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AFTER RECORDING RETURN TO:  
CASCADE TITLE COMPANY  
811 W. CLAMETTE ST., EUGENE, OR 97401

CT0282304  
EUI3-24056L

Lane County Clerk  
Lane County Deeds and Records

2013-042945



\$62.00

08/05/2013 03:38:09 PM

RPR-REST Cnt=1 Stn=40 CASHIER 01  
\$25.00 \$10.00 \$11.00 \$16.00

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

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

Property: **Lot 40 of SUNRIDGE SUBDIVISION**  
Parties: **SHADE TREE, INC.,** an Oregon corporation  
**IRENE SUTTON**  
**JULIE RIGGS-MARINO**

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 2005-007739, and by that document recorded on July 26, 2005, reception number 2005-057010 (hereafter "the CC&Rs"), Declarant SHADE TREE, INC. does hereby grant a Variance to said Declaration as follows:

For Lot 40, the 18-month deadline for obtaining a building permit required by Section 3.1 is waived; provided, however, that after the end of the Development Period defined by the CC&Rs, construction of structures on Lot 40 must conform to building plans approved in writing by the owners of at least six of the following eight lots: 14, 15, 16, 39, 41, 43, 45, and 47. Provided, however, that failure of the owner(s) of a lot to respond within 45 days to a request for approval or disapproval of building plans, if the request is made in accordance with the CC&Rs Section 11.1, shall constitute approval of said plans. Further provided, that this requirement to obtain prior approval of building plans shall remain in force only until construction of a residence on Lot 40 has been completed.

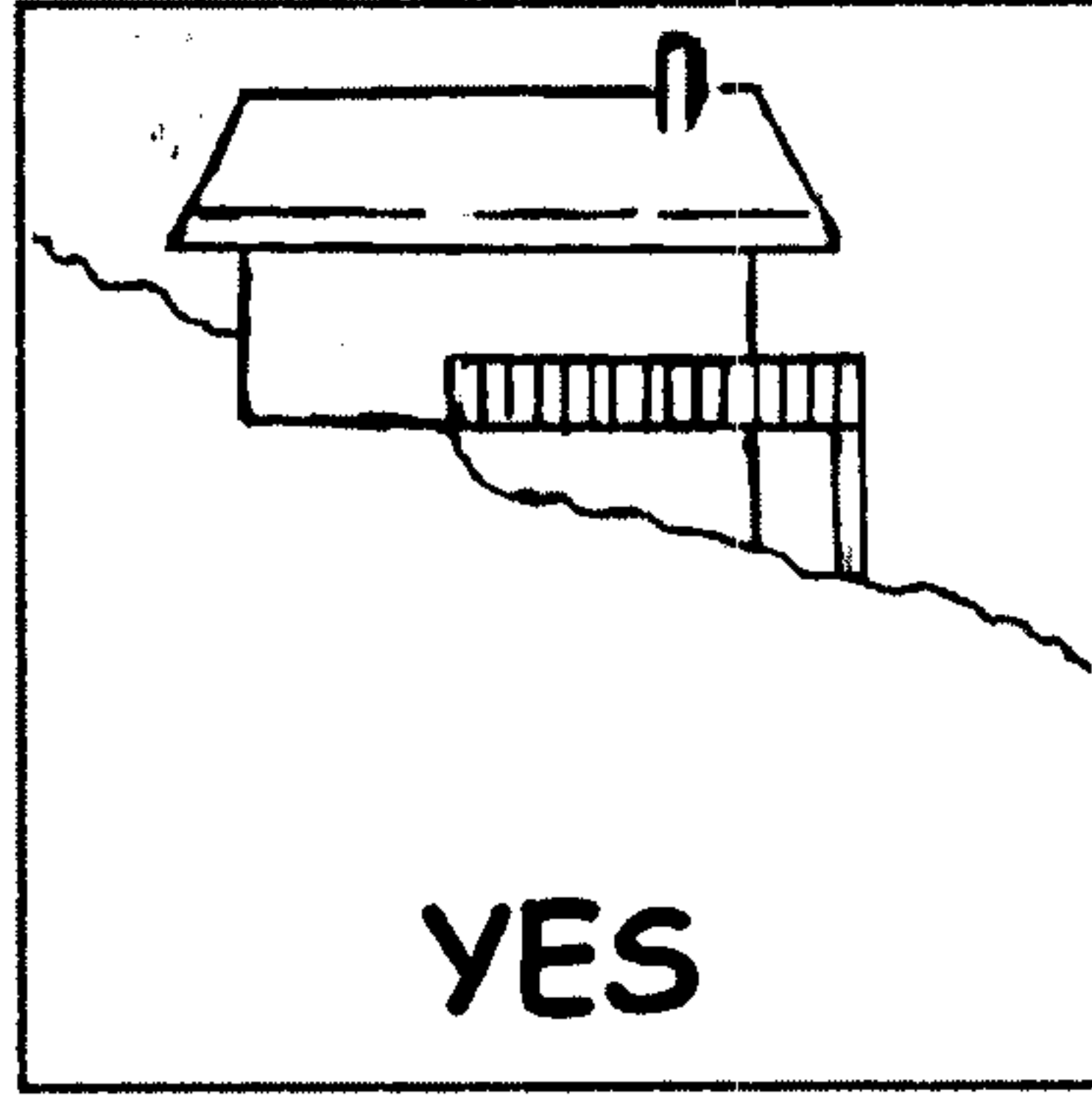
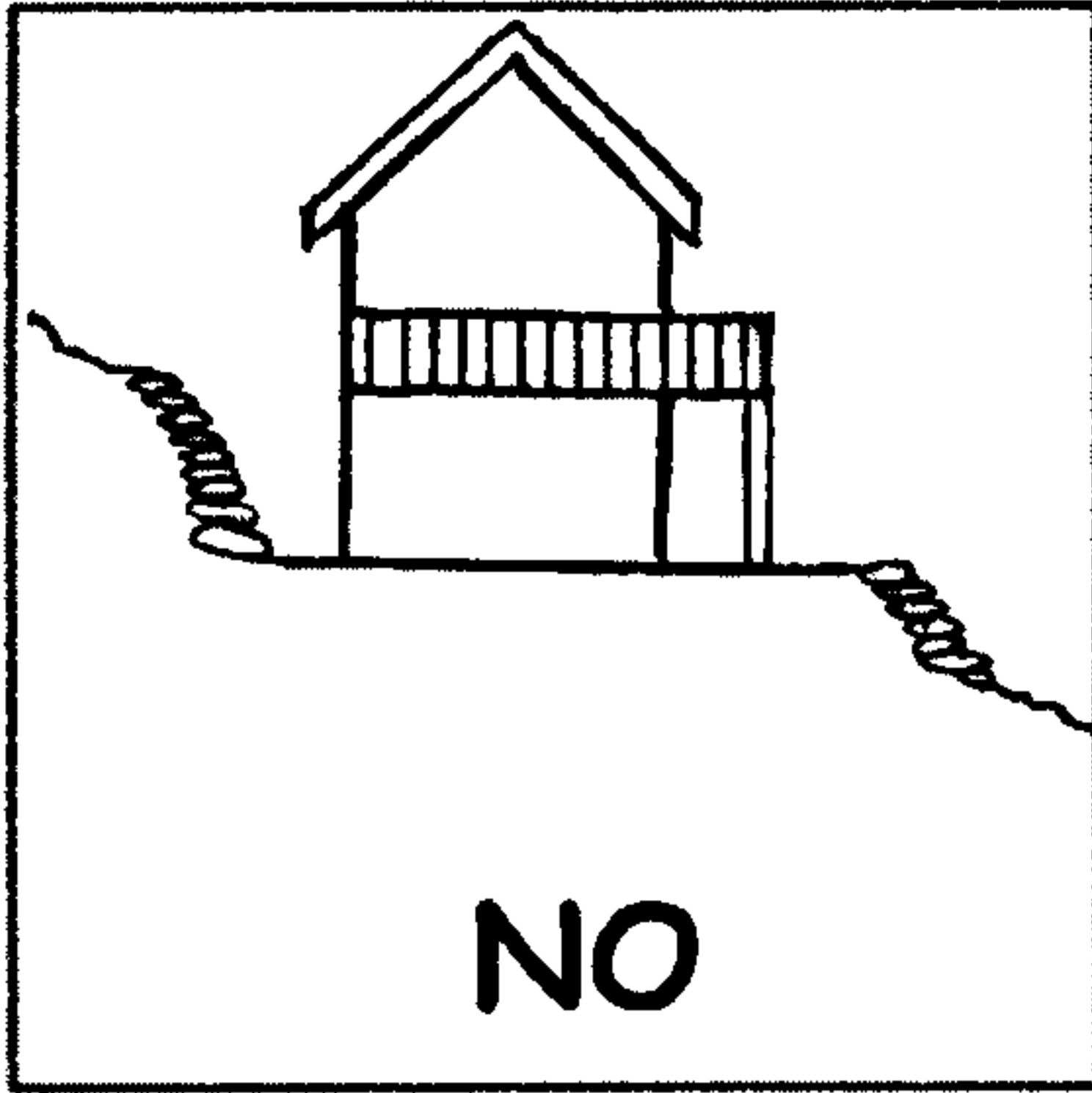
Approval or disapproval of building plans shall be based on compliance with the CC&Rs and on the following design guidelines:

**HEIGHT RESTRICTION:** Lot 40 has elevation limits from 916' to 920' above sea level, as illustrated in the CC&R's Individual Lot Map. Structures cannot not be higher than the elevation limits unless a variance has been granted in accordance with CC&Rs Section 8.2.

