

**AWBREY VILLAGE PHASE VI
ARCHITECTURAL REVIEW COMMITTEE
RULES & GUIDELINES**

INTRODUCTION

The Awbrey Village vision is to create the feeling of the developments in early Bend between 1910 and 1940. When complete, the neighborhood will convey a sense of an established community, which has been in place for years.

The period between 1910 and 1940 was characterized by homes in a variety of styles including; Craftsman Bungalows, English Tudors, American Four Square, Colonial Revivals and several others. Awbrey Village development strongly encourages a wide variety designs and styles of this era.

Awbrey Village will build on the theme of an old-fashioned neighborhood including a neighborhood park, inviting distinctive entrances, and garages at the rear of lot with alley access where viable.

The following features will be added to Awbrey Village to enhance the "Old Bend" theme:

- Neighborhood Park
- Improved pedestrian paths
- A variety of traditional home designs encouraged
- Commercial activities within walking distance

It is our goal that many years from now, AWBREY VILLAGE will be viewed as an important part of Bend's historic development.

This booklet is intended to help you, your designer/architect, and your builder understand the rules and guidelines; and the necessary approval process to construct and maintain residence(s). The Architectural Review Committee (ARC) wants to ensure that the design review and approval process is administered consistently and effectively for the benefit of individual property owners and for all AWBREY VILLAGE residents. We strongly encourage you to contact us, prior to filing any application, to be sure you have the most current set of Rules and Guidelines. Please stop by our office or call or write with your comments or questions.

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Section 1 ARCHITECTURAL REVIEW COMMITTEE

1.1 Introduction

An Architectural Review Committee (ARC) has been established to implement these Rules and Guidelines. The ARC shall exercise the functions for which it is given responsibility as provided in the Declaration of Covenants, Conditions, and Restrictions (CC&R's) for AWBREY VILLAGE. Generally, the ARC will be responsible for the approval of plans and specifications for the homes in AWBREY VILLAGE and for the modifications, promulgation, and enforcement of its rules governing the use and maintenance of homesites and the improvements thereon.

In the event of a conflict between these rules and guidelines and the Conditions, Covenants and Restrictions, the CC&R's shall take precedent.

1.2 Policy

The decisions, interpretations and implementations of these guidelines and the conditions, covenants and restrictions by the (ARC) shall be final and binding upon all owners.

1.3 Members

The ARC is a voluntary committee consisting of no fewer than three nor more than five persons. Except as otherwise provided herein, a simple majority of the members of the ARC shall have the power to act on behalf of the entire committee without the necessity of a meeting and without the necessity of consulting the remaining members of the committee.

1.4 Disclaimer

The ARC assumes no responsibility for compliance with government building codes and regulations, deed restrictions, or the verification of property lines or setbacks.

Section 2 SUBMITTAL AND APPROVAL PROCEDURES

2.1 Preliminary Approval (***strongly encouraged but not required***)

The purpose of preliminary approval is to review designs at an early stage, to obtain ARC comment on designs which may not be in keeping with the concepts of AWBREY VILLAGE, or designs which may be duplications of others in close proximity to the requested improvement. The Preliminary Approval allows the owner to obtain ARC advice regarding changes that may be requested, before additional amounts of time and money have been expended. The preliminary approval shall not be deemed to be final approval for the construction of the improvement(s).

2.2 Submittal Response

The ARC will respond to any pertinent preliminary information submitted; however, all of the following information is required for a definitive response:

- (a) **Completed application form and checklist**
- (b) **Site Plan:** The site plan shall include the perimeter dimensions of the homesite, building and access locations, topography (with two foot contours), trees (8" in diameter and larger) to be removed and retained, location of all decks, fences, walkways, and driveways and all easements and setbacks as shown on the applicable subdivision plat at a minimum scale of 1" = 10'.
- (c) **Landscaping Plan (Prior to Occupancy):** Landscaping plans, for any portion of a homesite to be disrupted, must be submitted prior to occupancy. The plan must illustrate changes in contours, if any, related to the landscaping work, walkway, stairs and exterior lighting. The Applicant shall note and/or illustrate all walk(s) and all other outdoor materials. Installation of underground sprinkler systems for approved landscaped areas and park strip of each home is mandatory.
- (d) **Building Elevations:** All exterior elevations shall be a minimum scale of 1/4" = 1' and shall be provided showing the elevations of the proposed improvement(s) as situated on the owner's homesite. Include exterior finish materials and colors. A front elevation reduced on a 8 1/2 x 11" page showing color locations.
- (e) **Floor plans:** A floor plan at a minimum scale of 1/4" = 1' shall be submitted showing the proposed improvement(s). The minimum square footage for homes is 1400 square feet (not including garage, storage areas, or accessory dwellings).
- (f) **Application Fee:** New construction fee of \$1,500, with up to \$1,200 refundable (or \$500 addition/remodeling fee, with up to \$400 refundable). Builders on the Declarant's *Preferred Builder List* are required to only pay \$300, nonrefundable, for new construction at time of application.
- (g) **Other documents:** Any other documents reasonably required by the ARC.

