

# INTRODUCTION

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

The homeowners of Awbrey Glen have established a unique community, which preserves the natural beauty and site integrity of individual homesites, while allowing diversity in individual residences.

To ensure that Awbrey Glen is developed and maintained to the highest practical aesthetic standards, the Awbrey Glen homeowners have established an Architectural Review Committee (ARC) that has established the Architectural Rules & Design Guidelines contained in this document.

Awbrey Glen does not have a particular architectural theme. However, all of the buildings and landscapes within Awbrey Glen 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 book 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 all Awbrey Glen residents.

We urge you to contact *the Management Company* prior to filing any application to be sure you have the most current application form and a current set of the Awbrey Glen Design Guidelines.

## **The Construction or Remodel Approval Process**

The application of these Rules & Design Guidelines shall be subject to the approval of the Awbrey Glen Architectural Review Committee (ARC) which shall also approve the installation of all buildings, enclosures, landscaping (including, but not limited to, water features, fire pits, hammocks, hot tubs, and permanently placed play equipment and furniture), exposed solar heating, air conditioning, mechanical equipment, antennas, satellite dishes, utility meters, and all other exposed site and building non-architectural components. This also includes painting and repainting **(even the same color)** of houses.

Exceptions to the 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, Application and the Timetable & Checklist Outline for the ARC application process are available at the office of *the Management Company*.

### 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 preparation for Preliminary Review portion of the Timetable and the Submittal Checklist for instructions and submittal requirements.

### Responsibilities

It is the responsibility of each Awbrey Glen land/home owner and/or his agent(s) to read and understand the Declaration for Awbrey Glen; ARC Construction Submittal Form and Application; Timetable & Checklist Outline for the ARC application process; and these 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 7.6 of the Awbrey Glen Covenants, Conditions & Restrictions (CC&Rs), the Awbrey Glen Board and/or its authorized representatives (*aka. the Management Company or ARC Committee Members*) may, at any time, inspect a homesite or improvement and, upon discovering a violation of these Rules & Design Guidelines, provide written notice of noncompliance to the owner, including a reasonable time limit within which to correct the violation. In the event that an owner or his agent(s) fails to comply within this time period, the Board and/or its authorized representatives (*aka. the Management Company or ARC Committee Members*) may proceed with enforcement as provided for in Article 11 of the same CC&Rs.

### 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 Rules and Guidelines.

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 Glen CC&Rs 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 Glen CC&Rs. 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 & 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 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 Guidelines.

## SEVERABILITY

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.

## ARCHITECTURAL REVIEW COMMITTEE

### **General**

The Awbrey Glen Homeowners Association (HOA) has established the Awbrey Glen ARC to implement and administer these Rules & Design Guidelines. The ARC shall exercise the functions for which it is given responsibility by the Awbrey Glen HOA Board of Directors as provided in the Declaration of Covenants, Conditions & Restrictions (CC&Rs) for Awbrey Glen 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 five persons who shall be appointed by the Awbrey Glen HOA Board of Directors. Members of the ARC may be removed and replaced at any time by the Awbrey Glen HOA Board of Directors.

Except as otherwise provided herein, a majority of the voting members of the ARC shall have the power to act on behalf of the ARC without the necessity of a meeting and without the necessity of consulting the remaining members of the ARC, if they are unavailable.

### **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 Glen. The ARC reviews submittals and makes rulings that, in all cases, supersede the City of Bend and/or others.

## TIMETABLE

### **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.

1. Preparation:

- The applicant must first prepare for the review. Check with *the Management Company* to see if the copy you have of the Awbrey Glen Rules & Design Guidelines is the most recent edition (all copies are dated). Request a current copy of the Awbrey Glen ARC Construction Submittal Form and Application.

- Awbrey Glen land owner(s) and/or his agent(s) should read and understand the Declaration for Awbrey Glen; ARC Construction Submittal Form and Application; Timetable & Checklist Outline; and the Rules & Design Guidelines prior to making a submittal to the ARC.
- Awbrey Glen 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, the City of Bend, and all other pertinent regulations. The most stringent regulations shall apply in the event of a conflict.

## 2. Proposal Development:

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 Glen Rules & Design Guidelines.

## 3. ARC Review:

The third aspect is the ARC review. **At least three weeks prior to the next ARC meeting**, *the Management Company* must receive your submittal. The ARC meets the first and third week of each month, as needed. If you have any questions, contact *the Management Company*.

### **Notification of Neighboring Property Owners**

At the time a completed and accurate application for New Construction or a remodel is received, *the Management Company* will notify contiguous property owners and owners whose property may be impacted by the construction of your home regarding your intent to build. 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 the 100' building circle and 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 three-week period**, before the meeting is used to have an independent architect consultant review submittals, checking for Design Guideline compliance, drawing accuracy, and to write a report of their findings.

### **Preliminary Review Advantage**

The non-refundable fee for a Preliminary Review is stated on the Fee Schedule provided with your application, but that amount will be applied as a credit to the total fee which is due when you apply for Final 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 Glen Rules & Design Guidelines, and to get contiguous owners' comments on homes (or portions of) proposed to be outside of the building circle. 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 affect the building's 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 open to property owners with pending projects in Awbrey Glen, and their representatives, subject to a 72 hour prior approval from the Management Company. ARC meetings are held the first and third week of each month, or as needed. Property owners will be allowed to state their case but all voting will be held in a closed meeting.

