

# Sunset View Estates Homeowner's Association Architectural Rules and Regulations

Effective May 20, 2021

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# INTRODUCTION

## **Purpose of Architectural Rules and Regulations**

The purpose of the Sunset View Estates (SVE) Architectural Rules and Regulations is to document design guidelines and application procedures as required in Article 7, Section 2 of the Declaration of Covenants, Conditions and Restrictions of Sunset View Estates (CC&Rs). These Rules and Regulations also address an owner's use of property adjacent to their lot, as provided in Article 6, Section 1 of the CC&Rs. The information in this document is intended for owners, designers, architects, builders, contractors and/or landscape professionals.

The objective of these Rules and Regulations is to ensure that SVE is developed and maintained to the highest practical aesthetic standards, and the design review and approval process is administered fairly and effectively for the benefit of individual property owners and for all SVE residents.

These Rules and Regulations apply to all original construction and modifications, addition, or alterations on or to existing residential lots, buildings, and common area. All homes designed and constructed prior to the adoption of these rules are "grandfathered", however any changes or additions to existing residences must comply with these rules.

## **Architectural Review Committee**

The SVE Homeowners Association (SVE HOA) has established the SVE Architectural Review Committee (ARC) to implement and administer these Rules and Regulations. The ARC shall exercise the functions for which it is given responsibility by the SVE HOA Board of Directors as provided in the CC&Rs for SVE and for the modifications, promulgation, and enforcement of its rules governing the use and maintenance of home sites and the improvements thereon.

The ARC consists of three to five persons appointed annually by the SVE HOA Board of Directors. The ARC Chairperson shall be a member of the Board of Directors. If the Board of Directors fails to make such appointment within 30 days of the start of the fiscal year, the Board of Directors itself serves as the Architectural Review Committee. Members of the ARC may be removed and replaced at any time by the SVE 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 member or members of the ARC, if they are unavailable.

The ARC Chairperson is the primary spokesperson for the committee in communications with the Management Company regarding applications and approvals.

## **Non-Waiver and Severability**

The presence of non-compliant features on existing homes, 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 Regulations, 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 Regulations.

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

## APPLICATION AND DESIGN REVIEW

### **Applications and Submittals**

Prior to making submittal to the ARC, it is the responsibility of each SVE land/home owner and/or his agent(s) to read and understand the following:

- Declaration of Covenants, Conditions and Restrictions and Bylaws for SVE
- SVE Architectural Review Committee (ARC) Application Form and Overview
- Architectural Review Committee Construction Application Form
- SVE Architectural Rules and Regulations

The most current versions of these documents are available at the office of the Management Company.

The fee schedule, as described in the Application Form, applies to the following:

- New Construction
- Preliminary Review
- Remodels/additions/alterations
- Landscaping plan changes/updating

Amounts due at any Preliminary Review will be applied as a credit to the total fee due with the application for Final Review. The ARC recommends that as much information as possible be provided with the application for Preliminary Review to gain the most out of the review. Preliminary reviews can be repeated as necessary without additional fees.

The submittal for Final Review includes a site plan, exterior elevations, floor plan, application form and fee, and Color/Material Sample Board and Color Submittal Form. Detailed submittal requirements are provided in APPENDIX A – SUBMITTAL REQUIREMENTS.

In addition to submittals, a string layout of the footprint of the house, driveway and onsite parking locations shall be completed and available for review 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.

The sample and color board submittal should be assembled at the time of the full construction submittal. However, if elevation materials and detail are sufficient to evaluate the aesthetic attributes, owners may receive conditional approval and be permitted to submit samples and color boards at a later date for review and written approval.

Completed applications and submittals should be delivered to the Management Company for distribution to the Chairperson of the Architectural Review Committee. Upon receipt of an application and submittal to build, the SVE ARC and/or its representative(s) shall be authorized, to make onsite inspections of the home site and proposed construction at any time.

Applicants are advised that all new, remodel and landscape construction shall be performed by a licensed, insured and bonded contractor. All construction is subject to all codes and ordinances as adopted by the State of Oregon, Deschutes County, and all other pertinent regulations. A Deschutes county building permit is required for all work in SVE. The most stringent regulations shall apply in the event of a conflict.

### **Design Review and Approval**

#### *Design Philosophy*

Review and approval of any building application by the ARC is based on preserving high aesthetic standards for all of the buildings and landscapes. SVE is a community of large home sites with stands of mature ponderosa pines in an open environment provided by the golf course and a large amount of common area. SVE does not have a particular architectural theme, allowing diversity in individual residences while preserving the natural beauty and site integrity of

individual home sites. Exceptions to the Rules and Regulations shall be considered on an individual basis and granted based on architectural merit.

#### Review Process

Preliminary and Final review are similar processes and require the same amount of time for the review process. Alterations or additions to buildings require the same review process. At least two weeks are required for the ARC review.

