

**Bayshore Beach Club  
Guidelines for Determination  
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## GUIDELINES FOR DETERMINATION

### WRITTEN BY THE BAYSHORE BEACH CLUB PLANNING COMMITTEE

These Guidelines are provided by the Bayshore Beach Club to assist members and building contractors in following the requirements of the C & R's. They also provide a basis for the Planning Committee in the performance of their duties and to serve in the best interest of all property owners. These Guidelines meet the intent of and will be enforced through the authority as set forth in the Bayshore Beach Club's governing instruments, i.e., C & R's, Articles of Incorporation, By-laws & Policies and Procedures Handbook.

Property owner's recognition of and compliance with these Guidelines will be appreciated by all members of the Bayshore community.

### Definitions and References

**Approval:** Where approval is called for it is referred Planning Committee approval unless Lincoln County Approval is noted.

**Average Original Grade:** The base level for determining the height of most of the houses in Bayshore. Lots in the V and AO Zones have different base requirements. Check with LCBD for requirements.

**Board:** When it is referred to in this publication it refers to the Bayshore Beach Club Board of Directors.

**Clearing of land:** This includes the removal of trees, shrubs, brush and other vegetation that is indigenous to the area. The removal of Scotch Broom (see noxious plants) only is not considered clearing of land.

**Commercial Vehicle:** Any commercially used vehicle larger than a full sized SUV including all construction related trailers and equipment.

**Construction:** Any changes to the property that affects the appearance, elevation or use. This generally relates to buildings but does include, but not limited to, applying fill material, installing septic systems, changing siding, roofing, painting, fences, decks and other features. See Landscaping, Fill material, Septic systems

**Fill material:** Any material that is added to property for the purposes of changing the elevation of property, installing septic systems, changing water drainage or for storage of material to be used at other locations. If fill material other than local native material is to be used Lincoln County Approval may be needed as well as Planning Committee.

**Habitation:** Refers to living in, where one's personal effects are including bed and other furnishings.

**Landscaping:** Refers to property maintenance and plantings. Any geographical changes, i.e. retaining walls, bulkheads and berms, become "Construction" and fall under it's approval requirements.

**LCBD (Lincoln County Building Department):** LCBD is in charge of regulating construction in Lincoln County. The Planning Committee cannot overrule the requirements of LCBD however the Planning Committee can impose requirements in addition to or to another level of those of enforced by LCBD.

**Noxious plants:** These are plants determined by the State of Oregon or Lincoln County to be Noxious Plants and are to be controlled, among those listed is Scotch Broom, Blackberry and English ivy.

**Planning Committee (PC):** Is comprised of a group, three or more, of volunteers made up of Bayshore property owners who have been approved by the Board. In the past was also called the Architectural Committee.

**Right-of-way:** Established by LCBD and is a given distance from the center of the road and is provided to permit public utilities to install and service their buried and overhead wiring and piping and for road and road maintenance. Property owner is responsible for the care and maintenance of right-of-ways on their property.

**Septic systems:** Systems must be approved by LCBD and PC prior to start of installation of system. If fill material is required it must be native material (locally gathered sand, not brought in from other areas),

**Setback:** A distance from a property line or building feature as determined by the LCBD.

**Stored Vehicles:** Those vehicles that are not used monthly and/or inoperable or have expired license.

## GENERAL AUTHORITY AND PURPOSE

### C & R Article II, Subsection 1:

Authority and Purpose: Zoning is to be enforced by the Planning Committee as set forth in each division's C & R's or Lincoln County Zoning ordinance, whichever is the more restrictive.

