



# AWBREY PARK

## **Architectural Rules & Design Guidelines**

### **Covenants, Conditions and Restrictions**

May 2004

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# INTRODUCTION

## **General Description of the Development and Design Quality**

To ensure that Awbrey Park is developed and maintained to the highest practical aesthetic standards, Brooks Resources and the Awbrey Park Architectural Review Committee (ARC) have established these Architectural Rules & Design Guidelines.

Awbrey Park does not have a particular architectural theme. However, all of the buildings and landscapes within Awbrey Park are expected to employ high standards. High standards for design and construction will ensure architecture and landscapes that are considerate to the site and to surrounding buildings. The Architectural Standards section specifically addresses design and architectural objectives.

The information in this manual is intended to help you, your designer, architect, builder, contractor and/or landscape professional to understand these rules and guidelines regarding home design and landscaping, as well as acquaint you with the necessary approval process that each submittal entails. The ARC wants to ensure that the design review and approval process is administered fairly and effectively for the benefit of individual property owners and for Awbrey Park as a whole.

We urge you to contact us at the Owner Relations Department prior to filing any application to be sure you have the most current application form and a current set of the Awbrey Park Architectural Rules & Design Guidelines. Please stop by our office, call, write, or e-mail with your comments or questions:

Owner Relations Department  
Brooks Resources Corporation  
409 NW Franklin Avenue  
Bend, Oregon 97701  
(541) 382-1662  
e-mail: [ord@brooksresources.com](mailto:ord@brooksresources.com)

## **The Construction Approval Process**

The application of these Architectural Rules & Design Guidelines shall be subject to the approval of the ARC which shall also approve the installation of all buildings, fences, landscaping (including fountains, furniture, and permanently placed play equipment), exposed solar heating, air conditioning, mechanical equipment, antennas, satellite dishes, utility meters, and all other exposed site and building non-architectural components, and all Improvements as defined in paragraph 1.4 of the Awbrey Park Protective Covenants, Conditions & Restrictions (CC&R's).

Exceptions to the Architectural Rules & Design Guidelines shall be considered on an individual basis, and granted based on architectural merit. The ARC reserves the right to amend or alter the Rules & Design Guidelines as needed.

All construction is subject to all codes and ordinances as adopted by the State of Oregon, Deschutes County, and the City of Bend, and all other pertinent regulations. The most stringent regulations shall apply in the event of a conflict.

### Application and Submittal Requirements

The Construction Submittal Form and Application is available at the offices of Brooks Resources Corporation, located at 409 NW Franklin Avenue. Additionally, a submittal guide, the Timetable & Checklist Outline for the ARC application process is available.

### Preliminary Review

Preliminary review is strongly encouraged. The preliminary review process tests the building and site concept. Concerns or objections are easier to address when they are identified at the beginning of the design process.

Please see the Preliminary Review portion of the Timetable and the Preliminary Review Process section in the ARC Construction Submittal Form and Application for instructions and submittal requirements.

### Responsibilities

It is the responsibility of each Awbrey Park land owner and/or his agent(s) to read and understand the Declaration of Protective Covenants, Conditions and Restrictions for Awbrey Park; ARC Construction Submittal Form and Application; Timetable & Checklist Outline for the ARC application process; and these Architectural Rules & Design Guidelines prior to making submittal to the ARC.

## **E N F O R C E M E N T**

As provided by Section 3.6 of the Awbrey Park Protective Covenants, Conditions & Restrictions (CC&R's), the ARC and/or its representative(s), shall be authorized, upon receipt of an application and submittal to build, to make onsite inspections of the homesite and proposed construction at any time.

As provided by Section 11.1 of the Awbrey Park CC&R's, any default of the declaration shall subject the defaulting party to any and all legal remedies, including damages or the destruction, removal or the enjoining of any offending improvement or condition. In the event that an owner or his agent(s) fails to comply, the ARC and/or its authorized representatives may proceed with enforcement as provided for in Article XI of the same CC&R's.

The Association has adopted a set of fines and penalties for common infractions of these guidelines and the CC&R's.

### Performance Bonds

At the sole discretion of the ARC, a builder, contractor or design professional may be required to submit a performance bond prior to beginning work at the project site. The performance bond shall be in addition to the application fee required by the ARC .

The ARC also reserves the right, solely at its discretion, to require the submittal of a performance bond during construction of a project if the ARC determines that the ARC's Rules and Guidelines or the Awbrey Park CC&R's are not being followed. The failure of the builder, contractor or design professional to provide a bond when requested may result in a stop work order.

The performance bond, in whole or in part, at the discretion of the ARC, shall be forfeited if a finding is made by the ARC that the builder, contractor or design professional has violated any provision of the ARC Rules and Guidelines or the Awbrey Park CC&R's. Upon onsite inspection(s) and approval, the bond shall be released to the builder, contractor or design professional within 7 days of notice by the ARC of the satisfactory completion of the project.

## **N O N - C O N F O R M I N G U S E S**

If an owner has any improvement not in compliance with the Rules & Design Guidelines as adopted and amended, even though said improvements existed prior to the adoption of these rules, the owner will be granted a reasonable time from the date of notification by the ARC to comply with these rules.

## **N O N - W A I V E R**

Consent by the ARC to any matter proposed to it or within its jurisdiction, or failure by the ARC to enforce any violation of the Rules and Design Guidelines, shall not be deemed to constitute a precedent or waiver impairing the ARC's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent or to enforce any subsequent or similar violation of these Rules and Design Guidelines.

## **S E V E R A B I L I T Y**

If any section, subsection, paragraph, sentence, clause, or phrase of these Rules and Design Guidelines is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Rules and Design Guidelines.

## **A R C H I T E C T U R A L R E V I E W C O M M I T T E E**

### **General**

Brooks Resources Corporation has established the ARC to implement and administer these Rules & Design Guidelines. The ARC shall exercise the functions for which it is given responsibility by Brooks Resources Corporation, as provided in the Declaration of Covenants, Conditions & Restrictions for Awbrey Park and for the modifications, promulgation, and enforcement of its rules governing the use and maintenance of homesites and the improvements thereon.

### **Committee Membership**

The ARC shall consist of at least three persons who shall be appointed by Brooks Resources Corporation. Members of the ARC may be removed and replaced at any time by Brooks Resources Corporation.

Except as otherwise provided herein, any two members of the ARC shall have the power to act on behalf of the Committee without the necessity of a meeting and without the necessity of consulting the remaining members of the Committee.

### **Architectural Standards**

The ARC exists for the purpose of maintaining the high standards in design development and overseeing appropriate building and property use in Awbrey Park. The Committee reviews submittals and makes rulings that, in all cases, supercede the City of Bend and/or others.

# T I M E T A B L E

## **Preparation for Preliminary and Final Review Submittals**

Preliminary and Final review are similar processes and require the same amount of time for the review process. The timetable for both Preliminary and Final review have three related aspects. Alterations or additions to buildings require the same amount of time for the review process. Preliminary review is recommended for alterations.