**SENSITIVITY TO THE BUILT ENVIRONMENT:** Structures should be sensitive to the impacts they will have on the views from adjacent lots. For example, neighboring houses may need to look across the front of Lot 40 to see the lake, so structures may need to be set back from the street farther than the minimum legally required setback. Or, the roof may need to be hipped to allow a view across the top of the roof. Windows should avoid looking directly into neighboring homes' windows, where feasible. Owners of neighboring lots may reject a design if the structure is not a good "fit" with the surrounding homes.

**ROOFS:** Hip roofs are preferred, as they impede views least of any roof style. Fake Mansard roofs, "A" frame buildings and dome structures are not allowed. Roof colors must be black, dark grey, or weathered wood tones; tan or light grey colors are not allowed. Roof penetrations (vents, fan housings etc.) must be on the back roof and not visible from the street. Solar panels, if installed, must be on the roof.

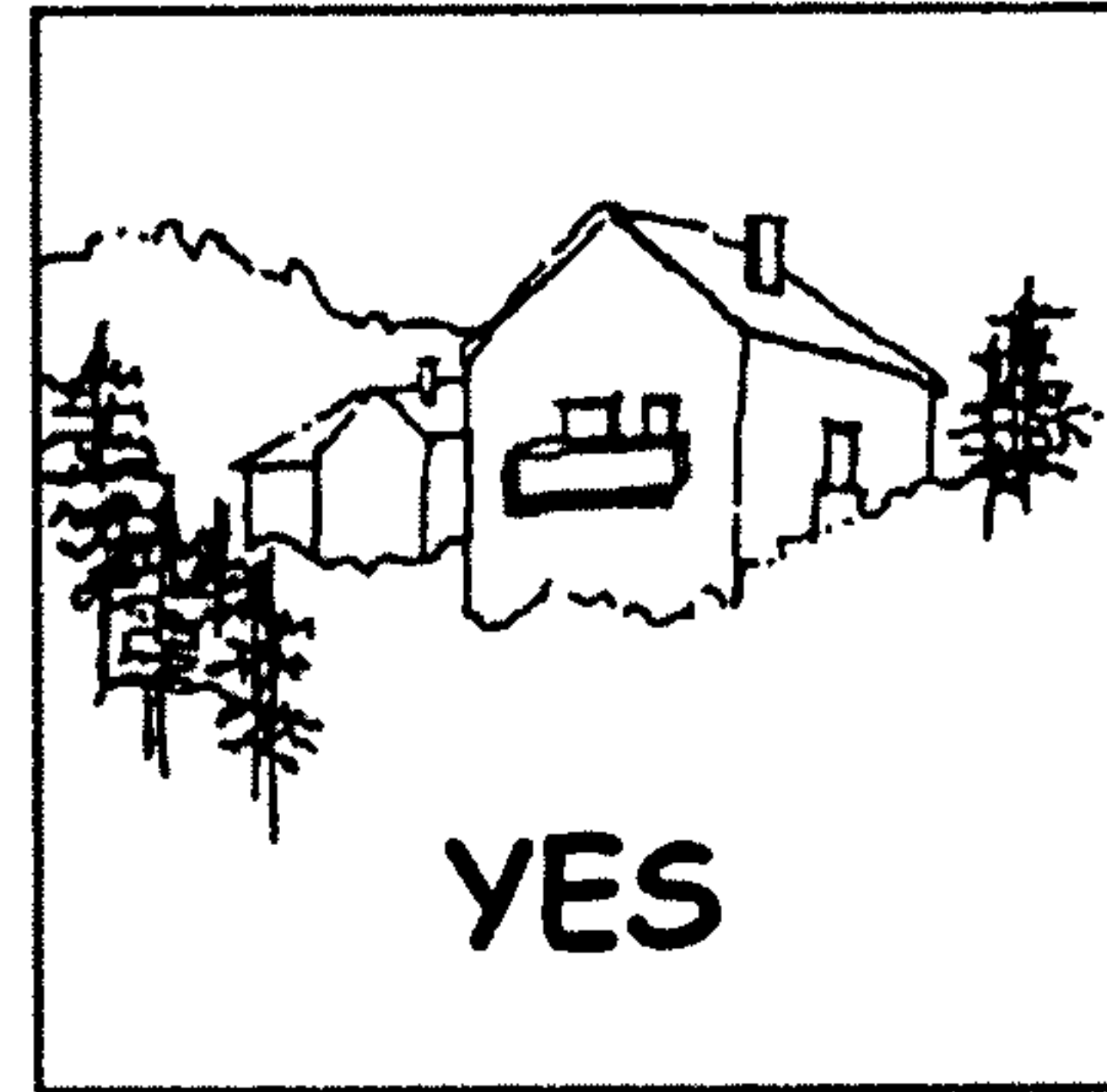
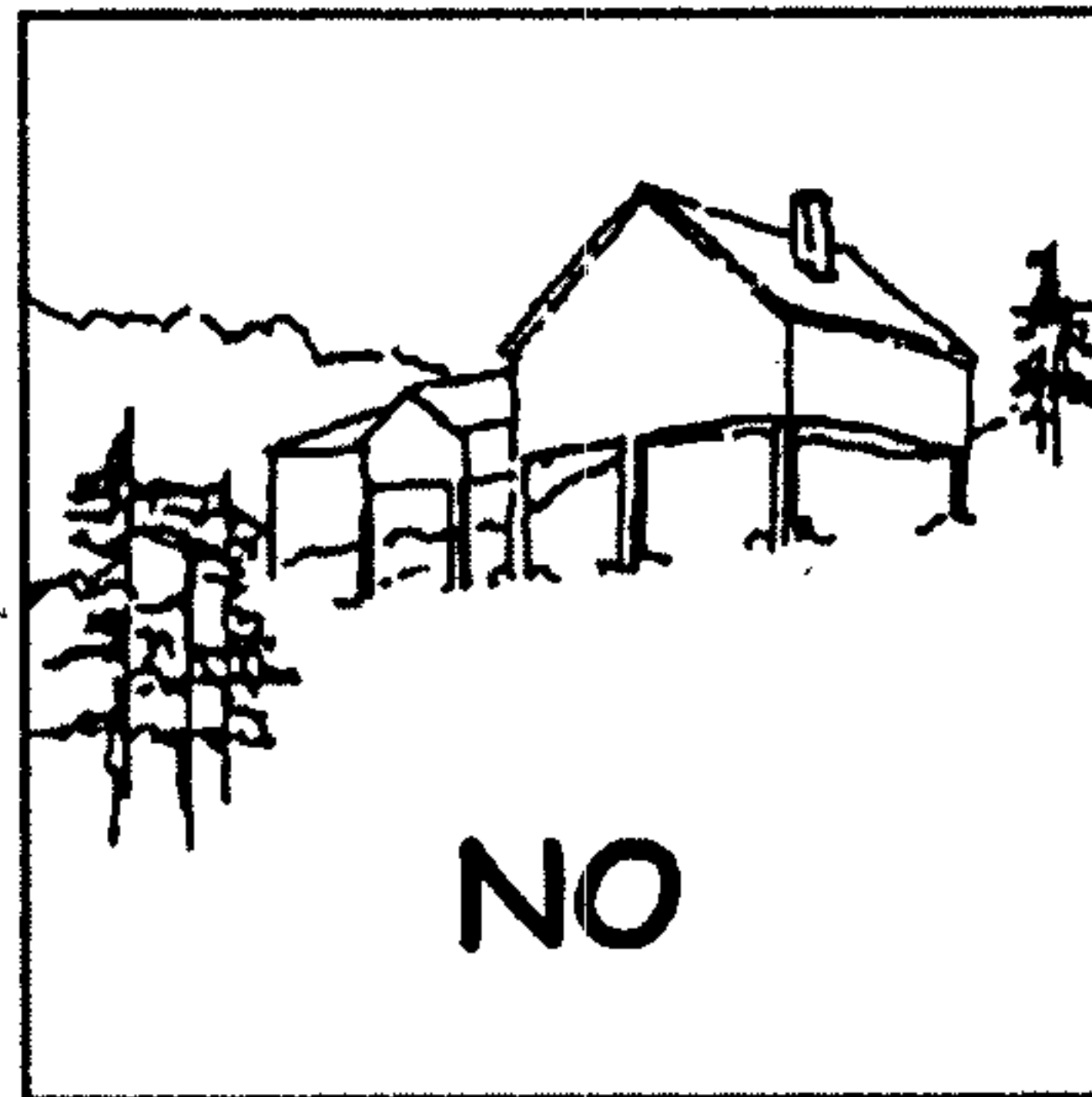
**CHIMNEYS:** Chimneys must have a minimum chase of 24" X 24" with the sides covered with the same siding used on the main body of the house.