Section 3 APPROVAL

3.1 ARC approval required

Before commencing any improvement and prior to making any change or alteration to any improvement, the Owner must first obtain written approval from the ARC. In approving or not approving the requested construction or alteration,

the ARC shall follow the letter and spirit of the Conditions, Covenants and Restrictions for AWBREY VILLAGE Subdivision and these Rules and Guidelines. To obtain such approval, a set of required documents (site plan, building elevations and floor plan) accompanied by payment of the required fee, must be submitted to the ARC. The ARC will respond with approval, denial or required modifications after all required documents have been received. The ARC will not commence review of an applicant's submittal until all items noted on the plan review checklist have been submitted and addressed by the applicant. Construction of the exterior of the home must be completed within twelve months after construction has begun.

3.2 State and County Codes

In addition to any other requirements imposed by the ARC, all construction, remodeling, alterations, and the like shall conform to State, County and all other applicable building codes.

3.3 Building Plans

Plans at a scale of 1/4" equals 1'-0" are required. Plans must conform to current City of Bend Guidelines for the submittal of construction plans.

All elevations, foundation, and other plans must accurately represent the structure's placement as described on the Site Plan. (See required detail plans at 2.2 in these Rules and Guidelines).

3.4 Site Plan/Work

Builders shall not disturb adjoining lots without first contacting and obtaining approval from the affected lot owner. Any disruption of the adjoining lot will be expected to be for the minimum time possible.

Trees planned for removal must be marked on the plans.

3.5 Fee and Submittal Form

The application shall be submitted with the required fee as set by the ARC and completed ARC submittal form.

3.6 Expiration Date

Construction approval is valid for one year for new homes and six months for remodeling. If construction has not begun in that time, a new application and fee will be required.

All proposed construction shall be completed within one year of the date shown on local permits. Site clean up shall be done weekly, and final site and construction clean up shall be completed within thirty (30) days of the final inspection of the home.

3.7 Inspection and Final Approval

Submittal of an application authorizes the ARC to make on-site inspections of the proposed homesite and improvement(s). Additionally, the owner is responsible for notifying the ARC upon completion of the improvement(s), at which time the ARC shall make a final inspection to verify compliance with the plan as submitted. Upon approval, ARC will refund a portion of the applicant's fee. Fees are forfeited after one year from the approved application date.

3.8 Enforcement

In the event construction of the house is not completed within 1 year after commencement, the ARC may impose upon the owner a \$50 per day penalty for each day until the house is completed. (The ARC may allow an extension of time to complete the house if applied for and authorized by the ARC at the time of construction approval, pursuant to Section 3 of the CC&R's.) The ARC shall not issue its final approval of any construction until all fines and other charges imposed have been paid in full. Any payments received under this paragraph shall be allocated to an account for the ARC's use in performing its function conferred upon it herein and under the CC&R's for Awbrey Village subdivision.

In the event the owner disputes the imposition of the late penalty or does not pay upon demand of the ARC, the ARC shall be entitled to enforce this provision as set forth in Section 10 of the CC&R's for Awbrey Village subdivision.

Section 4 ARCHITECTURAL RULES, REGULATIONS AND/OR GUIDELINES

This section describes the rules, regulations and guidelines to be followed by all Owners. Architects, designers and builders must verify that the designs and processes for new buildings are compliant with pertinent sections. Each homeowner must assure that he or she is in full compliance with the rules, regulations and guidelines.

4.1 Accessory Dwellings

Accessory Dwellings may be allowed after ARC review and written approval and shall conform to the following procedures and conditions:

- a) Preliminary review of the Accessory Dwelling's location on the site as well as it's exterior elevations are required.
- b) Preliminary review of the Accessory Dwelling may result in required changes to the structure or siting of it prior to obtaining ARC approval.
- c) Some Accessory Dwelling submittals may not be approved if the ARC determines the building impairs a view, the building does not conform to the architecture of the primary building, or for other reasons determined by the ARC to be nonconforming to the site, neighborhood, or other relevant circumstances.
- d) The dwelling shall be no larger than 600 square feet (total) in size.
- e) The dwelling shall have at least one off-street parking space.

- f) Accessory dwelling's height shall be compatible within neighborhood and shall conform to section 4.2.
- g) A maximum of one accessory dwelling unit is allowed per lot.