### **After the ARC Review**

After the ARC meeting and the two-week contiguous-owner response period have expired or all contiguous owners have responded, 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). If there are specific areas of concern or a requirement for more information, the owner or his agent(s) may be required to 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 issued and the Conformance Agreement, attached to your approval letter, has been signed and returned to the Management Company

Items which are missing from the original submittal, (color boards, landscape plans, 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 Landscaping 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 (or six months for additions or remodels), the application and approval expire and the refundable 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. All exterior construction on your home must be completed within **15 months** from the date construction begins. All landscaping must be completed within six months of completion of the exterior of the home.

### **Appeals**

Appeals relating to ARC decisions can be submitted to the ARC for a second review. If the project is again denied, homeowners can submit their final appeal to the Board of Directors. The Board of Directors will make the **final** decision on approval or denial of the project. Please see Resolution 2014-1 concerning ARC appeals.

### **Deposit Refund and Inspection**

The deposit portion of the application fee will be refunded if the building and landscaping are completed and meet all ARC standards, requirements, CC&Rs and Design Guidelines. Owners 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**.

## **S U B M I T T A L C H E C K L I S T**

**At least three weeks prior** to the next scheduled Awbrey Glen ARC meeting (the first and third week of each month), submit to the Management Company the following:

### **Preliminary Review**

Preliminary review is strongly encouraged as it tests the building and site concept. Preliminary review allows the owner to obtain ARC advice and contiguous owner comments (if any) regarding conceptual designs before final construction drawings are prepared. The ARC recommends you provide as much information as possible to gain the most out of the review. Please provide one copy of the site plan, elevations and floor plan as well as a reduced copy (8 1/2" x 11") of the site plan and elevations. The non-refundable fee for a Preliminary Review is stated on the fee schedule, but that amount will be applied as a credit to the total fee, which is due when you apply for Final Review.

### **Final Review**

The following items are required for final review:

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

- licensed surveyor stamp and signature on plan
- drawing scale (recommended): 1" = 10'
- a grading plan (professional engineered encouraged, and may be required) 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)
- A grading and drainage plan(s) (professional engineered encouraged, and may be required) 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, golf course and all other easements (if any)
- building site stake location and 100 foot building circle clearly identified (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, service yard/trash storage, spa/hot tub facilities, utility, 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 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 current fee schedule can be obtained from the Management Company to ensure you have the most recent fee structure. This fee schedule will include fees for:
  - New Construction.
  - Preliminary Review.
  - Remodels/additions/alterations.
  - Landscaping plan changes/updating.

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

- It is required to submit a sample board containing roof, siding, stone (if any) and paint and trim colors. 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 catalog cuts or drawings
- masonry and paver samples

### Other considerations at the time of submittal:

- A string layout of the footprint of the house, driveway and onsite parking locations shall be completed at the time of the application. All corners of the lot must also be accurately staked at the time the string layout is completed. The failure to complete this step may result in a delayed ARC review.

## LANDSCAPE SUBMITTAL CHECKLIST

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 deposit refund. No additional fees are required for landscape review. Landscaping shall be completed within six months from the date of the issuance of the certificate of occupancy of the home. Please consult the Landscaping section for more specific information about landscape requirements.

**At least two weeks prior** to the next scheduled Awbrey Glen ARC meeting, submit to the Management Company the following:

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

- drawing scale: 1" = 10'
- 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 lighting plan and samples, catalog cuts or drawings of all landscape and driveway lighting fixtures proposed (see Exhibits N through Q, for examples of approved types)
- North arrow
- location of the following clearly marked: walkways, decks, retaining wall(s), parking areas, service yard/trash storage, spa/hot tub facilities, fire pits, etc.
- types, locations, quantities and sizes of all proposed plant material
- water feature location (if any) and detail which should include overall dimensions, horizontal drop, noise in dB and pump size, if applicable. The noise generated by the



water feature may be not greater than 50db as measured at the edge of the maintained portion of the golf course, at the next adjacent neighbors property line, and the edge of the paving at the street.

### ARC Landscape Application Fee

There is no application fee for supplemental landscape plans submitted after the original ARC refund has been issued.

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

### Fees

The ARC review fee may be changed at any time, by the Board of Directors.

### On-Site Inspections

As provided by Section 7.6 of the Awbrey Glen CC&Rs, the Awbrey Glen 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 proposed construction and improvements at any time.

### Violations

Violation(s) of these Rules & Design Guidelines that are discovered during an inspection will be forwarded to the 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 11 of the same CC&Rs.

## 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 Glen. The ARC reviews submittals and makes rulings that, in all cases, supersede the City of Bend and/or others. Please contact the Management Company prior to any changes made to the exterior of your home.

### 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 K) 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 prior to construction of the main residence.

Structures, including but not limited to, separate garages, dog houses, tool sheds, wood storage, greenhouses, gazebos, outdoor kitchens, BBQ islands, etc., which are not integrated as part of the main residence, will generally not be allowed, but will require written ARC approval on a case by case basis. (See Greenhouses and Garden Hot Boxes)

### **Address Markers**

The Awbrey Glen HOA will provide the initial home site address marker upon successful final inspection. The HOA will paint the address markers every four years or as needed, by normal wear and tear.