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 or remodel. These owners will receive a reduced copy of the site plan and exterior elevations, and have one week to respond with any questions or concerns. Any comments from owners are addressed during the ARC review of the submittal.

ARC meetings are open to all property owners in SVE and their representatives however, ARC meetings are held only as needed and notice of meetings is not posted. Owners or their representatives who are interested in a particular application should contact the Management Company. Property owners will be allowed to provide information at ARC meetings. The ARC committee decisions will be made in a closed meeting.

Preliminary review tests the building and site concept, checks adherence to prescribed setbacks, and identifies designs that could be duplications of others in close proximity to the requested improvement. It allows the owner to obtain ARC advice and contiguous owner comments (if any) regarding conceptual designs before 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 may consult with an independent architect to review submittals for Architectural Standards compliance, drawing accuracy, and to document findings.

#### Approval Process

After the ARC meeting and the one-week contiguous-owner response period have expired or all contiguous owners have responded, a review letter is prepared for the owner, with copies for design and construction agent(s). The review letter lists any ARC comments, requirements, concerns or conditions of approval. A construction approval letter from the ARC must be issued before construction may begin. It is strongly suggested that the owner or contractor not apply for a building permit prior to ARC approval.

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. Owners who wish to appeal ARC decisions relating to their proposed design should contact the Management Company to schedule a meeting with the SVE Board of Directors as needed.

The request for removal of trees outside of the home footprint but within the view corridors will be addressed once the home is framed. These trees must remain on the site until 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.

Items which are missing from the original submittal, (color boards, landscape plans, etc.) must be provided for ARC review and approval at a later time. It is prudent to plan color schemes and material choices well in advance of scheduling painters, masons and other specialty subcontractors.

The ARC does not bear any responsibility for ensuring the structural integrity or soundness of approved construction (to include remodels). In similar fashion, the ARC bears no responsibility for ensuring that submitted drawings are in compliance with building codes and/or other governmental requirements. The ARC, Board, or any committee or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction or modifications of any structure.

### Conditions of Approval

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 must be completed within 15 months from the date construction begins; extensions are allowed with ARC approval. Landscaping shall be completed within six months of the completion of the exterior of the building(s), extensions for weather are allowed with ARC approval.

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 Regulations. Owners should call the Management Company to request a final inspection when the improvements are complete. Lead-time for an inspection may be up to two to three weeks; delays due to weather conditions may occur.

If the new construction is found to not comply with the ARC approved drawings, the owner may be required to make changes to correct non-compliance issues at the owner's expense.

The SVE Board and/or its authorized representatives may, at any time, inspect a home site or improvement as provided in Article 5, Section 5 of the SVE CC&Rs. Upon discovering a violation of these Rules and Regulations, the Board or its representative will 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 may proceed with enforcement as provided for in Article 7.2 of the same CC&Rs.

## **ARCHITECTURAL STANDARDS**

### **Accessory Buildings**

Only buildings to be used as temporary construction shelter may be placed on a home site prior to construction of the main residence.

Structures such as separate garages, dog houses, tool sheds, wood storage, greenhouses, etc., which are not integrated as part of the main residence, require written ARC approval.

Property owners of lots in Phase II and Phase III desiring to build an accessory structure to house a Recreational Vehicle or Motor Coach, are strongly advised to include this structure as part of the home structure (as opposed to separate stand-alone structure). Most of the lots in Phase II and Phase III are just over one acre in size as compared to Phase I lots which are well over two acres.

### **Accessory Dwelling Units (ADU)**

Sunset View Estates is comprised of single-family residences. Current Deschutes County zoning does not allow ADUs. In addition, no ADUs are allowed by these rules and regulations.

### **Aluminum Windows and Door Frames**

Aluminum windows and doorframes in all structures must be bronze anodized, unless other treatments are specifically authorized by the ARC.

### **Animal Fencing**

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 home site so as to be completely concealed or screened from view of roadways and neighboring home sites.

Invisible electrical fences are allowed without prior ARC approval. Flags may be visible for a maximum of three months. After which the fence line may be marked with naturally colored stakes not to exceed 6 inches in height.

### **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.

### **Building Site Location**

Owners shall strive to design their homes so that the footprint of the home is considerate of neighboring homes. The building envelope for all lots is within the designated set-back dimensions.

### **Building Setbacks**

SVE has building setback requirements from all property lines. 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.

Setback requirements are as follows:

- a. *Street Frontage* All buildings in Phase I must be at least 50-feet from the front lot line to the structure as described above. Phase II and Phase III have a minimum 30-foot setback from the street frontage property line to the structure as described above.
- b. *Side Property Lines* Minimum 30-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* Minimum 30-foot setback from each rear yard property line (measured from the property line(s) to the furthest extent of the building, including roof overhangs, footing, trash/recycling/HVAC enclosures, fireplace projections, window bays or any other portion of the building).

### **Building Height**

SVE Rules and Regulations enforce a 30-foot average height limitation. No single elevation will be permitted to be higher than 39 feet, even if the average is below 30 feet.