The applicant must first prepare for the review. This preparation should include:

Check with the Owner Relations Department at Brooks Resources Corporation at 409 NW Franklin Avenue, Bend, Oregon 97701; (541) 382-1662, to see if the copy you have of the Awbrey Park Rules & Design Guidelines is the most recent edition (all copies are dated). Request a current copy of the Awbrey Park Architectural Review Committee Construction Submittal Form and Application.

Awbrey Park land owner(s) and/or his agent(s) should read and understand the Declaration for Awbrey Park; Awbrey Park Architectural Review Committee Construction Submittal Form and Application; Timetable & Checklist Outline; and the Rules & Design Guidelines prior to making a submittal to the ARC.

Awbrey Park land owner(s) and his agent(s) must understand that all construction is subject to all codes and ordinances as adopted by the State of Oregon, Deschutes County, and the City of Bend, and all other pertinent regulations. The most stringent regulations shall apply in the event of a conflict.

The second aspect is development and formation of your proposal. This normally includes formation of your building concept and synthesizing it within the constraints of the Awbrey Park Rules & Design Guidelines.

The third aspect is the ARC review. At least three weeks prior to the next ARC meeting, the Owner Relations Department of Brooks Resources Corporation, must receive your submittal. The ARC meets the first and third Thursdays monthly. If you have any questions, contact the Owner Relations Department at (541) 382-1662.

## **Preliminary Review Advantage**

There is no fee for Preliminary Review. The Preliminary Review process is strongly encouraged. The Preliminary Review process tests the building and site concept. The purpose of the preliminary review is to review designs at an early stage, to obtain ARC comment on designs that may not be in keeping with the Awbrey Park Rules & Design Guidelines. Preliminary review also may identify designs that could be duplications of others in close proximity to the requested improvement. The preliminary review allows the owner to obtain ARC advice regarding conceptual designs before final construction drawings are prepared.

Concerns or objections are easier to address when they are identified at the beginning of the design process. Should the ARC require changes that effect the buildings structure, it is much easier to deal with them prior to completing final construction drawings and/or applying for building permits.

Preliminary review shall not be deemed to be a final approval for the construction of the improvement(s).

### **The ARC Review**

ARC meetings are closed—only ARC members, the independent architect consultant, and a representative(s) of Brooks Resources Corporation will be present. At the ARC meeting, when your project is reviewed, the plans, application, contiguous owner comments (if applicable) and independent architect consultant comments are reviewed and evaluated by the ARC members.

### **After the ARC Review**

After the ARC meeting, a review letter is prepared, listing any ARC comments, requirements, concerns or conditions of approval. A copy of this letter will be provided for your design and construction agent(s).

The owner(s), or his agent, must respond to the ARC review letter in writing prior to any construction activity done on site. Additionally, if there are specific areas of concern or a requirement for more information, the owner or his agent(s) may be required to meet with a representative of the ARC to discuss these issues and/or deliver revised drawings or provide the supplemental information before the ARC will issue a final approval allowing construction to begin.

Trees marked for removal within the view corridors must remain on the site until the home is framed. The request for removal of these trees will be addressed once the home is framed and ARC members make an onsite visit. Unauthorized tree removal will result in immediate forfeiture of the deposit and suspension of all construction activity on the property until a remediation plan and a new deposit are received and approved by the ARC.

Excavation and construction may begin only after all issues (if any) are resolved, a final ARC approval letter has been granted and the owner's written and itemized acknowledgement of the approval letter has been received by the Owner Relations Department.

Items which are missing from the original submittal (paint colors, masonry samples, catalog cuts, etc.) must be provided for review and approval at a later ARC meeting. It is prudent to plan color schemes and material choices well in advance of scheduling painters, masons and other specialty subcontractors.

Landscaping shall be completed within six months of the completion of the exterior of the building(s). Please consult the Landscape section of this book for more specific information about the landscape requirements.

If construction approval has been granted and construction has not begun within one year of receiving approval, the application and approval expire and the deposit portion of the application fee will be refunded. A new application, a current fee, and a new ARC review and approval will be required if construction is scheduled to proceed after this time.

### **Deposit Refund and Inspection**

The deposit will be refunded if the **building and landscaping** are completed and meet all ARC standards, requirements, conditions, and design guidelines. Owner(s) should call to request a final inspection when the improvements are complete.

Inspection schedules become full during the building season; sometimes inspections are not feasible due to weather conditions. A request for an inspection may require a lead-time of up to three weeks or more.

## SUBMITTAL CHECKLIST

At least three weeks prior to the next scheduled Awbrey Park ARC meeting (the first and third Thursdays monthly) submit to the Owner Relations Department the following:

### Complete and Accurate Submittals

A complete submittal (supplying all of the information outlined in this checklist) ensures the most expedient review and approval process. Information missing from a submittal and/or inaccurate drawings may delay the review and approval process, as the ARC may be unable to rule on an incomplete submittal.

### Site Plan (2 copies) to include:

- Licensed surveyor stamp and signature on plan
- drawing scale (recommended): 1" = 10'
- the ARC encourages and may require a professionally engineered grading plan showing existing contours of site slope and proposed contour changes, both at 2' intervals (retaining walls, if any, must be reflected accurately on the grading plan)
- property lines, setbacks, sewer, and all other easements (if any)
- building footprint location, roof plan including overhangs, and driveway clearly marked
- all tree and rock outcropping locations (trees which are proposed for removal must be clearly designated as such on the plan)
- all utility stub locations
- north arrow
- location of the following clearly marked: walkways, decks, retaining wall(s), parking areas, proposed utility lines, spa/hot tub facilities, utility, trash and storage yards, etc.
- location of construction staging/access areas and temporary structures
- location of homes on adjacent homesites (if they exist)
- elevation of the first floor of home (in relation to existing grade) noted on plan
- highest ridge elevation of the home (in relation to existing grade) noted on plan
- existing grade elevations of the major corners of the foundation (in relation to existing grade) noted on plan

### Exterior Elevations (2 copies) to include:

- drawing scale: 1/4" = 1'
- all exterior building features clearly identified with all materials/finishes noted (exterior lighting, roof, siding, railings, trims, patios, porches, decks, foundation, stairways, storage enclosures, masonry, garage doors, meter housings, spa facilities, etc)
- correct image orientation; stock plans reflecting mirror image will not be accepted

- proposed structure's main floor line drawn and elevation in relation to existing grade noted
- elevation of the highest point of the roof ridge in relation to the existing grade noted
- accurate finished and existing grades drawn and noted

**Floor Plan(s) (2 copies)**

- drawing scale: 1/4" = 1'

**Site Plan and the four Exterior Elevations in reduced format (8 1/2 x 11)**

- 1 copy of each

**Application Form (1 copy)**

- owner(s) must sign and date signature page
- cover sheet must be completed with pertinent addresses, phone numbers, legal description, street address, etc.
- all pages in application must be completed

**ARC Application Fee**

- A check made to *Brooks Resources Corporation* in the amount of the current application fee. Preliminary review has no fee.