Should the address marker become damaged or need to be replaced it is the property owner's responsibility to replace it with an identical marker. Contact the Management Company for sources and specification. The markers must be a minimum of 30 inches and a maximum of 42 inches above ground level. Identifying numbers must match that of the existing size and style.

### **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 Glen property owner and/or his agent(s) will be held responsible for restoration of the adjoining affected property and/or may be subject to a partial forfeiture of the deposit refund.

It is imperative to keep adjoining property free of construction litter. Daily clean-up is required. Side property lines must be marked.

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

Aluminum windows, doorframes 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 must have prior ARC review and written approval.

### **Animals**

Farm animals and Livestock are prohibited in Awbrey Glen. All Awbrey Glen homesites are within the Bend City limits and resident animals are subject to the City of Bend leash laws, in addition to Awbrey Glen Homeowners' Association rules. If an animal is off its owner's homesite, **it must be on a leash at all times**. Animal menace ordinances are also in effect for defecating, persistent barking and trash-strewing dogs. Persistent dog barking can lead to fines from the City of Bend and additional fines by the HOA. **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.

The golf course is not an animal exercise area. Animals will not be permitted on the golf course and should not be exercised (even on a leash) along golf course cart paths. Dogs should be walked along the bike paths, roadways, common areas and parks. Pet owners are required to clean up after their pets. Please be considerate of others who use the common areas. (See *Animal Runs and Restraint areas*)

### **Animal Runs and 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 of roadways, golf course and neighboring homesites. Invisible electrical fences are allowed without prior ARC approval. Flags may be visible **for a maximum of three months**, after which the fence line maybe marked with black, brown, or dark green colored stakes not to exceed 6 in. in height. (See *Fencing, Walls, Gates, and Screening*)

### **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. Awnings must remain well maintained and when deployed be parallel to the ground. Awnings must be retracted when not in use. The bottom edge of the valance must be straight, not decoratively cut (no scallops, notches, etc.).

### **Bark, Wood Chips, Mulch, and Landscape Rock,**

Bark, wood chips, mulch, and landscape rocks maybe used as ground cover. Bark, wood chips, and mulch must be natural in color such as tan, brown, black, natural Cedar, Redwood, Hemlock, and/or Juniper. (**No bright stained, or dyed red, pink, white or blue colors are allowed**). Landscape Rock can be Gray, tan, black, or brown in color. All new bark, mulch, and landscape rock must be approved by the ARC Committee. (also see "Bark, Mulch" under Plant Materials)

### **Buildable Area (also see Exhibits "A-I")**

#### **City Requirements**

The City of Bend solar setback standard must be accommodated. The City of Bend and/or the City's adopted building code may have requirements that are more restrictive than those published herein—the most restrictive requirement shall prevail.

#### **Building Site Location**

Each Awbrey Glen Homesite (Phases One, Two, Four, Five and Six) has an established building site location. This location is 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 (not including decks or roof overhangs). Champion Ridge and Pine Canyon Homesites do not have building site locations.

Homes that are outside of the circle are subject to the concerns of adjoining property owners. Adjoining property owners have a reasonable expectation that neighboring homes will be built within the building circle, conform to the height limit, and meet all other criteria in the Rules & Design Guidelines.

If it appears that the best location for the home is outside of the building circle to any degree, the use of the preliminary review process is **strongly encouraged**. The preliminary review process tests the building/site concept. Concerns or objections are easier to address when they are known at the beginning of the design process.

#### **Building Setbacks**

Building setbacks are measured from the property line(s) to the furthest extent of the building (**including roof overhangs**, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building) on all four elevations unless otherwise approved by the ARC. Decks, patios, driveways, turnarounds, retaining walls and walkways have separate setback requirements (see *Additional Setbacks*).

- a. Street Frontage Minimum 20-foot setback from each street frontage property line.
- b. Side Property Lines Minimum 10-foot setback from each side property line (measured from the property line(s) to the furthest extent of the building, including roof overhangs, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building).
- c. Rear Property Lines Rear yard minimum setbacks are one of the following:
  1. The golf course easement is the minimum setback for golf course frontage homesites.
  2. 10-foot minimum setback from rear property line for non-golf course frontage homesites.

**Additional Setbacks (refer to Exhibit "J" Additional Setbacks)**

- a. Decks, patios, driveways, turnarounds, retaining walls and walkways with **surfaces that are 30" or less above existing grade must be at least 5 feet from any property line.**
- b. Decks, patios, driveways, turnarounds, retaining walls and walkways with **surfaces that are more than 30" above or below existing grade shall add one foot to the minimum 5 foot setback for each 6 inches exceeding the 30" above existing grade maximum** (i.e. a deck with a finished surface that is 31" inches above existing grade shall have a minimum setback of 6 feet). To see the formula, refer to Exhibit J.
- c. Homesites that are bordered by Mt. Washington Drive have a recorded 25-foot non-development easement along Mt. Washington Drive. This easement is the minimum rear setback for these homesites.

**Specific Construction Requirements**

Currently, Awbrey Glen has five distinctly different areas, Awbrey Glen, Champion Ridge, Pine Canyon, Vardon Court, and Copperstone. The first three of these areas have different construction requirements, as do homesites that include a golf course easement:

**Golf Course Easements (also see Golf Course Frontage Homesites)**

Golf course frontage homesites in Awbrey Glen Homesites Phases One, Two and Four and all phases of Champion Ridge have a 25-foot recorded golf course easement over the rear of the homesite. No part of a home (footings, decks, porches, patios or eaves) may encroach in this golf course easement.