### C & R Article II, Subsection 2:

- Plans to Comply: All buildings and structures to conform to Lincoln County Building Regulations, and the requirements by the, C & Rs and Planning Committee.
- Written Approval: All plans and specifications for any improvement to any lot shall be submitted to the Planning Committee and approved in writing before commencement of construction. Also see, Building Plans Requirements.
- Exterior Completion: Exterior to be completed within six months from commencement of construction (hereby defined as the date of issue of a **County Building Permit**.) A portable toilet must be on site prior to start of construction. Occupancy will not be permitted until the final inspection by Lincoln County has been completed.
- New Materials: All buildings and structures shall be of new materials of wood, stone, brick, glass, steel, concrete or like materials. Newly developed synthetic and/or composite materials shall be subject to Planning Committee approval. Also see, Architectural Style Guidelines.
- Environmental Impact: Structures to be erected shall be placed upon the subject property so as to minimize impact upon the environment and adjacent properties. Planning Committee review and written approval shall be obtained prior to ground cover removal.
- House numbering Each house must have house numbers at least three inches tall that are visible from the street.

### C & R Article II, Subsection 3:

- Size: All dwellings shall be a minimum of 850 square feet of usable living area.  
An exception to this rule is applied to Manufactured Homes, See **Guidelines for Manufactured Homes**.
- Height: Any height variation over the 15 foot limitation above the average original grade requires written approval of the Planning Committee. See section "**Height Exceptions Guidelines**" and "**Average Original Grade Guidelines**".

### C & R Article II, Subsection 4:

- Landscaping: Upon completion of construction, ground cover must be replaced or landscaping provided to a level of soil stability at least equal to that of the lot prior to construction.
- Trees and Plantings Trees, plants and shrubs may be limited to heights that preserve and restore views from other properties within Bayshore. If a member files a complaint about plantings that impair the view or deny sunlight to his property, the complaint will be investigated. If deemed valid, the owner of any tree, plant or shrub in excess of 6 feet high will be required to remedy the situation to restore/preserve the view, and

maintain the remedy in the future. This does not apply to original natural trees, shrubbery, and growth in their original locations as determined by the aerial photographs on file in Bayshore office.

Yard Debris

Yard debris, such as tree trimmings, noxious weeds, limbs from storm damage, etc., must be removed from property within 30 days of placement. Compost bins may be used if not within eyesight from the street.

Burn Barrels

Burn barrels shall be located on the lot in accordance with Lincoln County requirements, and shall be fenced or protected by landscaping so as not to pose a sight nuisance to neighbors.

Propane Tanks

Propane tanks must be screened from the sight of neighbors, such as solid wood fencing, and must meet the following criteria as directed by the Oregon State Fire Marshal.

1. Fences must be spaced a minimum of 6 inches above the ground.
2. Fences must not be more than 12 inches above the highest part of the tank and must not exceed 72 inches in height.
3. Fences are not to be closer than 36 inches horizontally from the tank.
4. Tanks less than 125 gallons may be set next to a building, but fencing must comply with the heights and horizontal clearances noted above.
5. Gates, if supplied, must remain unlocked at all times.
6. Storage is not allowed within the enclosure.
7. Weeds and grass must be controlled within and around the enclosure so as not to create a fire hazard.
8. If material other than wood is desired, Planning Committee's written approval must be obtained.

Fences

Fence to be erected shall require prior written approval of the Planning Committee before installation begins. All fence heights and placements are to meet the requirements of Lincoln County Planning Department which are:

All front and side fences as far back as the house setbacks (set Art II, Sub 5 Diagram) must not exceed 42 inches high.

The rest of the side and back fences are not to exceed 72 inches high.

The 42 in height restriction is vehicle visibility and safety requirement by LCBD.

Above Ground Septic

Above ground septic systems shall be landscaped to blend the structure into surrounding area and minimize the sight nuisance effect to neighbors.

Noxious Weeds

Property owners will be responsible for removal of all noxious weeds from their properties as defined by Lincoln County and State of Oregon regulations.

Signage

Temporary signage, such as, political, real estate and others shall be allowed but shall be removed when no longer current. No permanent commercial signage will be allowed on any residential property.

