

After recording return to:  
Shade Tree, Inc.  
40160 East First  
Lowell, OR 97452



\$96.00

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\$75.00 \$10.00 \$11.00

## VARIANCE to DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EQUITABLE SERVITUDES FOR SUNRIDGE SUBDIVISION

Property: **Lots 1-16 of SUNRIDGE SUBDIVISION**  
Declarant: **SHADE TREE, INC.**, an Oregon corporation

In accordance with Section 8.1 of the Declaration of Covenants, Conditions, Restrictions and Equitable Servitudes for Sunridge Subdivision, recorded April 10, 2001, reception number 2001-020572, and as amended by that document recorded on January 31, 2005, reception number 2005-067739, Declarant SHADE TREE, INC. does hereby grant Variances to said Declaration as follows:

**LOT 1:** For Lot 1, the cut-off drains shown on the Individual Lot Map for Lot 1 may be eliminated. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 1 Vegetation Height Exception Areas".

**LOT 2:** For Lot 2, the 915' Elevation Limit listed on the Individual Lot Map for Lot 2, and described in Section 5.2, is amended as follows: when viewing the front elevation of the house from First Street, the western half of the house may angle from a starting elevation of 915' to a maximum elevation of 920' above mean sea level, and the eastern half shall be no higher than 915' above mean sea level. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 2 Vegetation Height Exception Areas".

**LOT 3:** For Lot 3, the six (6) month deadline for obtaining a building permit required by Section 3.1 is extended to September 29, 2005, provided, however, that for Lot 3, the Development Period defined in Section 2.5 shall also be extended to September 29, 2008.

**LOT 4:** For Lot 4, the cut-off drain shown on the Individual Lot Map along the east side of Lot 4 may be eliminated. The six (6) month deadline for obtaining a building permit required by Section 3.1 is extended to September 29, 2005, provided, however, that for Lot 4, the Development Period defined in Section 2.5 shall also be extended to September 29, 2008.

**LOT 5:** For Lot 5, The 945' Elevation Limit listed on the Individual Lot Map for Lot 5, and described in Section 5.2, is amended as follows: for the house now existing on Lot 5, when viewing the front elevation of the house from First Street, 25% of the total horizontal width of the house shall be no higher than 947.6' above mean sea level, 20% of the total horizontal width of the house shall be no higher than 953.3' above mean sea level, and the remaining horizontal width shall be no higher than 945' above mean sea level. All future construction on Lot 5, including additions to the house now existing on Lot 5, shall conform to the original 945' Elevation Limit. Reconstruction of the house now existing on Lot 5 shall not be considered future construction if at least 25 percent of the now-existing structure is retained. Also for Lot 5, the cut-off drain shown on the Individual Lot Map along the northern edge of Lot 5 may be eliminated, provided that surface drainage is routed to the driveway. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the

specific heights given for each such area, on the attached map titled "Lot 5 Vegetation Height Exception Areas".

**LOT 6:** For Lot 6, the Protected Tree identified on the Individual Lot Map for Lot 6 may be replaced by a different tree, located in the area labeled "New Protected Tree" on the attached map titled "Lot 6 Vegetation Height Exception Areas". The 950' Elevation Limit listed on the Individual Lot Map for Lot 6, and described in Section 5.2, is amended as follows: for the house now existing on Lot 6, when viewing the front elevation of the house from First Street, 10% of the total horizontal width of the house shall be no higher than 954.8' above mean sea level, 70% of the total horizontal width of the house shall be no higher than 953.7' above mean sea level, and the remaining horizontal width shall be no higher than 950.75' above mean sea level. All future construction on Lot 6, including additions to the house now existing on Lot 6, shall conform to the original 950' Elevation Limit. Reconstruction of the house now existing on Lot 6 shall not be considered future construction if at least 25 percent of the now-existing structure is retained. The east-west cut-off drain shown along the northern line of Lot 6 on the Individual Lot Map may be located up to 30' south of the northern line of Lot 6. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 6 Vegetation Height Exception Areas".

**LOT 7:** For Lot 7, the six (6) month deadline for obtaining a building permit required by Section 3.1 is extended to September 29, 2005, provided, however, that for Lot 7, the Development Period defined in Section 2.5 shall also be extended to September 29, 2008.

**LOT 8:** For Lot 8, the six (6) month deadline for obtaining a building permit required by Section 3.1 is extended to September 29, 2005, provided, however, that for Lot 8, the Development Period defined in Section 2.5 shall also be extended to September 29, 2008.

**LOT 9:** For Lot 9, the six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 9 Vegetation Height Exception Areas". A ponderosa pine, incense cedar, oregon white oak or big leaf maple may be planted in the area labeled "New Protected Tree" on the attached map titled "Lot 9 Vegetation Height Exception Areas"; once planted, it shall become a Protected Tree subject to the requirements contained in the Declaration.

**LOT 10:** For Lot 10, the 906' Elevation Limit listed on the Individual Lot Map for Lot 10, and described in Section 5.2, is amended as follows: when viewing the front elevation of the house from First Street, 40% of the total horizontal width of the house shall be no higher than 908.5' above mean sea level, and the remaining 60% shall be no higher than 906' above mean sea level. The setback for heat pumps in Section 5.12 is waived. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 10 Vegetation Height Exception Areas".

**LOT 11:** For Lot 11, the 915' Elevation Limit listed on the Individual Lot Map for Lot 11, and described in Section 5.2, is amended as follows: when viewing the front elevation of the house from First Street, 65% of the total horizontal width of the house shall be no higher than 918' above mean sea level, and the remaining 35% shall be no higher than 915' above mean sea level. The setback for heat pumps in Section 5.12 is waived; provided, however, that the heat pumps must be set back from the front corner of the house at least fifty percent (50%) of the house width. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is



increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 11 Vegetation Height Exception Areas".

**LOT 12:** For Lot 12, the setback for heat pumps in Section 5.12 is waived; provided, however, that the heat pumps must be set back from the front corner of the house at least fifty percent (50%) of the house width. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 12 Vegetation Height Exception Areas".

**LOT 13:** For Lot 13, the 930' Elevation Limit listed on the Individual Lot Map for Lot 13, and described in Section 5.2, is amended as follows: when viewing the front elevation of the house from First Street, 17'6" of the total horizontal width of the house shall be no higher than 933' above mean sea level, and the remaining horizontal width shall be no higher than 930' above mean sea level. The six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 13 Vegetation Height Exception Areas". The setback for heat pumps in Section 5.12 is waived; provided, however, that the heat pumps must be located on the east side of the house and set back from the front corner of the house at least fifty percent (50%) of the house width. A ponderosa pine, incense cedar, oregon white oak or big leaf maple may be planted in the area labeled "New Protected Tree" on the attached map titled "Lot 13 Vegetation Height Exception Areas"; once planted, it shall become a Protected Tree subject to the requirements contained in the Declaration.

**LOT 14:** For Lot 14, the six-foot height limit for plants and Landscaping required by Section 5.2.2 is increased in certain specific areas, to the specific heights given for each such area, on the attached map titled "Lot 14 Vegetation Height Exception Areas".

**LOT 15:** For Lot 15, the six (6) month deadline for obtaining a building permit required by Section 3.1 is extended to September 29, 2005, provided, however, that for Lot 15, the Development Period defined in Section 2.5 shall also be extended to September 29, 2008.