**Color/Material Sample Board and Color Submittal Form**

- Note: these are best assembled at the time of the full construction submittal, but owners are permitted to submit them at a later date for review and written approval
- completed color submittal form identifying materials and colors
- exterior window, siding, roofing colors and materials
- exterior light fixture samples and/or legible catalog cuts or drawings
- masonry and paver samples

**Landscape Plan (1 copy) to include:**

- drawing scale (recommended): 1" = 10'
- grading plan showing existing contours of site slope and proposed contour changes, both at 2' intervals (retaining walls, if any, must be reflected accurately on the grading plan)
- retaining wall locations and material
- property lines, setbacks, and all other easements (if any)
- building footprint location, roof plan including overhangs, and driveway clearly marked
- all tree and rock outcropping locations (trees which are proposed for removal must be clearly designated as such on the plan)
- landscape/exterior lighting plan
- north arrow

- ❑ location of the following clearly marked: walkways, decks, retaining wall(s), parking areas, proposed utility lines, service yard/trash storage, spa/hot tub facilities, utility, etc.
- ❑ location of homes on adjacent homesites (if they exist)
- ❑ irrigation system
- ❑ types, locations, quantities and sizes of all proposed plant material
- ❑ samples, catalog cuts or drawings of all landscape and driveway lighting fixtures proposed

A landscape plan is not required during the initial review process. However, a complete landscape plan must be submitted for review and approval prior to the execution of any such work. Beginning landscaping construction prior to ARC review and written approval may result in a partial forfeiture of the application fee refund. No additional fees are required for landscape review. Landscaping shall be completed within six months of substantial completion of the home. Please consult the [Landscape Guidelines](#) section for more specific information about landscape requirements.

## M I S C E L L A N E O U S

The ARC Review Fee may be changed at any time.

As provided by Section 3.6 of the Awbrey Park CC&R's, the Awbrey Park ARC and/or its representative(s), shall be authorized, upon receipt of an application and submittal to build, to make onsite inspections of the homesite and proposed construction at any time.

Violation(s) of these Rules & Design Guidelines that are discovered during an inspection will be forwarded to homesite owner(s) and/or their agent(s). The ARC and/or its representative(s) shall provide written notice of noncompliance to the Homesite owner(s) and/or their agent(s), including a reasonable time limit within which to correct the violation(s). In the event that an owner or his agent(s) fails to comply within this time period, the ARC and/or its authorized representatives may proceed with enforcement as provided for in Article V, Section 5.6 and Article XI of the same CC&R's.

In addition, the owner is responsible for notifying the ARC upon completion of the proposed construction, at which time the ARC shall arrange a final inspection to verify compliance with the plan as submitted and approved and to verify compliance with the Rules & Design Guidelines.

## A R C H I T E C T U R A L S T A N D A R D S

### General

The ARC exists for the purpose of maintaining the high standards in design development and overseeing appropriate building and property use in Awbrey Park. The Committee reviews submittals and makes rulings that in all cases supercede the City of Bend and/or others.

### City Building Requirements

The City of Bend has adopted the State of Oregon One-and-Two Family Dwelling Specialty Code. The City requires that a building permit be obtained prior to beginning construction of any improvement or making additions or changes to an existing structure. Application with the intent to circumvent the City of Bend height restrictions or ARC height restrictions (30' average height above existing natural grade—see exhibit A) will not be approved. Please verify all City of Bend regulations with the building/planning department at (541) 388-5580.

## **Rules & Design Guidelines**

### **Accessory Buildings**

Only buildings to be used as temporary construction shelter may be placed on a homesite during the construction of the main residence.

Structures such as separate garages, dog houses, tool sheds, greenhouses, etc., which are not integrated as part of the main residence, will not be allowed without written ARC approval (also see Greenhouses).

### **Adjacent Private Property**

Adjacent property may not be used for access to any construction site under any circumstances. Adjacent property may not be used as a parking area or staging area by any contractor or subcontractor working on the homesite. In the event of damage to adjacent property, the Awbrey Park property owner and/or his agent(s) will be held responsible for restoration of the adjoining affected property and/or may result in forfeiture of the construction refund.

It is imperative to keep adjoining property free of construction litter. Daily clean up is required.

### **Aluminum Windows, Door Frames and Skylights**

Aluminum windows, door frames and skylights must be vinyl clad or bronze anodized, unless other treatments are specifically authorized by the ARC. The use of Sola-Tube type skylights is approved.

### **Animals**

All Awbrey Park homesites are within the Bend City limits and resident animals are subject to the City of Bend leash laws. If an animal is off of its owner's homesite, it must be on a leash. Animal menace ordinances are also in effect for defecating, barking and trash-strewing dogs. Please contact the City of Bend Police Department with reports of violations. Additionally, contractors, subcontractors, and all other workers are prohibited from bringing pets to the job site during the course of construction.

### **Animal Runs and Animal Restraint Areas**

All animal runs and animal restraint areas must receive prior ARC review and written approval before they are built. These areas shall be situated on a homesite so as to be completely concealed or screened from view from roadways and neighboring homesites. (See Fencing)

### **Awnings**

All proposed awnings must be submitted for ARC review and written approval. The awnings must be constructed of a material selected to blend with the body color of the home. No stripes or patterns will be permitted. The bottom edge of the valance must be straight, not decorative (no scallops, notches, etc.).

### **Buildable Area**

All building setbacks are to be in conformance with the City of Bend set back standards. In addition, Lots 6-13, 70-74 and 76-78 have designated Building Site Locations. This location is the center of a 100-foot diameter circle (50-foot radius). Owners should strive to design their homes so that the footprint of the home is contained within the 100-foot circle. Decks and roof overhangs are allowed to extend outside the 100-foot circle.

A 25 foot non-development easement exists along the Mt. Washington Drive right-of-way (lots 1-6, 14, 24-29) and along the northern boundary of Awbrey Park (lots 6-

13, 70-78). No built structures are allowed in the non-development easement, including fences. The non-development easement area must be maintained as Native Areas as described in the Landscape Standards.

#### Notification Process for Lots 6-13, 70-74 and 76-78

At the time an accurate preliminary or final set of plans is received for Lots 6-13, 70-74 and 76-78, the Owner Relations Department will notify contiguous property owners. These owners will receive a reduced copy of the site plan and exterior elevations. They are given two weeks to respond with any questions or concerns. Any comments from owners are addressed during the review of the submittal at the next ARC meeting. If your homesite is subject to a 100' building circle, and if you intend to build any portion of your home outside of the circle, a preliminary application for review and approval is strongly recommended. Additionally, the two-week period before the meeting is used to have an independent design professional consultant review submittals, checking for Design Guideline compliance, drawing accuracy, and to write a report of their findings.

#### Building Height (also see Exhibit "A" Building Height Calculation)

The City of Bend and the Awbrey Park Architectural Rules and Design Guidelines both enforce a 30' average height limitation with one important exception: the Awbrey Park Architectural Rules and Design Guidelines calculates height differently than the City of Bend. All lots will be subject to the Awbrey Park Rules & Design Guidelines height calculation process, with the exception of Lots 14, 15, 31 & 32, which will be subject to the less restrictive City of Bend calculation. To see the Awbrey Park Architectural Rules and Design Guidelines formula, refer to Exhibit A.