The height of a home is determined by the SVE Rules and Regulations 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).

“Natural Grade” is defined as the site topography which exists at the time a lot is sold to the first owner; fill material subsequently brought to a site does not modify this original grade reference. Back-filling does not affect the SVE Rules and Regulations building height calculation. Application with the intent to circumvent the height restrictions or SVE Rules and Regulations height restrictions will not be approved.

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 home site have specific site and building elevations confirmed by a licensed surveyor.

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.



## **Burning**

The open burning of construction or yard debris is not permitted at any time on any home site or common area in SVE.

## **Chimneys**

All exterior chimney chases surrounding flues must be of wood or stone. 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 shall be 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, they too must be built and painted to the same standards as wood-burning fireplace chimney chases and shrouds.

## **Common Areas**

No buildings, antennas, walls or solar collection devices shall be erected or maintained upon any area designated "common area" on subdivision plot maps.

Unlandscaped common area is included in the SVE Firewise program and owners should be aware the program requires the Association to conduct periodic mowing and maintenance.

## **Decks, Porches and Deck/Porch Skirting**

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

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 may 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.

Second story decks will be evaluated on a case-by-case basis, and shall have ARC approval.

All Painted Surfaces, including railings, steps, decks and skirting, must compliment the house.

## **Drainage**

All site drainage must be retained and disposed of on the owner's property. Provisions for the disbursement of roof, gutter, home site, landscape, walkway and driveway drainage are the property owner's responsibility.

Care should be taken in the design phase to plan for areas that may be subject to additional water difficulties (from street run-off or other sources). Owners should consult with professionals to discuss their drainage risk factors and specific solutions.

## **Driveways**

Driveways must be designed with consideration to natural contours and vegetation of the property, and be approved by the ARC.

The following rules apply:

- a. The driveway shall be a maximum of 18 feet wide, except to radius to the street and to transition to the parking area in front of the garage.
- b. Driveways must be asphalt, concrete or masonry.

- c. All garages (if it has a garage door, it is a garage) shall be accessed by a paved driveway, including driveways to free standing structures.

Driveways must have the ARC approval prior to installation. In cases where properties must share a driveway to preserve the natural environment, the ARC requires the owner of the property and driveway to grant an easement to the neighboring parties in legal and recorded form, along with an agreed maintenance plan by all parties.

### **Duplication**

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

### **Excavation**

Each home site 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.

### **Exterior House Colors and Stains**

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 2-foot by 2-foot taped or painted sample of the paint body and trim is required for new construction. Ideally, the samples will be placed where the ARC can easily review from the street or on approach to the home. As an alternative, color boards with actual materials and colors may be submitted to the ARC.

For repainting of existing structures, especially when repainting with the same color scheme, paint 'chip' samples along with a photo of the house color scheme is acceptable.

Exterior colors must be of medium to dark earth tones. Exterior color treatment shall be continuous on all elevations (meaning that East, West, North, South elevation color schemes shall be continuous). Very light, pastel white or bright body colors are *not* acceptable.

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

Natural wood siding, peeled logs, exposed posts and beams, 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. Exterior siding material must be carried down to within 10 inches of grade and sloped, to match finished grade, not stepped. Only 10 inches of exposed foundation is permitted on any exterior elevation.

*Coordination.* The ARC encourages and may require windows and doors, projecting bays, and all other architectural features to be coordinated on all sides of the building or buildings. Integrating architectural elements around the building or buildings will enhance it as a whole and should augment the architectural character of the buildings.

*Materials.* Stucco and masonry 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. Metal siding and roofing is not allowed other than as an architectural "accent" feature.

### **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.

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.

The object of the exterior lighting requirements is to eliminate glare and annoyance to adjacent property owners and passersby. All allowed lighting should be considerate of adjacent home owners.

The requirements and restrictions 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 75 watts each. (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 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.
- c. Driveway, walkway, landscape and all other decorative light fixtures are subject to ARC review and written approval regarding their location, number and wattage. No part of the lamp may be exposed through perforated opaque material, or translucent or transparent shrouds. All landscaping lighting should be the same fixtures. Solar lighting is allowed as long as it matches any other landscape lighting.

### **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.

#### *Approved Materials for Exterior Walls and Trims*

- a. Wood (treated with semi-transparent or solid body stains or paints) and lap cement-based siding material.
- b. Brick, natural and cultured stone - medium to dark colors.
- c. Textured masonry block is not allowed other than as an architectural "accent" feature. Textured masonry block units are not to exceed 4 inches in height - medium to dark colors, unless approved by the ARC.
- d. Stucco and synthetic stucco.

Individually applied board and batten type siding and log style homes may be appropriate on some home sites; 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.