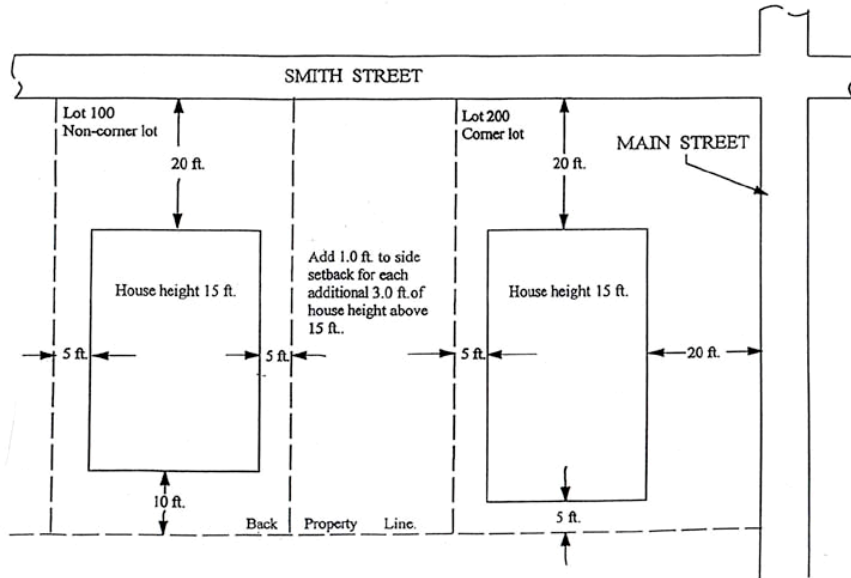
**C & R Article II, Subsection 5:**

Setbacks:

All setbacks shall meet Lincoln County Building Code Requirements. No building shall be located on any lot nearer than twenty (20) feet to the front property line nor nearer than five (5) feet to any side property line and ten (10) feet from back property line.

Special conditions apply to decks, steps and other protrusions from the basic building. These refer to structure that is cantilevered beyond the foundation of the basic building. These protrusions will not extend into the building setbacks more than 1/3 of the setback. Free standing structures, such as, garden sheds, greenhouses, decks, patios, walkways, etc. may not be placed in the setbacks. Planning Committee approval is required prior to construction.

**REQUIRED HOUSE SETBACKS**



**C & R Article II, Subsection 6:**

Minimum Lot Size: No dwelling shall be erected or placed on any lot having an area of less than 5,000 square feet, without express written approval from the Planning Committee.

**C & R Article II, Subsection 7:**

Cuts, Fills, Utilities: Reserved easements may be utilized for public purposes as authorized by the Planning Committee, with the approval of the Board of Directors.

**Sewerage & Drainage Easements**

No change in the natural drainage shall be made by any lot owner without prior approval from the Planning Committee. Lots in some areas may require culverts under driveways.

**C & R Article II, Subsection 8:**

Nuisance or Noxious: No noxious or offensive activity shall take place at any residence or lot, nor nuisance to the neighborhood, which shall be construed as any condition or disturbance that violates the "right of quiet enjoyment" or is visually displeasing. These shall include, but are not limited to: unkempt lots, outside storage of inappropriate materials, excessive noise(quiet hours are from 10:00 PM to 7:00 AM), barking dogs, uncontrolled dogs, abandoned vehicles, trash and debris. Fireworks are prohibited in Bayshore except on July 3rd and 4th. Legal fireworks are permitted on July 3rd and 4th unless weather conditions are so hazardous that the Board of Directors elects to withdraw permission. Sparklers, snakes, fountains, and spinners are not considered fireworks (ORS 480.112). All fireworks are prohibited on the beach per OAR 736-021-0100

Pets and Animal Control

Houses, outbuilding, and fences must be regularly painted and repaired to maintain a pleasing visual appearance.

Firewood must be neatly stacked. Firewood may be covered by a neutral colored tarp that is in good condition and tightly anchored.

Dogs, cats and other household pets, in reasonable numbers are allowed as long as they are not kept, bred or maintained for any commercial purpose and not to pose a health hazard, risk of harm to others, or nuisance. Pets are to be controlled at all times, and excrement must be immediately removed from roads and right-of-ways. Excessive barking is prohibited.

Presence of rodents requires strict control measures. Conditions that attract wildlife(cougars, raccoons, bears) or unpleasant insects (mosquitoes) are prohibited; such conditions include outside storage of pet food, improper storage of garbage, excessive undergrowth, and standing water.