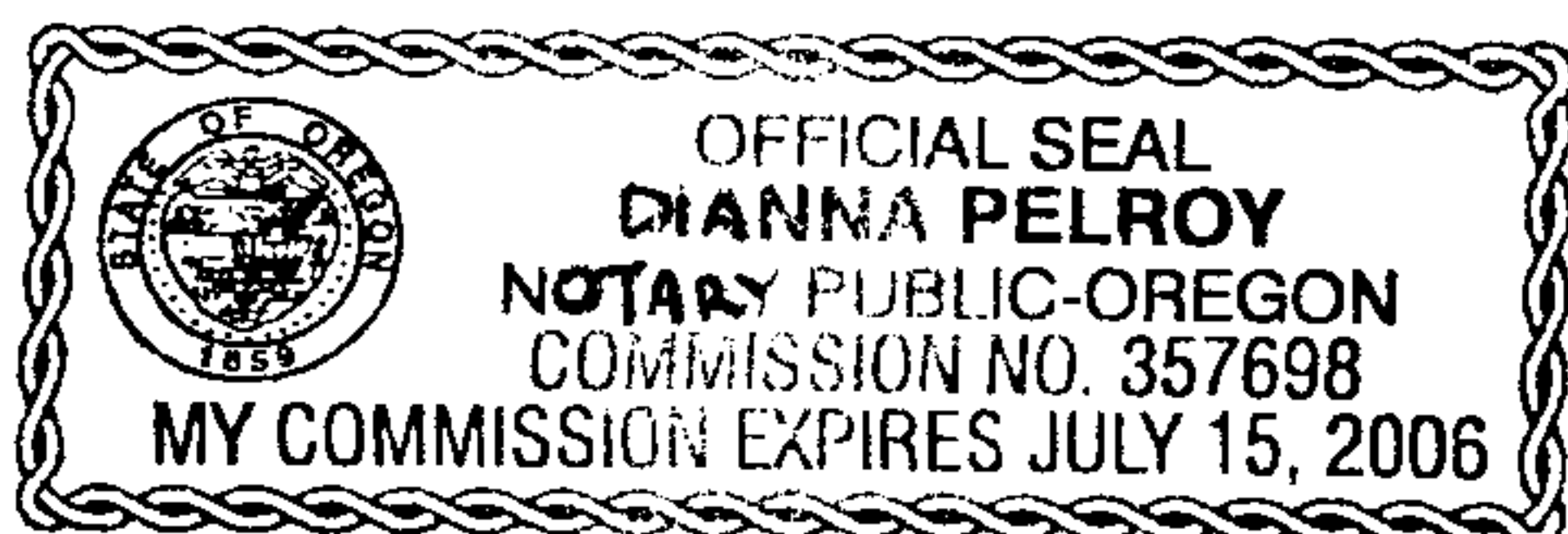
**LOT 16:** For Lot 16, the six (6) month deadline for obtaining a building permit required by Section 3.1 is extended to September 29, 2005, provided, however, that for Lot 16, the Development Period defined in Section 2.5 shall also be extended to September 29, 2008.

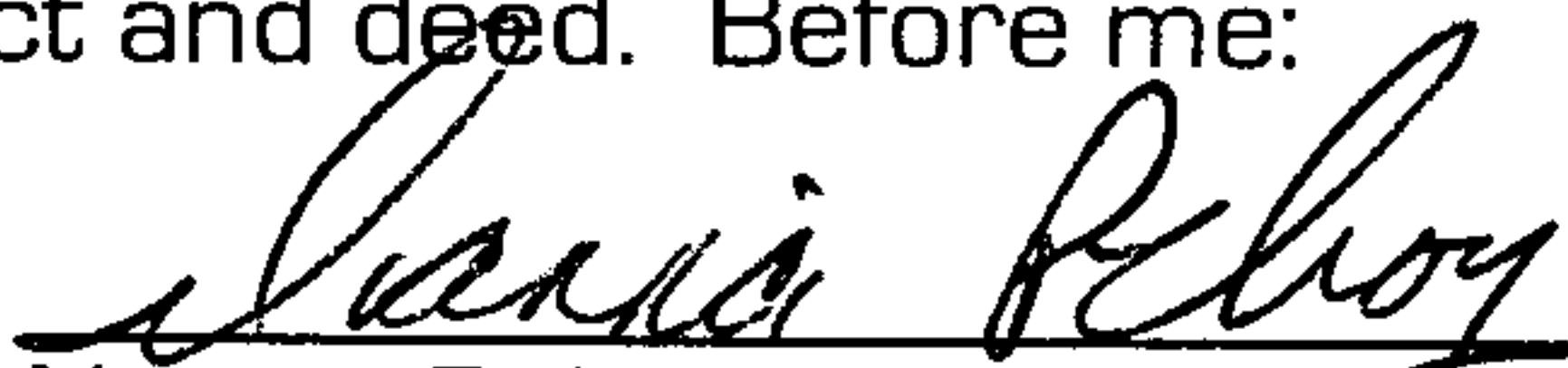
Dated this 31<sup>st</sup> day of January, 2005 by the DECLARANT:

  
SHADE TREE, INC., by MIA NELSON, President

STATE OF OREGON, County of Lane, ss.

On this 31<sup>st</sup> day of January, 2005, personally appeared the above named Mia Nelson, and did say that she is the President of Shade Tree, Inc. and that this instrument was signed on behalf of the corporation and by the authority of its board of directors, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:



  
Notary Public for Oregon  
My Commission Expires: July 15, 2006

Concurrence for Lot 13:

Robert B. Burr

Robert B. Burr

STATE OF OREGON )  
                                  ) ss.  
County of Lane )

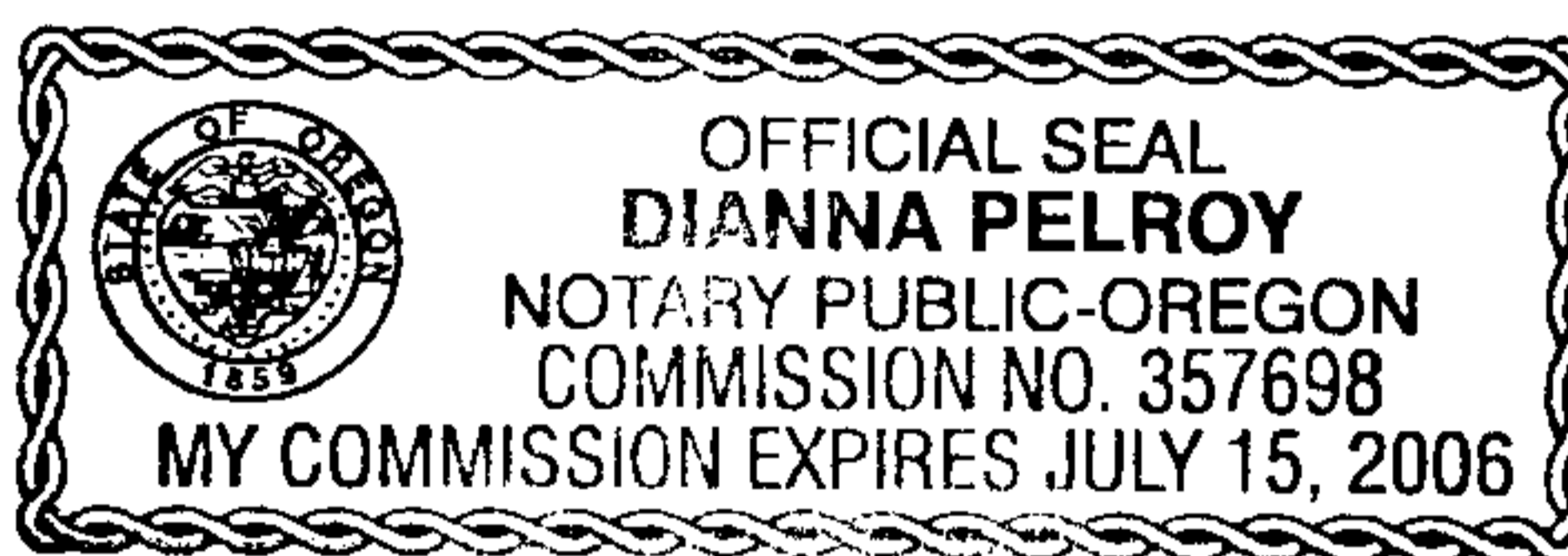
On this 20<sup>th</sup> day of January, 2005, personally appeared the above named Robert B. Burr, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

