIL 1, 28 OF 240 COUNCIL 2
PRESENT USE:	VACANT
PROPOSED USE:	SINGLE FAMILY DWELLINGS
LOT SIZE RANGE:	5 TO 8.0 ACRES
GROSS AREA:	164.4 ACRES
IMPROVING WATER:	ARTIFICIAL WELLS
SEWAGE DISPOSAL:	SEPTIC TANKS AND DRAINFIELDS
STORM WATER DISPOSAL:	ON-SITE
POWER:	NEIGHBOR POWER
TELEPHONE:	UNBUNDLED
FIRE PROTECTION:	CRESSETT RURAL FIRE DISTRICT
SCHOOL:	KALAMATH COUNTY
GAS:	NONE
WATER RIGHTS:	NONE (WATER BASIN CANAL CROSSES SUBJECT PROPERTY)
ACCESS:	HAGLE DRIVE & MICHAN LANE
TRAILABLE:	3000
DATA:	EACH LOT SHALL HAVE SEPARATE BURNER, WATER AND UTILITY SERVICES
ELEVATIONS:	ELEVATIONS ARE BASED ON U.S. GEODETIC SURVEY CONTIGUOUS AND ARE THEREFORE BASED ON THE MEAN SEA LEVEL

CURVE TABLE			
CURVE	LENGTH	AREA	PERCENT
C1	100.00	100.00	100.00
C2	100.00	100.00	100.00
C3	100.00	100.00	100.00
C4	100.00	100.00	100.00
C5	100.00	100.00	100.00
C6	100.00	100.00	100.00
C7	100.00	100.00	100.00
C8	100.00	100.00	100.00
C9	100.00	100.00	100.00
C10	100.00	100.00	100.00
C11	100.00	100.00	100.00
C12	100.00	100.00	100.00
C13	100.00	100.00	100.00
C14	100.00	100.00	100.00
C15	100.00	100.00	100.00
C16	100.00	100.00	100.00
C17	100.00	100.00	100.00
C18	100.00	100.00	100.00
C19	100.00	100.00	100.00
C20	100.00	100.00	100.00
C21	100.00	100.00	100.00
C22	100.00	100.00	100.00
C23	100.00	100.00	100.00
C24	100.00	100.00	100.00
C25	100.00	100.00	100.00
C26	100.00	100.00	100.00
C27	100.00	100.00	100.00
C28	100.00	100.00	100.00
C29	100.00	100.00	100.00
C30	100.00	100.00	100.00
C31	100.00	100.00	100.00
C32	100.00	100.00	100.00
C33	100.00	100.00	100.00
C34	100.00	100.00	100.00
C35	100.00	100.00	100.00
C36	100.00	100.00	100.00
C37	100.00	100.00	100.00
C38	100.00	100.00	100.00
C39	100.00	100.00	100.00
C40	100.00	100.00	100.00
C41	100.00	100.00	100.00
C42	100.00	100.00	100.00
C43	100.00	100.00	100.00
C44	100.00	100.00	100.00
C45	100.00	100.00	100.00
C46	100.00	100.00	100.00
C47	100.00	100.00	100.00
C48	100.00	100.00	100.00
C49	100.00	100.00	100.00
C50	100.00	100.00	100.00
C51	100.00	100.00	100.00
C52	100.00	100.00	100.00
C53	100.00	100.00	100.00
C54	100.00	100.00	100.00
C55	100.00	100.00	100.00
C56	100.00	100.00	100.00
C57	100.00	100.00	100.00
C58	100.00	100.00	100.00
C59	100.00	100.00	100.00
C60	100.00	100.00	100.00
C61	100.00	100.00	100.00
C62	100.00	100.00	100.00
C63	100.00	100.00	100.00
C64	100.00	100.00	100.00
C65	100.00	100.00	100.00
C66	100.00	100.00	100.00
C67	100.00	100.00	100.00
C68	100.00	100.00	100.00
C69	100.00	100.00	100.00
C70	100.00	100.00	100.00
C71	100.00	100.00	100.00
C72	100.00	100.00	100.00
C73	100.00	100.00	100.00
C74	100.00	100.00	100.00
C75	100.00	100.00	100.00
C76	100.00	100.00	100.00
C77	100.00	100.00	100.00
C78	100.00	100.00	100.00
C79	100.00	100.00	100.00
C80	100.00	100.00	100.00
C81	100.00	100.00	100.00
C82	100.00	100.00	100.00
C83	100.00	100.00	100.00
C84	100.00	100.00	100.00
C85	100.00	100.00	100.00
C86	100.00	100.00	100.00
C87	100.00	100.00	100.00
C88	100.00	100.00	100.00
C89	100.00	100.00	100.00
C90	100.00	100.00	100.00
C91	100.00	100.00	100.00
C92	100.00	100.00	100.00
C93	100.00	100.00	100.00
C94	100.00	100.00	100.00
C95	100.00	100.00	100.00
C96	100.00	100.00	100.00
C97	100.00	100.00	100.00
C98	100.00	100.00	100.00
C99	100.00	100.00	100.00
C100	100.00	100.00	100.00