Backfilling does not affect the Awbrey Park Architectural Rules and Design Guidelines building height calculation. Application with the intent to circumvent the City of Bend height restrictions or Awbrey Park Architectural Rules and Design Guidelines height restrictions will not be approved.

The height of a home is determined by the Awbrey Park Architectural Rules and Design Guidelines as an average of two specific measurements. The first measurement is that from the highest point on the roof to the lowest elevation of natural grade along the proposed building perimeter foundation, and the second measurement is that from the highest point on the roof to the lowest elevation of natural grade along the proposed building perimeter foundation (opposite elevation). No single elevation will be permitted to be higher than 39', even if the average is below 30'.

"Natural Grade" is defined as the site topography which exists at the time a lot is sold to the first owner by the project developer; fill material subsequently brought to a site does not modify this original grade reference. In instances where proposed building heights are close to the established limit, the ARC may, during the construction process require that the owner of a homesite have specific site and building elevations confirmed by a licensed surveyor.

The accompanying Exhibit "A" illustrates and explains how building height is calculated in determining compliance with the Awbrey Park Architectural Rules & Design Guidelines. Also see Exterior Design Treatment for more information on reducing the impact of imposing façades.

#### Burning

The open burning of construction or yard debris is not permitted at any time on any homesite in Awbrey Park.

### Chimneys

All exterior chimney chases surrounding flues must be of wood, stone or brick. A chimney chase and shroud, large enough to completely cover the metal fireplace flue is required. The chimney chase, flue and shroud shall be painted to match surrounding materials, eliminating the glare from the raw flue and sheet metal, as unfinished metal flues are not permitted. If a chimney chase and shroud are used on a gas fireplace vent, it too must be built and painted to the same standards as chimney chases and shrouds.

### Decks, Porches and Deck/Porch Skirting

Elevated decks with living areas below shall have supports of not less than 6" X 6". Built-up wing walls or built-up columns (clad with siding material) or peeled logs, both in conjunction with landscape screening are encouraged and in some cases will be required.

Decks and/or porches, which are more than 24" above existing grade and have no living area below them shall be skirted. The skirting below all decks and/or porches shall be recessed 18" to 24" to create shadows and alleviate the appearance of massive under deck /porch walls. Deck porch skirting should be made of the same material as the home and be applied in the same direction, unless otherwise approved by the ARC.

The deck areas of homesites are an integral part of living in Awbrey Park as well as an integral part of the view from neighboring properties. Long uninterrupted runs of deck will not be permitted. Projections, steps or other architectural features must be incorporated in the deck design.

### Drainage

A drainage plan must be included as part of all construction and landscape submittals, and is subject to ARC approval. All site drainage must be retained and disposed of on the owner's property. Provisions for the disbursement of roof, gutter, homesite, landscape, walkway and driveway drainage are the property owner's responsibility. Owners should consult with professionals to discuss their drainage risk factors and specific solutions.

Homes located in such a way that they may be subject to additional water difficulties (from street run-off or other sources) during conditions that exceed the system's designed capacity should investigate the possibilities of a free-draining foundation system around the entire perimeter of the foundation or other effective drainage system(s) recommended by your drainage professional.

Some areas in Awbrey Park may be susceptible to street drainage and erosion problems during conditions that exceed the system's designed capacity.

### Draperies and Window Coverings

All draperies and window coverings must be of materials and colors which harmonize with the surroundings and shall be chosen in consideration of neighbors and neighboring views, especially along roadways.

### Driveways

Driveway cuts onto Awbrey Park roadways will be limited to one per homesite, unless otherwise approved by the ARC. The driveway shall be a maximum of 14 feet wide, except to radius to the street and to transition to the parking area in front of the garage. Homes located close to the street may not conform to the 14-foot width requirement, but the width of the drive must be kept to a minimum, while still allowing reasonable access to parking areas and garage access. The City of Bend requires a permit prior to constructing the curb-cut for any driveway.

### Duplication

Duplication of a house design is discouraged.

In cases where similarity in home design or appearance is deemed a concern by the ARC, modifications to the home may be required to eliminate similarities.

### Excavation

Each homesite shall be developed with minimal modification of the existing topography. All excavation spoils must be removed from the site. All areas disturbed during construction must be restored to their original appearance or in accordance with an approved landscape plan. Natural area restoration includes replanting native grasses and other native plant materials, and redistributing mulch and/or duff covering raw earth. Landscaping shall be designed to "disguise" excessive slope areas caused by fill for driveways and around the foundation of homes.

### Exterior Colors and Stains

All exterior colors are subject to review and written approval by the ARC for both original painting and subsequent repainting.

Exterior colors must be of medium to dark tones. Exterior color treatment shall be continuous on all elevations. Earth tone colors are strongly recommended. Very light or bright body colors will generally not be acceptable.

Care shall be taken to avoid duplicating colors of nearby homes.

Natural wood siding, peeled logs and natural shakes must be stained or treated.

### Exterior Design Treatment

Exterior material treatment used on the building walls shall be continuous and consistent on all elevations of a residence in order to achieve a uniform and complete design and must avoid a "veneer" look. Exterior siding material must be carried down to within eight inches of grade and sloped to match finished grade, not stepped. Only 8 inches of exposed foundation is permitted on any exterior elevation.

Stucco & Masonry. The use of stucco and/or masonry material may be exempt from the one treatment look. Many times these materials may be used in conjunction with other approved siding materials to enhance the architectural style and appeal of all sides of a home. When masonry is used on the front of a home and it extends to any front corner, it must extend at least two feet around the adjoining side elevation.

Steep Slope Conditions. Regarding the aspect of view preservation as it pertains to building height, the design of a dwelling shall consider the negative visual impact of tall, imposing facades upon neighboring properties. This is of concern with any home designed for a homesite of considerable slope; it is of particular concern where a tall, flat face of a building may be exposed to roads or adjacent downhill sites. Several things must be considered during the design process to effectively address specific site conditions. Adequately excavating for the lowest floor can better "marry" the building to the site. Sensitively selecting roof pitches and roof massing can lessen the perception of height. Stepping the building profile from the point of low grade back toward the higher grade reduces the building mass, particularly as seen from lower viewpoints. Reducing story heights at the ends of the building adjacent to neighboring properties can substantially soften such end conditions. Prudent use of materials may be effective tools to reduce the height and mass (i.e., masonry wainscoting, base trim boards, frieze boards, are a few design alternatives for effectively eliminating long, tall, uninterrupted walls.)

Owners or their agents are strongly encouraged to minimize the massing and visual impact of the garage. The space between the top of the garage door(s) and the roof shall be kept to a minimum (see Garages)

Elevation Consistency: The ARC encourages and may require the fenestration, projecting bays, and all other architectural features to be coordinated on all sides of the building. Integrating architectural elements around the building will enhance it as a whole and should augment the architectural character of the building.

See Hillside Homesites for more information on tall façades.