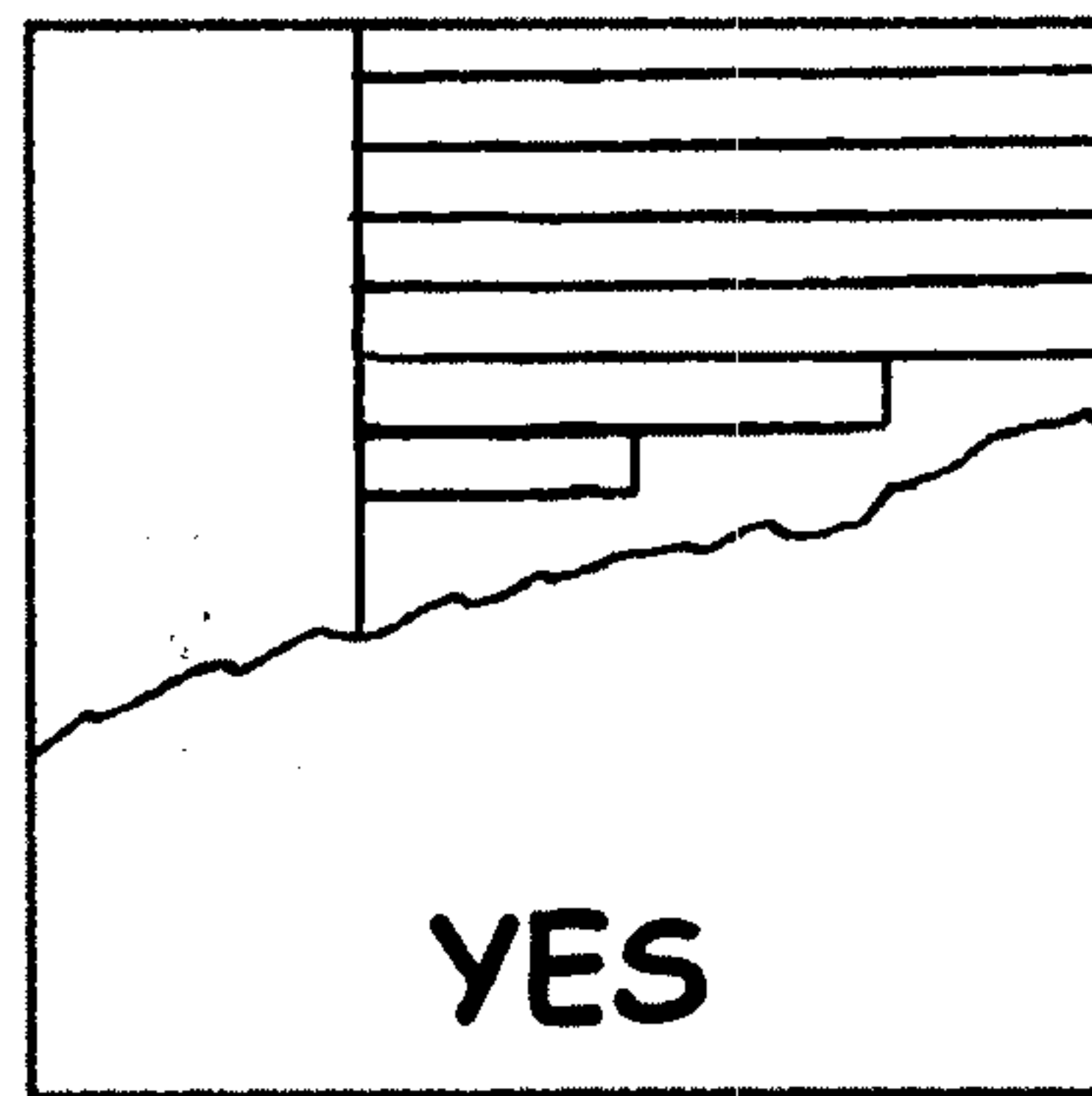
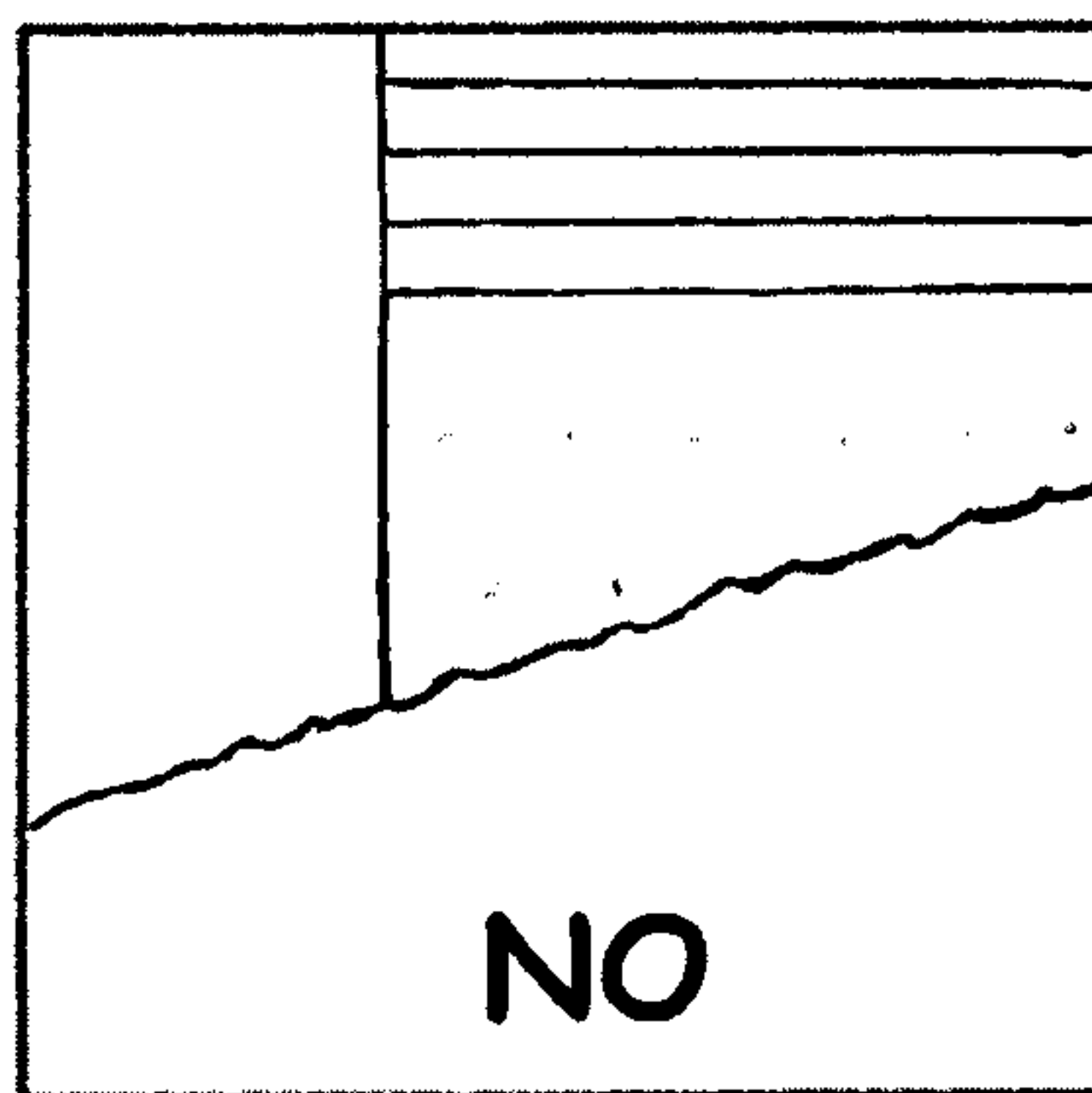
**SENSITIVITY TO THE LAND:** Structures should have a high degree of sensitivity to the topography of the lot and the adjacent street. Owners of neighboring lots may reject a design if the house is not a good "fit" with the lot. Structures should be designed to conform to the site, instead of changing the site to fit the structure.

**SUPPORT STRUCTURES:**

Support structures under a building should not be visible from outside the site, except when designed to be aesthetically integrated with the rest of the building design. Otherwise, exterior wall materials must be continued down to less than 18" vertically from the finish grade.



**DRIVEWAYS:** Driveway grades should be minimized. Designs that do not provide a reasonably level area just outside the garage may be rejected unless no feasible alternative exists. Driveways should be constructed so that all run-off water flows back to the street, or is collected with an area drain and piped to the street or directly to the storm system.

