

LAKE VIEW HEIGHTS SUBDIVISION,
MORROW COUNTY, OREGON

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

THIS DECLARATION is made by Lake View Heights Corporation, an Oregon corporation.

The conditions, restrictive covenants, and reservations of this instrument run with the land and are binding upon all persons and entities owning lots in Lake View Heights Subdivision, City of Heppner, Morrow County, Oregon, as filed at M-52677 and any persons or entities claiming an interest in any lots in Lake View Heights Subdivision.

If the owners of the Lake View Heights lots, or in any part of them, or their heirs or assigns violate any of the conditions or covenants in this instrument, it shall be lawful for any other person owning real property in the subdivision to prosecute, either at law or equity, the person(s) violating any of the covenants to prevent such violation or to recover damages for violation or both.

Invalidation of any of these conditions, covenants, or reservations by judgement or court order shall not affect the validity of any of the other provisions.

1. Residential purposes: No lot or lots in the subdivision shall be used for other than single family residential purposes. (and a home occupation as defined in section 11-1-5 of the city code (see 1.a below) There shall not exist on any lot at any time more than one residence. One or more lots may be utilized as a single building plot. No building or structure intended for or adapted to business purposes and no duplex, apartment house, rooming house, professional office, or other commercial utility or multiple family dwelling shall be erected, placed or maintained on any lot. No trailer, tent, shack, barn, temporary buildings, outbuildings, guest house shall be erected for the purpose of a permanent residence (more that two weeks) on any of the lots in the subdivision. No garage shall be constructed except for a garage attached to an integral part of the residence it is intended to serve. Homes need to be completed within one year from starting (dated on permit).

1.a. Home Occupation: Accessory use of a dwelling, employing only the inhabitants of the dwelling, wherein the residential character of the dwelling is maintained. The occupation must be lawful and must be conducted in such a manner that storage or display of merchandise, equipment, or machinery is not visible from off the property on which the occupation is located, and the occupation may not infringe upon the right of the neighboring residents to enjoy the peaceful occupation of their dwellings.

2. Minimum size: No residence shall be constructed with a living area of less that 1240 square feet exclusive of open porches and garages. No two story residence shall be constructed with less than 1,000 square feet enclosed living area on the first floor. All residences shall have an attached garage with a minimum of 400 square feet in area. No residence shall be constructed with more than two stories above grade level. For the purpose of this provision, grade level shall be that of the elevation as shown on the final plat for Lake View Heights Subdivision before the addition of any fill.

3. Architectural Committee: Lake View Heights Corporation will maintain an architectural committee composed of three or more representatives appointed by the Lake View Heights Corporation, until 50% of the lots are sold, then the committee will be self-perpetuating, consisting of Home owners and any vacancy may be filled by the remaining committee member or members. The committee is to approve all structures for lots before city permits are applied for. If the committee fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it, approval will not be required and this section will be deemed to have been fully complied with.

4. View Restriction: No structure may exceed a height of 30 feet from grade level. No fence is to be constructed on the front side of any home. Side yard and back yard fences and hedges must be kept under the maximum 5' 6" height restriction. The architectural committee has the responsibility of determining whether trees or vegetation on the premises of any lot unreasonably interferes with the view of other residences in this subdivision. In any case in which the committee shall determine there is such interference, it shall send a notice in writing to the Owner involved. If within 30 days after receipt of such notice the Owner has not caused the trees or other vegetation to be pruned or removed, it may by a vote of at least two thirds, enforce by injunctive or other legal remedy, the obligation of the Owner under this article.

5. Nuisances: No noxious or offensive trade activity shall be carried on upon any lot which constitutes a nuisance by interfering with the quiet enjoyment of other lots in the Subdivision.

6. Roofs: The roof slope of any structure placed in the Subdivision shall be at least nominal 4/12 pitch. All roofs on any structure in the subdivision shall be constructed of shakes, tile, concrete tile, or composition shingles with a minimum of 210 pounds per square (100 square feet). Minimum eave width shall be 14 inches.

7. Setbacks: No structure shall be located nearer any lot line than is allowed by the City of Heppner code at the time such structure is to be built.

8. Driveways: All driveways shall be constructed of asphalt or concrete only.