ROAD IMPROVEMENTS:

8" DEEP GRAVEL ROAD IMPROVED TO A
WIDTH OF 20' UTILITIES INCLUDING TELEPHONE AND
ELECTRIC TO BE OVERLAPPED WITH EXISTENTS OR
ROAD RIGHT-OF-WAY.
PROPOSED ROAD IMPROVEMENT - 8" DEEP GRAVEL ROAD (80' WIDE)
PROPOSED ROAD AREA - 80' ACRES
PROPOSED NET AREA - 80' ACRES

LOCATED IN THE WEST ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) AND THE EAST ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY THREE (23) SOUTH, RANGE NINE (9) EAST, WILLAMETTE MERIDIAN, COUNTY OF KALAMATH, STATE OF OREGON.

ITEMS CORRESPONDING TO SCHEDULE "B"

BY: FIRST AMERICAN TITLE INSURANCE CO.
ORDER NO. 400000
423 MAIN STREET
KALAMATH FALLS, OREGON 97631
DATED: JUNE 24, 2000

THE FOLLOWING ITEMS WERE FOUND IN SAID PRELIMINARY TITLE REPORT AND ARE REFERENCED ON THIS MAP:

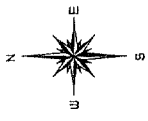
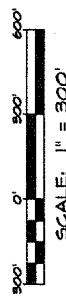
- 1. AN EASEMENT FOR TRANSMISSION LINE PURPOSES RECORDED IN VOLUME 89, PAGES 45-46 OF DEEDS. SAID ITEM DOES NOT SPECIFICALLY DESCRIBE THE LOCATION AND BIRTH OF SAID EASEMENT AND IS THEREFORE NOT SHOWN HEREON.
- 2. AN EASEMENT FOR POWER LINE PURPOSES RECORDED JANUARY 2, 1989 IN VOLUME 294, PAGE 430 OF DEEDS. SAID ITEM DOES NOT SPECIFICALLY DESCRIBE THE LOCATION OF SAID EASEMENT AND IS THEREFORE NOT SHOWN HEREON.
- 3. AN EASEMENT OF ACCESS RECORDED JULY 24, 1989 IN VOLUME 198, PAGE 270 OF DEEDS. SAID ITEM DOES NOT SPECIFICALLY DESCRIBE THE LOCATION OF SAID EASEMENT AND IS THEREFORE NOT SHOWN HEREON.

NOTES:

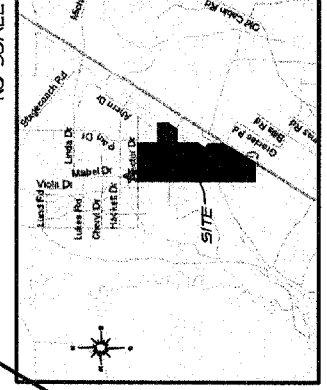
- 1. SPECIFIC WITH EASEMENTS NEEDED IF ANY, FOR OVERHEAD UTILITY LINES AND SHALL BE CREATED ON THE FINAL SUBDIVISION PLAN FOR CONDITIONS OF MAP.
- 2. ADJUTED RIGHTS TO HIGHWAY 47 FOR LOTS 10 AND 11 TO BE RELEASED.
- 3. ALL ROADS TO BE AMENDED INTO RIVER PINE ROAD DISTRICT.

LEGAL DESCRIPTION:

THE WEST ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) AND THE EAST ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY THREE (23) SOUTH, RANGE NINE (9) EAST, WILLAMETTE MERIDIAN, COUNTY OF KALAMATH, STATE OF OREGON. EXCEPTING THEREFROM THAT PORTION LITING SOUTHEASTLY OF THE NORTHWESTERLY LINE OF HIGHWAY 47. FURTHER EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DEED RECORDED IN VOL. 198, PAGE 270. SAID ITEM DOES NOT SPECIFICALLY DESCRIBE THE LOCATION OF SAID EASEMENT AND IS THEREFORE NOT SHOWN HEREON.



VICINITY MAP



TRACT NUMBER: 13871470
PRELIMINARY SUBDIVISION PLAN
WHISPERING MEADOWS