#### *Prohibited Materials and Conditions*

- a. Exposed plain concrete (10" maximum exposure at foundation)
- b. Plain concrete block
- c. Corrugated metal siding, rustic metal siding, copper siding
- 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 non-durable products

### **Fencing and Gates**

The SVE design concept specifically allowed for fencing of Phase I boundaries, including fencing that extends along property lot lines to common area boundaries.

The SVE HOA is responsible for maintenance of Phase I boundary fencing as identified in APPENDIX B - SVE HOA MAINTAINED BOUNDARY FENCING. The Association IS NOT responsible for replacement or repair of Phase 1 private property line fencing that is NOT identified on the map in APPENDIX B.

The following rules apply to all Phase I private property line fencing.

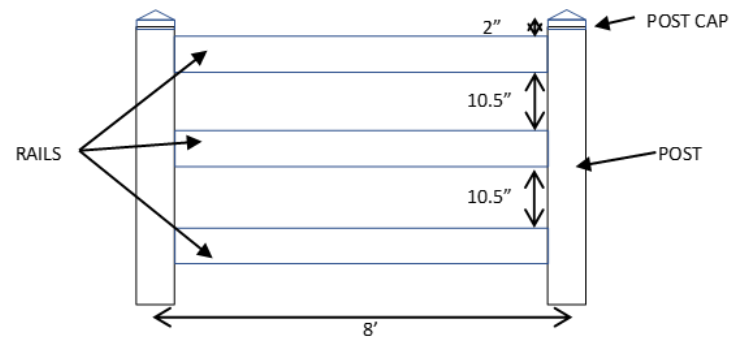
- a. SVE Phase I boundary fencing that is NOT the responsibility of the Association, as identified in APPENDIX B, must be kept in good repair or removed by the owner of the property where the fence is located (if located on a lot) or the owner of the property benefited by the fence (if located on Association property), at the property owner's sole expense. The Association may require an owner to remove boundary fencing not in good repair.

NOTE: Enclosure of Association property by a boundary fence, benefitting a lot, shall be deemed use with express permission of the Association.

- b. Repair or replacement of Phase I private boundary fencing must meet the following specifications, and be approved by the ARC.

#### Dimensions

- Posts: 5"x5"
- Rails: 1"x 5"
- Post Cap: glued
- Post Height to Post Cap Peak: 52-56" above grade (may vary based on terrain and vegetation)
- Rail Spacing: 2" top reveal; 10.5" Rail-to-Rail
- Grade to Bottom Rail Spacing: 14-16" above grade (may vary based on terrain and vegetation)
- Span: 8' Post-to-Post



Color: White

Material: First-run, new vinyl (Not "ECO" grade), commercial-grade, lifetime warranty

Installation: Set in concrete at suitable depth and with suitable concrete volume

NOTE: Utility marking may be required

- c. Attachments (for example, wire mesh or elements to increase the fencing height) to the Phase I boundary fencing or to common area fencing is not allowed.

In Phases II and III no fencing or other structures of any nature will be allowed outlining front, side or rear property lines or within property setback lines. A fence is defined as a structural or ornamental barrier, which separates one space from another. (*See Animal Fencing*)

All fences and gates require specific review and written approval from the ARC before they may be placed.

### **Fireplaces and Fire Pits**

Outdoor fireplaces, fire pits, etc. must be gas or propane fired and must have prior approval of the ARC as part of the landscape plan.

### **Firewood Storage**

Firewood must be screened from the view of roadways and other home sites by the use of service yard screening attached to the home or in garages. In most instances, the addition of gates will be required to screen firewood adequately. The storage area shall be high enough (not more than 5-feet as allowed for other screen purposes) and large enough to accommodate the wood.

### **Garages**

All garages must be attached to the home or designed to give the appearance of being attached to the home. If free standing, garages must be of the same architectural design and materials as the main structure.

Garages with a minimum of three parking spaces are required. Three single garage doors or a single door and a double door are acceptable. A tandem garage space with a double or two single doors does not meet these requirements.

Some additional limitations on garages are as follows:

- a. Garages with more than 2 bays must offset the additional bay at least 3 feet.
- b. Homes with more than 3 garage bays will be reviewed on an individual basis and requires specific ARC written approval.
- c. Garage doors must be a minimum of 8 feet tall. Larger doors require ARC review and written approval.
- d. RV garages are allowed with specific ARC written approval.
- e. Garages must have access to paved driveways.
- f. Carports are not allowed.

### **Garbage and Trash**

Trash and recycle containers must be stored in an area that is not visible from the street or adjoining home sites.

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

### **Gardens**

Gardens should be consistent with the design of the SVE development. Gardens should be situated so that they are not easily visible from the road or adjacent home sites.

### **Grading**

To the maximum extent feasible, all grading on a home site 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 home site (See Drainage).

### **Greenhouses**

Greenhouses shall be located so as to be as discreet and inconspicuous as possible. The appearance of the greenhouse shall be maintained at all times. For example, no broken glass or plastic panels, no flaking paint, etc. Gardening accessories such as wheelbarrows, tools, plastic bags, etc. shall not be stored in any visible location.

