

CC&R's ARTICLE 7. - RESTRICTIONS ON USE OF PROPERTY

7.1. Compliance. All land Owners shall comply with the laws and regulations of the state of Oregon, County of Deschutes, municipality or other regulatory agency having jurisdiction applicable to fire protection, building construction, water, sanitation, and public health.

7.2. Buildings and Use of. Each Lot shall be used for residential purposes only, nor shall more than one detached single family dwelling not to exceed two stories or a height of thirty (30) feet above the average original grade elevation be constructed, and not more than one garage or carport and two accessory buildings such as workshops or a recreational vehicle shelter be constructed upon each Lot in the subdivision. Manufactured or prefabricated housing as defined in Deschutes County Zoning Ordinances shall not be permitted.

7.3. Driveways / Parking. Each Lot is allowed one (1) driveway not to exceed sixteen (16) feet in breadth across common area property between Roadway and Lot. Driveways may flair out to twenty-four (24) feet width immediately adjacent to the roadway to provide a generous turning radius. Parking must be provided for each dwelling site. Native dirt shall be kept covered with gravel, cinders, or asphalt for driveways and parking areas. Additional driveway and parkway topping materials may be approved by action of the Board.

7.4. Minimum Floor Areas. The floor area of constructed residences shall be no less than eight-hundred (800) square feet exclusive of porches, garages, accessory buildings, and carports.

7.5. Survey. Within the prior two years of the initial construction on any Lot a certified survey must be completed. A copy of the surveyor's report will be placed with the PLURC prior to any construction activities. All property corners will be clearly marked with iron rods.

7.6. Construction. All dwellings and garages shall be suitable for year-round use and shall be placed on permanent foundations of concrete, brick, stone masonry, or pumice or cinder blocks. Additional suitable foundations may be approved by action of the Board.

7.6.1. The pitch of roofs shall be not less than four (4) in twelve (12). Roofing materials shall be of fire-retardant wood shakes, fire-retardant wood shingles, shake tile products, metal roofing with bonded paint finish, or class A fire-retardant asphalt and/or fiberglass shingles. However, wood shakes and wood shingles are not allowed on new construction or when more than five-hundred square feet (500 ft²) of roofing is being replaced. If asphaltic or fiberglass shingles are used they must have a weight of at least 285 lbs. per square and simulate wood shingles in profile, style, and appearance. All roofing materials and exterior colors shall complement the earth tone colors of the Tollgate area and fall within specific ranges of colors approved by the PLURC. Exact samples and a signed statement concerning the specifications of the roofing material to be used must be submitted for approval. Color samples for exterior colors of siding and trim for all buildings must also be submitted for approval prior to use. Exteriors of accessory buildings shall match, in appearance, the dwelling building on the same lot.

7.6.2. All buildings, fences, structures and other improvements must be kept in good repair.

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7.6.3. All exposed portions of foundation must be painted or sided if more than twelve inches (12") projects above the adjacent ground.

7.7. Setback And Fences. Setback line shall be at least twenty-five (25) feet from all Lot lines to any structure upon the Lot other than fences. Fences are not to exceed 72 inches in height and shall harmonize with the surroundings.

7.8. Construction Time Limit. No more than 18 months construction time shall elapse for the completion of a permanent dwelling nor shall a temporary structure or recreational vehicle be used as living quarters except during the construction of a permanent dwelling. An exterior, commercial, portable latrine shall be allowed only during construction. Water connection and the required fees paid shall be done prior to the completion of foundation work.

7.9. Use. No commercial, professional, trade or other activities shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Unsuitable activities include, but are not limited to, repetitive increases in vehicular traffic, readily discernible atypical noise, or increased safety hazards.

7.9.1. Any child care operation where more than three unrelated children are being cared for and for which remuneration is being paid shall be considered a commercial use falling under the provisions of this Article.

7.10. Trees. Removal of living trees greater than eighteen inches (18") in girth at a point thirty six inches (36") above the original ground level at the tree will only be permitted where necessary for the construction of buildings, to avoid impending damage to existing structures, thinning for the beautification of the Lot, or for fire safety. Prior to any such cutting approval must be obtained from PLURC. At least two weeks before any cutting, a plan, at least 7" X 10" in size is to be placed in the hands of the PLURC showing the location of affected trees. Concurrent with submitting the diagram the property owner must place brightly colored ribbons around each candidate tree for easy identification. The PLURC is responsible for replying in written form the extent to which the requested cutting may be allowed. Such reply must be mailed or delivered to the residence at least one week before the proposed cutting date.

7.11. Animal Wastes. Animal waste shall be removed not less frequently than every seven days. Lot Owner shall be responsible for the control and abatement of pests and odors produced from such waste. At no time shall the presence of animals be allowed to become offensive.

7.12. Signs. Signs displayed on Lots are limited in number, size, and design as set forth more specifically in the PLURC Regulations.

7.13. Screening. All garbage trash, cuttings, refuse, garbage and refuse containers, fuel tanks, clothes lines and other service facilities shall be screened from view from neighboring units and Common Areas. Screening shall harmonize with the surroundings.

7.14. Property Maintenance. Each Lot and its improvements shall be maintained in a clean and attractive condition in good repair and in such fashion as not to create an eyesore or hazard to person or property.

7.15. Wells. Individual wells are not allowed; all Lots shall connect to the Tollgate domestic water system no later than the completion of the foundation of the first building placed on the Lot.

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7.16. Vehicles. No motorized vehicles other than licensed automobiles and highway licensed motorcycles may be operated on roadways within the Tollgate sub-division.

7.17. Exterior Lighting. Exterior lighting shall be designed, placed and maintained in such a manner as to prevent becoming offensive to neighboring Owners or becoming a hazard.

7.18 Animals Allowed. No animals other than domestic household pets or horses shall be kept on any part of said property.