



HOMEOWNERS' ASSOCIATION

**Design Guidelines
for
The Parks Neighborhood
April 2005
Revised February 2006, Amendments 1 and 2**

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1. INTRODUCTION

THE PARKS is planned as a traditional community that reflects the walkable neighborhoods developed near downtown Bend in the early 20th Century. The neighborhood land plan, architecture, streetscape and public open spaces have been designed with a human scale and have integrated pedestrian walkways and bicycle trails into the fabric of the neighborhood. Garages will be placed to the rear of the lots when at all possible. Stoops and porches are encouraged on the front elevations of homes to provide a transitional link between the private spaces within the home and public spaces such as sidewalks, streets and the parks. As with traditional neighborhoods, lot sizes and home sizes will vary, with all homes having access to the parks and open space, which encourages neighborly interaction and communication.

These Design Guidelines are intended as an information resource for owners of THE PARKS home sites. They are a critical component of the interactive process required when planning the development of a home site within THE PARKS. The Design Guidelines are administered and enforced by The Parks Homeowners' Association Design Review Committee (DRC). The Guidelines are binding upon all persons who construct, remodel, refinish or alter any part of the exterior of any home or make other improvements upon any property thereon. All owners must comply with the appropriate City or County regulations, THE PARKS Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions (CCRs), and these Design Guidelines.

The Design Guidelines describe the considerations the Design Review Committee will apply in reviewing the site planning, architectural design, and landscaping plans for a new home at THE PARKS. They also outline the procedures that are to be followed during the design review process. In addition, the Guidelines detail the design and construction procedures the general contractor, all subcontractors and suppliers shall observe while a home and/or yard are under construction. Specific supplemental design guidelines for Lots 95 through 199 and all lots located to the east and south of Cultus Court in future phases of THE PARKS, designated as the "Custom Lots," are outlined in Appendix C attached hereto.

There are a few general points to keep in mind when reading these Guidelines. First, remember that the Design Review Committee's responsibility is to accommodate creativity and appropriateness of home design while maintaining standards of quality and integrity. The Design Guidelines describe the visual and environmental goals of THE PARKS, in addition to the minimum acceptable levels of site planning, architecture, detailing, landscape design, and construction beneath which approvals to build may not be granted. This approach has left a relatively large area open for the Design Review Committee's judgment. In exercising that judgment, the Design Review Committee will use its best efforts to make decisions in keeping with the design objectives upon which THE PARKS was founded.

Second, all applications and interpretations of these guidelines should be made in a reasonable manner. Therefore, when one sees words like "where possible", please keep in mind that they mean "where possible, within reason."

Third, the focus of these guidelines is the outward perception of THE PARKS and of the homes and land within that community. Therefore, the scope of design review is limited exclusively to what can be seen, heard, or otherwise sensed from outside each Lot. In using terms like “visible” or “screened”, it refers only to visibility from THE PARKS common areas or from neighboring properties. What cannot be seen or heard from these areas is not controlled by these guidelines and may be handled without a review, except as may be otherwise required by the CCRs.

Fourth, the following definitions are used throughout this document:

- *Owner*: Owner of record of a Lot within THE PARKS.
- *Builder*: The general contractor, who should assist the owner with knowing and complying with the guidelines and keeping the owners apprised of progress in the case of absentee owners.
- *Applicant*: The owner who actually submits the application or on whose behalf the application is submitted.

2. GENERAL DESIGN GUIDELINES FOR THE PARKS

- 2.1 There is no particular architectural style required in THE PARKS. However, certain styles, which evoke the nostalgia of pre-World War II American village are encouraged.
- 2.2 Diverse architectural harmony is to be achieved through the use of a controlled range of complementary materials and colors.

3. APPLICATION AND APPROVAL PROCEDURES

3.1 Application Procedure:

Additions, remodels or modifications during construction or after completion of an approved design, including landscaping and exterior colors, shall be submitted to the DRC for approval prior to making such additions, remodels or modifications. All applications shall be submitted through the Management office. Applications are available on THE PARKS website (www.theparkshoa.org). Applications shall include the plans and information described below, with plans no larger than 11” x 17” and a standard scale such as 1/8”=1’0”. Refer to the following sections for specific drawing scales. The DRC will review the plans and will respond in writing within fourteen (14) days after the review. The Committee will approve, approve with conditions, or decline approval of the application. The Management office will communicate with the owner or the owner’s representative if questions arise during the review process. They will also communicate the final decision of the DRC.

3.2 THE PARKS Master Plan Design:

An application for Master Plan Design approval of all plans and elevations to be built in THE PARKS may be submitted to the DRC to avoid subsequent redundant applications of similar plans.

Upon Master Plan Design approval of the specific elevations, materials and colors for the neighborhood, individual applications for final home site construction need only include the site plan as outlined in 3.5.1, the specified pre-approved elevations, the specific color scheme, fencing design, landscape design and the fee established for THE PARKS Final Construction Document Application.

3.3 Pre-Design Conference:

Prior to preparing preliminary plans for any proposed improvement, the owner or owner's representative is encouraged to meet with the DRC Manager to discuss proposed plans and to resolve any questions regarding building requirements at THE PARKS. The purpose of this informal review is to obtain guidance from the DRC concerning design options and specific site opportunities and constraints prior to initiating preliminary design. The pre-design conference is optional.

3.4 Master Plan Design Application:

The purpose of the Master Plan Design Review is to enable the DRC to review and approve all plans for THE PARKS that may be duplicated in the neighborhood. The Master Plan Design Application shall include:

3.4.1 Site Plans:

- A prototypical lot layout at no less than 1"=10'-0" showing a typical building
- Minimum lot size and relationship to streets
- Setbacks
- Driveway
- Any off-street parking
- The proposed location of fences and screens

3.4.2 Floor Plans and Building Elevations:

All floor plans and exterior elevations at a scale of no less than 1/8"=1'0".

3.4.3 Fences and Screens:

All fence designs at a scale of not less than 1/4"=1'0" with a cross section indicating height, construction details and materials.

3.4.4 Exterior Lighting:

Catalog cuts, including size and finish of fixtures, or a legible print of catalog cuts, for all exterior lighting fixtures to be used.

3.4.5 Exterior Materials, Colors and Masonry:

Sample boards shall be submitted for approval. Blank sample boards may be obtained from the DRC Manager. Samples shall be identified with the manufacturer's name, color and/or number, and chips or swatches of all exterior colors shall be submitted, including the following:

- Roof material and color
- Exterior siding and color
- Exterior trims and color
- Window frame material and color
- Exterior door material and color
- Exterior stone/rock and color
- Exterior fireplace material

3.4.6 Design Review Fee:

The fee established by the DRC for reviewing the Master Plan Design Construction Documents and the landscape plans shall be submitted with the Master Design application. If additional plan review is required, the DRC may require an additional fee.