Greenhouses require ARC approval and shall meet the following requirements:

- a. Application: The application to install a greenhouse shall be submitted to the Management Company. The application shall to include a dimensioned plot plan of the owner's lot and the location where the greenhouse will be located. Photos, or catalog cut sheets of the greenhouse shall be included with the application.
- b. Material: Only non-reflective material will be allowed. Aluminum or steel frames shall be anodized or painted in a color that blends with the surrounding landscaping. Wood frames shall be stained a dark earth tone. White or off-white frames will not be allowed. Opaque glass panels will not be allowed.
- c. Size: Maximum size will be 8W' x 8'L x 7'H
- d. Foundation: Foundations shall be of a temporary nature.

### **Gutters and Downspouts**

Gutters are highly recommended in SVE 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.

### **Heating and Cooling Systems**

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

Screening materials must match the style, texture and color of the adjoining home.

### **Home size**

A minimum 2,800 square footage living space is required.

### **Hot Tubs and Spas**

Hot tubs and spas are required to be screened from the view of neighboring home sites and roadways. Hot tub and spa location and required screening must have prior ARC review and written approval. Sinking the hot tub may be an acceptable form of screening as long as the sides of the hot tub are not visible.

### **Newspaper Receptacles and Street Addresses**

Street address signs shall be located at an appropriate location to identify the home and shall be in a style consistent with the home and SVE.

Newspaper receptacles are allowed in SVE. They are generally 2'W x 2'D x4'H and are allowed to be placed near or on the roadway right of way. Designs should complement the design of the home and shall be submitted to the ARC for review and written approval.

### **Maintenance**

Property owners are required to keep their land, landscaping and all improvements in good repair and attractive condition. This includes keeping the native areas free of 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. Utility panels and meters shall not face the street and shall be attached to the home.

If copper is used for gutters, this material must be allowed to "weather."

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

### **Netting**

If a homeowner desires to erect "safe netting" to protect the home and/or occupants from golf ball damage, plans for installation of netting must be submitted to the ARC for approval before netting is installed.

### **Outdoor Furniture and Decorations**

Location of permanently placed outdoor furniture, hammocks, picnic tables, barbecues, arbors, flagpoles and other decorative items must be approved by the ARC. Outdoor furniture and decorative items shall be maintained in good repair. Outdoor radiant gas/LP heater caps shall be painted with a dark, non-reflective color

Flagpoles require prior ARC review and written approval before they may be installed. Flag poles shall be designed and located to minimize noise and visual impact to neighbors.

Hammocks should be of natural colors and blend into their surroundings. Hammocks are not allowed in common areas.

## **Outdoor Play Equipment**

Location of permanently placed outdoor play equipment such as swing sets, basketball backboards, trampolines and other such items must have ARC approval.

### **Other Considerations**

- a. Equipment must be maintained in good repair.
- b. If possible, equipment should be screened from the view of other home sites and roadways. Backyards of home sites, which are exceptionally exposed, may require additional landscaping.
- c. Play equipment must be painted or stained, as approved by the ARC, to blend with the natural surroundings.
- d. No large, brightly-colored, plastic play equipment will be permitted to be left in permanent view on any SVE home site.
- e. No skateboard ramps will be permitted.
- f. 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.
- g. Play equipment that might disturb your neighbors should not be used after dark.

## **Parking of Personal Vehicles**

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

## **Recreational Vehicles**

- a. Motor homes, trucks, campers, boats, ATVs, motorcycles and trailers of any sort, cars under repair, etc., must be appropriately screened so these items are not visible from the road or neighboring properties.
- b. If it is necessary for one of the above vehicles (which are normally stored or moored in another location) to be parked on a home site in view of roadways, or neighboring home sites, such items may be temporarily parked on the owner's home site, and not on the street. Parking is allowed for a maximum of 7 nights for maintenance purposes only.
- c. If an owner has out-of-town guests who arrive with a recreational vehicle, the home site owner must notify the Management Company. The vehicle must be parked on the owner's home site (not on the roadways or cul-de-sacs) and may be there no longer than seven nights. Overnight *occupancy* of recreational vehicles is not allowed in SVE.

## **Roofing**

Slate and concrete tiles, concrete and wood simulated shakes, and composition roofing (with at least a 40-year warranty) are considered as acceptable roofing applications for SVE. Textured metal with a matte finish may be considered on some homes as an architectural accent.

Wood shakes and shingles are prohibited due to fire danger.

Roofing applications will be reviewed on an individual home/home site basis. Even though the product is approved, some colors will not be permitted on homes in SVE. A minimum of a 4/12 pitched roof is required in SVE.

## **Satellite Dishes and Antennas**

No exterior satellite receivers or transmitters, television antennas, radio/short wave antennas, or other receiving device shall be placed on any home site or home without the prior consent of the ARC. Small satellite dishes 32 inches or smaller supplied by satellite service providers such as Direct TV or Dish are allowed.