**C & R Article II, Subsection 9:**

Temporary Living:

Written approval by the Planning Committee must be issued for self-contained travel trailers, RV's or similar vehicles for habitation use during construction, with specific time limitations for each use.

Sheds, outbuildings, etc. may not be used for habitation. Tents may not be used for habitation.

**C & R Article II, Subsection 10:**

Vehicles:

General

1. No vehicles are to stored in the right-of-way or where they restrict the neighbors view.
2. Inoperable vehicles, severely damaged or without current license are prohibited. on any property.

Boats

1. Members may apply for a permit to keep one boat on a boat trailer within public view on their property. The boat and trailer must be in good operating condition and currently licensed (if required). The boat must be 20 feet or less in length and 8 feet or less in height (boat and trailer) and must not restrict view of any other property. If covered, a fitted boat cover must be used; no tarps are allowed. Members who do not follow the permit guidelines may have their boat privileges rescinded. All other boats and watercraft must be stored in an enclosed space or behind a view-obstructing fence. Boats without trailers or trailers without boats are prohibited, as are boat-building projects and major repair work. Boats may not be stored on or in utility trailers.
2. Non-powered car toppers (small boats, canoes, etc.) are permitted as long as they remain on the vehicle or are stored out of public view. Boating gear (crab pots, boat parts, ice chests, etc.) must be stored in the boat or out of public view.
3. A boat between six and eight feet tall may be issued a permit on a case-by-case basis if it can be stored in a location that does not cause a view obstruction from any other property.

### Recreational Vehicles

1. Recreation Vehicles (RV) parked overnight where visible is prohibited except as noted in No.2 below. "Recreational Vehicles" include motor homes, fifth wheels, travel trailers, ATVs, campers, etc. Pickup trucks with bed-mounted canopies are permitted, as are camping vans that are the same approximate size as passenger vans.
2. Members may apply for a permit to keep the RV on their property while preparing for or returning from a trip for the express purpose of cleaning, loading, and unloading. The RV may only be present while these activities are taking place with a maximum limit of five days. The RV may not be occupied overnight. Members who do not follow the permit guidelines may have their privileges rescinded.
3. Members who plan to actively participate in the construction of a new home may apply for Planning Committee approval to inhabit a RV parked on the member's lot for a limited time period not to exceed six months during construction.

### Commercial Vehicles

1. Commercial vehicles include any vehicle larger than a SUV or van, which include large trucks, delivery trucks, equipment trailers, excavating equipment, horse trailers, or other commercial or any large equipment. Vehicles must have company name with phone number displayed.
2. Commercial vehicles are not permitted to be parked or stored on properties or right-of-ways.
3. Sand removal equipment may be present only during active sand removal.

#### **C & R Article II, Subsection 11:**

Laundry: Folding drying racks not over four (4) feet tall will be permitted in the yard and will be stored inside when not in use. No permanent laundry lines allowed.

#### **& R Article II, Subsection 12:**

Antennae Antennae are not permitted other than a dish type antennae less than 39" in diameter. Written permission for a C.B. and/or ham radio, TV antennae will be at the discretion of the Planning Committee.

#### **C & R Article II, Subsection 13:**

Livestock: No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said property, except that dogs, cats and other household pets may be kept provided they are not kept, bred or maintained for any commercial purpose.

#### **C & R Article II, Subsection 14:**

Garbage: No property is allowed to accumulate trash or yard debris. All such material is to be removed and/or stored in sanitary containers with tight fitting lids or containers provided by the trash service company.  
Trash containers are allowed in the right-of-way only from 6:00 PM the day before until 6:00 PM the day of trash pickup. If member is unable to place and retrieve their trash container by the roadside for pickup, the trash service will, for a fee, collect and replace a container from by the house.

Trash containers may be placed on a non-street side of the house or garage. An enclosure may be used to hide a trash container. The enclosure can not be in the right-of-way nor more than 42 inches high if placed in the front setback (including the side setback of corner lots).

Exception will be made for sites of new construction and major remodel and is allowed until building exterior is finished.