Dianna Pelroy

Notary Public for Oregon  
My Commission Expires: July 15, 2006

Geraldine M. Burr

Geraldine M. Burr

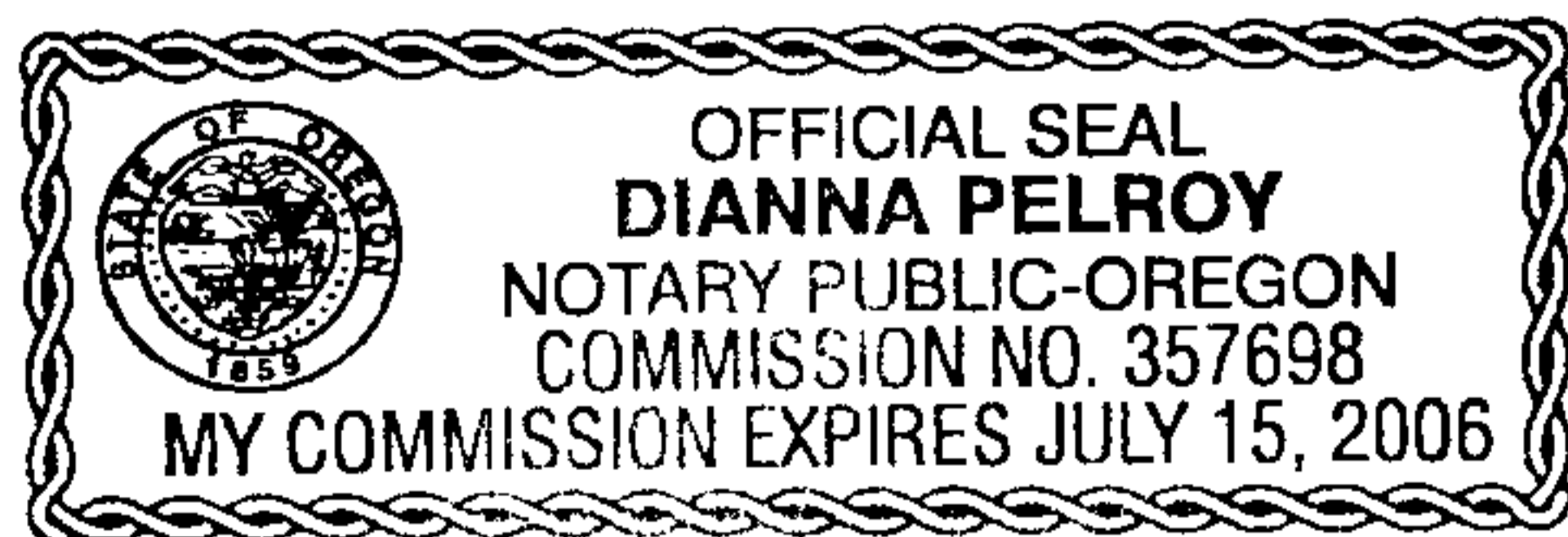


STATE OF OREGON )  
                                  ) ss.  
County of Lane )

On this 20<sup>th</sup> day of January, 2005, personally appeared the above named Geraldine M. Burr, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

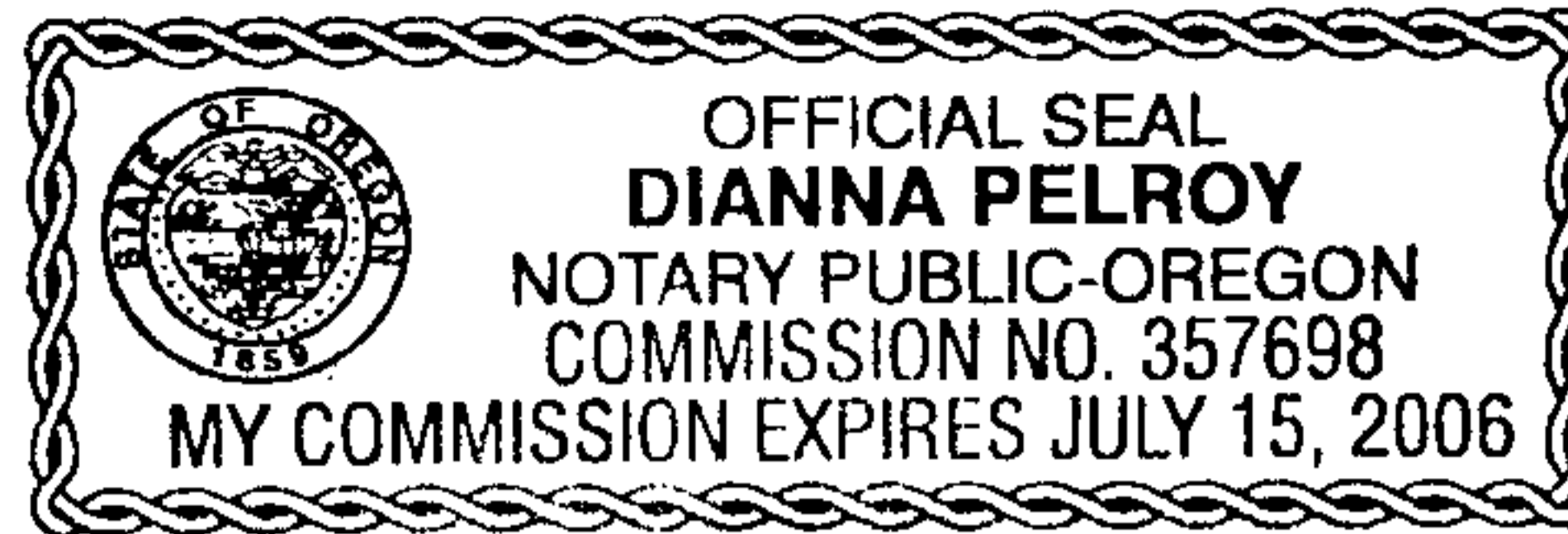
Dianna Pelroy

Notary Public for Oregon  
My Commission Expires: July 15, 2006



Concurrence for Lot 9:

*Kristopher VanBeever*  
Kristopher VanBeever

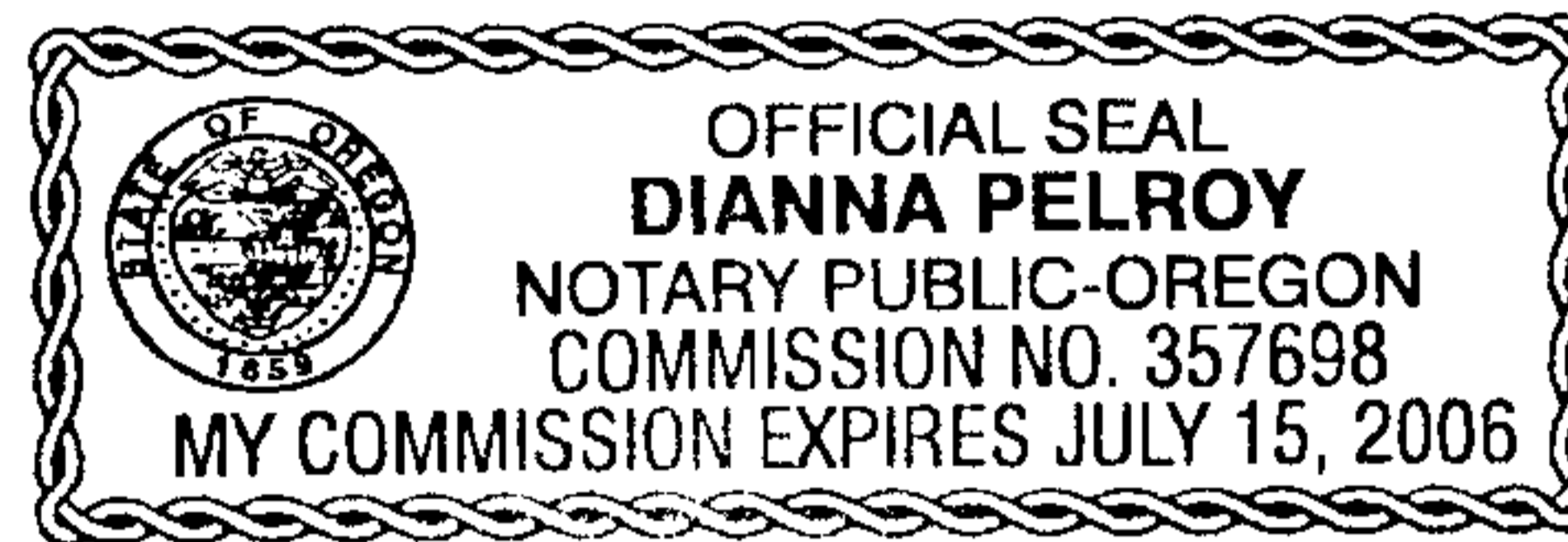


STATE OF OREGON    )  
                                  ) ss.  
County of Lane        )