3.5 Final Construction Document Application:

Upon Master Plan Design approval, construction document plans shall be submitted that conform to the Master Plan Design. Any changes from the Master Plan Design submittal shall be brought to the attention of the DRC. The construction document application shall include:

3.5.1 Site Plan:

A complete site plan with the roof plan at a scale of no less than 1"=10'-0" with the information required for the Master Plan Design application. The site plan shall also include the following information:

- The proposed location and finished elevations at the top and bottom of any retaining walls, decks, fences and screens.
- The proposed location of the driveway and all walks.
- The proposed location of all utility services, meters and mechanical equipment.
- The finished grades (minimum 1'-0" contour intervals). The grading plan shall be based on field verified topographic information.
- All setbacks and easements.
- Special site features that are to be preserved or removed.
- All existing trees greater than 6" in diameter measured at 6'-0" in height with designations indicating which trees are to be removed and which trees will remain.
- Site drainage and erosion control. The site plan shall include all the information listed in Section 4.39 Site Drainage and Erosion Control, listed in the Table of Contents, including grading and drainage information, erosion control measures, concrete washout location, on-site storm drainage facilities and drainage calculations, if necessary to demonstrate the adequacy of the proposed improvements.

3.5.2 Floor Plans:

The pre-approved floor plan that will be used on the subject lot shall be specified.

3.5.3 Building Elevations: The pre-approved building elevations that will be used on the subject lot shall be specified. If the pre-approved building elevations do not reflect accurate finished grades within reason, then building elevations will need to be submitted for approval at a scale of no less than 1/8"=1'0". These elevations shall include accurate finished grades and the relationship of the building's finished floor elevations to the proposed finished grade of the lot on each elevation, including decks and patios.

3.5.4 Exterior Color Scheme:

The pre-approved exterior color scheme that will be used on the subject house shall be specified.

3.5.5 Landscape Plan:

The landscape plan shall show the location, size, type and species of all existing and proposed plants; irrigation system; decorative materials; landscape lighting; paving surfaces; walls, steps and fences; and a drainage plan. Refer to the attached Appendices A and B for approved trees and shrubs.

3.5.6 Deferral of Landscape Plan Application:

The owner may delay submitting a landscape plan until after starting the home construction in order to better visualize on-site conditions. No landscape work shall be started, until such time as the DRC has had the opportunity to review and approve the landscape plan.

3.6 Commencement and Completion of Construction:

Prior to commencing construction, the owner shall obtain a copy of the Design Guidelines for THE PARKS from the DRC. The owner shall give the DRC written acknowledgment that the Design Guidelines have been reviewed. After receiving the DRC's construction document approval, the owner shall begin construction of the improvements within one year from the approval date. In the event that construction has not begun within one year from the date of approval, the approval shall be deemed withdrawn.

All construction, including landscaping, shall be completed within fourteen (14) months after commencement of construction, unless such completion is rendered impossible or would result in great hardship to the owner or builder. An extension may be granted for delays caused by weather, labor strikes, emergencies or natural calamities, as long as a good faith effort has been made to complete construction. The owner or owner's representative shall request this extension and the length of the extension will be defined by the DRC based on its assessment of the situation.

3.7 Inspection of Work in Progress and Final Release:

The DRC may inspect all work in progress and give the owner or the builder notice on noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the DRC of work in progress or compliance with the Design Guidelines.

In the event of any violation of these Design Guidelines or of the design review provisions (Article 11) of the CCRs, the DRC may, at its sole discretion and in addition to restoration expenses, impose a fine commensurate with the severity of the violation, as provided in the CCRs or the Oregon Planned Community Act. Such fine shall be paid as provided above for other expenses for which the Owner is liable.

Upon completion of any residence or other improvement, the builder shall give written notice of completion to the DRC. Within ten (10) days of such notification, a representative of the DRC will inspect the residence or other improvements for compliance. If all improvements comply with the approved plans and these Design Guidelines, the DRC will issue a written approval to the builder constituting a final release of the final inspection.

If it is found that the work was not done in strict compliance with the approved plans or any portion of these Design Guidelines, the DRC will issue a written Noncompliance Notice to the owner specifying the particulars of noncompliance. Said notice will be issued within thirty (30) days of the final inspection. The owner shall have thirty (30) days from the date of the Noncompliance Notice within which to remedy the non-complying portions of the improvement. If, by the end of this time period the owner has failed to remedy the noncompliance, the DRC may take action to remove the non-complying improvements as provided for in the Design Guidelines and the CCRs. This action may include, without limitation, injunctive relief or the imposition of fines.

3.8 Landscape and Fencing/Wall Application:

Existing trees, rock outcroppings and other significant natural features shall be preserved where possible and enhanced by judicious limbing, trimming cleaning, planting with native grasses, trees and shrubs, and watering. Introduction of non-compatible species is prohibited. Appendix 'A' lists approved native trees, shrub and ground covers for use in non-cultivated areas and Appendix B lists approved trees, shrubs and ground covers for cultivated areas.

The functional uses of plant material should include consideration of seasonal shade from deciduous trees, screening of undesirable views and framing certain views. The composition of plant materials should include consideration of present and mature size, background and foreground balance, relationship to the home, and judicious use of color and texture.

Lawns, trees, shrubs and ground cover shall be selected from the lists on Appendix A and Appendix B. At side yards, the landscaped areas from one lot should visually connect to the landscaped areas from the adjacent lot, in order to avoid delineation of property lines. Private areas are those areas, which are located within walls, courtyards, or other structures and are not visible from adjacent properties.

Within private areas, an owner may create a normal landscaping and/or use a wide variety of plant materials.

The area between the owner's property and the street, and the area between any bicycle/pedestrian path and the street along the front or side of an owner's property is the responsibility of the owner to plant, irrigate and maintain.

At the sole discretion of the Board, the Board may choose to maintain the area between the owner's property and the street. (Excluding irrigation)

Alley Loaded Garage Lots: At the sole discretion of the Board of Directors, the association may choose to maintain that area between the rear lot fence and the actual alleyway itself. If the association should take on the landscape responsibility of this particular area on each lot, all owners of said lots will forfeit to the association the landscape type, materials, style and maintenance.