Dishes must be attached to the home and painted to blend into the roof or siding to which they are attached. Satellite service provider supplied dishes are exempt from this requirement.

Location of receiving devices must be inconspicuous and pre-approved before placement. Landscape screening may be required in some cases.

### **Screening**

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.

Other requirements for screening

- a. 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. The ARC will evaluate each condition on an individual basis.
- b. No tree, whether in a setback or on private property, shall be used for the attachment or support of any screening.
- c. All allowed screening shall be faced with materials and finish compatible with the principal structure on site. No screening is permitted on berms.

### **Service Yards**

When not provided by other structures, each residence shall have a screened service yard, screening not to exceed 5 feet in height, enclosing garbage, recycling, compost bins and trash containers, firewood (where permitted), bicycles, landscape debris, outdoor maintenance equipment, etc. None of these shall be placed where they will be seen from roadways or neighboring home sites.

Service yards must be attached to the home and gated as necessary to screen the area from view of other home sites or roadways. Service yard enclosures must be sided in a material that matches the house. Lattice is not an acceptable screening material.

### **Signs**

#### *General*

- a. All exceptions to these sign standards must be presented to the ARC for review and written approval prior to their use.
- b. No signs shall be displayed in the windows of homes (except approved block home stickers) or be nailed or attached to trees.
- c. No directional signs may be used without prior ARC approval.
- d. No offsite signage within SVE may be used without prior ARC approval.
- e. All allowed signs must appear to be professionally produced.
- f. Signs may not be illuminated with artificial light.
- g. Plastic or cardboard store-bought or handmade "for sale" signs are prohibited.
- h. "For Rent" or "For Lease" signs are prohibited.
- i. Special event signs must obtain Management Company approval prior to their use.

#### *Golf Course Signs*

To minimize the disruption or damage to landscaping, signs facing the golf course to indicate private property are allowed. The messaging on the signs has been agreed to between the golf course and the Association to look attractive and provide a friendly message to respect private property. These approved signs can be purchased for a minimal fee from the Management Company and installed by the property owner under the following rules. No other signs of any kind are allowed.

- a. Signs must be spaced a minimum of 50' apart; exceptions may be allowed with ARC approval based on site specific terrain.



- b. Each sign must be on its own post and no higher than 24” above the immediately adjacent ground plane.
- c. Signs may not be illuminated with artificial light.
- d. Signs may not be attached to trees or other landscape elements.
- e. The signs may not be placed on common area and should not encroach on out-of-bound stakes.

#### Home for Sale Signs

- a. Only one “For Sale” sign is permitted at the front of each home site. It must be single-sided, on its own post and no higher than 42” above the immediately adjacent ground plane. For home sites with golf course frontage a second sign facing the golf course is allowed.
- b. No signs are permitted facing exterior streets such as Knott Road or China Hat Road.
- c. Directional Signs used for open house or showing days must be posted the day of the open house or showing and removed directly after.
- d. Information boxes (flyer boxes) are not permitted to be mounted on an individual stake or post. They must be attached to the home or to the back of the “For Sale” sign. If a box is attached to the back of the “For Sale” sign, the box may not protrude beyond the dimension of the sign.

All signs must be removed upon close of escrow or at the direction of the ARC.

#### Political Signs

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.

#### **Skylights and Solar Devices**

All glass, plastic or other transparent skylight or solar device shall be treated to eliminate reflective glare and flashing and/or frame painting must blend with surrounding area. Clear, bronze or gray glazing is preferred over white translucent.

Solar collectors are permitted with prior ARC approval. Collectors must be flat to the roof. The majority of the mechanical portion of the system must be contained within the structure and not positioned on the roof.

No solar collection system or equipment may be placed on common area.

#### **Solar Heating System**

Any solar heating system must be reviewed on an individual basis and requires the approval of the ARC.

#### **Solar (Photo Voltaic) Systems**

Placement of a solar energy device on a homeowner’s single-family residential dwelling requires ARC approval. Application fees may apply. The installation must comply with the following rules.

- a. Construction drawings for the proposed installation must be provided to the ARC, showing the location and number of solar panels, attachment to the roof structure, location of any other exterior components and the finished appearance.
- b. A sample or illustrated brochure of the proposed solar unit, which clearly depicts the unit and defines the material used, must be submitted with the application.
- c. Systems must comply with current issue Oregon Solar Installation Specialty Code and any Deschutes County Building code in effect at the time of application to the ARC.
- d. Electrical and/or other permits required must be obtained and posted prior to installation.

- e. The method of installation shall follow the solar manufacturer's recommendations to achieve the lowest profile possible.
- f. If the profile of the PV panels is more than 4" above the roof, the leading and side edges of each array shall have an appropriate "skirt" facing to maintain as low a profile as possible.
- g. In no event shall the racking system extend beyond the face of the array/panel.
- h. In no event shall the panels/arrays extend beyond the edge of the roof. Racks cannot be exposed between panels.
- i. Solar panels must be installed horizontally, all panels, frames, skirts and hardware must be black, only micro-inverters will be allowed.
- j. Internal conduits are preferred, external conduits if approved by the ARC shall be painted to match the exterior surface.