On this 30<sup>th</sup> day of January, 2005, personally appeared the above named Kristopher VanBeever, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

*Dianna Pelroy*  
Notary Public for Oregon  
My Commission Expires: July 15, 2006

*Rebecca VanBeever*  
Rebecca VanBeever



STATE OF OREGON    )  
                                  ) ss.  
County of Lane        )

On this 30<sup>th</sup> day of January, 2005, personally appeared the above named Rebecca VanBeever, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

*Dianna Pelroy*  
Notary Public for Oregon  
My Commission Expires: July 15, 2006



# LOT 1 VEGETATION HEIGHT EXCEPTION AREAS

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*



SCALE:  
1" = 15'

15' OK

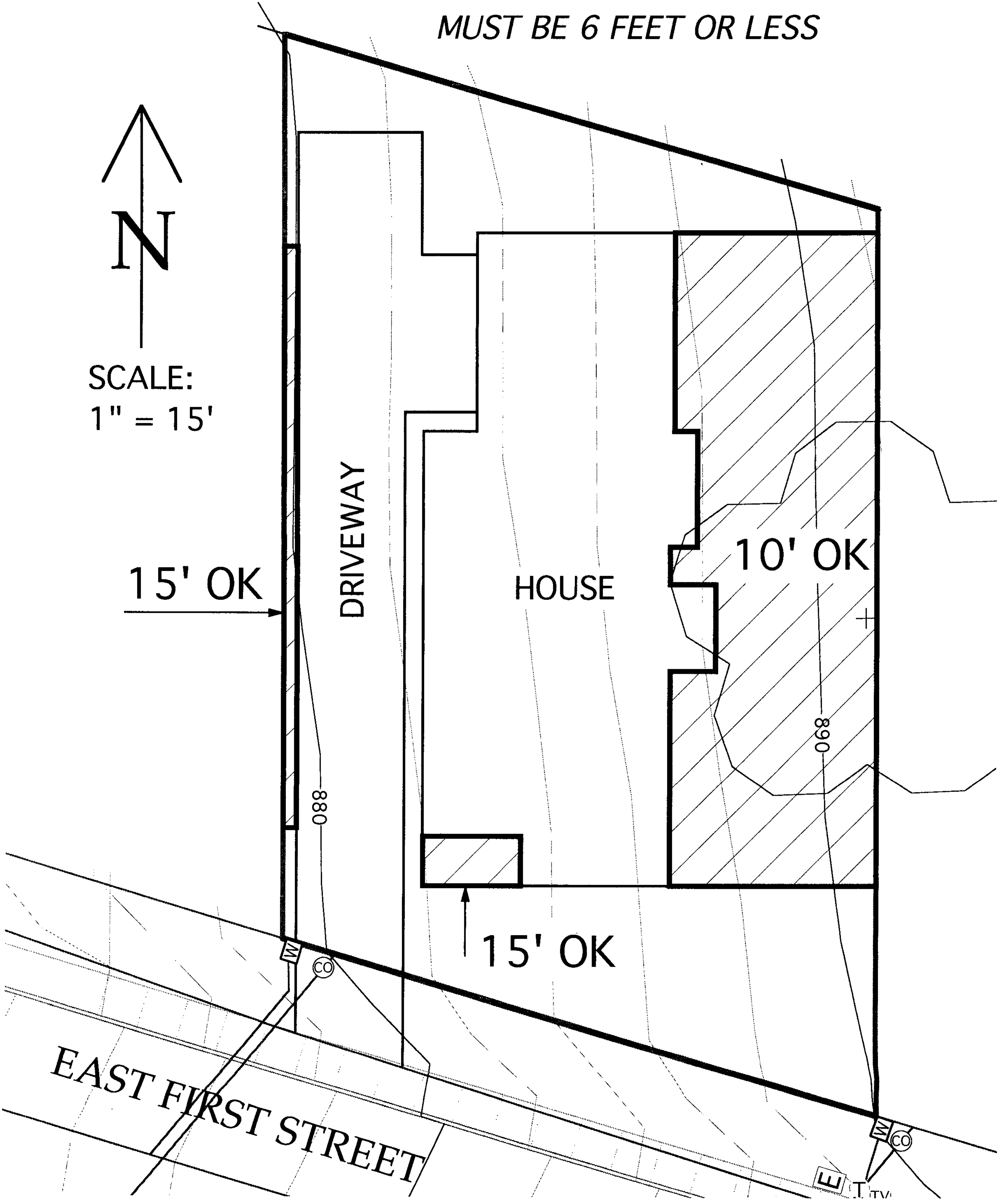
DRIVEWAY

HOUSE

10' OK

15' OK

EAST FIRST STREET



# LOT 2 VEGETATION HEIGHT EXCEPTION AREAS

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*



10' OK

SCALE:  
1" = 15'