The out-of-bounds markers (white PVC pipe) may be different from the golf course easement line as recorded on the official plat. No formal landscaping or sod lawn may be placed between these markers and the rear property line. Formal landscaping and sod are permitted on the residence side of the out-of-bounds markers with written approval from the ARC.

Golf course frontage homesites in Awbrey Glen Homesites Phases Five and Six and all Pine Canyon Homesites **have varying golf course easements** which run parallel to the out-of-bounds lines. Again, no part of the home, deck, patio, walkways, and formal landscaping or sod lawn may be placed between the golf course easement and the property line.

**Awbrey Glen Homesites (see Exhibits "A, D, F, H")**

Each homesite in the Awbrey Glen Homesite phases contain an established and documented building area chosen for its privacy and orientation. This area is a circle 100 feet in diameter, with the center of the circle shown on the building site location map and physically on the homesite by the building site stake. The

building site location map shall be used for the most accurate location of the building site stake. Owners should strive to design their home so that the footprint of the home is contained within this 100 foot circle (not including decks and roof overhangs). If the home is constructed within the building circle, is within the height limitations and meets all criteria of the Rules and Guidelines, there is little that contiguous owners can object to.

If the home is in the design process and the best location for the home places any part of the home outside of the building circle, the use of the preliminary review process is strongly recommended. In addition, the Awbrey Glen Homesites have the following requirements:

- a. no square footage requirements
- b. garages with more than two bays must offset the additional bay at least three feet.
- c. homes with more than three garage bays will be reviewed on an individual basis and requires specific ARC written approval.
- d. minimum 10 foot side setbacks (measured from the property line(s) to the furthest extent of the building (including roof overhangs, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building)
- d. Minimum 20 foot front setback from each street frontage (measured from the property line(s) to the furthest extent of the building (including roof overhangs, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building)
- e. golf course easement, when applicable, is variable; see plat maps
- f. wood stoves and wood burning fireplaces are permitted

**Champion Ridge Homesites** (also see Exhibits "B, E, G")

- a. 1600-2400 square feet, excluding garage & unheated storage
- b. must have a two-bay garage, may be oversized for storage
- c. no building stake or circle limitations
- d. minimum 10 foot side setbacks (measured from the property line(s) to the furthest extent of the building, **including roof overhangs**, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building)
- e. minimum 20 foot front setback from each street frontage (measured from the property line(s) to the furthest extent of the building, including roof overhangs, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building)
- f. golf course easement is 25 foot from the rear property line
- g. wood burning fireplaces and/or wood or pellet burning stoves are not permitted

**Pine Canyon Homesites** (also see Exhibits "C, I")

- a. 1800-2600 square feet, excluding garage
- b. maximum three-bay garage, may be oversized for storage; if third bay faces street, it must be offset at least 3 feet
- c. no building stake or building circle limitations

- d. minimum 10 foot side setbacks (measured from the property line(s) to the furthest extent of the building, **including roof overhangs**, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building)
- e. minimum 20 foot front setback from each street frontage (measured from the property line(s) to the furthest extent of the building, including roof overhangs, footings, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building)
- f. golf course easement is variable; please check plat maps
- g. wood burning fireplaces and/or wood or pellet burning stoves are not permitted

### **Building Height (also see Exhibit “K” Calculating Building Height)**

The City of Bend and the Awbrey Glen Rules & Design Guidelines both enforce a 30 foot average height limitation with one important exception: the Awbrey Glen Rules & Design Guidelines calculates height differently than the City of Bend. All lots will be subject to the Awbrey Glen Rules & Design Guidelines height calculation process. To see the formula, refer to [Exhibit K](#).

Back-filling does not affect the Awbrey Glen Rules & Design Guidelines building height calculation. Applications with the intent to circumvent the City of Bend height restrictions or Awbrey Glen Rules & Design Guidelines height restrictions will not be approved.

The height of a home is determined by the Awbrey Glen Rules & 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. 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 foot, even if the average is below 30 feet.

“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 “K” illustrates and explains how building height is calculated in determining compliance with the Awbrey Glen 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 Glen.

### **Chimneys**

All exterior chimney chases surrounding flues must be of wood, stone or brick. The chase or shroud must be in proportion to the size of the home and must cover the cap completely making it not visible. A chimney chase and shroud must be large enough to completely cover the wood-burning metal fireplace flue, as well as the spark arrestor. 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 wood-burning fireplace chimney chases and shrouds.

### Colors and Stains (Exterior)

(See Exterior Colors and Stains).

### Common Areas

The area between the street and the front property line in Awbrey Glen is common area. This area will be maintained (weed pulling, watering, etc.) but not landscaped by the Awbrey Glen Homeowners' Association. If the owner wishes to landscape and maintain this area to his/her own standards, a plan must be submitted to the ARC for review and written approval.

### Construction Radios

Loud radio playing on site during construction is prohibited. Radios should not be audible from adjacent lots, homes, street or the golf course.

### Construction Times

Construction in Awbrey Glen is permitted between the times of 7am to 7pm Monday- Saturday. Noisy activity should be curtailed on Sunday.

### 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. Lattice skirting is prohibited.

The deck areas of homesites are an integral part of living in Awbrey Glen as well as an integral part of the view from neighboring properties and the golf course. Long uninterrupted runs of deck will not be permitted. Projections, steps or other architectural features must be incorporated in the deck design (however, no encroachment in golf course easements will be permitted).