3.8.1 Preservation of Existing Trees and Rock Outcroppings:

Existing trees and rock outcroppings to be preserved shall be protected during construction with flagging and temporary fencing. The fencing to protect preserved trees shall be placed five feet (5') from, and around the bases of the trees, to assure that no grading takes place within the drip line. Exposing or filling over tree roots shall be strictly avoided. If the DRC determines that certain trees shall be removed to accommodate structures or other improvements, such trees, if not needed on that site, may be moved by THE PARKS Homeowners' Association, Inc. to other areas of the development within thirty (30) days after approval of removal of such trees.

3.8.2 Enhancement of Native Landscaping:

To allow native grasses and wild flowers to thrive, bitterbrush and sage should be removed except where they occur adjacent to rock outcroppings, on steep slopes, or in similar accent areas where grasses would be inappropriate.

3.8.3 Irrigation:

To allow all existing and new landscaping to thrive, each site shall be fully irrigated with an underground sprinkler system with automatic controls that includes an approved backflow device and automatic control. Sprinkler heads should be of "pop-up" design or discreetly located, and black risers should be used. Sprinkler systems shall be utilized as needed to maintain active growth and healthy green color for all plant materials, except when dormant in winter, unless such use is prohibited by the City of Bend or other authority for all residential areas using City of Bend water.

3.8.4 Water Features:

All proposed water features shall be submitted for approval and shall be shown in plan and section on the application. All areas of the water feature shall be covered with materials, such as river rock, so that the liner or lining material is not visible.

3.8.5 Landscape Lighting:

Landscape lighting should only be used to highlight and feature certain landscape elements. Lighting shall be directed downward and may not face streets, adjacent properties or common open space. The City of Bend does not allow “up lighting”. All fixtures shall be grated to reduce visibility of the light source. Excessive lighting is discouraged and no landscape lighting fixtures within home sites shall use lights greater than 20 watts.

4. DESIGN AND CONSTRUCTION GUIDELINES

The following is a list of design and construction guidelines that may assist an owner or owner’s representative; provided however, that the following guidelines shall in no respect modify the CCRs for THE PARKS.

4.1 Alcohol and Controlled Substances:

The consumption of alcohol or use of any controlled substance on any construction site or common area within THE PARKS is prohibited. Any construction sites found with discarded alcoholic containers will be cited by THE PARKS Homeowners’ Association, Inc.

4.2 Blasting:

If any blasting is to occur, the DRC shall be notified two (2) weeks in advance, and appropriate approvals shall be obtained from the City of Bend and/or Deschutes County. Blasting may only be done by licensed demolition personnel, with all requisite insurance coverage as mandated by county and state statutes specific to their blasting activity at THE PARKS. The DRC shall have the authority to require written documentation of anticipated seismic effects, with confirmation such effects will not be injurious to other persons or properties, public or private, and that all appropriate protection measures have been utilized.

4.3 Building Projections:

All projections including but not limited to, chimney flues, vents, flashing, louvers, gutters, down spouts, utility boxes, porches, railings and exterior stairways shall match the surface from which it projects, or shall be painted or stained an approved color to blend unobtrusively with adjacent materials. Wall projections that house a fireplace shall extend from the ground to the soffit, have windows directly over the projection or be integrated into the building design with some other architectural treatment. Simple shed appendages are not allowed.

4.4 Chimneys and Outdoor Barbecues:

Due to the extreme fire danger usually present in this region, all chimneys shall be equipped with UL or L.C.B.O. approved spark arresters. Open outdoor fire pits are prohibited. Barbecues are permitted, provided they are lidded cookers. All other types of portable, freestanding barbecues or outdoor fireplaces are prohibited.

4.5 Construction Insurance Requirements:

All contractors shall indemnify and hold harmless the DRC, the DRC members, the Declarant, agents of the DRC and THE PARKS Homeowners' Association, Inc. from and against all claims, damages, losses, and expenses, including attorney's fees, arising out of or resulting from the performance of the contractor's work. THE PARKS Homeowners' Association, Inc., the DRC, members of the DRC, the Declarant, and agents of the DRC shall be added as Additional Insureds to the contractor's commercial general liability insurance policy. The policy shall include a "per project" aggregate of no less than \$1,000,000. All policies shall provide thirty (30) days notice of cancellation or material change.

Prior to commencing construction, the builder shall provide certificates of insurance as proof of commercial general liability, automobile liability, employer's liability and workers' compensation insurance. Minimum limits of \$1,000,000 are required.

4.6 Construction Signage:

One sign identifying the builder may be posted at the building site. Specifications for this sign may be obtained from the DRC Manager. No other signs are allowed except a temporary real estate sale sign (refer to Section 4.37). Identification of licensed tradesmen, when required by state or county statutes, shall be confined to the posting location of the building permit. Attachment of signs or similar material to trees is strictly prohibited.

4.7 Construction Trailers:

A construction trailer or portable field office may be located within one of the builder's lots, but not within the building setbacks. The type, size, color and location of any portable office shall be submitted for approval. This temporary structure may not be placed on site earlier than two (2) weeks prior to commencement of construction nor remain on site for longer than six (6) months without approval of the DRC.

4.8 Construction Vehicles and Parking Areas:

Construction workers may not park on, or otherwise use, neighboring lots not owned by builder, the adjacent streets, or open space. All vehicles shall be parked on the lot and not within the side yard setbacks. However, during very busy construction periods when all construction vehicles cannot be parked on the lot, they may be temporarily parked along the shoulder of the street, with two (2) wheels off of the paved surface of the street to allow normal unrestricted traffic flow. Changing oil or other vehicle maintenance on any site is prohibited.

4.9 Design and Color Repetitions:

No two floor plans with the same elevation type will be permitted adjacent to each other. No exterior color scheme will be repeated on adjacent homes.

4.10 Doors, Windows, and Skylights:

Reflective glass is not acceptable. The use of wood window frames, either clad or painted is encouraged. Aluminum doorframes, windows and skylights shall be bronze powder colored or anodized. Vinyl windows should be a color compatible with other elements of the building. White translucent lenses on skylights should be avoided in favor of gray or clear finishes.

4.11 Driveways and Garage Openings:

The maximum width of a driveway at the connection with the street is sixteen feet (16'). Unless approved by the DRC, driveways shall not encroach into side yard setbacks and driveway connections onto streets will be limited to one per lot.

Driveways may be constructed of black asphalt, concrete, exposed aggregate concrete, and broom finished concrete, pavers, or other material approved by the DRC. Where required by the DRC, minimum 8" diameter culverts of black HDPE or concrete pipe are required under driveways at the intersection of the street, to allow continuous flow of run-off water along the lot frontage. Inlet and outlet pipes are to be cut flush to the slope and line inlet and outlets shall be lined with rock to protect the pipe and minimum visual impact.