### **Sports Courts**

All courts, including tennis courts, badminton courts, and other large recreation areas, require written ARC approval. The following rules apply:

- a. All Courts shall be located such that they are not visible from the street or adjoining properties. Screening landscaping may be required. Courts must be entirely located within the property setbacks (see Building Setbacks for appropriate setback).
- b. Application submittals should include a full lot plot plan, 2' Topo with grading plan, any required retaining walls, surface material, walkways, etc.
- c. Fencing is generally discouraged. Tall fencing is prohibited. If any court is to have protective fencing it must be submitted to the ARC for approval as to material, size, height, color, gating, etc.
- d. It is the property owner's responsibility to apply and receive any building permits required.
- e. All courts are to be used primarily by the property owner and may not be used as a business or for a large personal tournament.
- f. Nighttime Court lighting is prohibited. Quiet hours from 10:00pm to 8:00am should be observed. Loud ball machines and excessive noise should be avoided.
- g. Courts and associated equipment must be maintained in an as new condition. Usage may not be changed from the original application without ARC approval.

### **Swimming Pools**

Installation of above ground and in-ground swimming pools requires written ARC approval. It is the property owner's responsibility to apply and receive any building permits required.

Pools shall have a retractable durable safety cover as part of their design. Vertical fencing around pools will generally not be allowed.

### **Tarps, BBQ Covers and Other Weather Protective Materials**

The use of exposed tarps is generally discouraged. However, when tarps are visible from roadways, and other home sites, they must be brown in color. Green, blue or bright colored tarps are prohibited. Tarps must be removed after 30 days.

Exposed BBQ Covers should be of a dark neutral earth tone (Black or brown).

### **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.

### **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.

### **Utility Meters**

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

### **View Preservation**

The ARC may require a property owner to trim/top planted shrubs/trees that have grown in such a manner as to block a pre-existing view corridor of a neighbor.

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

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

- a. The owner who perceives his view is compromised (owner "A") should approach the vegetation's owner (owner "B") directly with the request to trim or remove the offending vegetation at his (owner "A's" expense).
- b. If "B" is agreeable, "A" must present the proposal to the ARC for final approval (no fee required).
- c. If "B" does not agree, "A" must present the issue to the ARC (no fee required). The 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.

### **Windows and Doorframes**

Aluminum windows and doorframes must be bronze anodized. Color of exterior window and doorframes must blend with exterior color of home. In general, windows wrapped in "white" vinyl will not be accepted.

### **Window Treatment**

Window coverings and draperies are to harmonize with surroundings chosen with consideration of neighbors and neighboring views. Bright interior light sources are to be shielded so as to minimize impact to neighbors.

## **MISCELLANEOUS RULES AND REGULATIONS**

### **Animals**

All SVE homeowners are responsible for their domestic animals and must adhere to the following rules.

- Pet owners are required to clean up after their pets. Please be considerate of others who use the public and common areas.
- If an animal is off its owner's home site, it must be on a leash or under strict control of the owner. Dogs running after balls, Frisbees, etc. are not considered under control.
- Animal menace ordinances are in effect for defecating, barking and trash-strewing dogs.

Lost Tracks Golf Course is independently owned and not part of the SVE HOA. The golf course is not an animal exercise area and SVE owners should adhere to whatever policy the golf course has in effect at any given time.

### **Estate Sales**

Owners may hold one estate sale to liquidate their belongings prior to selling their home. Owners are encouraged to use an estate sale professional to manage their sale. Written approval from the ARC is required for estate sales.

Information about the sale must be submitted to the Management Company so that owners can be notified. The estate sale plan should include the following details:

- the dates and times of the sale
- signage leading to the estate sale
- the limit on the number of customers allowed through the gate
- parking control
- cleanup

### **Garage Sales**

Individual or group garage sales are prohibited in SVE.

### **Noise**

Continuous and/or loud noise before 8 AM and after 10 PM are prohibited.

### **Rentals**

Property owners may rent their homes for a period of not less than one year. Home rentals are allowed for single family residential use only. No short term or vacation rentals are allowed. Short term being defined as overnight, daily, weekly or less than one year.

Partial home rentals are not allowed, for example a rental of one bedroom even if for 1 year is not allowed.

Property owners may not run a rental business such as a bed and breakfast facility.

Property owners who rent their property must inform their tenants of these Architectural Rules and Regulations. The property owner is responsible for their tenants' compliance with these rules and regulations.

### **Seasonal Lighting**

During the holiday season exterior decorative lights may be used. Exterior holiday lighting is allowed to be installed no earlier than November 1 and may be lighted no earlier than the Saturday before Thanksgiving. Lighting the decorative lights should end by the second weekend in January. All holiday lighting must be turned off by 1:00am daily and should be completely removed from the exterior of the home by January 31 (weather permitting).