All Painted Surfaces, i.e. railings, steps and decks including skirting must complement the house.

### 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 the golf course, 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 Glen may be susceptible to street drainage and erosion problems during conditions that exceed the system's designed capacity. All new construction or remodeling will be required to install culverts (8" or larger) under their driveways to channel the water down the roadways. Areas along the streets should be swaled and filled with large drain rock to help channel and disperse the water during heavy runoff.

During the times in which conditions exceed the system's designed capacity, there may be some runoff from the golf course. Landscape professionals should consider this potential as they design the rear yard landscaping.

### Driveways (also see Exhibits L & M)

Driveway cuts onto Awbrey Glen 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 at the apron (transition) 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.

### Duplication

Duplication of a house design is discouraged except where a particular housing area is so designed by the developer.

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.

Retaining Walls or structures exceeding 3 feet in height are strongly discouraged. Instances requiring taller retaining structures should be terraced with a minimum of 3 feet between each retaining wall structure. All retaining wall plans must include provisions for proper drainage. All retaining wall structures require ARC approval.

### Exterior House Colors and Stains

Please contact the Management Company prior to any exterior painting or staining.

All exterior colors are subject to review and written approval by the ARC for both original painting and subsequent repainting or staining, even if the same color will be applied.

A 4-foot by 4-foot taped and labeled sample of the paint body and trim is required. The samples must be placed where the ARC can easily review from the street. All paint requests must include brand and color name or combination.

Exterior colors must be of medium to dark earth tones, such as browns or greens. Exterior color treatment shall be continuous on all elevations. **Very light, pastel or bright -- colors are not 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

**Consistency:** 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 8 inches of grade and sloped, to match finished grade, not stepped. Only 8 inches of exposed foundation is permitted on any exterior elevation.

**Coordination:** 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.

**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 (e.g., masonry wainscoting, base trim boards, frieze boards, are a few design alternatives for effectively eliminating long, tall, uninterrupted walls.)

See Hillside Homesites for more information on tall façades.

**Garages:** Owners and/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).

### Exterior Lighting

The City of Bend Lighting Ordinance will be used as a guideline, adding the below stipulations.

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:

- a. Only 2 fixtures with a visible light source are permitted on the exterior of the 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, or 900 Lumens (e.g. a fixture with three lamps may only have three 20-watt bulbs). Colored lamps are prohibited.

- b. 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. No part of the lamp or light source may be visible. Colored lamps are prohibited.
- c. Driveway, walkway, landscape and all other decorative light fixtures are subject to ARC review and written approval regarding their location, number and wattage. Excessive numbers of light fixtures will not be approved. All landscaping lighting should be the same fixtures. Solar lighting is allowed as long as it matches any other landscape lighting.
- d. All landscape lighting, including but not limited to trees, garden, lawn, water features, etc., must be turned off by midnight, with the exception of entry ways and walk ways.
- e. A variance for outdoor special *Christmas and Hanukkah* holiday lighting is only granted between the Saturday before Thanksgiving and the second weekend in January. All holiday lighting must be turned off by 1:30am daily. Lights may be installed the week before Thanksgiving, and must be completely removed by January 31.
- f. For all other holidays – lights may be put up one week before and must be removed one week after the holiday.

### 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 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 4 inches in height - medium to dark colors, unless otherwise approved by the ARC, on a case by case basis.
- 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. horizontal seams on sheet (plywood or pressboard type) products
- f. other similar quality, non-durable products

### Fencing, Walls, Gates and Screening

Fences, walls, and gates are strongly discouraged at Awbrey Glen and, if allowed, require specific review and written approval from the ARC before they may be placed. A fence or wall is defined as a structural or ornamental barrier, which separates one space from another. Lattice is prohibited. *(Also See Animal Runs and Restraint areas, Also See Screening)*

### Some Fencing Considerations

- a. The design concept at Awbrey Glen 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 or within property setback lines.
- b. Screening shall be limited to 5 feet in height from ground level, shall be connected to the house structure and shall blend or follow natural terrain and landscaping. Long runs of screening shall be avoided; long runs must be articulated. The ARC will evaluate each condition on an individual basis.
- c. No tree, whether in a setback or on private property, shall be used for the attachment or support of any privacy screen.
- d. All screening shall be faced with materials and finish compatible with the principal structure on site. No screening is permitted on berms.
- e. Screening 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. However, inconspicuous protective equipment which is of a size/height proportionate to the planting **may be permitted with prior ARC approval** around individual plants or shrubs. The ARC may require that protective equipment which violates this guideline be removed by the homeowner.

### Fireplaces

No pellet or wood burning stove, fireplace or furnace shall be allowed in any living unit within Champion Ridge, Pine Canyon or Vardon Court in Awbrey Glen. Outdoor fireplaces, fire pits, etc. must be gas or propane and must have prior approval of the ARC. **Wood Burning Fire Pits are prohibited.**

### Firewood (also see Fireplaces)

Residences in the Awbrey Glen Homesite phases are permitted to use wood-burning stoves, fireplaces or pellet stoves. Firewood cannot be stored on or under porches or decks. Firewood storage cannot be visible from golf course, roadways, or neighboring homesites. When receiving firewood, homeowner must ensure that the piles of wood do not remain visible to neighbors or roadway for more than 72 hours.