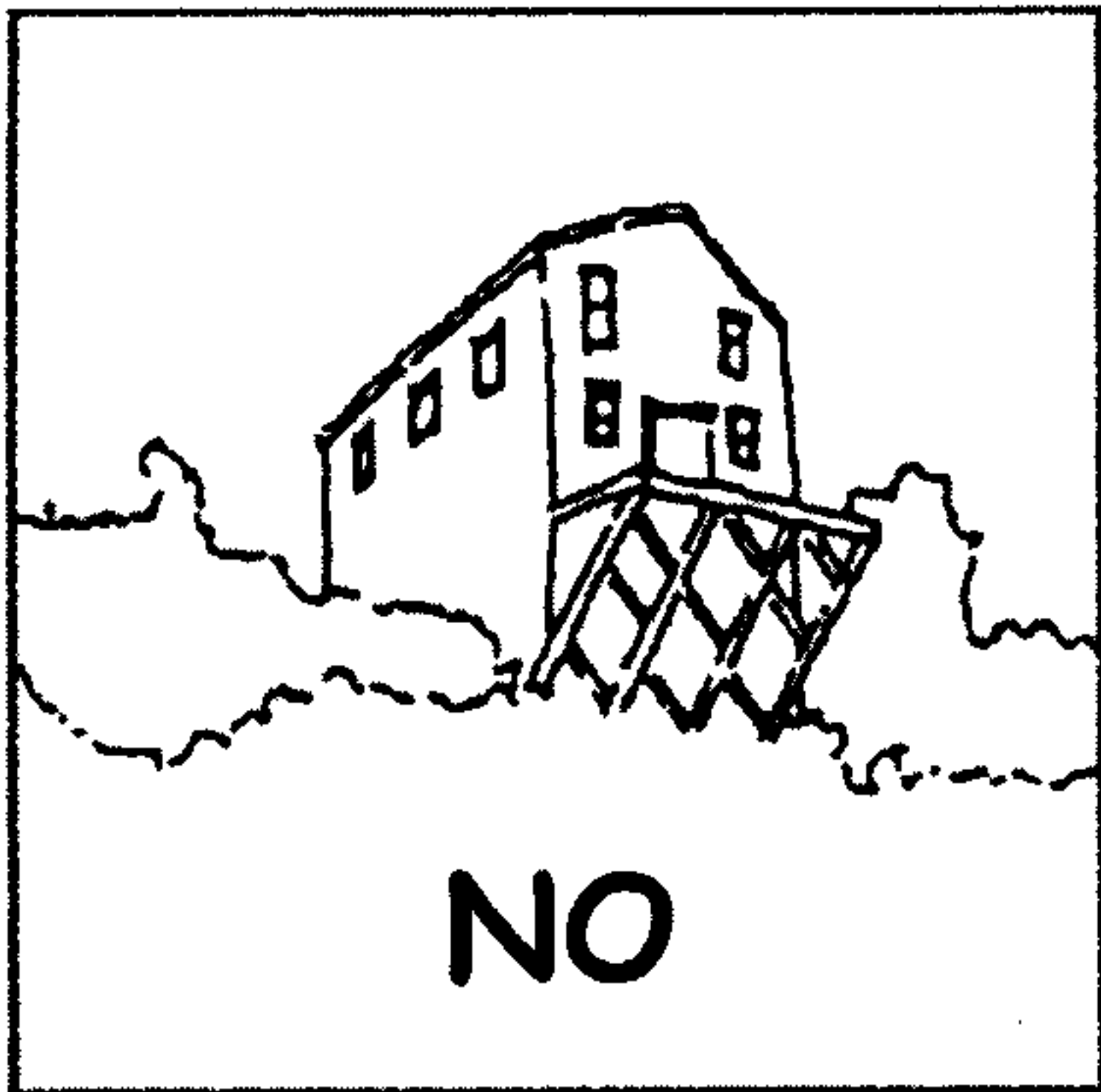


**FOUNDATIONS:** Visible foundation walls are limited to less than 18" vertically.

**FILL DIRT DISPOSAL:** To protect natural drainage patterns, to reduce erosion and to preserve topsoil and existing vegetation, disposal of excavated soils is not allowed on the lot.

**WINDOWS:** Where feasible, windows should be placed so they will not look directly into neighboring homes' windows. If Lot 39 or Lot 41 are still vacant, consider how those lots might be developed. Fake divided-lite window grilles are not allowed.

**RETAINING WALLS:** Cuts and fills need to be covered with dry set basalt stone (native from site or quarry, no mixing).