4.2 Building Height.

Building height limitations shall be those as imposed by the City of Bend.

4.3 City Building Requirements

The City of Bend requires that a building permit be obtained prior to beginning construction of any improvement or making additions or changes to an existing structure

4.4 Drainage

The existing drainage on each homesite shall be carefully considered when siting an improvement. The natural drainage pattern should be preserved if at all possible. All disturbed areas shall be landscaped or vegetation must be reestablished to control erosion and runoff, this includes park strip. All site drainage shall be retained and disposed of on the owner's property. Provisions for the disbursement of roof, gutter, Lot, landscape, walkway, driveway, and all other drainage is the owner's responsibility. All Owners should consult with professionals to discuss their drainage risk factors and specific solutions.

4.5 Excavation / Grading

Houses should be sited and grading adjusted so that there are at least two but no more than eight risers from the main entry to grade at bottom of entry stairs. Exceptions will be considered on an individual basis. All excavation must be done so as to create a minimum disturbance to the site. All debris resulting from excavation must be removed within 10 days. No foundation pour will be allowed before the debris has been removed.

No tree greater than 8" in diameter, measured 3' off ground in diameter may be removed without written ARC approval. All tree removal requests must be noted on the Site Plan. As many trees as possible should be saved.

No excavation is allowed prior to ARC approval and the Owner has applied for a building permit.

All disturbed site areas must be restored.

Restoration includes:

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

4.6 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. Indirect, low walkway and landscape lights less than 18" high are acceptable. 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 January 31.

4.7 Exterior Wall & Trim Colors and Materials

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

- Wood (except panelized wood T-1-11 sheets or similar siding materials)
- Brick
- Textured masonry, or veneer, or E.I.F.S.
- Natural stone
- Tile
- Cement composition board

- Metal roofing may be permitted

The following exterior materials are prohibited:

- Panelized wood (T-1-11 sheets or similar siding materials)
- Corrugated metal
- Metal siding
- Vinyl or plastic siding
- Fiberglass
- Plain concrete block
- Plain concrete (except for foundations, which are limited to a maximum of 8" of exposed concrete).

All materials are to be natural or treated with paints or stains in colors subject to ARC review and written approval. The ARC may require a 4' x 4' sample be painted on house, for on-site review, prior to approval.

Exposed horizontal seams are prohibited.

4.8 Fences

All fences within the Awbrey Village Subdivision shall be five (5) feet in height or less. The intent is to create good neighbor fences and make the alleys "people friendly". This allows the homeowners to view any activities in the alley and not create a dark box-like rear entry to garages. Any fence extended in front of the house must not exceed three (3) feet in height. Wood posts for fences may be higher than five (5) feet with ARC approval. Height shall be measured from the natural grade. "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. Fences along alleys shall be at least 3' away from the pavement. Fences adjacent to the pedestrian path shall be built to the same standards as stated herein.

Painting of front fences is allowed with ARC approval of colors. Any painted fence must be maintained so as to conform to the standards established for fences. If not painted, fences must be natural stained with a natural color (stain must have ARC approval) and must be maintained so as to conform to the standards established for fences.

Perimeter lots may have an exception to the 5' height limitation with written ARC approval. The heights or elevations of any wall or fence shall be measured from the existing natural elevations of the property at or along the applicable points or lines. No cyclone, metal mesh, or chain link fences are allowed whatsoever except that fence posts may be metal or steel. Fences shall be constructed of grade #2, no-hole cedar per Diagram "A". All side and rear fences constructed on the property line by the developer, or builder, are the property of the adjoining property owners. It is the adjoining property owner's responsibility to jointly

maintain, repair or replace side fences as needed. Corner lots that anticipate constructing fences must have ARC written approval prior to the start of construction. Privacy screening may be permitted with written ARC approval for Hot Tubs/Spas.

In addition, lots 111 through 116 are also subject to the following Awbrey Butte fence standards.

- a. Fences shall be limited to 4' in height from ground level, 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 at Awbrey Butte 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.
- 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 fencing may be permitted with ARC approval around individual plants or shrubs until they are of a size less vulnerable to the deer population.

In addition, fencing on the northwest sides of lot 117 bordering Awbrey Butte Subdivision may require stricter controls

4.9 Garage setbacks

All garages shall have a minimum of 24 feet of clear space in front of all garage door openings, whether street or alley access. Alleys can count for up to 14' of this requirement. The intent of this requirement is to provide an added measure of safety to drivers while backing out of garages and driveways. An exception may be considered by the ARC for unusual site design issues.