Construction dumpsters may be positioned on the right-of-way with the provision that it is no closer than 5 feet from the edge of the street paving and does not create a safety hazard

**C & R Article II, Subsection 15:**

Sewerage Systems: No individual sewage disposal system shall be permitted on any lot or upon any of the said property unless the system is designed, located and constructed in accordance with the requirements, standards and approval of the Lincoln County Public Health Authorities.

**C & R Article II, Subsection 17:**

Ground Cover: No ground cover shall be stripped, removed, or destroyed from any property, except as may be necessary in new dwelling construction or landscaping changes that upon completion, ground cover or landscaping shall be replaced.

## COMMERCIAL AND MULTI-FAMILY GUIDELINES

### C & R Article II, Subsections 1 through 3:

All of Article II, Subsections 1 through 3 apply to Commercial and Multi-family buildings

Any building or structure over 15 feet above average original grade must have prior written approval of the Planning Committee. All commercial uses and duplex residences must have prior written approval of the Planning Committee. .

### GUIDELINES FOR COMMERCIAL DETERMINATIONS:

Land Use: Zoning created by protective covenants and Lincoln County Zoning Ordinances, whichever is more restrictive, shall prevail.

Commercial Requirements: A commercial use shall be determined appropriate if it meets the following requirements:

1. Will benefit the residents of all seven divisions of Bayshore.
2. Provide for an agreement whereby commercial users would pay a proportionate amount for maintenance of Bayshore Drive and any other impacted Bayshore roads maintained by the Bayshore Road District.
3. Any business sign erected or replaced on property within the confines of the Bayshore subdivision shall have prior written approval of the Planning Committee if it is over two feet square per establishment. The number of signs to be erected in excess of one shall require prior written approval.

Information Required for Determination:

Size of building, number of occupants, estimated traffic load, estimated parking space, appearance of building, desirability for the needs of the Bayshore community, aesthetic value, architectural design blending with structures in existence, landscaping to be done and maintained.

Appeal of Determination:

If the Planning Committee makes an unfavorable determination, the petitioner may take the proposal to the next regularly scheduled Board of Directors meeting. The petitioner shall notify the board at least (1) one week prior to a scheduled meeting, requesting inclusion of the appeal on the agenda.

## HEIGHT EXCEPTIONS GUIDELINES

Height Exceptions:	Determinations will be on an individual lot basis.
Flood Zones:	Exceptions to the 15 foot height requirement will be allowed to a lot owner to comply with local government ordinances imposed since Bayshore was originally developed, especially those regarding flood plain zones. For flood plain zones, FIRM Zone A-0, the 15 foot height is measured from the "highest adjacent grade" defined in 2000 LCC Chapter 1, page 87. Written approval from the Planning Committee is required prior to grading.
View:	Obstruction of view of neighboring lots, if a view would be possible when all lots are built upon, <u>is considered</u> , when considering a height exception.
Notification and Application Fee:	<p>Height variance requests submitted by the property owner/builder must be followed by written notification sent by the Planning Committee to all property owners within 300 feet of the applicant's lot lines. An application fee shall be assessed to cover the handling and notification expenses by the Planning Committee.</p> <p>The Planning Committee shall review the request no sooner than 30 days after the mailing, at the next regularly scheduled Planning Committee meeting.</p>
Time Limit and Restrictions:	<p>Height variance approvals shall be valid for a period of 120 days from date of issue unless construction has commenced during the time.</p> <p>Height variance approvals are not transferable or sellable, and are null and void if property is sold.</p> <p>If an approval expires, the applicant shall be required to re-submit an application in accordance with these guidelines.</p>