4.12 Dust and Noise Control:

The builder shall be responsible for controlling dust and noise from the construction site. In addition, the builder shall be responsible for removing dirt and mud from public or private streets that are the result of construction activity on the site.

The sound from the use of radios or other audio equipment by construction workers during the improvement of any lot at THE PARKS shall not be audible from adjacent improved lots.

4.13 Exterior Lighting and House Identification Sign:

No exterior lights whose direct source is visible from a neighboring property or which produce excessive glare to pedestrian or vehicular traffic is allowed. Up to two (2) lights that have a visible light source will be allowed at the entry of a house provided the light does not exceed 60 watts. Ornate lighting types, such as colored lights, extensive yard lighting and floodlights are prohibited.

Lighting fixtures located along driveways shall be on posts between 18" and 3' in height. Hoods over lighting elements shall be fixed so as to direct light downward, and shall be constructed of wood or metal with a permanent finish compatible with the house color. No lighting fixtures other than the lot identification sign may be installed within 15' of the road.

The builder is responsible for installing the house identification sign and the owner is responsible for ensuring that it is illuminated at all times. The design for this sign in THE PARKS is available from the DRC Manager.

4.14 Exterior Materials and Colors:

Exterior materials should be quality materials that complement and are compatible with the architectural style of the home. All reflective metal shall be painted to match or blend with surrounding materials.

Plywood siding is prohibited unless the applicant can demonstrate to the DRC that the specific proposed application would result in a finished appearance indistinguishable from an individual board siding application. The use of vinyl siding, metal siding, fiberglass siding, or composition asbestos siding is prohibited.

The use of exterior masonry, either as stone walls or as a stone veneer, is encouraged on homes within THE PARKS neighborhood, but the range of stone types, patterns and colors has been limited. Native welded tuff stone of the varieties commonly known in the region as “sandalwood”, “black diamond”, “Camas basalt” and “Ochoco” are allowed within THE PARKS. Certain types of faux stone are also allowed within THE PARKS. All stone types, patterns and colors shall be submitted for approval and in no case will river rock be approved for use within THE PARKS neighborhood. Brick and unit masonry are also prohibited.

Glass block in small secondary areas facing the side yard may be approved.

Draperies and window coverings that can be seen from the exterior of the home shall be a solid neutral color that harmonizes with the surroundings.

The colors of all exterior materials are subject to approval of the DRC. Exterior colors shall be appropriate to the architectural style of the home.

4.15 Fences and Walls:

Fencing, where required and allowed, will not exceed five feet (5') in height without DRC approval, measured from existing natural grade. In no event shall fences exceed six feet (6') in height. The three (3) allowable designs are as shown in Appendix D. Where possible, fencing should be designed to appear as an extension of the architecture or as approved by the DRC. Chain link fencing is prohibited. All fence designs and locations shall be approved by the DRC. Fencing is to be maintained by the individual lot owner in accordance with the CC&R's.

All horizontal rails and bracing are to be placed on the inside of the fence. The good side of the fence is to face the street, alley, or neighbor's yard. If a two-sided fence is desired, the vertical boards must be aligned on both sides of the horizontal support rails. “Good Neighbor” fences with offset vertical boards are not allowed.

On lots adjacent to other lots, front yard fences may not project in front of the exterior front wall plane of the home located closest to the street. On lots adjacent to other lots, rear yard fences shall not project beyond the exterior rear wall plane of the home located closest to the alley.

Fences shall be maintained by the lot owners per Sections 6.5 and 9.5 of the Declaration. Approved color, type and brand of stain for all wood fences shall be as follows: Sherwood Williams brand “Mushroom” color, semi-transparent stain.

Fences will be allowed in the rear yards of the homes that are located on an alley (with the exception of Lots 100 and 101, on which fences are not allowed in the rear yards) and in the rear yard of Lots 29 through 41, Lots 85 through 94, and Lots 205 and 206.

Lots 1 through 20, 42 through 59, 67 through 84, 116, 117, 121 through 131, and 135 through 157 (excluding Lot 151) are deemed “Cottage Lots” for purposes of this Section 4.15. Notwithstanding anything to the contrary in this Section 4.15, Cottage Lots are subject to the following fence restrictions:

- fences shall be four feet (4’) in height on the alley
- fences shall be four feet (4’) in height in the side yard adjacent to a street
- fences shall be three feet (3’) in height in the side yard adjacent to another lot
- fences in the front yard shall be three feet (3’) in height
- fences at the rear of lots with non-garage access shall be four feet (4’) in height and shall return to back corner of home
- side yard fences are allowed between Lots 75 and 76; 115 and 116; and 152 (Per Amendment 1).

Estate Lots 118, 119, 121, 158 through 163, and Lots 193 through 204 shall be the only Estate Lots allowed good neighbor cedar fencing. These Estate Lots are subject to the following fence restrictions (Per Amendment 1 of the Design Guidelines).

- all rear yard fencing shall be placed on the lot line of said property with good side out and contiguous with neighboring fencing including height and location
- fence style shall be Design #3 as called out in Appendix D
- all fencing shall be stained with semi-transparent Sherwood Williams Branch Mushroom color stain
- Side yard and rear yard fencing shall not exceed five (5) feet in height except the fencing facing Goose Lake Way, Crescent Lake Drive, Davis Lake Loop, Fisher Lake Lane or Cultus Lake Ct. shall not exceed four (4) feet in height.
- gate locations must be included in the submitted plans. Gates will be allowed facing Davis Lake Loop, Fisher Lake Lane, and Cultus Lake Ct. and shall not exceed four (4) feet in height. No gates will be allowed accessing common properties

- garage side fencing cannot exceed forward past the garage and fencing between homes must be built to the same return location so it appears to be an even line
- the construction of the fencing shall be an eight-foot panel, good-neighbor style fencing only except on rear yard or street-facing fencing which will be constructed with the good side out.

Lots 73 through 176 are not allowed fencing. Estate Lot 151 is only allowed a fence abutting the alleyway.

Structural retaining walls may not exceed a height of five (5') feet. Multiple terraced retaining walls shall be utilized where the overall height of retained earth exceeds five (5') feet. Retaining walls may be constructed of rock, rock veneer, concrete, or concrete masonry units; however, all exposed concrete walls, surfaces, and edges shall be treated with an approved finish. All retaining walls shall be engineered and permitted if required by the City of Bend.