For all other holidays – lights may be put up one week before and must be removed one week after the holiday.

## **CONSTRUCTION RULES AND REGULATIONS**

Builders are expected to comply with these rules and regulations during the course of construction.

### **Accessory Buildings**

Only buildings to be used as temporary construction shelter may be placed on a home site prior to construction of the main residence.

### **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 home site.

The HOA may require contractors to place a black post or small chain link fence to prevent construction vehicles from using empty lots or open space for turn around or parking.

In the event of damage to adjacent property, the SVE property owner and/or his agent(s) will be held responsible for restoration of the adjoining affected property and/or may forfeit a portion of the deposit refund.

### **Construction Times**

Regular construction in SVE is permitted between the hours of 7am to 6pm Monday through Friday. Construction is allowed on Saturday; however, noisy activity should be curtailed on Saturday. A sign must be posted on site with allowed work hours.

### **Noise**

Noisy and/or offensive activity and language during construction is prohibited. Loud radio playing on site during construction is prohibited; radios should not be audible from adjacent lots, homes, street or the golf course.

### **Parking**

Parking at construction sites shall be on the building site or on the immediate roadway. There shall be no parking on adjacent lots or common area.

Overnight parking along the street is prohibited. This includes trailers of any kind.

Access for passersby shall not be impaired at any time.

### **Pets**

Contractors, subcontractors, and all other workers are prohibited from bringing pets to the job site during the course of construction.

### **Portable Restrooms.**

Portable restrooms must not be placed along the street frontage.

### **Shoulder Rock**

16-24 inches of crushed shoulder rock shall be installed along the edge of the roadway for the length of the property under construction.

### **Signs**

One sign is allowed identifying the builder or general contractor during the course of construction. The contractor sign must be removed at the conclusion of the project. The sign must be single-sided and may include the builder's logo, company name and phone number and with his/her own design and choice of colors.

Subcontractor, lender and supplier signs are prohibited.

### **Site Cleanup**

Construction sites are to be kept tidy at all times. All construction debris and trash shall be hauled away on a weekly basis at minimum.

Adjoining property must be kept free of construction litter. Daily clean-up is required. Side property lines must be marked.

Gravel, mud, dirt, or other debris carried onto existing paved roads by construction vehicles shall be cleared at least monthly by the contractor or property owner.

Burning of construction debris is not permitted at any time on any homesite.

Construction sites that are not kept clean may be subject to ARC action, including pick up and disposal of trash and construction debris. The cost of the removal and disposal may be deducted from the ARC deposit refund.

At the end of construction, locate painting on the roadway shall be removed, and all excavation spoils, construction materials, and construction debris must be removed from the site.

### **Site Restoration**

All areas disturbed during construction must be restored to their original appearance or in accordance with an approved landscape plan.

### **Staging Area**

Each construction project must designate at least one staging area for a home site, subject to approval by the ARC.

## **APPENDIX A - SUBMITTAL REQUIREMENTS**

### **Preliminary Review**

The following is required for Preliminary Review.

- ❑ One D size paper drawing of the site plan, elevations and floor plan
- ❑ A legible digital file (PDF) of the site plan and elevations

The applicant may provide additional information as needed to enable the ARC and contiguous owners to evaluate the conceptual designs before final construction drawings are prepared.

### **Final Review**

The following items and information are required for final review.

*Construction plans (1 copy D size paper drawing and electronic PDF file)*

Site Plan to include:

- ❑ Licensed surveyor stamp and signature on plan
- ❑ Drawing scale (recommended): 1" = 10'
- ❑ North arrow
- ❑ A grading plan, if grading is required (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, utility, and all other easements
- ❑ Building site stake location clearly identified if available
- ❑ 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
- ❑ Location of the following clearly marked: walkways, decks, retaining wall(s), parking areas, proposed utility lines, septic tank and drain field, drain field expansion area, service yard/trash storage, spa/hot tub facilities, utility, etc.
- ❑ Location of construction staging/access areas and temporary structures
- ❑ Elevation of the first floor of home with dimensions (in relation to existing grade) noted on plan
- ❑ Highest ridge elevation of the home with dimensions (in relation to existing grade) noted on plan
- ❑ Existing grade elevations of the major corners of the foundation noted on plan

Exterior Elevations 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)

- ❑ Drawing scale: 1/4" = 1'

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

Color/Material Sample Board and Color Submittal Form

- ❑ sample board containing roof, siding, stone (if any) and paint and trim colors.
- ❑ completed color submittal form identifying materials and colors
- ❑ exterior window, siding, roofing colors and materials
- ❑ exterior light fixture catalog cuts or drawing
- ❑ masonry and paver samples

# APPENDIX B - SVE HOA MAINTAINED BOUNDARY FENCING