## MANUFACTURED HOMES GUIDELINES

1. Building requirements for manufactured homes are based upon the same Covenants and Restrictions dictated for site built construction of homes. An “attractive and aesthetically pleasing design for any building”, C & R Article II, Subsection 2, is required.
2. Manufactured homes shall meet Federal H.U.D. code requirements.
3. Manufactured homes placed on any Bayshore property shall:
  - a) Be new multi-sectional (“double wide” or wider) and enclose a floor area of not less than 1,000 square feet.
  - b) Be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than twenty-four (24) inches of the enclosing split faced block masonry foundation exposed above grade. The foundation must meet State of Oregon Building Code requirements.
  - c) Have a roof with a minimum pitch of 4 inches in height for each 12 inches in width with a minimum of 12-inch eave overhang on all sides. Homes wider than 32 feet may have a lesser roof pitch to meet maximum height limitations per Art II, Subsection 3.
  - d) Have an exterior where no joint seams are visible between sections. Exterior siding must be compatible with Bayshore site built homes.
  - e) Have a garage or carport with exterior materials matching the manufactured home, to be completed prior to occupancy.
  - f) Have at least partially taped and textured interior.
  - g) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010. (Evidence demonstrating that the home meets “Super Good Cents” energy standards is sufficient.)
4. Decks, porches, steps, or out buildings must be approved by the Planning Committee (just as required on site-built structures.)

## ARCHITECTURAL STYLE GUIDELINES

C & R Article II, Subsection 2:

### Architectural Control

All buildings and structures shall be new construction and no imitations of any material shall be used for exterior finish, which shall be of wood, stone, brick, glass, steel, concrete or a like material, except as otherwise expressly authorized by the Planning Committee. The Planning Committee may, in addition to such other regulations and requirements impose regulations and requirements requiring an attractive and aesthetically pleasing design for any building to be erected and requiring the placement on the subject property in such a manner as to minimize the impact on the environment and upon other lands within the sub-division, and particularly adjacent property.

### Aesthetic Appearance Considerations

1. Roof style.
2. Placement of windows.
3. Minimum square footage.
4. Materials used.
5. Overall appearance and proportion.
6. Placement on lot – preservation of views.
7. Color of roof and building – no bright colors – neutral colors that blend with the environment.
8. Landscaping.
9. Fences and decks.

## BUILDING PLANS REQUIREMENTS

Plans and specifications shall be drawn on reproducible paper. Drawings are to clearly indicate that the work proposed shall conform to the provisions of Bayshore Beach Club Declaration of Covenants and Restrictions. Two (2) copies of all plans shall be submitted.

### INFORMATION TO BE INCLUDED ON DRAWINGS:

1. Name, address, and phone number of lot owner Division, Block and Lot numbers, Street address of the property, if known Name, address, and phone number of builder.
2. Plot Plan – Showing location of the house and any other detached structure that may not be a part of the proposed construction, i.e., future garage, storage shed, fences, etc. (indicated by dotted lines.)
  - a) Be sure lot dimensions are indicated (accurately, if lot is oddly proportioned.)
  - b) Show setback dimensions and gross area of house.
  - c) Indicate drainage of lot, both natural and any change due to construction.
3. Indicate:
  - a) Dimensions of and room names on floor plans.
  - b) Exterior elevations (which must not exceed 15 feet from average original grade without prior written approval of the Planning Committee), showing siding material (must be new material), finish and color.
  - c) Roofing – type and color.
  - d) Chimneys – material and color.
4. Show north (meridian) on all drawings.

### BAYSHORE BEACH CLUB COVENANTS REQUIRE:

1. Work is to be prosecuted diligently until completion of exterior, which must be within six months of commencement.
2. Upon completion of construction, ground cover must be replaced or landscaping provided to a level of soil stability at least equal to that of the lot prior to construction.

### APPROVED PLANS:

1. Two sets of plans are required, one set will be returned to owner as approved and one set will be retained by Bayshore Beach Club.
2. \*Average original grade to be established in conformance with Average Original Grade Guideline.

### MISCELLANEOUS INFORMATION

Any and all references to “Architectural and Planning Committee” shall also be known as “Planning Committee”.