The location and proximity of dog runs to adjacent homes shall be carefully evaluated. To minimize impact of noise and odor to adjacent properties and other owners within THE PARKS, the DRC will carefully consider all environmental and aesthetic merits of location and size of runs. Alternate types of animal containment such as electric fences and buried electrical devices will also be evaluated.

4.16 Firearms:

Carrying any type of firearms on the property is prohibited.

4.17 Fires and Flammable Materials:

Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, is prohibited. At least two 20-pound ABC rated dry chemical fire extinguishers shall be present and available in a conspicuous place on the construction site at all times.

No on-site fires are allowed, except for small confined attended fires for the purpose of heating masonry water.

4.18 Foundations:

Visible surfaces of concrete masonry or concrete foundation walls and piers may not exceed twelve (12") inches above finished grade unless they are faced with approved masonry or finished with stucco or a mortar wash and painted to blend unobtrusively with adjacent materials. Wood siding that extends from walls down over foundation walls to cover foundation surfaces should smoothly follow grade lines, not the steps in the concrete foundations. Foundation walls that occur under a skirted deck, such that they are no longer visible, are exempt from the facing requirements stated above.

4.19 Garages:

Each home shall have an enclosed garage for at least two cars. If possible, garage openings should face away from the street. Carports are prohibited; however, drive-through porte-cocheres may be approved. Three car garages are required to have at

least one bay offset by a minimum of four (4) feet or as approved by the DRC. Garages will be placed to the rear of lots when at all possible.

4.20 Heating and Cooling Equipment:

No roof-mounted or wall-mounted heating or cooling equipment will be permitted. Any exterior heating and/or cooling system components shall be at ground level, adjacent to the residence, and hidden from view from common open space areas, the street and neighboring properties by use of landscaping in accordance with Appendices A and B.

4.21 Height of Structures:

The standards of the City of Bend or Deschutes County are the standards for height at THE PARKS, except that the DRC will consider suitability of building heights to the site and its surroundings in order to minimize the impact of structures on natural areas.

4.22 Lot Coverage:

The area of the lot covered by buildings, roof lines, patios, decks, driveways, walks and all impervious surfaces shall not exceed the percent of the total lot coverage approved by the City of Bend, except as specified in Appendix C for Custom Lots.

4.23 Mailboxes and Newspaper Holders:

Due to service restrictions and guidelines of the US Postal Service, mail delivery to individual mailboxes for each home is not longer available for THE PARKS. The Declarant has developed a mail service plan acceptable to the US Postal Service, establishing a single approved design for the structures on which grouped mailboxes and newspaper holders are mounted. The Declarant will construct each structure prior to issuance of a Final Release on any residence that will use that structure. Each owner will pay a pro rata share of the construction cost of the structure in which the owner's box is located. Individual mailboxes or newspaper holders on lots are not allowed.

4.24 Material Deliveries:

All building materials, equipment and machinery required to construct a residence shall be delivered to and remain within the building area of the lot.

4.25 Non-liability:

Neither THE PARKS Homeowners' Association, Inc., its board members, The DRC, any member thereof nor agents of the DRC, or the Declarant, shall be liable to THE PARKS Homeowners' Association, Inc. or to any owner or other person for any loss or damage claimed on account of any of the following:

- The approval or disapproval of any plans, drawings and specifications, whether or not defective.
- The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.

- The development, or manner of development of any property with THE PARKS neighborhood.

Neither THE PARKS Homeowners' Association, Inc., its board members, the DRC nor any member thereof shall be liable to any owner, occupant, builder or developer or any other person for any damage, loss or prejudice suffered or claimed on account of any action, or failure to act by the DRC, or a member thereof, provided only that the member has, in accordance with the actual knowledge possessed by the DRC or by such member, acted in good faith. The scope of the DRC's review is not intended to and shall not be construed to include any representations or warranties or conclusions regarding structural, geophysical, engineering or other matters, fitness for a particular purpose or habitability.

Approval by the DRC of any improvement at THE PARKS only refers to THE PARKS Design Guidelines and in no way implies conformance with local government regulations. It shall be the sole responsibility of the owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

4.26 Non-waiver:

The approval by the DRC of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any of the design guidelines shall not constitute a waiver of same.

4.27 Outdoor Storage and Service Yards:

Outdoor storage areas and service yards for trash containers, firewood, clotheslines, maintenance or service equipment such as lawnmowers and snowblowers shall be screened from all adjacent properties by a wall, fence or landscaping as outlined in Appendices A and B, and, with respect to walls and fences, of an approved design as specified in Section 4.15 of these Design Guidelines. These storage areas and service yards shall be located to minimize the impact on neighboring lots and shall be approved in advance by the DRC.

4.28 Outdoor Spas and Swimming Pools:

Spas, swimming pools, and related equipment enclosures shall be architectural extensions of the house through the use of walls or courtyards. Above grade swimming pools are not allowed. Covers such as inflatable bubbles are not allowed.

4.29 Patios, Steps and Paths:

Excessive areas of impervious surfaces are discouraged. Paving materials for driveways, patios, steps, paths and other areas should have dull, non-reflective surfaces and earth colors that blend well with the natural surroundings.

4.30 Pets:

No pets may be brought onto the property by any construction worker. Pets left in a vehicle are considered in violation of this regulation.

4.31 Prefabricated Buildings:

Any building that is constructed off site and requires transportation to any lot, whole or in partial assembly, will not be permitted. This prohibition includes mobile homes, stock modular buildings, or any other structures requiring transportation and set up in a partially completed state.

4.32 Restoration of Property:

Upon completion of construction, each builder and contractor shall clean their construction site and repair all property that has been damaged. This includes, but is not limited to, restoring grades, planting shrubs and trees as approved or required by the DRC, and repairing streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

In addition, the Owner shall be held financially responsible for site restoration/re-vegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their builder's employees, subcontractors or suppliers.

4.33 Roofs:

In general, buildings with a variety in massing and rooflines are desired. Large, expansive areas of unbroken roof planes and ridgelines are undesirable. The minimum roof pitch is four feet in twelve and the maximum roof pitch is twelve feet in twelve for the predominant roof structure. Fascias should be stepped to avoid cupping. All flashing and roof vents shall be painted to match the roof color. Approved roofing includes slate or flat concrete tiles and architectural grade composite shingles approved by the DRC. Colors shall be compatible with the approved architectural styles.

4.34 Sanitary Facilities:

Each builder or contractor shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets shall be located within the building area and outside of all setbacks.

4.35 Setbacks:

Front, rear and side yard setbacks are City of Bend setbacks, unless modified by the Declarant of THE PARKS. In all cases, the Declarant's modified setbacks will be more restrictive than City of Bend setbacks and will run with the land.