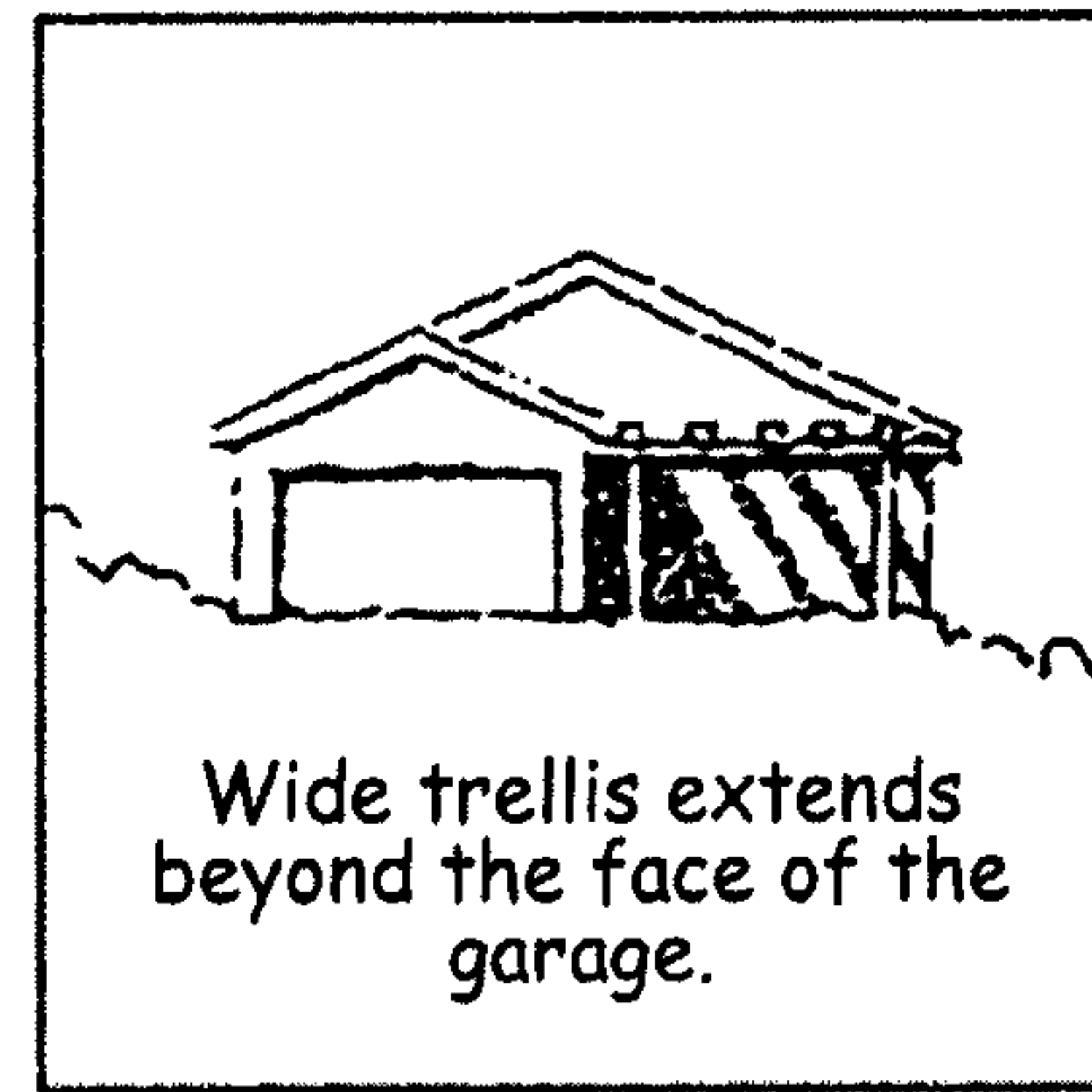
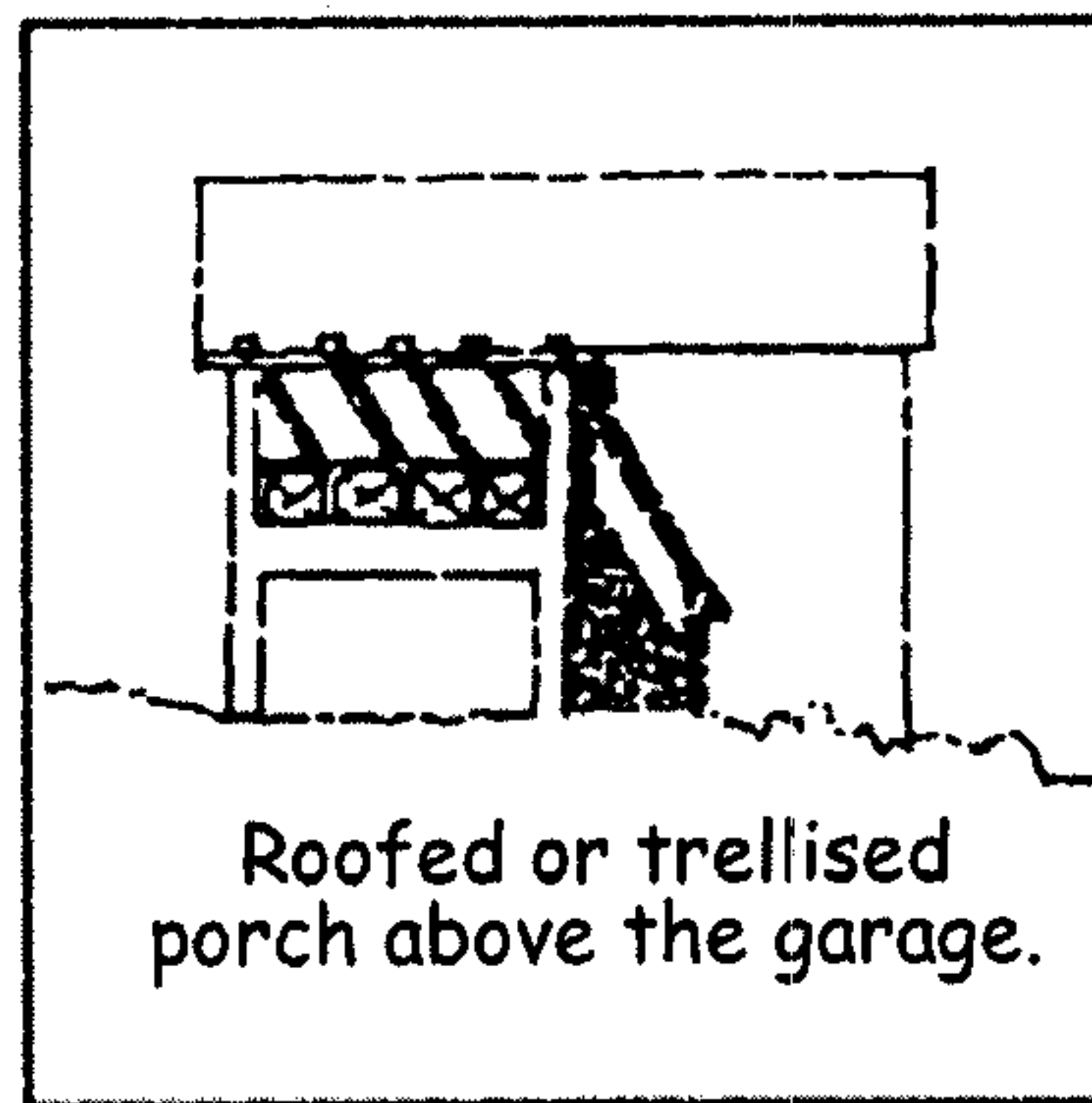
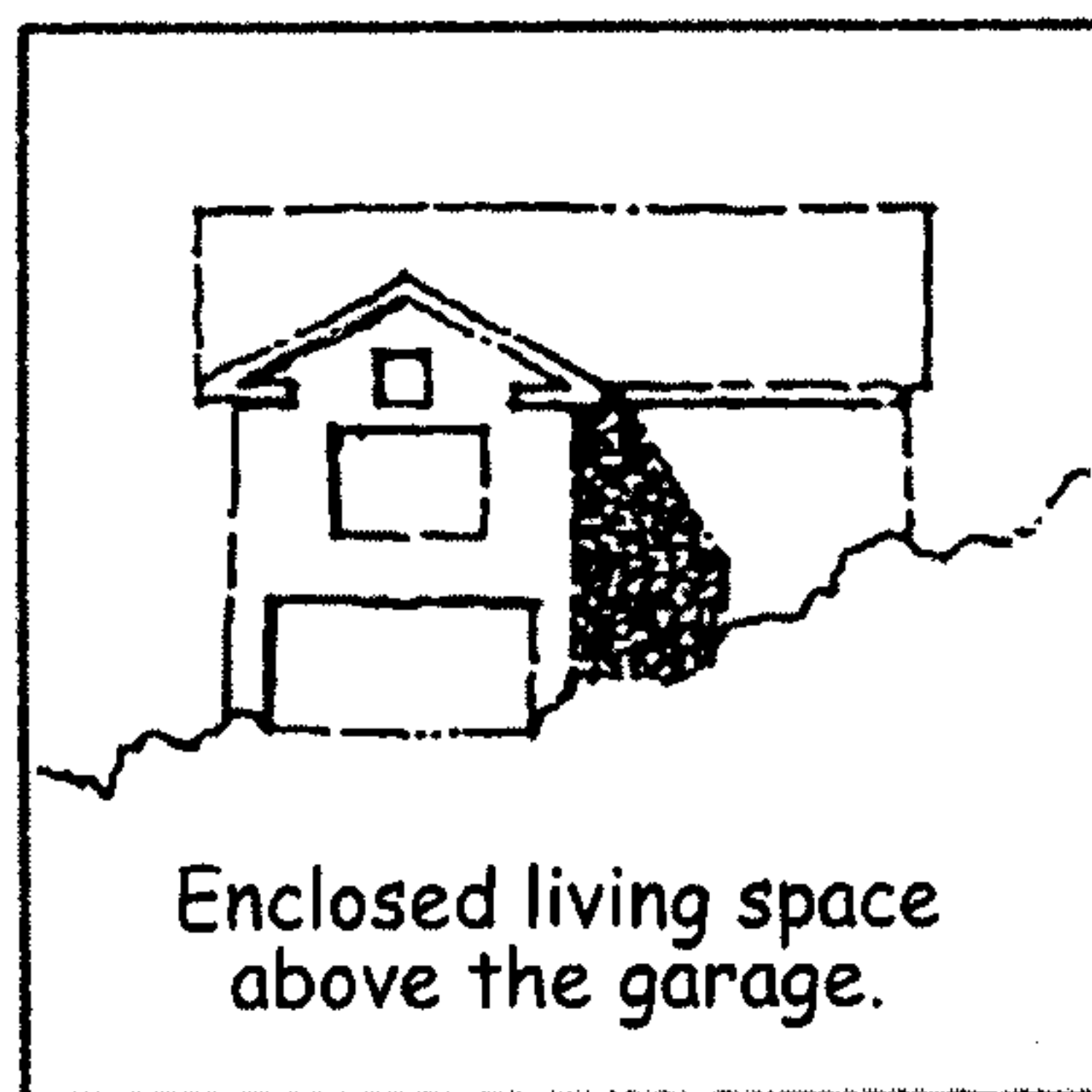