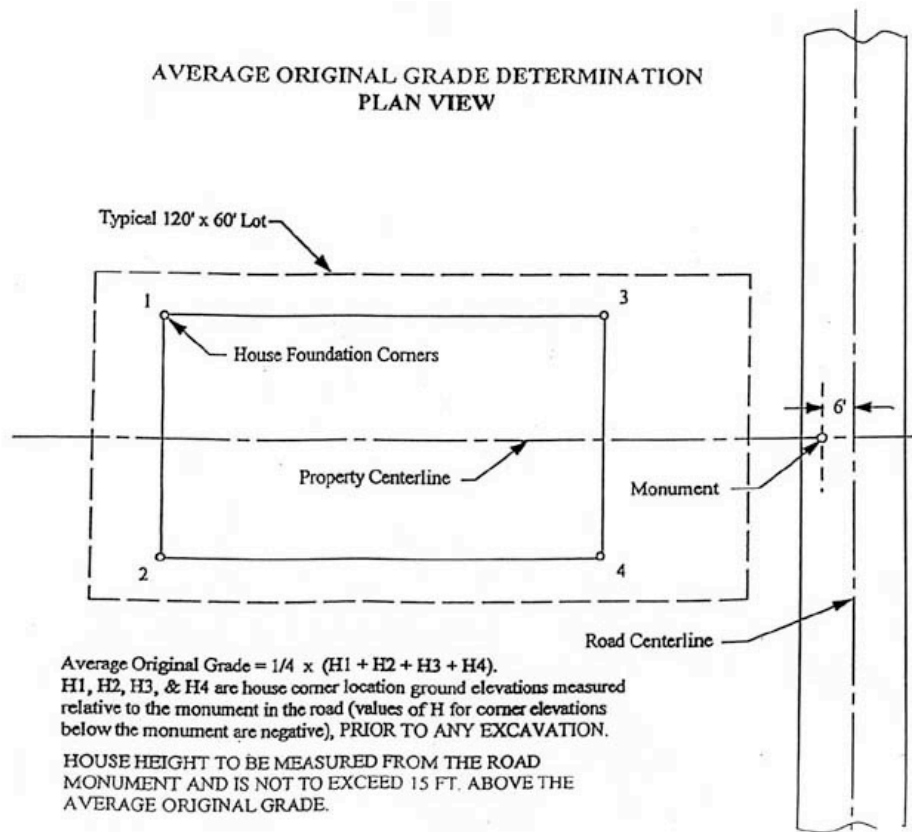
Approval of construction plans submitted to the Planning Committee, must be signed by a majority of the Planning Committee members.

Any approval granted by the Planning Committee under false, fraudulent, or misrepresented circumstances will not be considered a valid approval. The Bayshore Beach Club, Inc. will not be required to abide by any such approval. Upon discovery of any such circumstance, all parties will be notified by the Bayshore Beach Club in writing. Legal action may be taken against the person obtaining approval under these circumstances.

## AVERAGE ORIGINAL GRADE GUIDLELINE

NOTICE: TO ALL CONTRACTORS, BUILDERS, AND HOMEOWNERS.

1. A licensed surveyor shall measure all lots in the Bayshore subdivision as to establish average original grade. A monument shall be installed in the roadway on the centerline of the subject property and six feet (6'-0") from the road centerline nearest the subject property.
2. This measurement to be accomplished before any excavation or fill is done.
3. Average original grade is to be the measurement from the house corner stakes, relative to the monument, the four sides added and divided by four, to get the average original grade. This data will be reported in the Surveyor's report, and noted on building drawings, as to the elevation or depression of said lot in feet and inches as surveyed from the road monument.



## **Guidelines for Determination Revision Log**

Revisions to the Guidelines for Determination are to be recorded here as a record of changes that may have some affect on permissions granted to some properties in the past. It however is not to be used as a comparative for making allowances contrary to the current guidelines for current projects.

Date of Rev.

April 18, 2009

This log was started with a major revision to the Guidelines approved by the Board of Directors at a regularly scheduled Board meeting on April 18, 2009. This revision reassembled the Livability Guidelines into these Guidelines and added the section of Definitions and References.

Revision also modified Art II, Subsection 4 dealing with trees, burn barrels, propane tanks and fences; Art II, Subsection 10 dealing with Vehicles. The Articles, Subsections were clarified with the exception of Propane Tanks which required a complete revision to comply with the State of Oregon Fire Marshals requirements. Also, Manufactured Homes Guidelines were revised to allow greater roof pitch and partial sheetrock & taping.