### Exterior Lighting

Information regarding the design, number and location of all exterior lighting fixtures is required for ARC review and written approval, including (but not limited to) exterior wall, pendant, driveway, walkway and landscape lighting. Lighting submittals require an actual sample or legible drawings and/or catalog cuts for the review process.

All exterior wall light fixtures must be shown on the exterior elevations of all new construction submittals. Driveway, walkway and landscape lighting may be included later with the landscape plan. All exterior light fixtures installed without ARC review and written approval must be removed.

The object of the exterior lighting requirements is to eliminate glare and annoyance to adjacent property owners and passersby. To this end, the guidelines are as follows:

Only two fixtures with a visible light source are permitted on a home and are subject to ARC written approval regarding their exact location. The shroud for these fixtures may be translucent or transparent. The fixtures must be positioned to enhance and identify the entrance of the home, and both fixtures are limited to a maximum output of 60 watts each (i.e. a fixture with three lamps may have three 20-watt bulbs). Colored lamps are prohibited.

All other exterior wall fixtures are subject to ARC review and written approval regarding their location, number and wattage. These fixtures must have downward-directed light sources which are shielded with an opaque material. No part of the lamp may be exposed through perforated opaque material, or translucent or transparent shrouds. Colored lamps are prohibited.

Driveway, walkway, landscape and all other decorative light fixtures are subject to ARC review and written approval regarding their location, number and wattage. No part of the lamp may be exposed through transparent glass. Colored lamps are prohibited.

A variance for outdoor special holiday lighting is only granted between the Saturday before Thanksgiving and the second weekend in January. All holiday lighting must be turned off by 11 p.m. daily and completely removed by the second weekend in January.

### Exterior Walls and Trims

In the design of homes, which propose the use of a composite of exterior materials, consideration shall be given to appropriate balance, both in terms of the amount of each material, as well as the specific areas of their use.

The following materials are approved for use on exterior walls and trims:

- a. Wood (treated with semi-transparent or solid body stains or paints), and the use of lap cement-based siding material is approved. Individually applied board and batten type siding and log style homes may be appropriate on some homesites; however, they are subject to ARC review and written approval. In most cases, siding applications which involve a mix of directions (horizontal, diagonal, vertical) are discouraged.
- b. Brick, natural and cultured stone - medium to dark colors.
- c. Textured masonry block units are not to exceed four inches in height - medium to dark colors unless approved by the ARC.
- d. Stucco and synthetic stucco.

Prohibited Materials and Conditions:

- a. exposed plain concrete ( 8" maximum exposure at foundation)
- b. plain concrete block
- c. corrugated metal
- d. unarticulated panel siding (e.g., T-1-11, plain plywood, sheet press board)
- e. exposed seams on sheet (plywood or pressboard type) products
- f. other similar quality, non-durable products

Fencing

Fences require specific review and written approval from the ARC before they may be placed. A fence is defined as a structural or ornamental barrier separating one space from another. Awbrey Park has two standards for fencing, depending on the lot location.

**Lots 6-13 and 70-78:**

- a. Fences shall be limited to 5' in height from existing grade, shall be connected to the house structure and shall blend or follow natural terrain and landscaping. Long runs of fencing shall be avoided; long runs must be articulated. The ARC will evaluate each condition on an individual basis.
- b. The design concept for these lots is one that promotes a feeling of open spaces; therefore, no fencing or other structures of any nature will be allowed outlining front, side or rear property lines, within property setback lines, or within the 25' building setback along the northern property line.
- c. No tree, whether in a setback or on private property, shall be used for the attachment or support of any fence or privacy screen.
- d. All fencing shall be faced with materials and finish compatible with the principal structure on site. No fencing is permitted on berms.
- e. Fencing around recreational facilities in private areas will be judged on an individual basis, taking into consideration such factors as location, exposure to public view, and natural screening in the immediate vicinity.
- f. The use of monofilament line, netting or electric fences for the protection of any part of the landscaped area, individual beds or along property perimeters is prohibited. Inconspicuous temporary fencing may be permitted with ARC approval around individual

plants or shrubs until they are of a size less vulnerable to the deer population.

**All Other Lots:**

- a. Fences shall be limited to 5' in height from ground level.
- b. Fences are not allowed to extend beyond a point that is 5' behind the front façade of a home, or be built in the 25' non-development easement along Mt. Washington Drive.
- c. No tree, whether in a setback or on private property, shall be used for the attachment or support of any fence or privacy screen.
- d. Allowed fencing materials include: wood, vinyl coated chain link (black or brown), split faced CMU, wrought iron, and planted hedges.

**Flagpoles**

Flagpoles require prior ARC review and written approval before they may be installed.

**Garages**

To minimize the massing and visual impact of garages, homes must be designed using one of the following:

- a. The front of the garage shall be set back at least eight feet from the front of the home.
- b. The garage face shall be roughly perpendicular to the street.

The ARC may approve other design solutions on an individual basis. Additionally, the space between the top of the garage door(s) and the roof shall be kept to a minimum (see Buildable Area & Exterior Design Treatment).

The maximum height of a garage door is 8'. Larger doors require ARC review and written approval. Homes may have no more than three attached garage bays without ARC review and specific written approval. Garages with more than two bays, facing the street, must offset the additional bay at least three feet. Homes with more than three garage bays will be reviewed on an individual basis and require specific ARC written approval.

**Garbage and Trash Removal**

Owners are responsible for their own garbage and trash removal during and after construction. Construction sites must be kept clean from trash and construction debris at all times. Construction sites that are not kept clean (at least weekly removal of trash and construction debris) may be subject to the ARC action of having the trash and construction debris picked up and disposed of. The cost of the removal and disposal of the trash and construction debris may be deducted from the ARC construction deposit.

Trash cans and recycle bins, which are taken to the street on pick-up day must be returned to their screened areas or the garage the same day. Trash cans and recycle bins must be stored in an area that is not visible from the street or adjoining homesites. (also see Service Yards for screening information).

Burning or dumping of garbage, landscape debris or trash anywhere in Awbrey Park is prohibited.

### Grading

To the maximum extent feasible, all grading on a homesite shall conform to existing topography and must be approved by the ARC at the time of construction and/or landscaping review. For purposes of drainage, grading must slope away from structures on a homesite (See Drainage).

Both existing and finished grading must be represented on each site plan, each exterior elevation, and each landscaping plan (see Exhibit B) submitted to the ARC.

### Greenhouses

Greenhouses will be evaluated on an individual basis. Greenhouses, if allowed, shall be designed and integrated as part of the main residence. Separated or non-integrated greenhouses will generally not be allowed (see Accessory Buildings).

### Gutters and Downspouts (See Drainage)

Gutters are highly recommended in Awbrey Park and may be required on some homes. All gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored or painted to blend in with the surface to which they are attached.

All drainage pipes from downspouts must be concealed from the view of neighboring properties. In addition, this drainage must be accommodated on the owner's property. Please investigate the addition of French drains or other types of dry well systems to accommodate gutter drainage.

### Heating and Cooling Systems

All exterior elements of heating and/or cooling systems must be screened from the view of neighboring homesites and roadways, and where applicable, must be insulated to reduce noise transmission to acceptable levels at adjoining properties.