DRIVEWAY

DECK

890

900

EAST FIRST STREET



E

TV

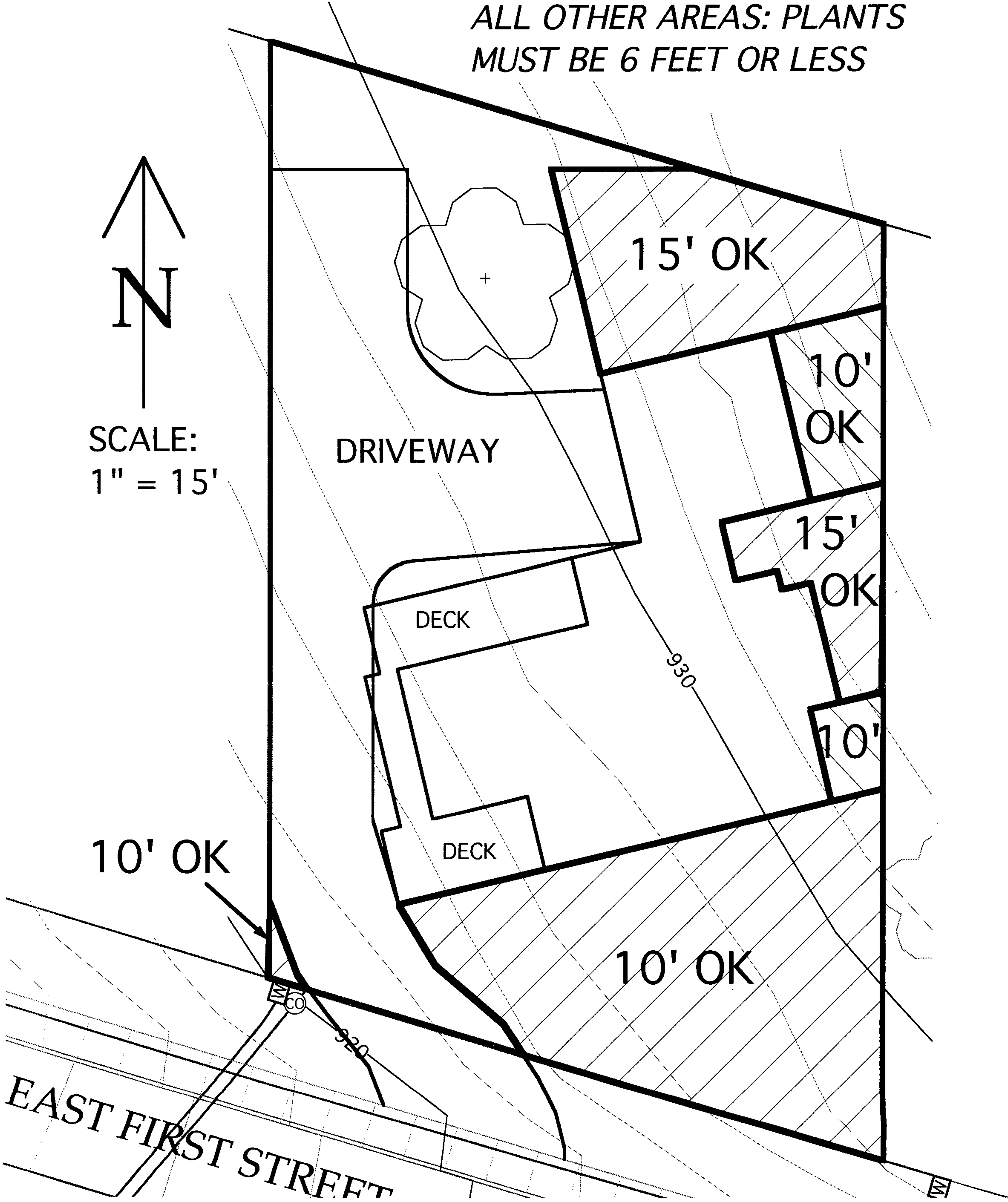


# LOT 5 VEGETATION HEIGHT EXCEPTION AREAS

*ALL OTHER AREAS: PLANTS MUST BE 6 FEET OR LESS*



SCALE:  
1" = 15'



DRIVEWAY

DECK

DECK

15' OK

10'  
OK

15'  
OK

10'

10' OK

10' OK

EAST FIRST STREET

930

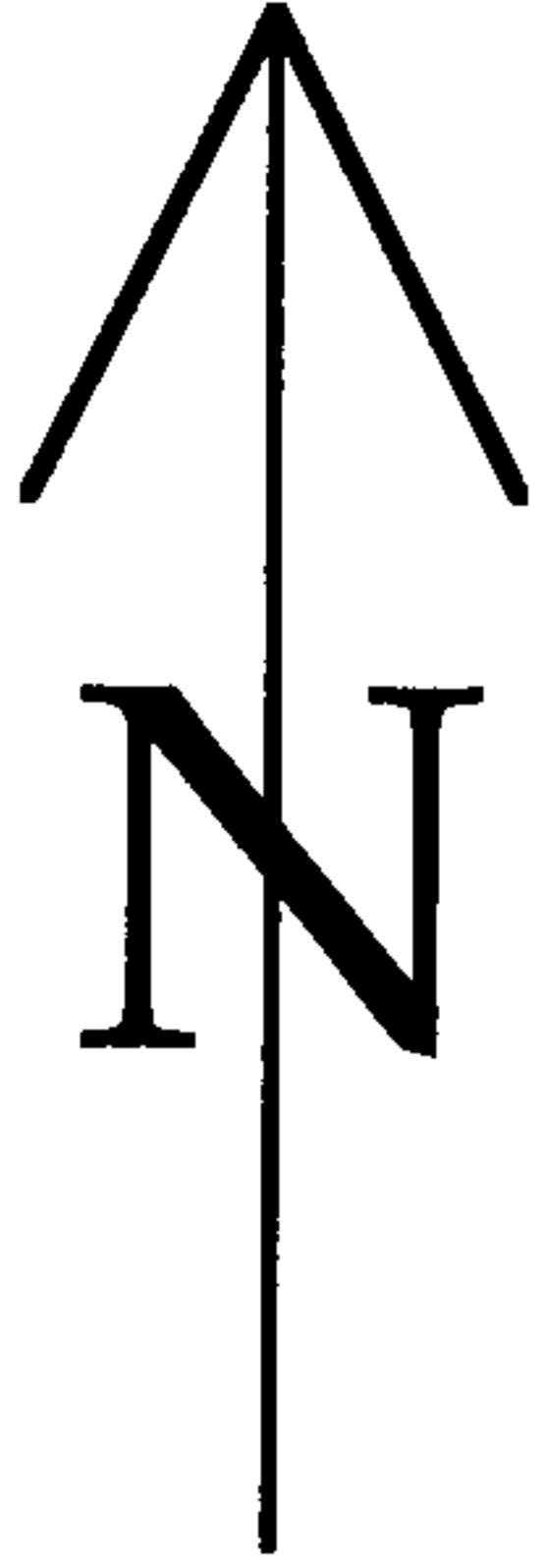
930

M



# LOT 6 VEGETATION HEIGHT EXCEPTION AREAS

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*



SCALE:  
1" = 15'

10' OK

15' OK

10'