### Flagpoles

Flagpoles require prior ARC review and written approval before they may be installed. Flagpoles are not permitted along the golf course. Flag poles shall be designed and located to minimize noise and visual impact to neighbors.

### Garages

All garages must be attached to the home or designed to give the appearance of being attached to the home. Only 7 to 8 foot tall garage doors are permitted. Larger doors require ARC review and written approval. If a home has more than 2 bays, at least one of the bays must be offset at least 3 feet. Some additional limitations on garages are as follows:

- a. Champion Ridge homes may have no more than two attached garage bays.
- b. Pine Canyon homes may have no more than 3 attached garage bays. When there are more than 2 bays, at least one of the bays must be offset at least 3 feet.

- c. Awbrey Glen Homesite homes may have no more than 3 attached garage bays without ARC review and specific written approval. Garages with more than 2 bays must offset the additional bay at least 3 feet. Homes with more than 3 garage bays will be reviewed on an individual basis and requires specific ARC written approval.

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. Leaving garage doors open or partially open for extended periods of time is not permitted. (Also See Buildable Area & Exterior Design Treatment).

### Garage Sales

Garage Sales may be held once every six months with prior approval of the Management Company. Signs must be professional. No home-made or cardboard signs allowed.

**Signs announcing the sale can only go up the day of the sale and must be taken down immediately after the sale.**

### 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 or trash and construction debris) may be subject to ARC action (i.e. having the trash and construction debris picked up and disposed of). The cost of the removal and disposal of the trash and construction may be deducted from the ARC 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).

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

### Gardens and Compost

Gardens will be evaluated on an individual basis and require ARC approval. Compost piles and bins are strongly discouraged. If allowed, they should be situated so that they are not easily visible from the road, golf course or adjacent homesites. (Also see Fencing, Walls, Gates and Screening for restrictions.)

### Gates

The gates at Awbrey Glen remain closed 24 hours a day, 7 days of the week. During the hours of 7 AM till 7 PM the gates will open automatically as the vehicle approaches. Outside those hours they may be operated manually by punching in the current access code at the keypad or by purchasing a remote control device, which is coded to open the gates in the same fashion as a garage door opener. Guests may enter the gates after hours by using the call box at the mail stations which calls the owner, who will then open the gates through special phone codes.

Owners are provided the current access code when their property purchase is closed. Codes are changed randomly. If you have not received the current code or have gate operation questions during the day, please contact the Management Company.

### Golf Course Frontage Homesites (see Buildable Area and Exhibits "D-I")

The golf course easement is an area located along the golf course frontage of many homesites in Awbrey Glen. This easement is recorded when the plat is filed for each phase. This area is owned and maintained by the homesite owner, but golf course personnel have the right to enter this area for maintenance purposes and fire reduction

efforts. An out-of-bounds area may exist on some homesites; this area is subject to different conditions than the golf course easement.

#### Easement Considerations

- a. No part of the house structure (decks, patios, stairs, footings, eaves, etc.) are permitted to encroach in the golf course easements.
- b. If a homesite is not affected by the out-of-bounds line and golf course play, formal landscaping may be permitted in the golf course easement; however, the proposed landscaping must always be submitted to the ARC and golf course for review and written approval.
- c. The out-of-bounds line, located on many golf course frontage homesites, is identified by a permanent white PVC pipe. This is an area within a homesite, in which golf course play is permitted. Some homesites will not be affected by the out-of-bounds line and golf course play, but will still be subject to a golf course easement conditions.
- d. No formal landscaping is permitted between the out-of-bounds line and the property line.
- e. Check with the Owner Management Company to help clarify any questions you may have about the difference between the Golf Course Easement recorded on your plat and the white out-of-bounds markers and the landscaping or setback requirements of each (see Exhibits F to I).

#### 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 and Excavation).

Both existing and finished grading must be represented on each site plan and each exterior elevation submitted to the ARC (See Exhibit K).

For remodels and new construction, an engineered grading and drainage plan must be submitted for approval.

#### Greenhouses and Garden Hot Boxes

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

#### Gutters and Downspouts

Gutters are highly recommended in Awbrey Glen 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. (See Drainage)

#### Hammocks

Hammocks except when used as deck furniture will be evaluated on an individual basis and require prior ARC approval. If allowed they should be of solid neutral colors and blend into their surroundings. No bright colors or pattern colors will be allowed. Hammocks are not allowed in the Golf Course easement.

### Heating and Cooling Systems

All exterior elements of heating and/or cooling systems must be screened from the view of neighboring homesites, golf course 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 evaluated on an individual basis.

### Home Business

Any home business in Awbrey Glen will be subject to the Awbrey Glen CC&Rs and City of Bend Ordinances. A home business must have prior approval of the Awbrey Glen Board of Directors.

### Hot Tubs – New Install and Replacement

Hot tubs are required to be screened from the view of neighboring homesites, golf course and roadways. Hot tubs must ---- blend in to the surroundings, and not be free standing. Hot tub location and required screening must have prior ARC review and written approval. The intent of screening is to reduce the visibility of the sides and the cover of the hot tub. Sinking the hot tub may be an acceptable form of screening as long as the sides and cover of the hot tub are not visible. Vegetation may also be an acceptable screening material, as long as it provides screening year-round and is properly maintained. (Also See Screening)

- a. Hot Tubs will be evaluated on an individual basis.
- b. Hot Tub skirting and covers must be of similar color to the house, deck, screening, and/or areas around the Hot Tub to discreetly blend.
- c. Hot Tub should be placed in an area to keep noise levels at a minimum. Noise levels of recirculation pumps should be considered prior to purchase, and will aid in keeping noise levels to a minimum.
- d. Replacing an existing Hot Tub, require ARC approval even if the same location is to be utilized.