### Height (See Building Height)

### Hillside Homesites

Exposed understructures of homes built on hillside homesites are prohibited.

Siding material must extend to within 8 inches of the finished grade, and skirt walls (pony walls) exceeding three feet in height shall be landscaped to reduce the scale of the skirt (pony) wall. Additionally, all decks which are more than 24 inches above grade must have skirt walls and these walls must be recessed 18 to 24 inches from the deck/porch edge to create shadow lines. Decks more than three feet above grade shall be landscaped to reduce the scale of the skirt wall.

### Hot Tubs

Hot tubs are required to be screened from the view of neighboring homesites and roadways. Hot tub location and required screening must have prior ARC review and written approval.

### Landscaping (see Landscaping Section for Complete Requirements)

Landscaping is not required but may be a condition of development in some areas. All homesites, however, shall be maintained to present a neat and pleasing appearance to all off-property vantage points, to minimize fire danger in the area, maximize weed control and to moderate the problem of wind-blown dust. If a property owner chooses to maintain the natural appearance of the site, steps must be taken to restore/re-naturalize unsightly scarred areas due to construction activity or other damage and to remove dead plant material and refuse from the site. Re-naturalizing includes:

- Planting native plant material

- Spreading mulch/pine needles/duff, covering raw earth
- Feathering transitions between truly native areas to the newly restored areas

### *Other Landscaping Considerations*

- a. Landscaping must be completed within six months of substantial completion of the home.
- b. Areas of the site exposed to the neighborhood shall be treated in a casual, fluid manner so as to integrate comfortably with the natural settings and surrounding homesites of Awbrey Park.
- c. In some situations the ARC may require an owner to plant trees and/or add contouring to a site to screen on-site elements from off-site vantage points.
- d. It shall be the responsibility of the homesite owner, when landscaping his property, to follow the plan submitted to the ARC.
- e. When appropriate, contiguous property owners should work together to create a continuous flow from one property to the next avoiding a straight line delineating property lines.

### Mailboxes

Group mailboxes will be provided throughout Awbrey Park.

Keys for the mailboxes may be picked up at the U S Post Office on NE 4th Street.

### Maintenance

Each property owner is required to keep his land, landscaping and all improvements in good repair and attractive condition. This includes keeping the native areas free of weeds, building materials, garden tools, household items and other debris.

### Metals and Plastics

All exterior metals and plastics (vents, flashing, gutters, etc.) must be painted or treated to blend in with surrounding material. All utility meter housings must be painted to match the body color of the home.

Decorative features in unpainted or untreated metal or plastic require prior ARC review and approval.

### Outdoor Play Equipment

Location of permanently placed outdoor play equipment such as swingsets, basketball backboards, trampolines and other such items must have prior ARC review and written approval. This type of equipment must be maintained in good repair and screened, if possible, from the view of other homesites and roadways. Backyards of homesites, which are particularly exposed, may require additional landscaping. Play equipment must be painted or stained, as approved by the ARC, to blend with the natural surroundings.

### *Other Considerations*

- a. No large, brightly-colored, plastic play equipment will be permitted to be left in permanent view on any Awbrey Park homesite.
- b. No skateboard ramps will be permitted.
- c. No brightly-colored basketball backboards will be permitted. Nets must be a solid, neutral color and be kept in good repair. Permanent basketball backboards are not permitted on streets or cul-de-sacs.

### Parking and Screening

A minimum of two off street parking places shall be required for each homesite. Such required parking must be in addition to parking available in a garage.

If an owner has out-of-town guests who arrive with a recreational vehicle, the homesite owner must notify Brooks Resources Corporation. The vehicle must be parked on the owner's homesite (not on the roadways or cul-de-sacs) and may be there no longer than forty-eight (48) hours. Overnight occupancy of recreational vehicles is not allowed in Awbrey Park.

### Recreational Vehicles

(See Parking and Screening)

### Roofing

Slate and concrete tiles, concrete and wood simulated shakes, and composition roofing (with at least a 30-year warranty) are considered as acceptable roofing applications for Awbrey Park. Textured metal with a matte finish may be considered on some homes. Wood shakes and shingles are discouraged due to fire danger. Roofing applications will be reviewed on an individual home/homesite basis. Even though the product is approved, some colors will not be permitted on homes in Awbrey Park. A minimum of a 4/12 pitched roof is required in Awbrey Park.

### Satellite Dishes and Antennas

No exterior satellite receivers or transmitters, television antennas, radio antennas, or other receiving device shall be placed on any homesite or home without the prior consent of the ARC.

### Other Considerations

- a. Satellite dishes over 18 inches in diameter are not permitted on homes or homesites.
- b. Dishes must be painted to blend into the roof or siding to which they are attached.
- c. Location of receiving devices must be inconspicuous and pre-approved before placement. Landscape screening may be required in some cases.

### Service Yards

When not provided by other structures, each residence shall have a screened service yard enclosing garbage, recycling, compost bins and trash containers, clothes drying apparatus, bicycles, landscape debris, outdoor maintenance equipment and so forth. None of these shall be placed where they will be seen from roadways or neighboring homesites. Service yards must be attached to the home and gated to screen the area from view of other homesites or roadways.

### Setbacks, Easements, and Other Requirements

See Buildable Area

### Shutters

Shutters, if used, shall be incorporated on all facades and shall be of a size adequate to cover the window(s) they decorate.

### Signs

#### General Signage Information

**Subcontractor, lender and supplier signs are prohibited.** No signs shall be displayed in the windows of homes (except approved block home stickers) or be nailed to trees.

No directional signs may be used without prior ARC approval.

No offsite signage within Awbrey Park may be used without prior ARC approval.

All signs must appear to be professionally produced.

Any signs which, in the sole judgment of the ARC, are deemed to be non-conforming will be removed and held by the Declarant for 14 days, after which time they will be destroyed.

Signs must be placed parallel to and facing the street providing access to the property.

Signs may not be illuminated with artificial light.

Plastic or cardboard store-bought or handmade "for sale" signs are prohibited.

All signs must be removed upon sale of the property and/or upon completion of the construction project or at the direction of the ARC.

Political signs are permitted and may be placed on the property 30 days prior to any election. These signs must be removed the day following the election. If not removed, the Owner Relations Department will remove them. Political signs of a non-election nature are discouraged.

### **Builder/Contractor/Architect/Designer Signs**

One sign, identifying the builder/general contractor, is permitted during the course of construction. The sign must be single-sided and may include the builder's logo, company name and phone number and be of his own design and choice of colors. Architect/designer identification may be incorporated into this sign but may not be a separate sign attached to the builder sign. Builder signs must be no larger than 1200 square inches, must be applied to its own post or posts and must be placed parallel to the road. Builder signs may be placed after the homesite construction has received written ARC approval. Signs must be removed as soon as the home is occupied or the home is substantially complete. No builder/architect information boxes are permitted. If the home is for sale by builder, for sale information must be included on a separate sign meeting the "for sale" criteria.