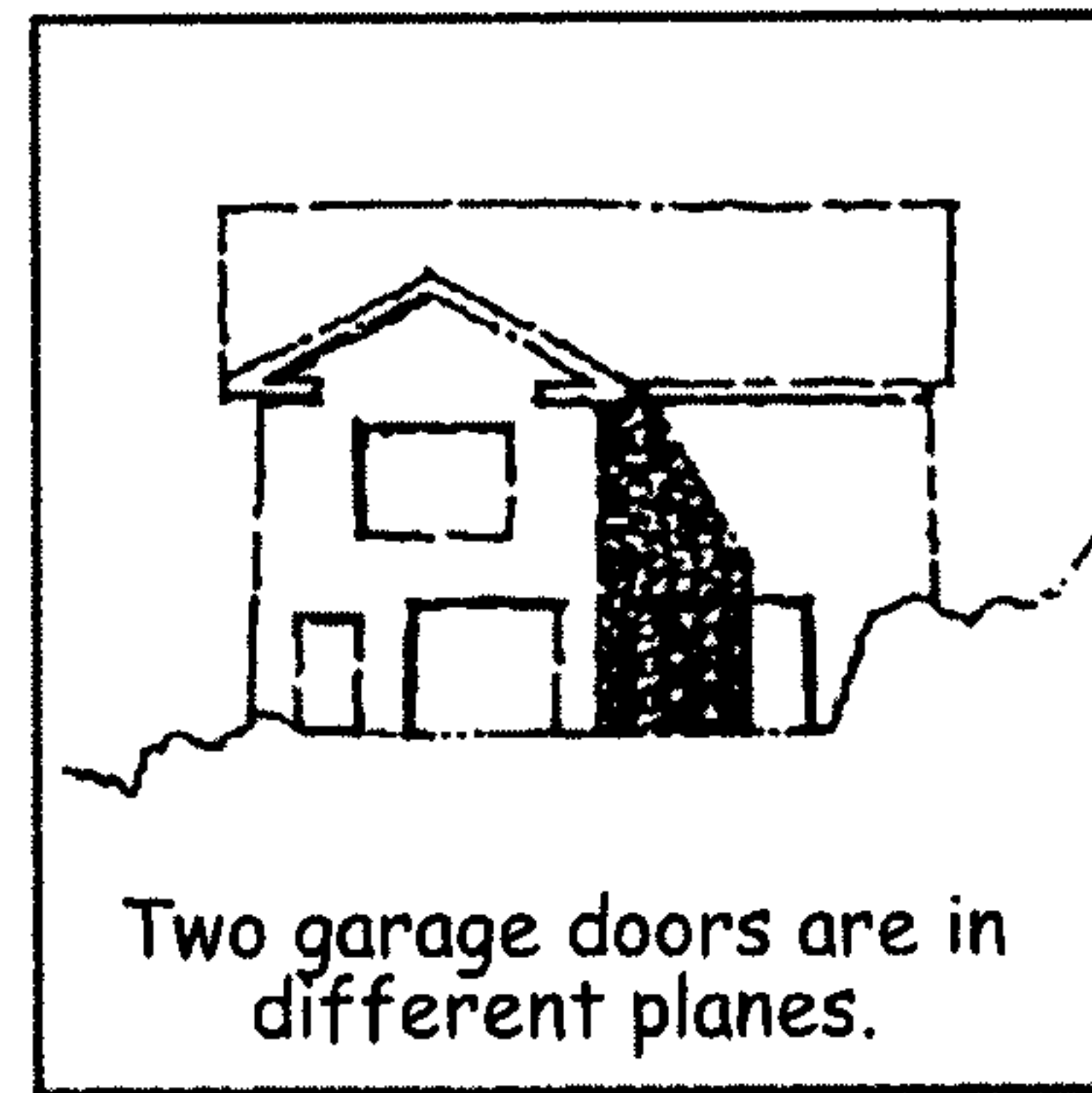
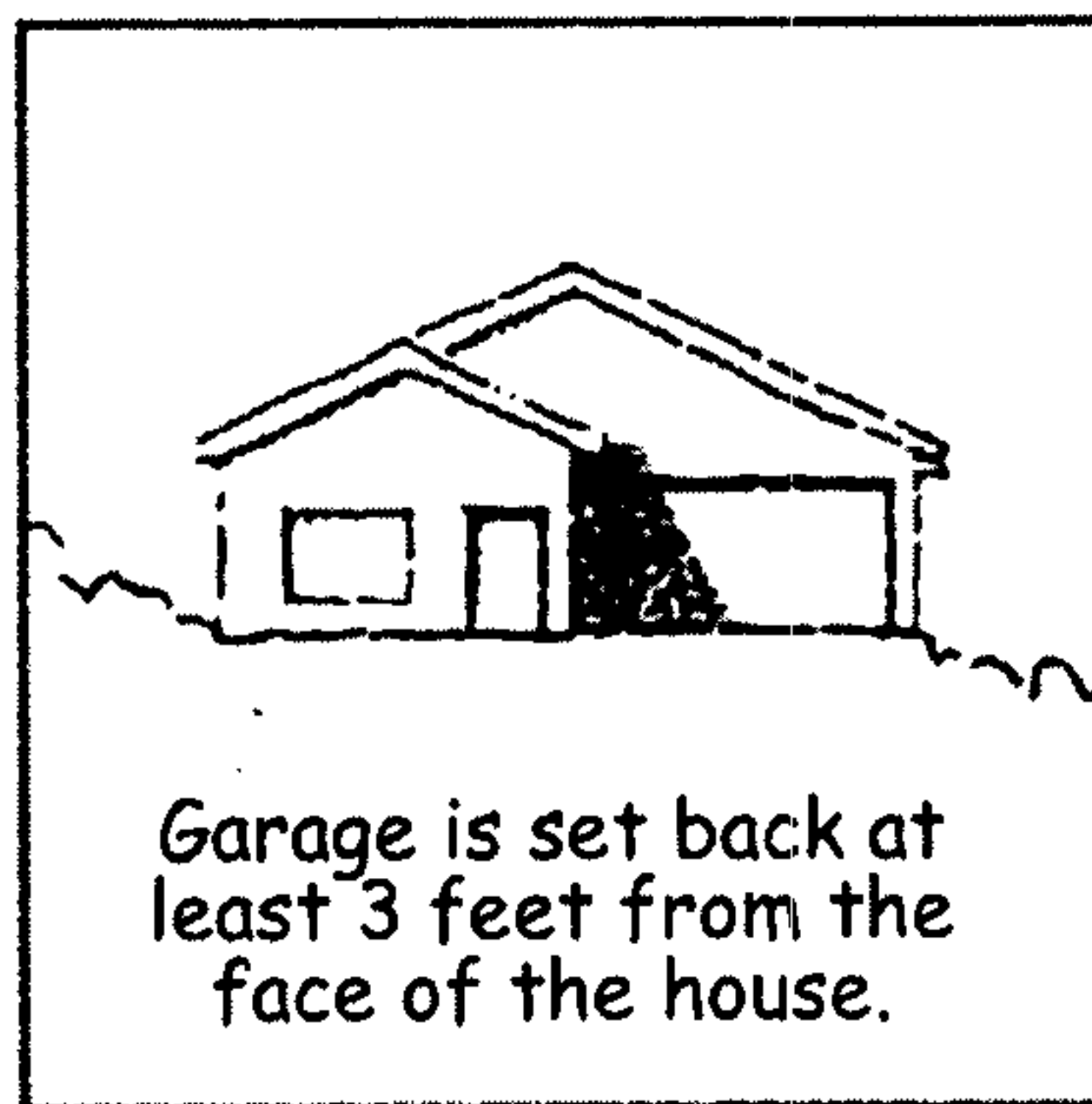
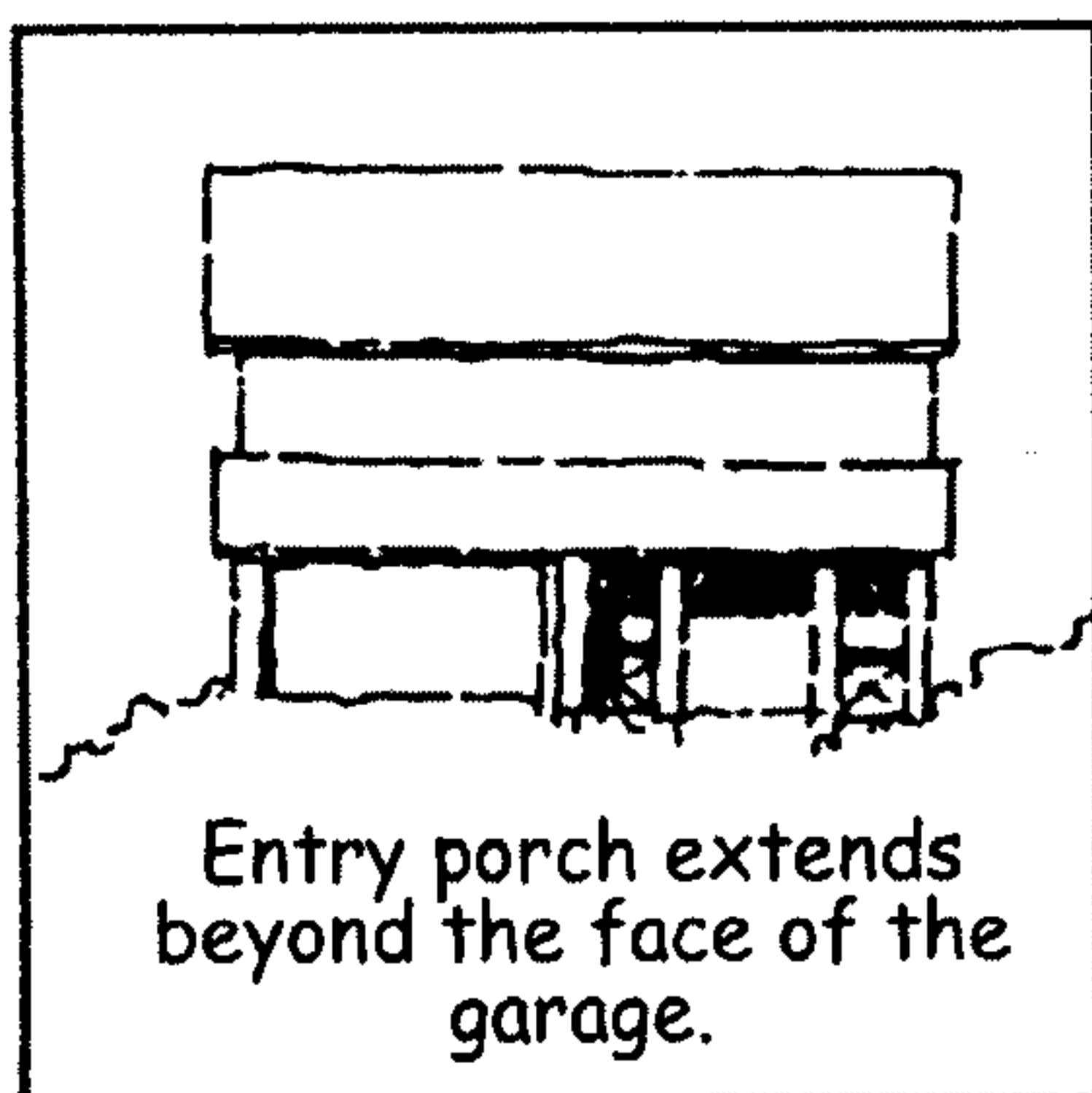