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

Landscaping is required on Awbrey Glen homesites. **All landscape plans and changes require ARC review and written approval.** All homesites --- 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. Homesites maintained in a natural manner must be kept clear of "volunteer" trees, weeds, debris and other unsightly vegetation. Re-naturalizing includes:

- Planting native plant material
- Spreading mulch (took out pine needles and duff) to cover raw earth (See Bark, Wood Chips, Mulch, and Landscape Rock for approved colors)
- Feathering transitions between truly native areas to the newly restored areas

### Other Landscaping Considerations

- a. Landscaping must be completed within 6 months from the date of the issuance of the certificate of occupancy 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 Glen.
- 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.
- f. Landscaping requirements and limitations for golf frontage homesites are provided in the Landscaping Guidelines section of this book.
- g. Bark or landscape rock must be of an earth tone color. No bright stained or dyed reds, pinks, whites or blues are permitted. Stone placed along the road must blend with the prevailing stone. (Also See Bark, Woodchips, Mulch & Landscape Rock)

### Lighting (see Exterior Lighting)

#### Mailboxes, Newspaper Receptacles and Street Addresses

Individual mailboxes and newspaper receptacles are prohibited. Group mailboxes are provided at the north and south entrances of Awbrey Glen. Box assignments and keys for the mailboxes may be picked up at the US Post Office on NE 4th Street.

Initial street address markers and brass house numbers are provided by the Management Company. The color or design of the street address marker must not be altered. The Awbrey Glen HOA will be responsible for the upkeep of the address markers. The homeowner is responsible for replacing a damaged or missing address marker. (Also See Address Markers for restrictions and specifications)

#### Maintenance

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

#### 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.

#### Music and Loud Noise/Activity

Music and other loud noises, or activities are discouraged. Loud noise after 10 PM is prohibited.

### Outdoor Furniture, Outdoor Kitchens/BBQ Islands, Gazebos, Shade Tents and Decorations

Location of permanently placed outdoor furniture, (i.e. picnic tables, barbecues, arbors, flagpoles, outdoor kitchens, BBQ islands, gazebos, shade tents, carports, and other decorative items) must discretely blend in color and must be prior approved by the ARC. Outdoor furniture and decorative items shall not infringe on any golf course setbacks and must be maintained in good repair. Outdoor radiant gas/LP heater caps shall be painted with a dark, non-reflective color. Flagpoles are not permitted along the golf course.

### Outdoor Play Equipment

Location of permanently placed outdoor play equipment such as swing sets, 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 exceptionally 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, play equipment will be permitted to be left in permanent view on any Awbrey Glen 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. Basketball backboards are not permitted on streets or cul-de-sacs.
- d. Play equipment that might disturb your neighbors should not be used after dark.

### Paint (see Exterior House Colors and Stains)

### Parking

A minimum of two outdoor parking places shall be required for each homesite. Outdoor parking is allowed only on an improved parking area. Parking on the lawn, grass, barked, rocked or dirt areas is not allowed. Such required parking must be in addition to parking available in a garage. The maximum number of motor vehicles allowed to park overnight in the driveway, may not exceed the number of parking spaces of the garage. Motor homes, trucks, commercial trucks, campers, watercraft, ATVs, motorcycles, golf carts, trailers of any sort, and cars under repair, etc., must be parked so as to be completely concealed from view of roadways, golf course and/or neighboring homesites. Access to parking areas must be from a paved or other improved area with ARC approved material and design.

If it is necessary for one of the above vehicles (which are normally stored or moored in another location) to be parked on a permitted area of the homesite in view of roadways, golf course or neighboring homesites, the Management Company must be notified in advance. Such items may be parked on the permitted area of the owner's homesite, and not on the street. Such parking is allowed for a maximum of 2 days and may not exceed more than 12 days in any one calendar month, for recreational maintenance purposes only.

If an owner has out-of-town guests who arrive with a recreational vehicle, the homeowner must notify the Management Company. The vehicle must be parked on the permitted area of 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**



### Parking Continued

**not allowed in Awbrey Glen.** Extended stay visitors (3 days or more) are allowed with prior notification to the Management Company.

**No overnight parking of any vehicle is allowed on any Awbrey Glen street. Repeat offenders will be towed at their expense.**

### Recreational Vehicles (including but not limited to RVs, Motorhome, camper/trailer, boats, ATVs, Snowmobiles, Flat Bed or Utility Trailers)

(See Parking)

### Retaining Walls

(See Excavation)

### Rock (Decorative)

(Also See Bark, Wood Chips, Mulch, Landscape Rock)

### 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 Glen. Textured metal with a matte finish may be considered on some homes. Wood shakes and shingles are prohibited 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 Glen. A minimum of a 4/12 pitched roof is required in Awbrey Glen.

### Satellite Dishes and Antennas

Exterior satellite receivers or transmitters, television antennas, radio antennas, or other receiving device may be placed on any homesite or home, but requires ARC review and approval of final placement and screening.