### **For Sale / For Rent Signs**

Only one "for sale" sign is permitted on each homesite. It must be single-sided, on its own post or in an iron frame with two angle iron legs, and no higher than 42" above the immediately adjacent ground plane. Wording of the sign shall be limited to the words "for sale" or "for rent", the price, if desired, and the name, phone number and website address of the listing real estate agency or owner. A logo or mark of the agency and the agent's name is also permitted.

All information on the sign must be incorporated as part of the original sign design and not a separate attachment added at a later date, with the exception of a secondary sign attached below the sign indicating the name and phone number of the selling agent or a "SOLD" sign. If the owner is selling the property, the name of the owner or "by owner" may be substituted for the listing agency. The sign shall measure 24 inches wide by 18 inches tall. Any secondary sign shall measure no more than 24 inches wide by 6 inches tall.

Information boxes (flyer boxes) are not permitted to be mounted on an individual stake or post. They must be attached to the home or to the back of the sign. If a box is attached to the back of the sign, the box may not protrude beyond the dimension of the sign.

### **Open House Signs**

One open house sign or sandwich board is permitted (on the subject homesite) during the course of the open house but must be removed at the conclusion of the

open house and/or whenever the house is not “manned”. The board dimension of open house signs must not exceed 576 square inches.

### Special Event Signs

Special event signs must obtain ARC approval prior to their use. All exceptions to these sign standards must be presented to the ARC for review and specific written approval prior to their use.

### Skylights and Solar Devices

All glass, plastic or other transparent skylight or solar device shall be treated to eliminate reflective glare. Clear, bronze or gray glazing is preferred over white translucent. Flat skylights are preferable to domes.

Solar collectors are permitted at Awbrey Park; however, the collectors must be flat to the roof. In addition, the majority of the mechanical portion of the system must be contained within the structure and not positioned on the roof. Approval is required for all solar collection systems.

### Solar Heating System

Any solar heating system must be reviewed on an individual basis, and requires the approval of the ARC (see Skylights and Solar Devices).

### Staging Area

Each construction approval submittal must designate at least one staging area for a homesite, subject to approval by the ARC. Each staging and construction area must be kept clear of trash and debris.

### Tarps and Other Weather Protective Materials

The use of tarps is generally discouraged. However, when tarps are used and are visible from roadways and other homesites they must be brown in color. Brightly colored tarps, including green and blue, are prohibited.

### Tree Removal and Trimming

The removal of any tree larger than 6 inches in diameter (19 inches in circumference) without the written approval of the ARC is prohibited. Trees less than 6 inches may be removed in accordance with fire safety guidelines. Any tree may be trimmed up six feet from ground level for fire safety. Any dead limbs above this height may be removed.

Unauthorized tree removal during construction will result in immediate forfeiture of the deposit and suspension of all construction activity on the property until a remediation plan and new deposit are received and approved by the ARC.

Tree topping is prohibited in Awbrey Park. If an owner or their agent(s) ignores this prohibition, the owner will be required to completely remove and replace the topped tree with a tree or trees (with the size(s) and species as required by the ARC) at the owner's expense.

### Utilities

All connections from trunk lines to individual structures must be underground; exposed plumbing, electrical, and all other utilities and services are prohibited. All areas of excavation for site utility work must be restored (see Landscaping).

### Utility Meters

All utility meters (gas and electric) should not be visible to roadways or neighboring homesites. They shall be installed according to the guidelines provided by the utility companies. All meter housings and junction must be painted to match the siding color of the house.

### View Preservation

Construction of improvements and/or growth of owner-planted vegetation on a homesite shall not materially impair the view of other homesite owners. The ARC shall be the sole judge of such impairment. If vegetation needs to be removed, the benefited party shall be responsible for any costs associated with the removal and/or trimming of such vegetation.

If an owner perceives that his view is being impaired by vegetation on an adjoining property, whether it is native vegetation or vegetation placed by the homeowner, the following procedure should take place:

- a. The owner who perceives his view is compromised (owner "A") should approach the vegetation's owner (owner "B") directly with the request to trim or remove the offending vegetation at his (owner "A"'s expense).
- b. If "B" is agreeable, "A" must present the proposal to the ARC for final approval. (no fee required)
- c. If "B" does not agree, "A" must present the issue to the ARC (no fee required). The ARC will decide if view preservation is truly an issue and will rule accordingly.
- d. In all cases the view-benefited party pays for all costs.

### Water Features

All Water features must have written ARC approval prior to their construction and/or installation. The ARC has sole discretion and may reject any water feature deemed inappropriate.

Water features shall be integrated as part of the landscape and have a natural appearance.

Water features shall be oriented to benefit those within the home or on a deck or patios.

Water features shall be scaled as a minor landscape element—they shall not dominate or distract from the landscaping or the architecture of the home.