**DECKS:** Decks and their support structures must be carefully designed and detailed and be considered an integral part of the elevations. No X or knee bracing is allowed. Decks raised from 6-10 feet above the ground must be supported on columns at least 7" x 7". Columns supporting decks over 10 feet above the ground must be least 10" x 10". Columns may be boxed out to reach these required dimensions.

**ELECTRIC METER BOXES:** The electric meter box must be recessed or flush with the siding, <1 inch protruding from siding and not exceeding 15 inches wide and 34 inches high. Meter boxes must be installed so that they are not visible from the street, and also comply with Lane Electric guidelines. No exterior disconnect switches are allowed.


**RECESSED LIGHTING:** All recessed lighting on sloped ceilings must use fixtures that are designed for sloped ceilings (Halo H471CAT or equivalent).

**GARAGES:** Two 9-foot wide garage doors should be used, rather than one large door. The garage floor should be at the same level as the living area. If the garage faces the street, one or more of the below-illustrated mitigations may be required to improve aesthetics:



**COLORS:** Exterior colors must be approved in advance. The overall effect of selected colors should complement and blend with the natural rocks and vegetation of the hillside and with surrounding houses. White, yellows, blues, and bright colors are not be allowed except as accents. Exterior window and door parts may not be white, unless used with white trim. Propane tanks, electrical boxes, vents etc. must be painted to match the body color of the house.

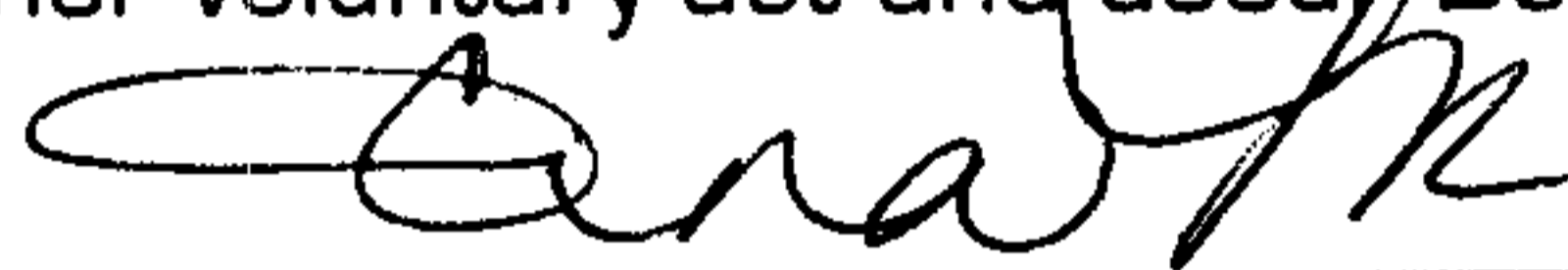
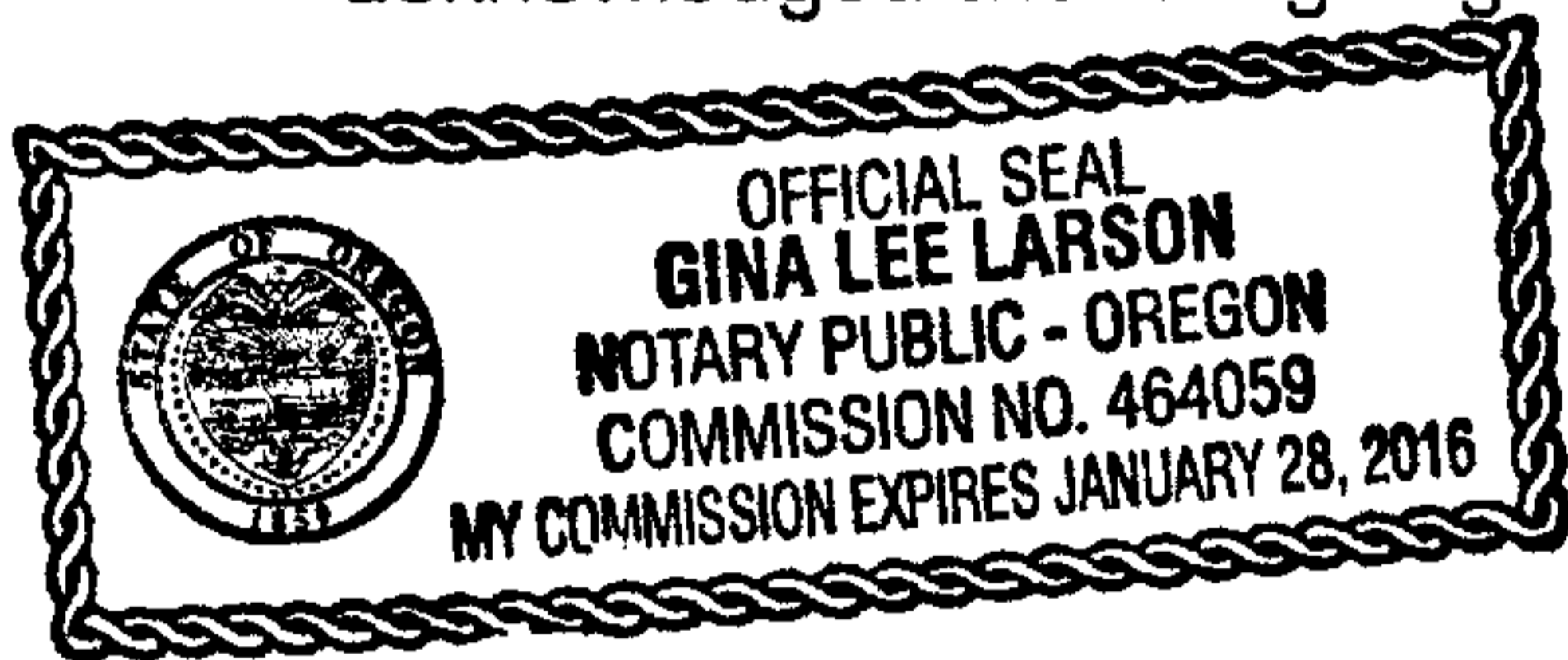
Dated this 31<sup>st</sup> day of JULY, 2013 by the DECLARANT:



SHADE TREE, INC., by MIA NELSON, President

STATE OF OREGON, County of Lane, ss.

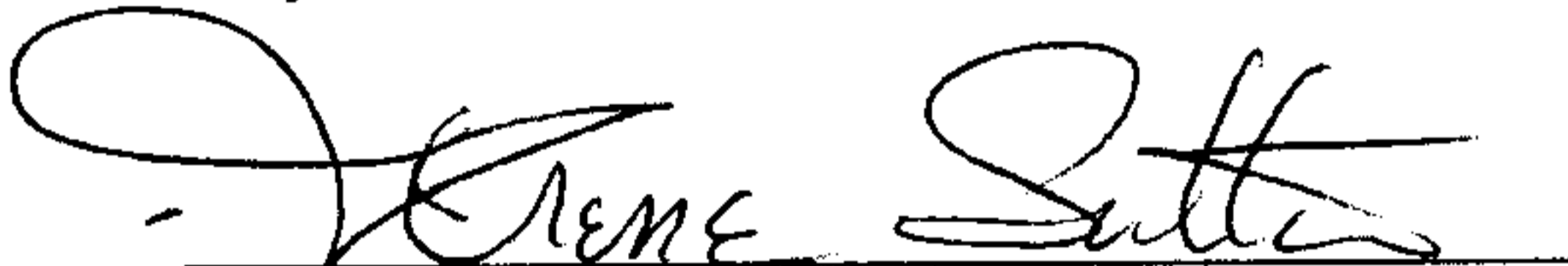
On this 31<sup>st</sup> day of July, 2013, personally appeared the above named Mia Nelson, and did say that she is the President of Shade Tree, Inc. and that this instrument was signed on behalf of the corporation and by the authority of its board of directors, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:



Notary Public for Oregon  
My Commission Expires: 1/28/16

**CONCURRENCE FOR LOT 40:**

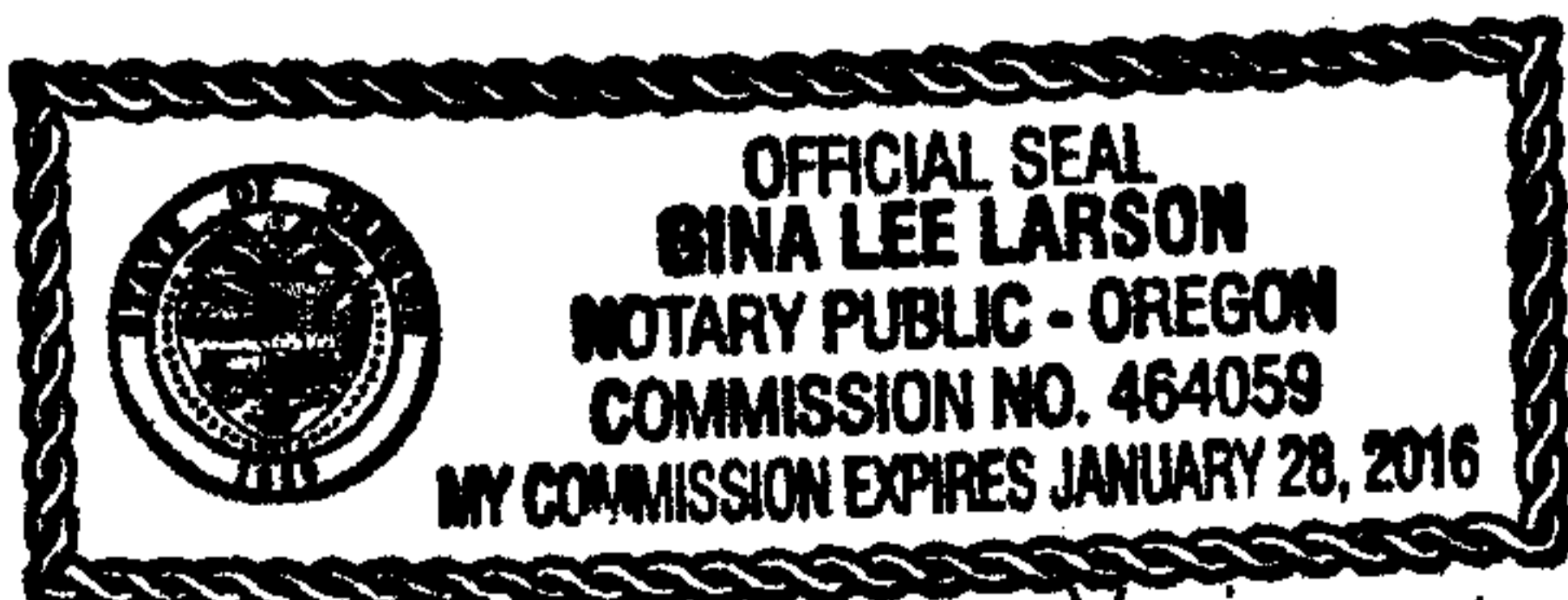
I, Irene Sutton, accept the foregoing restrictions in exchange for the Declarant's waiver of the 18-month building permit deadline in the CC&Rs Section 3.1. I acknowledge that these restrictions run with the land, and hereby bind myself, my heirs, successors and assigns, and any other future parties having any right, title or interest in Lot 40.