DRIVEWAY

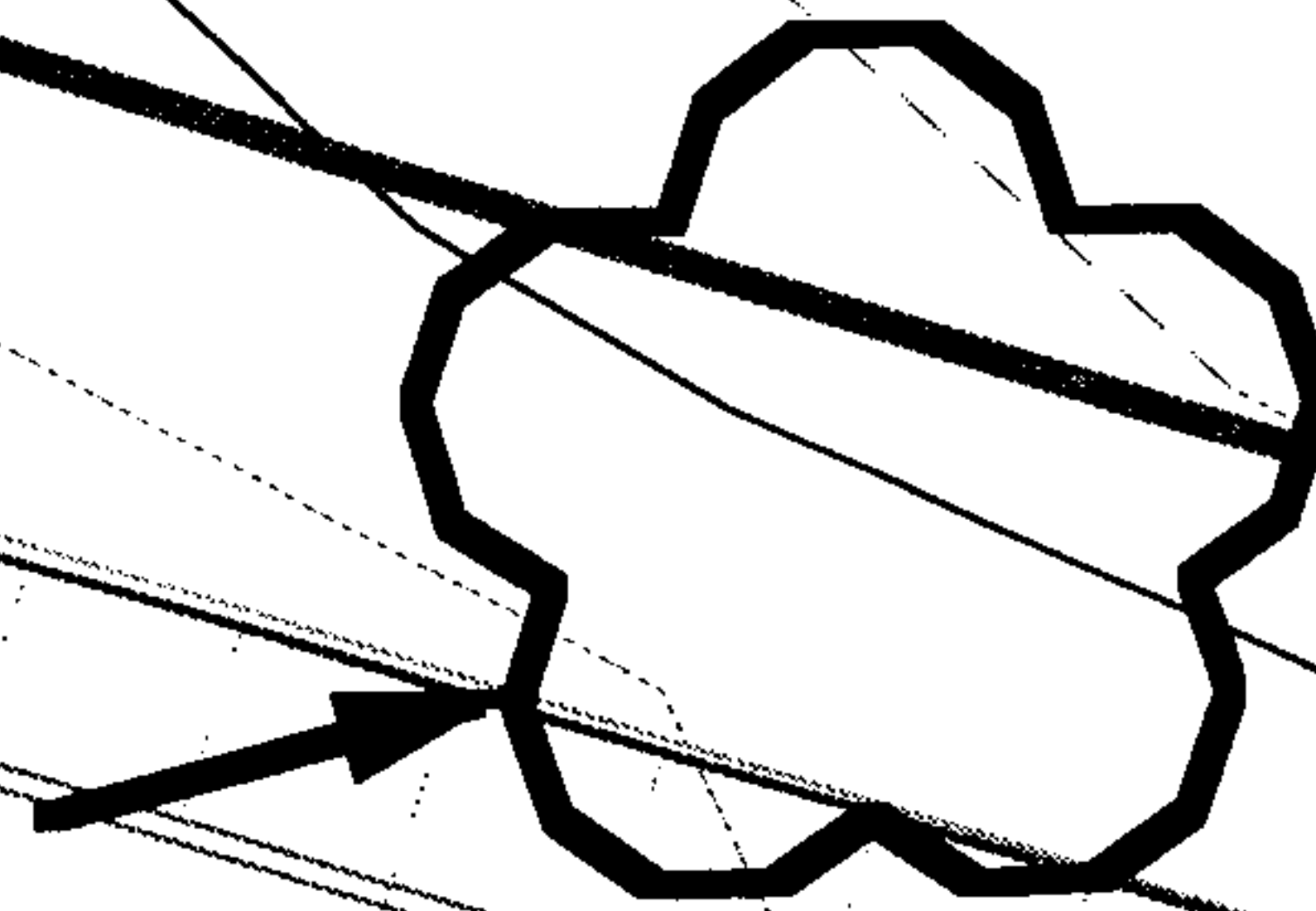
DECK

940

930

TV T L

**EAST FIR**  
**New  
Protected  
Tree**



CON

EAST FIRST STREET

T.V.T. W

15' OK

DRIVEWAY

15' OK

DECK

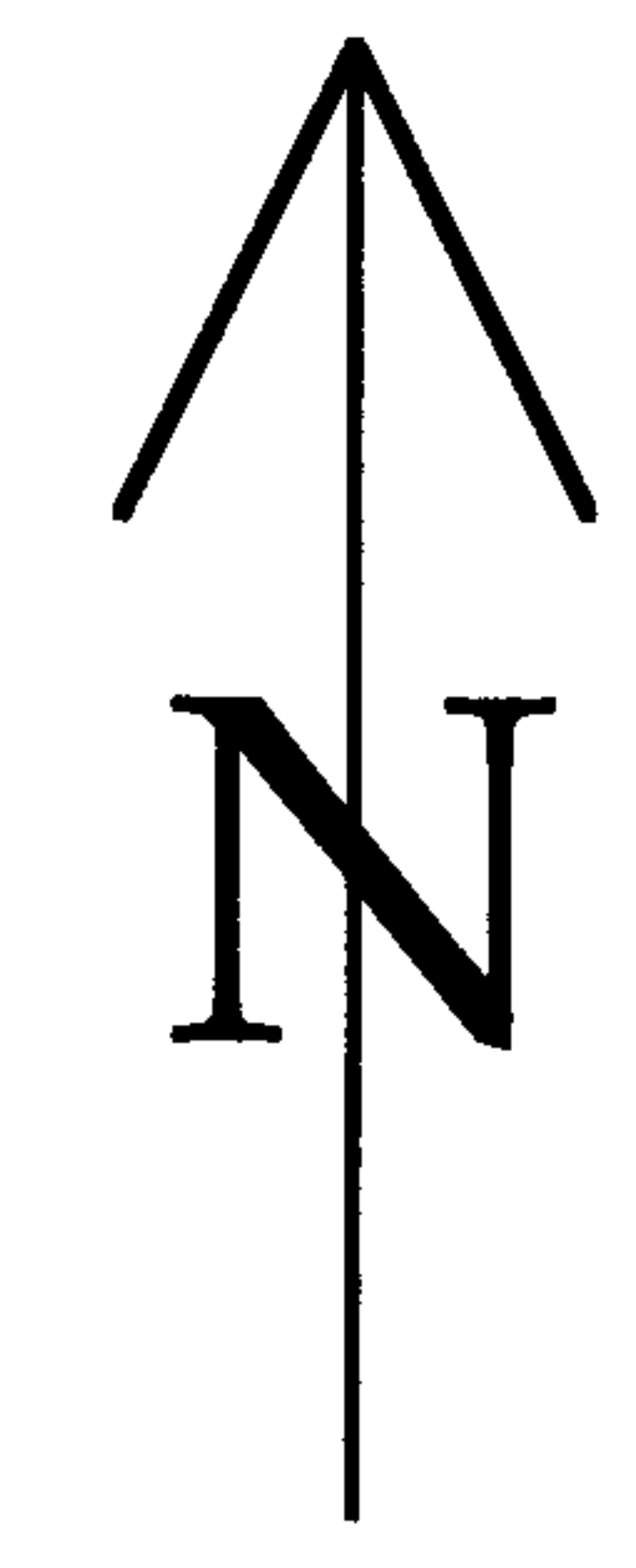
880

870

20' OK

15' OK

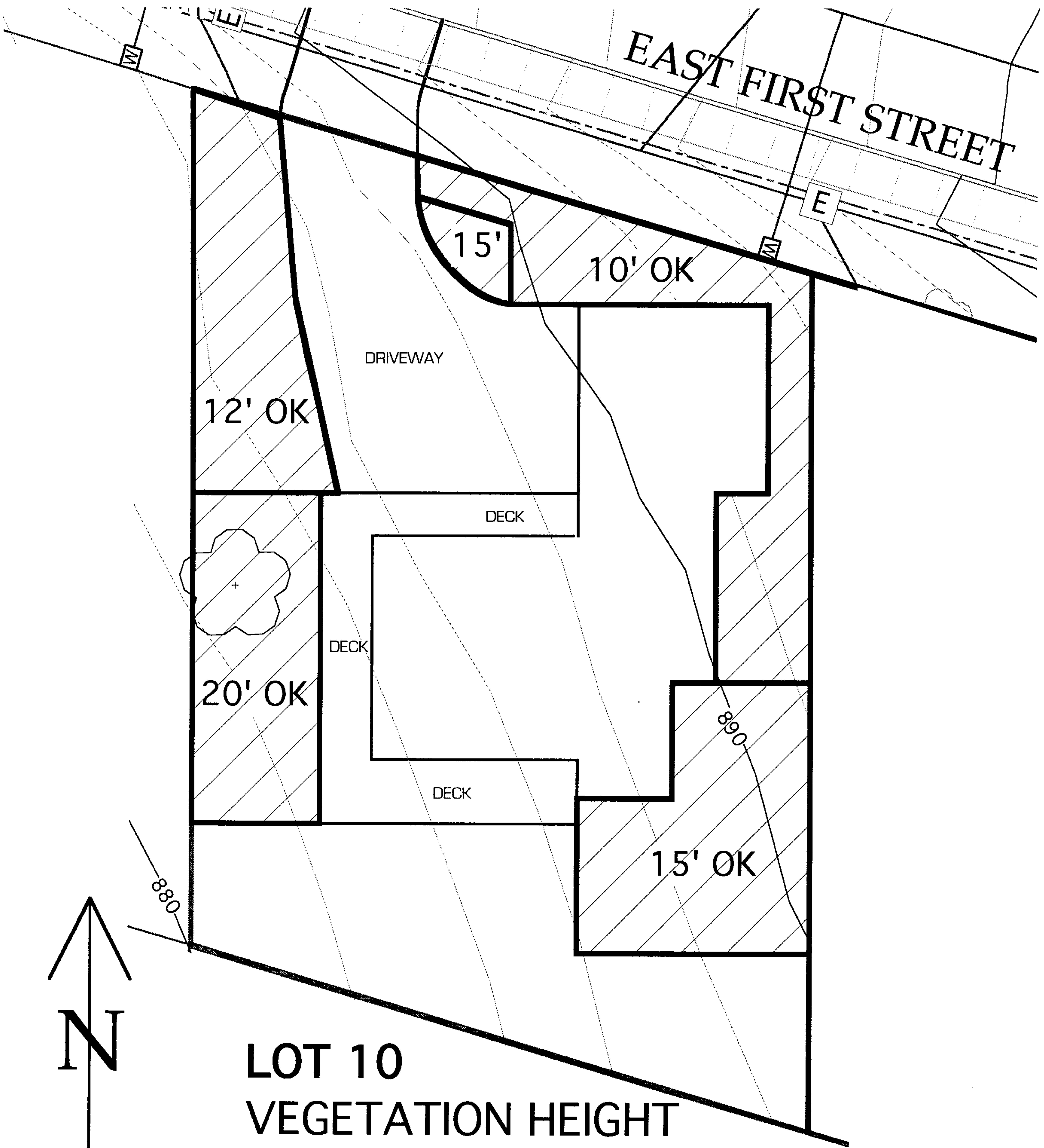
**New Protected Tree**



SCALE:  
1" = 15'

**LOT 9**  
**VEGETATION HEIGHT**  
**EXCEPTION AREAS**

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*



EAST FIRST STREET

15'