# Exhibit A

## Building Height Calculation

**Building Height Calculation:**

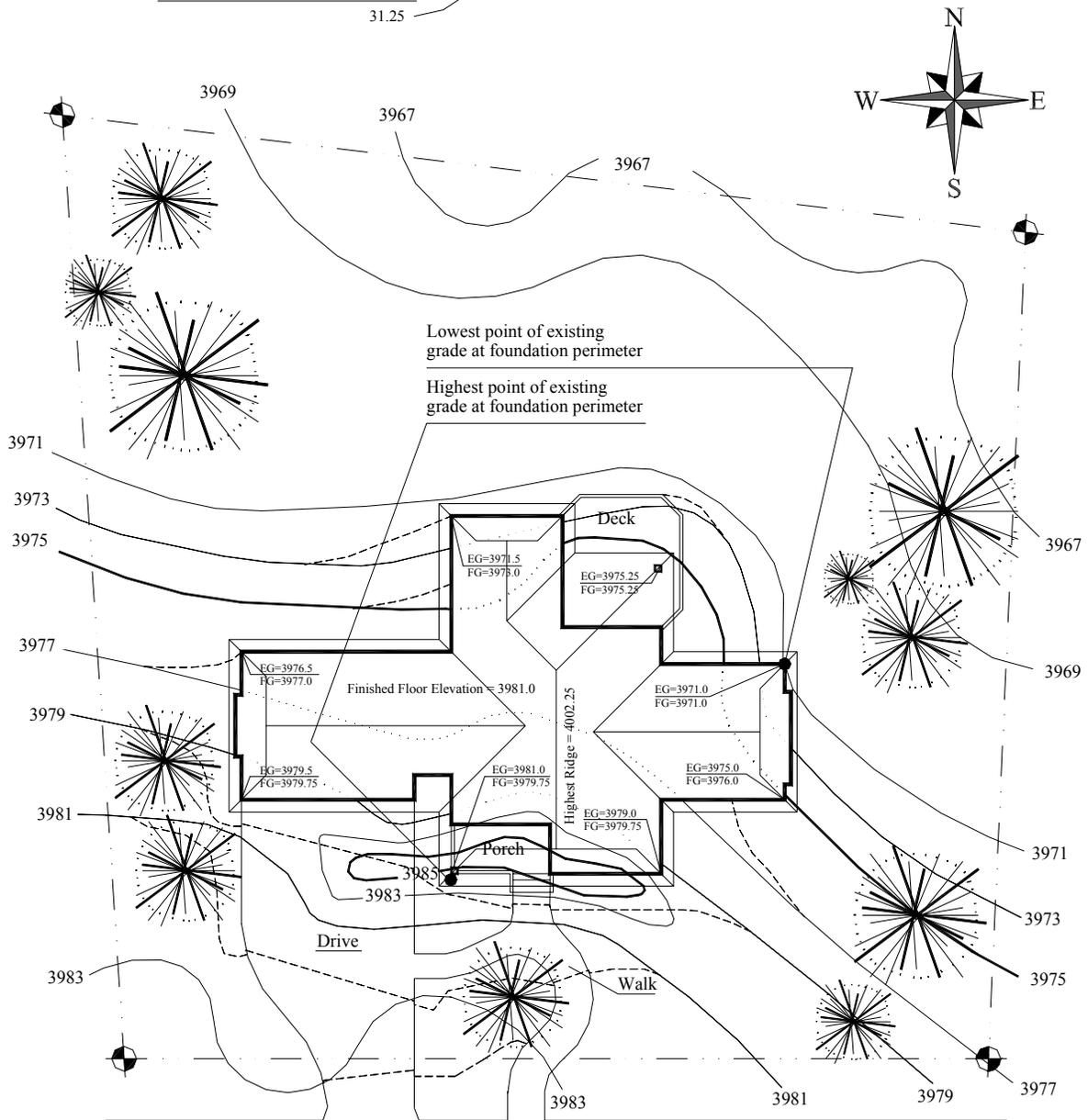
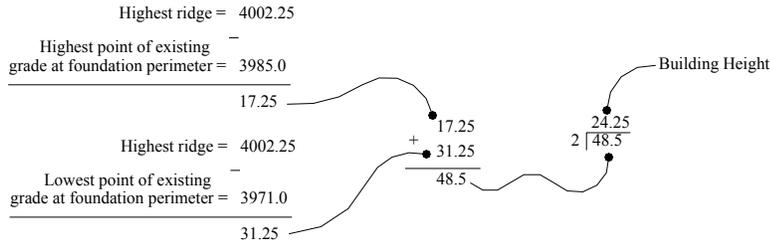
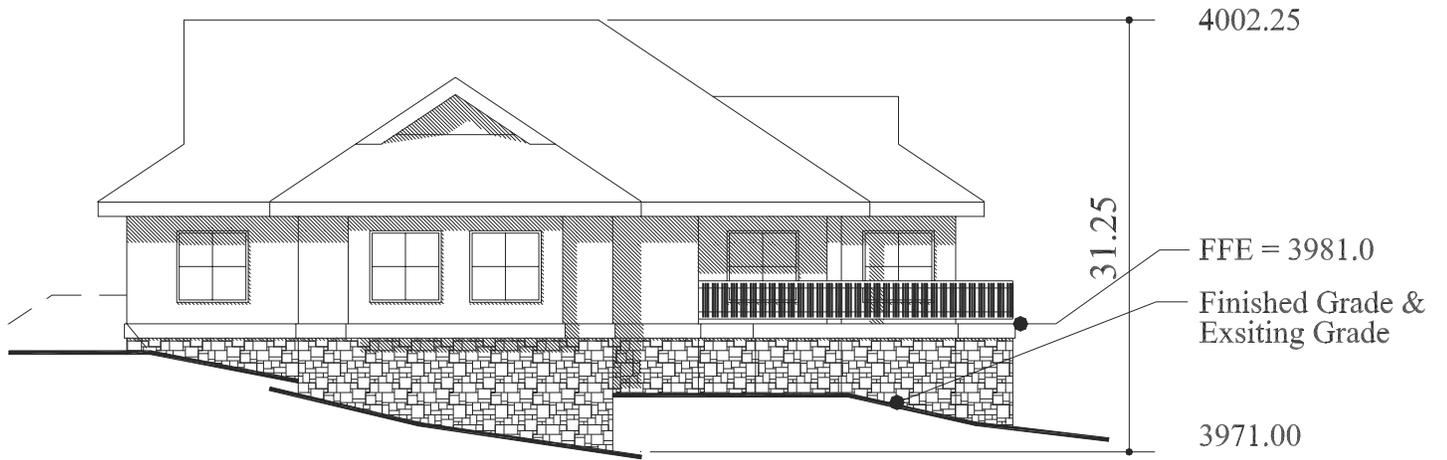
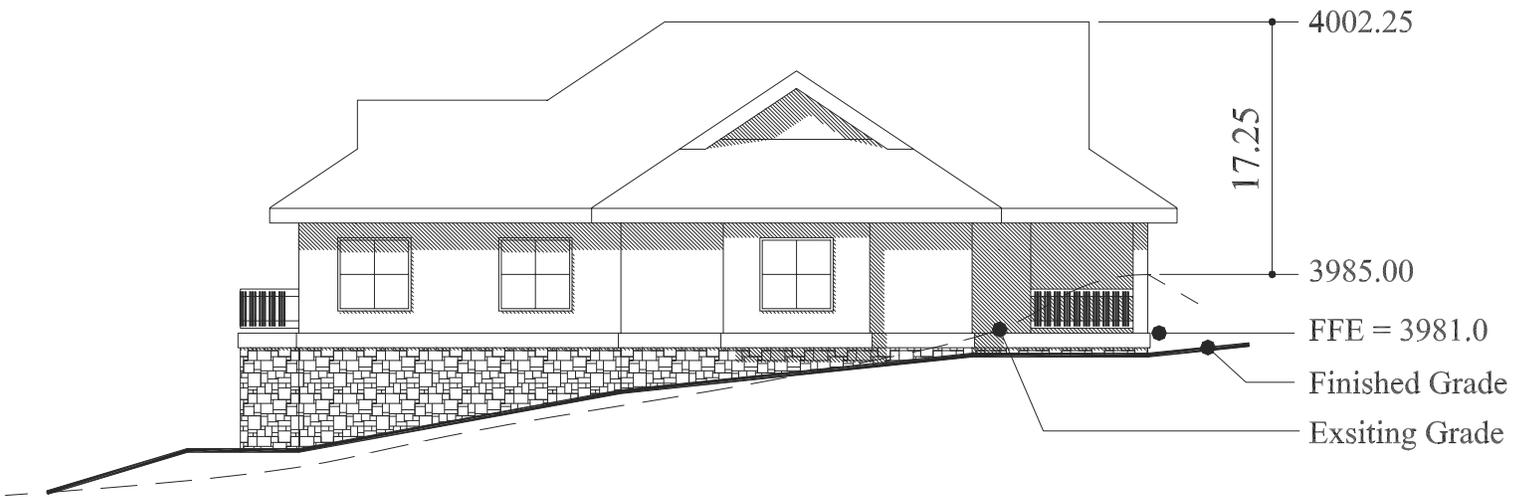


Exhibit A (Continued)  
**Building Height Calculation**



**East Elevation**



**West Elevation**