4.10 Hillside Homesites

Exposed understructures of homes are prohibited. Siding material shall extend to within eight inches of the finished grade and shall be designed in such a way as to break up the mass of the wall and consistent with the architectural style of the building(s), as defined and approved, in writing, by the ARC. Walls more than four feet from the finish floor level shall have continuous foundation landscaping to reduce the scale of the skirt wall. All design solutions for exposed understructures shall be subject to ARC review and written approval.

4.11 Landscaping

The park strip (curb to property line) in front of each home is within the street right-of-way and it is each owner's responsibility to install and maintain sprinklers and grass landscaping. The landscaped park strip should be sod when possible. Steep lots are required to landscape from curb to house and may obtain ARC approval for alternatives to sod.

The lots with electrical transformers located in the park strip shall not plant any trees in the front and 3-feet within the side and rear of the transformer.

4.12 Mailboxes

Mailboxes will be located on the streets.

4.13 Occupancy

No occupancy will be allowed before:

- (a) Final inspection and compliance with all governmental agencies.
- (b) Removal of all construction waste, materials and portable toilets.
- (c) Completion of exterior painting and landscaping. (exception allowed for weather conditions)

4.14 Setbacks

Building set back requirements are as follows:

- Ten-foot front yard. ARC will review setbacks greater than 10 feet.
- Five-foot minimum side yards.
- Five-foot minimum rear set back from alley pavement.
- Non-alley access lots must have garage doors set back ten feet from front foundation of home.
- Front of homes should be sited parallel to street.

4.15 Sight Distance at Intersections

On a corner Lot, no fence, wall or shrub planting which obstruct sight lines at elevations between two (2) and six (6) feet above roadways shall be placed or permitted to remain within the triangular area formed by the street property lines and line connecting them at points fifteen (15) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the property lines extended.

The same sight line limitations shall apply on all Lots within the first ten (10) feet of a street right-of-way line. No trees shall be permitted to remain within such distances unless the foliage line is maintained at sufficient height to prevent obstruction of such lines.

4.16 Utilities

- All plumbing, electrical and water hookups shall conform to all codes.
- Electrical meter bases shall be recessed from view.
- All areas of excavation for utility work shall be landscaped or restored.
- All utilities shall be underground.

Section 5	RULES FOR BUILDERS
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5.1 Construction Clean Up

A receptacle for trash accumulation shall be maintained and a provision shall be made for weekly removal of all construction waste materials. The Owner is responsible for maintaining a clean job site, including dust and dirt in the alley adjacent to lot. Construction materials should be stored on lots whenever possible. (If not possible, construction materials in the street and alley should be used and cleaned up quickly as consideration to others).

5.3 Construction or Realtor Signs

Only two signs are allowed on any lot. General contractors will be allowed to display one sign during the construction phase of individual homes in addition to a Realtor's sign. Unless approved by the ARC in writing, the sign may not be larger than 4 square feet.

5.4 Construction Parking

All construction parking for trailers and other construction equipment is encouraged to be off street in the evenings and/or weekends.

5.5 Construction Toilet

Portable toilets must be made available.

5.6 Contractors Pets

Contractors or subcontractors are not allowed to have pets on any job site.

5.7 Music on Construction Site

No loud music is allowed. Sounds from radios/TV's shall not be audible to neighbors or from common property.

5.8 Construction Noise

No construction work that will produce noise audible to neighbors or common property will begin before 7:00 A.M. or continue after 7:00 P.M. Monday through Friday, and before 8:00 A.M. or continue after 7:00 P.M. Saturdays. No noise audible to neighbors or common property shall be allowed on Sundays.

5.9 General Contractors

General Contractors shall assume complete responsibility for the actions of their workers as well as those of their subcontractors.

5.10 Owner/Builder

When Owners act as their own General Contractor, they shall assume the same responsibility as those of a General Contractor.

5.11 Site Work

No site work is allowed prior to written approval from the ARC and the owner has applied for a building permit.

Section 6 ENFORCEMENT / SEVERABILITY / OTHER

6.1 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these Rules and 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 portion.

6.2 Nonwaiver

Consent by the ARC to any matter proposed to it within its jurisdiction, or failure by the ARC to enforce any violation of the Rules, 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.

6.3 Enforcement

Any deviation from the Rules and Guidelines may result in work stoppage. See AWBREY VILLAGE Subdivision CC&R's for more detail.

6.4 Violations

Violations of ARC rules may be reported by any member of the community. All violations reported to the ARC must be in writing. Send correspondence to Tennant Developments, 516 SW 13th St., Ste A, Bend, OR. 97702.

Procedures for handling violations will follow those outlined under AWBREY VILLAGE Subdivision CC&R's.

6.5 Work Stoppage

The ARC may implement work stoppages when the rules, outlined herein, are not complied with.