10' OK

DRIVEWAY

12' OK

DECK

DECK

20' OK

DECK

890

15' OK

880

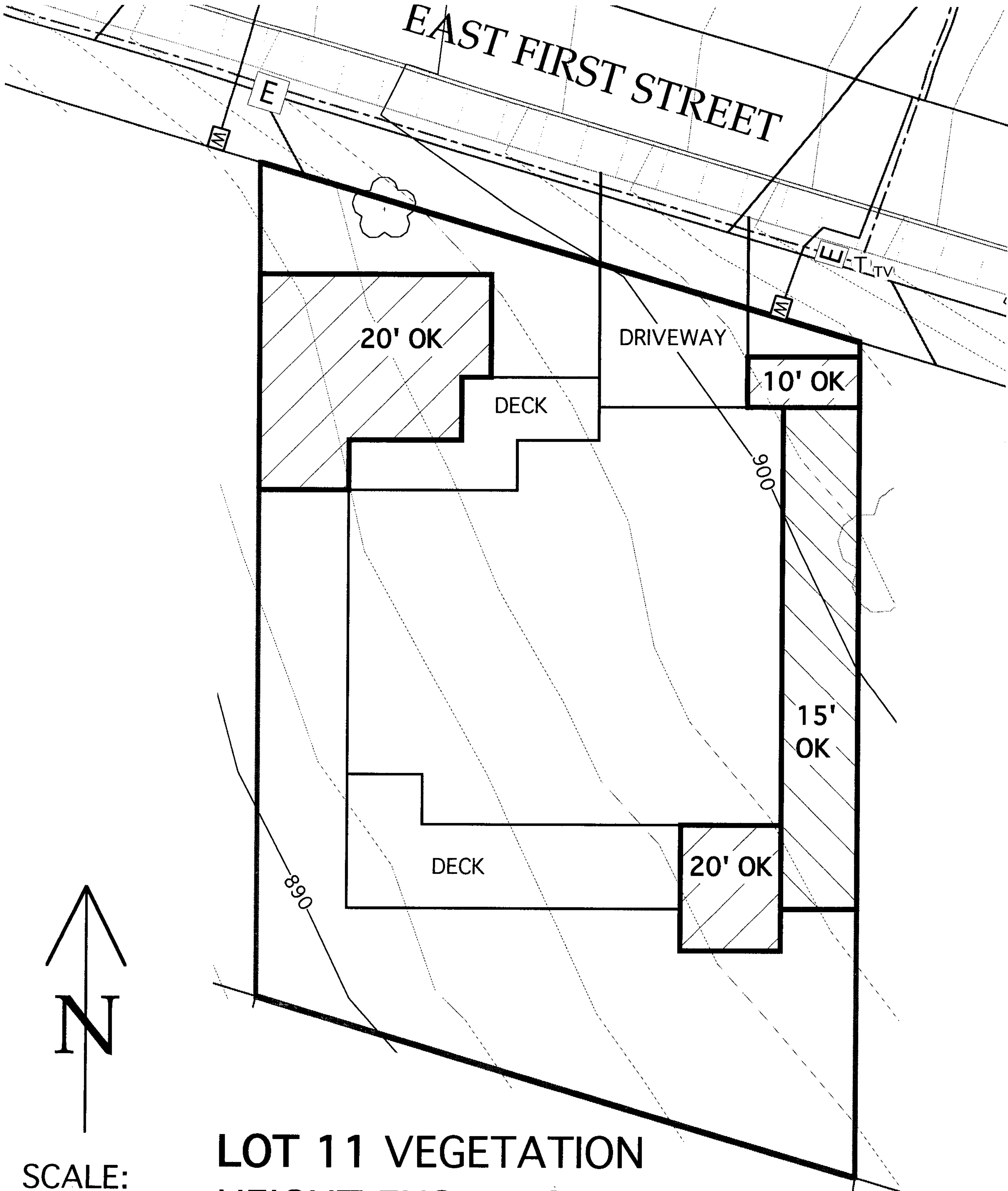


**LOT 10  
VEGETATION HEIGHT  
EXCEPTION AREAS**

SCALE:  
1" = 15'

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*





EAST FIRST STREET

20' OK

DRIVEWAY

10' OK

DECK

15' OK

DECK

20' OK

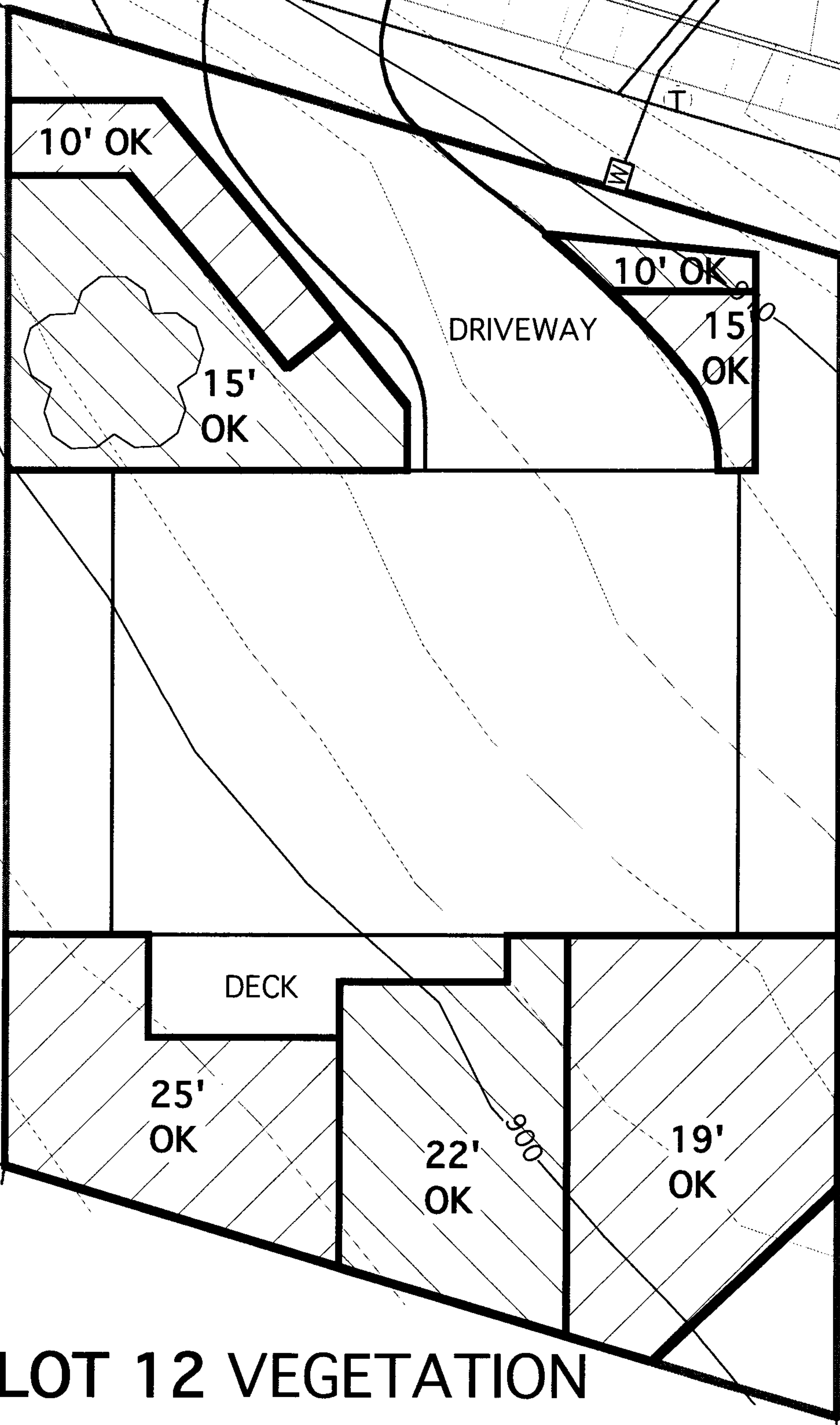
**LOT 11 VEGETATION  
HEIGHT EXCEPTION AREAS**