4.36 Severability:

If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the remainder of these Design Guidelines shall be construed as if the invalid part were never included therein and such remainder shall be valid and fully enforceable.

4.37 Signs:

No signs of any kind are allowed, except the house identification sign, directional signs provided by the Declarant, a temporary real estate sale sign and a temporary construction sign approved by the DRC. One sign identifying the realtor may be posted at the home site. Specifications for this sign are available from the DRC Manager. Real estate lease signs, banners, flags, and other devices intended to call attention to any residence are prohibited.

4.38 Site Preparation:

Excessive excavation or fill shall be avoided. Retention of existing trees over twelve (12") inches in diameter or over thirty feet (30') in height is strongly encouraged. Cutting, removing or pruning of any trees, that is necessary for the development and landscaping of any site, shall be approved by the DRC. Only pruning of dead limbs, removing of dead trees, and cutting and removing of trees with a trunk diameter of less than 6" measured at a height of six feet (6') and which are bowed, leaning, severely misshapen, diseased, or sparsely needled may be done without pre-approval of the DRC.

4.39 Site Drainage and Erosion Control:

All run-offs from impervious surfaces, including but not limited to roofs, patios and driveways, shall be collected and conveyed to a subsurface drainage dispersal system on the lot. The collection system may include gutters, surface swales, or buried drain lines. Subsurface drainage dispersal systems may include drywells, soakage trenches, or other facilities. The builder is responsible for establishing finished floor elevations that ensure positive drainage away from the home; installing and maintaining a subsurface drainage dispersal system that has adequate capacity; and ensuring that concentrated run-off does not flow onto adjacent property. Further, the builder shall consider and show existing off-site drainage improvements, such as catch basins, drywells and culverts that benefit the builder's lot. The storm drainage plan should consider the off-site improvements, and the grading and drainage of the lot should be designed accordingly.

The builder is responsible for installing and maintaining adequate erosion control measures during construction, including silt fencing, bio-bags, gravel water bars and a place for concrete truck and concrete mixer wash-outs. During construction, the builder is responsible for maintaining and repairing the existing 18" gravel shoulder along any street that abuts the lot, the 8" gravel shoulders along any bicycle/pedestrian path that abuts the lot and any drainage ditch that abuts the lot. Once construction is complete, the owner is responsible for maintaining these same areas.

The builder shall maintain any drywells or other site drainage systems installed on a lot by the Declarant.

4.40 Solar Applications:

Owners should consider passive solar opportunities. Solar collectors and associated hardware shall be an integral part of the house and placement of the collectors shall take into consideration excessive glare and reflection. The collectors and associated hardware cannot be visible from any other lot or common area.

4.41 Terraces and Decks:

Yards and terraces should be designed to be extensions of the architecture. Decks should be designed to preserve the beauty of the home as seen from common open space areas and neighboring properties. The undersides and finish of decks shall be scrutinized by the DRC, especially on upper hillside sites. Deck supports and trims are important design elements and simple posts or similar support systems will not be accepted. Where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds thirty (30") inches above finish grade below, the deck edge shall be skirted with wood siding or other finish to screen the cavity beneath the deck. The only exception is for decks overhanging living space below.

4.42 Trash Receptacles and Debris Removal:

Builders shall clean up all trash and debris at the end of each day. An approved trash receptacle shall remain on site at all times, located near the street. Dumping, burying, or burning trash anywhere on the site or elsewhere in THE PARKS is prohibited. Heavy debris, such as broken stone and wood scrap, shall be immediately removed from the site upon completion of the work of the trade that generated the debris.

All concrete washouts from both trucks and mixers shall occur within the building area of the lot in a location where it will be ultimately concealed by structure or covered by backfill. Washout in the street, setbacks or on adjacent properties is strictly prohibited.

Any clean up costs incurred by the DRC or THE PARKS Homeowners' Association, Inc. in enforcing these requirements shall be the responsibility of the owner.

4.43 Views:

Since THE PARKS has numerous public areas, such as parks, it is important for an owner to consider the view from the public areas to the back of the owner's home. Consideration should therefore be given by a builder to screen and filter views from public view areas back to the home and service yards.

4.44 Working Hours:

Daily working hours shall be from 30 minutes before sunrise, but not prior to 6:30 a.m.; and until 30 minutes after sunset, but not later than 8:30 p.m. Construction activity, which generates excessive noise, such as hammering, sawing, excavation work, and concrete delivery, shall be confined to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday. Noisy activity is prohibited on Sundays and national holidays.

APPENDIX A – NATIVE TREES, SHRUBS AND GROUND COVERS

<i>Abies lasiocarpa</i>	Alpine Fir
<i>Calocedrus decurrens</i>	Incense Cedar
<i>Juniperus occidentalis</i>	Western Juniper
<i>Pinus conrorta latifolis</i>	Lodgepole Pine
<i>Pinus contorta</i> ‘Murrayana’	Murrayana Pine
<i>Pinus ponderosa</i>	Ponderosa Pine
<i>Populus tremuloides</i>	Quaking Aspen
<i>Prunus virginiana</i>	Canadian Red Chokecherry
<i>Quercus garryana</i>	Oregon Oak
<i>Tsuga mertensiana</i>	Mountain Hemlock

<i>Amelanehier ainifolia</i>	Serviceberry
<i>Artemesia tridentate</i>	Western Sage
<i>Arctostaphylos patula</i>	Green-leaf Manzanita
<i>Cercocarpus montanus</i>	Mountain Mahogany
<i>Cornus stolonifera</i>	Red-Osier Dogwood
<i>Crataegus douglasii</i>	Black Hawthorn
<i>Holodiscus discolor</i>	Creambush
<i>Mahonia aquifolium</i>	Oregon Grape
<i>Prunus eistena</i>	Red Leaf Plum
<i>Salvia dorii</i>	Purple Sage
<i>Sambucus caerulea</i>	Blue Elderberry
<i>Shepherdia argentea</i>	Silver Buffalo Berry
<i>Spiraea douglasii</i>	Western Spires
<i>Symphoricarpos albus</i>	Snowberry

<i>Arctostaphulos uva-ursi</i>	Bearberry
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil

APPENDIX A – NATIVE TREES, SHRUBS AND GROUND COVERS (CONT.)