Irene Sutton

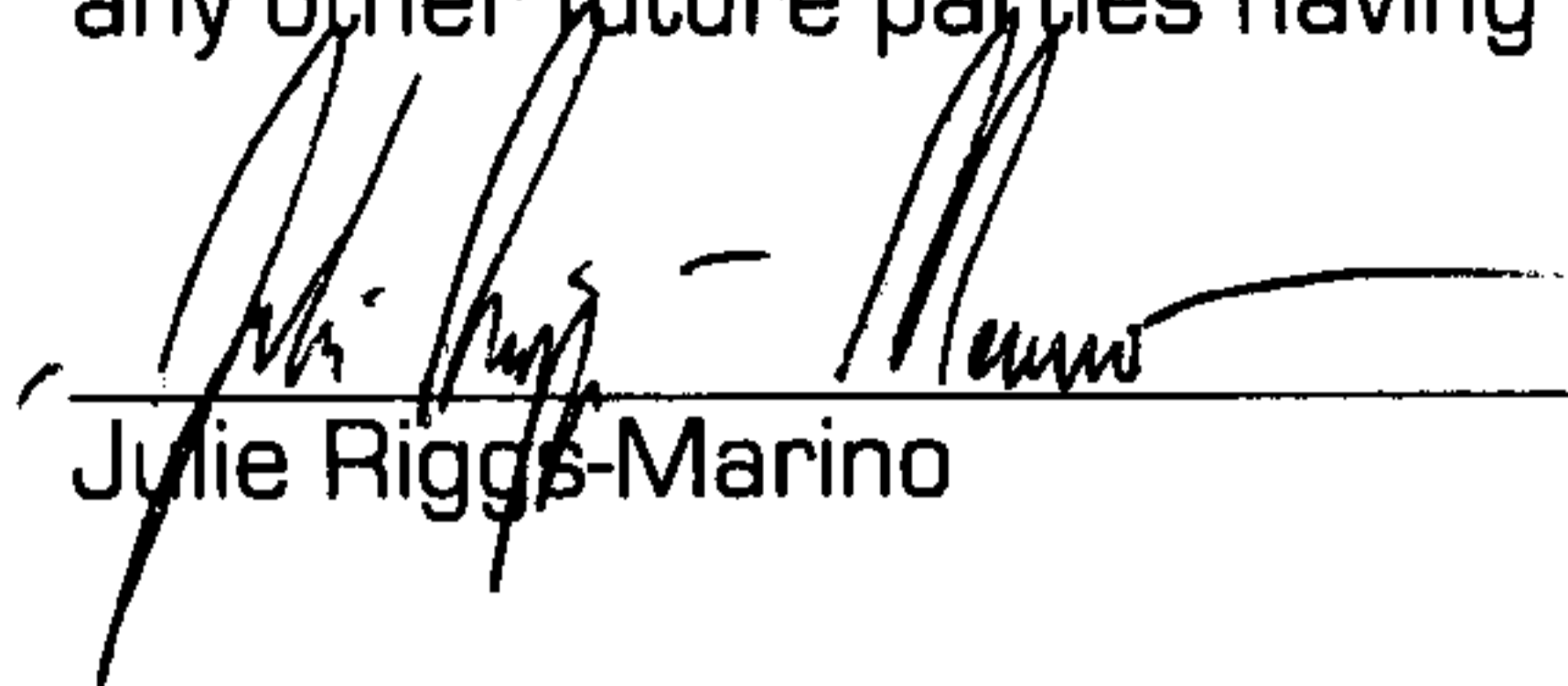
STATE OF OREGON    )  
                                  ) ss.  
County of Lane     )

On this 5 day of August, 2013, personally appeared the above named Irene Sutton, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:



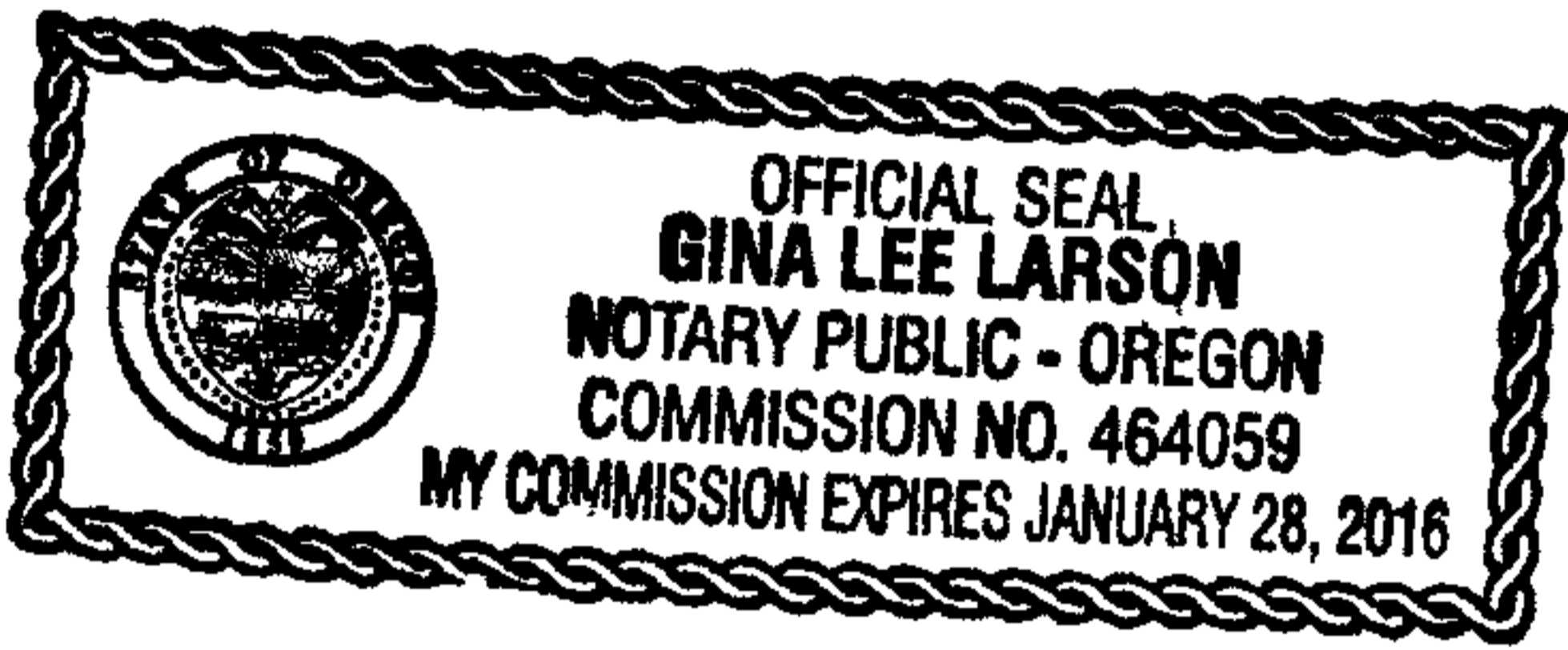
Notary Public for Oregon  
My Commission Expires: 1/28/16


I, Julie Riggs-Marino, accept the foregoing restrictions in exchange for the Declarant's waiver of the 18-month building permit deadline in the CC&Rs Section 3.1. I acknowledge that these restrictions run with the land, and hereby bind myself, my heirs, successors and assigns, and any other future parties having any right, title or interest in Lot 40.

  
Julie Riggs-Marino

STATE OF OREGON    )  
                                  ) ss.  
County of Lane     )

On this 5<sup>th</sup> day of August, 2013, personally appeared the above named Julie Riggs-Marino, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:



  
Notary Public for Oregon  
My Commission Expires: 1/28/16