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*



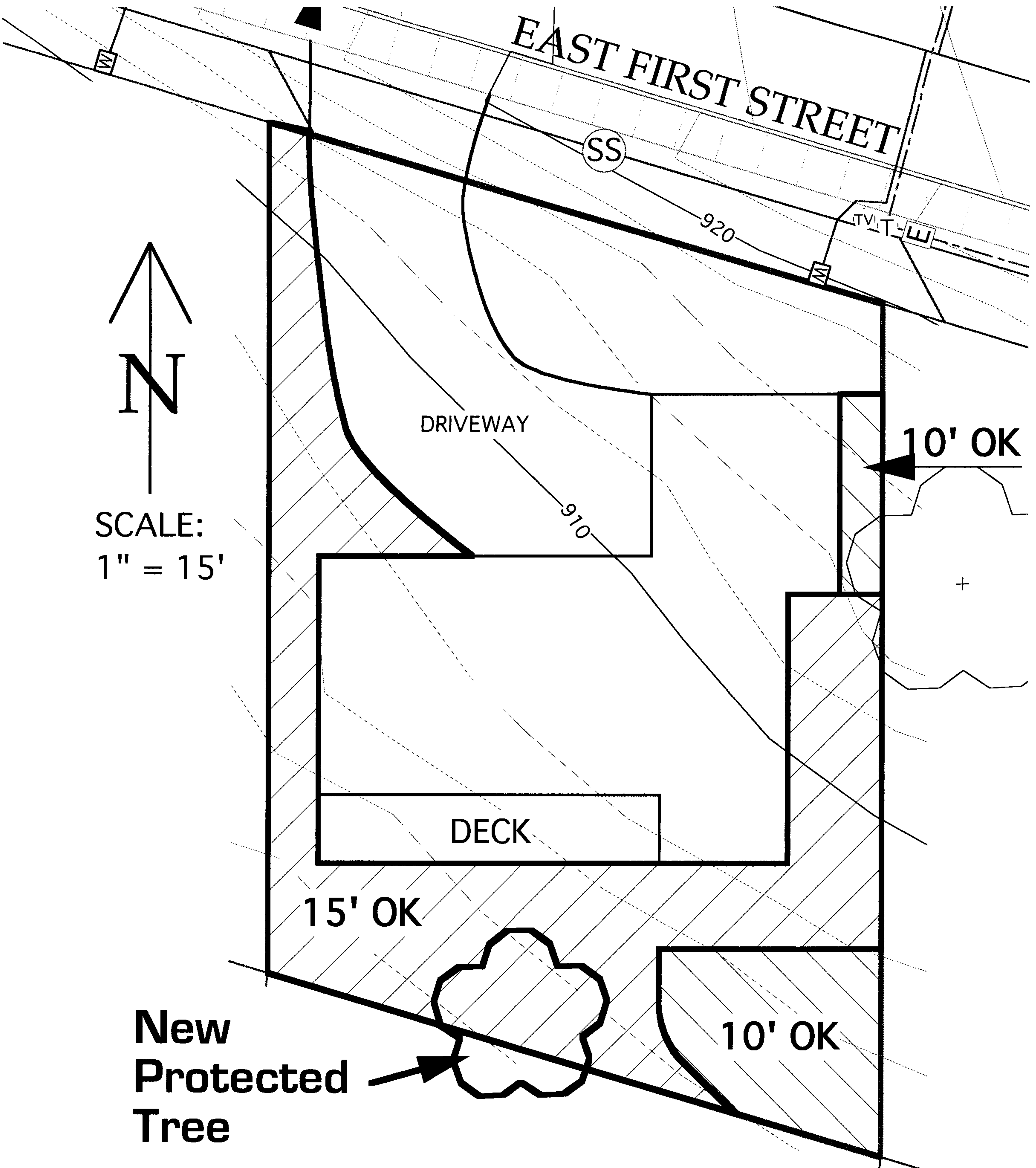
SCALE:  
1" = 15'

EAST FIRST STREET



N  
SCALE:  
1" = 15'

**LOT 12 VEGETATION  
HEIGHT EXCEPTION AREAS**  
*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*



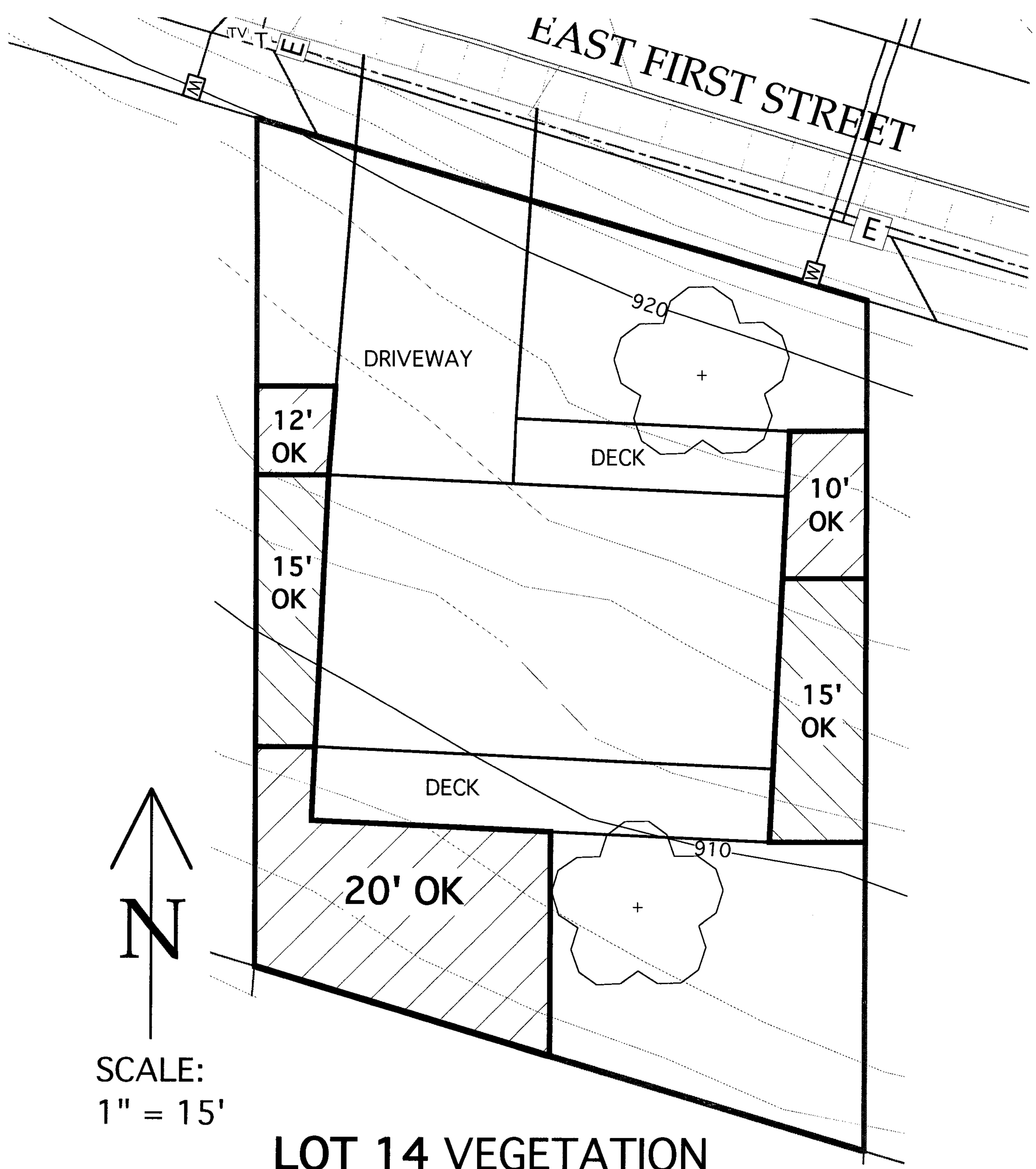
SCALE:  
1" = 15'

**New  
Protected  
Tree**

### LOT 13 VEGETATION HEIGHT EXCEPTION AREAS

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*





**LOT 14 VEGETATION  
HEIGHT EXCEPTION AREAS**

*ALL OTHER AREAS: PLANTS  
MUST BE 6 FEET OR LESS*