#### Other Considerations

- a. Dishes may be attached to the home and **must be painted to blend** into the roof or siding to which they are attached.
- b. Location of receiving devices must be inconspicuous and pre-approved before placement. Landscape screening may be required in some cases.

### Screening

Screening shall be limited to 5 feet in height from ground level, shall be connected to the house structure and shall blend or follow natural terrain and landscaping. Long runs of screening shall be avoided. The ARC will evaluate each request on a case by case basis.

Lattice is prohibited.

No tree, whether in a setback or on private property, shall be used for the attachment or support of any privacy screen.

All screening shall be faced with materials and finish compatible with the principal structure on site. No screening is permitted on berms.

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. However, inconspicuous protective equipment which is of size/height proportionate to

the planting **may be permitted with prior ARC approval** around individual plants or shrubs. The ARC may require that protective equipment which violates this guideline be removed by the homeowner.

### Security

Security is provided at Awbrey Glen by an outside contractor. On a nightly basis, the Security Staff patrols the streets at Awbrey Glen. They are not able to provide security service to individual homeowners during times of the homeowners' absence. However, they are alert to things, which may seem out of the ordinary.

If you have a security concern, call the City of Bend Police at 541-388-0170, or if it is a true emergency, dial 911.

If the situation is more of a neighborhood issue or a rules violation, during the day, the Management Company may be able to help.

### Service Yards/Enclosures

When not provided by other structures, each residence shall have a screened service yard, not to exceed 5 feet in height, enclosing garbage, recycling, compost bins and trash containers, firewood (where permitted), clothes drying apparatus, bicycles, landscape debris, outdoor maintenance equipment and recreational equipment, etc. None of these shall be placed where they will be seen from roadways, golf course or neighboring homesites. Service yards must be attached to the home and gated to screen the area from view of other homesites, golf course or roadways. Service yard enclosures must be sided in a material that matches the house. Lattice is not an acceptable screening material. Service Yards/Enclosures must have prior ARC approval.

### Setbacks, Easements, and Other Requirements

See Buildable Area

### Shutters

Shutters, if used, must be approved by the ARC and shall be incorporated on all facades and shall be appropriate to the size and scale of the house.

### 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 Glen 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 Management Company* 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 close of escrow of the property and/or upon completion of the construction project or at the direction of the --- Management Company.

"Private Property" signs must be constructed in the same manner as the "For Sale" signs and must have prior approval 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 Management Company will remove them. Political signs of a non-election nature are discouraged.

“For Rent” or “For Lease” signs are prohibited.

### *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 a free standing post or posts and must be placed parallel. 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 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 Signs” criteria.

### *For Sale Signs*

Only one “For Sale” sign is permitted on each homesite. It must be single-sided, on its own post and no higher than 42” above the immediately adjacent ground plane. Wording of a “For Sale” sign shall be limited to the words “For Sale,” the price, if desired, and the name and phone number of the listing real estate agency. A logo or mark of the agency and the agent’s name is also permitted. If the owner is selling the property, the name of the owner or “By Owner” may be substituted for the listing agency.

Directional Signs used for open house or showing days must be posted the day of the open house or showing and removed directly after.

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. The sign shall be dark green and white (black or gray may be used as an accent color, but the sign must include some green lettering) and measure no more than 300 square inches, with no dimension larger than 20 inches.

“SOLD” signs must be incorporated within the 300 square inches, and not added to the top, bottom or sides of the sign. Sold signs may be red and must have a straight edge design.

Information boxes (flyer boxes) are not permitted to be mounted on an individual stake or post. If a box is attached to the back of the “For Sale” 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 432 square inches. This also applies to Directional Signs for these events.

### *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. (See Garage Sales)

### *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; 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.

Prior ARC 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, BBQ & Patio Furniture Covers, and Other Weather Protective

#### Materials

The use of tarps is discouraged. However, when tarps are necessary, and will be visible from roadways, golf course and other homesites, they must be of neutral color. Tarps must be removed within 30 days.

BBQ Covers and Weather Protective Materials should be of a neutral color. Bright colors are prohibited.

Temporary shade canopies or tents are allowed with prior notice to the Management Company for a period up to 48 hours.

### Tree Removal and Trimming

The removal of any tree larger than 6 inches in diameter (19 inches in circumference) measured 6 feet from the ground 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 6 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 Glen.** 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.

**Removing trees for enhancing view is prohibited.**

Pruning of trees is authorized. If you have questions about pruning contact the Management Company.

### 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

Utility meters shall be installed according to the guidelines provided by the utility companies. All meter housings, conduits and junction boxes 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, 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 Committee will decide if view preservation is truly at issue and will rule accordingly.
- d. In all cases the benefited party pays for all costs.

### Walls (see Exterior Walls)

#### 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.

- a. Water features shall be integrated as part of the landscape and have a natural appearance.
- b. Water features shall be oriented to benefit those within the home or on decks or patios.
- c. 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.
- d. Water features shall not be excessively noisy. The noise generated by the water feature may be not greater than 50db as measured at the edge of the maintained portion of the golf course, at the next adjacent neighbors property line or at the edge of the paving at the street.

### Yard Art and Noise Generating Devices

All Yard Art must receive ARC approval prior to placement in yard. Yard art and noise generating devices should be limited and must not be a nuisance to neighbors and golfers.