Achillea millefolium	Yarrow
Aquilegia sp.	Aquilegia
Balsamorhiza sagittata	Balsam
Escholtzia californica	California Poppy
Erigeron compositus	Dwarf Mountain Daisy
Lupine sp.	Lupine
Penstemon sp.	Penstemon

APPENDIX B – CULTIVATED TREES, SHRUBS AND GROUND COVERS

<i>Acer ginnala</i>	Amur Maple
<i>Acer circinatum</i>	Vine Maple
<i>Acer sp.</i>	Maples
<i>Betula nigra</i>	River Birch
<i>Cercis Canadensis</i>	Eastern Redbud
<i>Cornus kousa</i>	Dogwood
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Malus sp.</i>	Crab Apple
<i>Pyrus calleryana</i>	Callery pear
<i>Quercus sp.</i>	Oaks
<i>Picea pungens</i>	Colorado Spruce
<i>Pinus strobus</i>	Eastern White Pine
<i>Thuja plicata</i>	Western Red Cedar

APPENDIX B – CULTIVATED TREES, SHRUBS AND GROUND COVERS (CONT.)

Azales	Azalea
Berberis thunbergii	Japanese Barberry
Chaemomeles japonica	Flowering Quince
Cotoneaster apiculatus	Cranberry Cotoneaster
Euonymus alatus	Burning Bush
Hydrangea ‘Annabelle’	Hydrangea
Flex sp.	Holly
Juniperus sp.	Juniper
Lonicera tatarica	Tatarian Honeysuckle
Philadelphus virginialis	Mock Orange
Pinus mugo mugo	Mugho Pine
Pinus strobus ‘Nana’	Dwarf White Pine
Potentilla fruticosa ‘Jackmami’	Jackman Potentilla
Rhododendron sp.	Rhododendron H-1 varieties
Ribes alpinum	Alpine Current
Rosa rugosa	Rugosa rose
Rosa foetida	Austrian Copper Rose
Salix alba ‘Flame’	Flame Willow
Salix purpurea ‘Nana’	Blue Arctic Willow
Spiraea sp.	Spirea
Syringa vulgaris	Lilac
Viburnum sp.	Viburnum
Weigela florida	Weigela

Ajuga reptans	Carpet bugle
Cotoneaster horizontalis	Rockspray cotoneaster
Euonymus fortunei	Euonymus
Genista lydis	Lydia Broom
Parthenocissus tricuspidata	Boston Ivy
Pachysandra terminalis	Pachysandra
Vinca minor	Myrtle

APPENDIX B – CULTIVATED TREES, SHRUBS AND GROUND COVERS (CONT.)

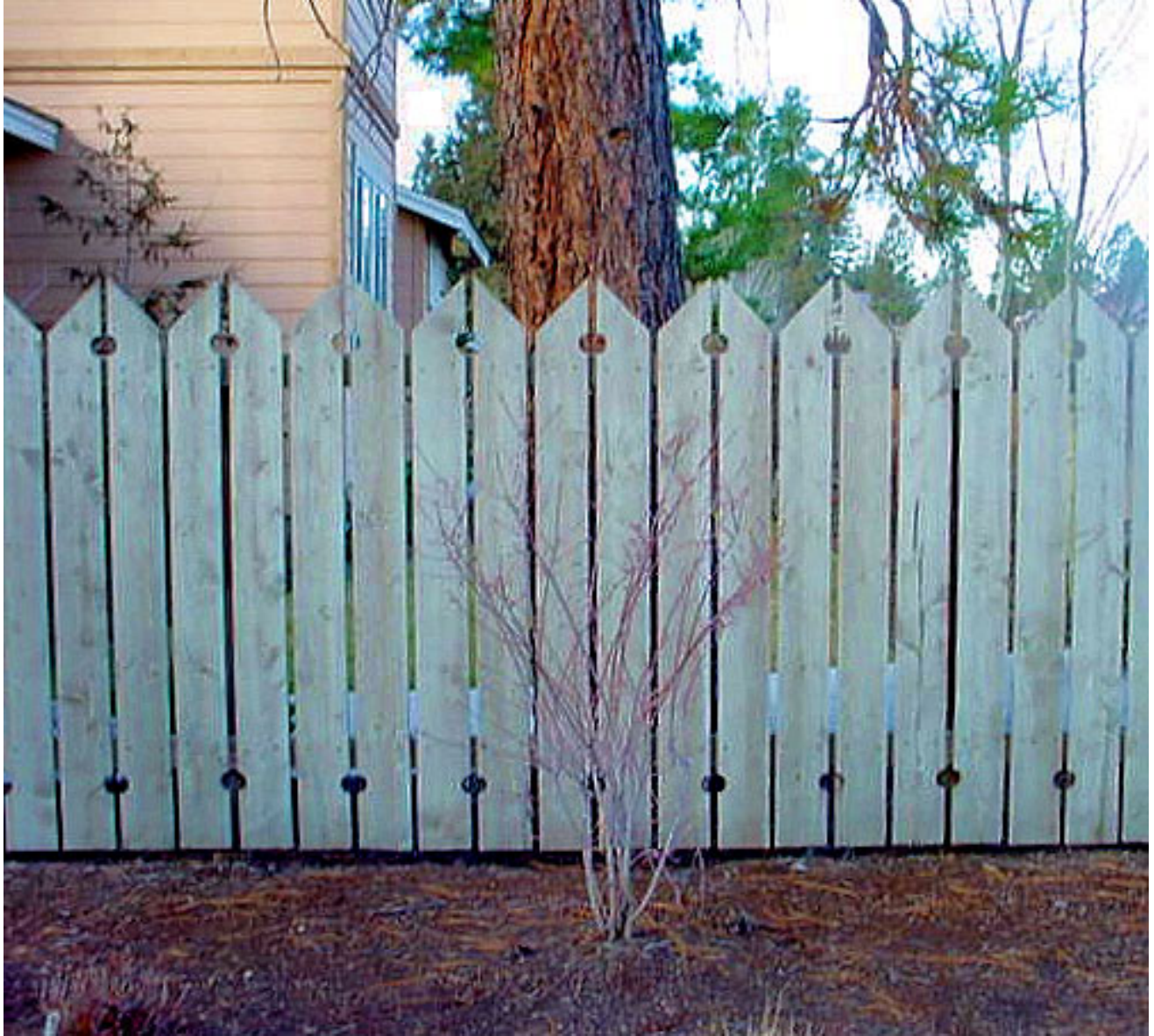
Achillea tomentosa	Woolly Yarrow
Aegopodium podagraria ‘Variegatum’	Bishop's Weed
Artemesia	Dusty Miller
Aurinia saxatilis	Perennial Alyssum
Bergenia crassifolia	Winter Blooming Bergenia
Campanula carpartica	Tussock Bell Flower
Chrysanthemum sp.	Daisy
Clematis sp.	Clematis
Coreopsis verticillata	Tickseed
Corcus speciosus	Crocus
Dioentra spectabilis	Bleeding Heart
Erysimum hieracifolium	Siberian Wallflower
Gaillardia arstata	Blanketflower
Hemerocallis sp.	Daylily
Nymphaea sp.	Water Lily
Paeonia sp.	Peony
Rudbeckia fulgida	Black-eyed Susan
Echinacea pupurea	Purple Coneflower
Sedum	Stonecrop

APPENDIX C – ADDITIONAL CUSTOM LOT DESIGN CRITERIA

Lots 95 through 99 and Lots 177 through 192 of THE PARKS are designated as “Custom Lots”. The homes on these Custom Lots shall conform to all of the design criteria outlined in “THE PARKS Homeowners’ Association, Design Guidelines”, as well as the following additional design criteria:

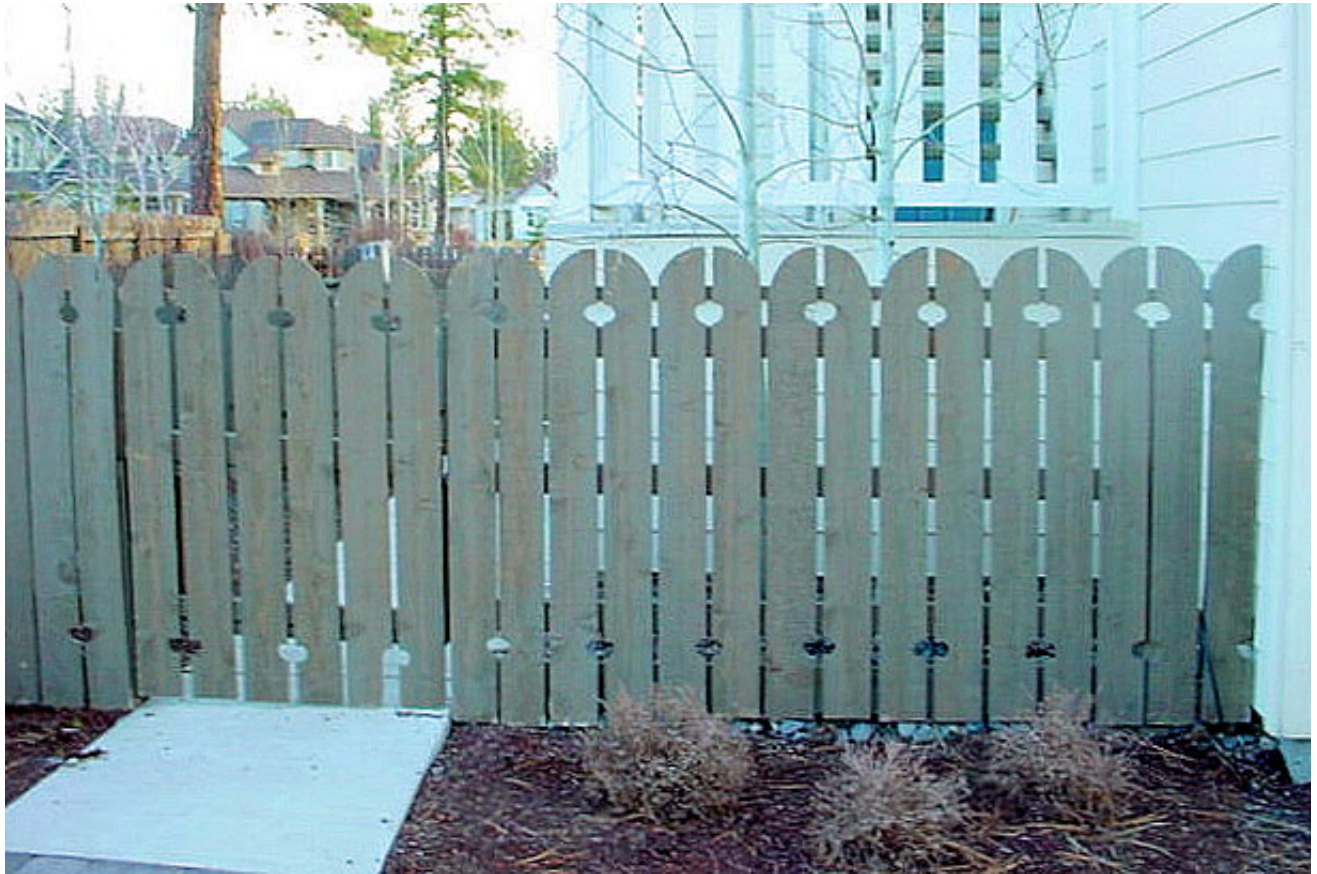
1. The minimum square footage of a home, exclusive of patios, garages and detached building structure, shall be 2,500 square feet.
2. Building coverage on the Lot shall not exceed 50% of the total Lot square footage.
3. Approved roofing includes slate, clay and flat concrete tile, architectural grade composite shingles or an equivalent product, subject to DRC review and approval.
4. All homes will contain at least 15% stone or masonry elements on the front elevations, and, if the masonry or stone is located at the corners of the home, be wrapped no less than 18 inches around the sides of the structure.
5. At least 80% of all roof vents (plumbing, gas, air) shall be located to the rear of the ridge line. Roof vents shall be designed to be aesthetically pleasing if located to the front of the ridge line.
6. Each Lot not owned by the Declarant shall pay to The Parks Homeowners Association, with the submittal of the plans for a custom lot, a non-refundable Design Review Fee of \$2,500.
7. All areas disturbed by construction activities shall be landscaped or restored as required by the DRC.
8. Homes shall incorporate Craftsman elements, in keeping with the existing Craftsman style of homes in THE PARKS.
9. No stucco or T-111 siding is allowed, Board and batten siding shall be of a rough, saw-cut style (i.e., Breckenridge type).
10. Concrete surfaces shall comply with Section 4.11 of the Design Guidelines, provided that such surfaces may not be broom-finished.
11. Homes shall comply with Section 4.19 of the Design Guidelines and garages shall not extend beyond the exterior front plane of the home unless the garage is a side load entry.
12. Garage doors shall have architectural elements (i.e., windows, carriage-style), as approved by the DRC.
13. No Fences will be allowed (Per Amendment 2).

APPENDIX D – APPROVED FENCE DESIGNS



APPROVED FENCE DESIGN #1

APPENDIX D – APPROVED FENCE DESIGNS (CONT.)



APPROVED FENCE DESIGN #2

APPENDIX D – APPROVED FENCE DESIGNS (CONT.)



APPROVED FENCE DESIGN #3