

RECORDED BY  
WESTERN TITLE & ESCROW CO.

97-403

CANYON VIEW ESTATES  
ADDENDUM TO DECLARATION OF CC&Rs

**RIM LOT DEVELOPMENT STANDARDS**

THIS ADDENDUM pertains to that Amended and Restated Declaration of Codes, Covenants and Restrictions for Canyon View Estates recorded on or about May 19, 1997 and completely supersedes any prior addenda.

Before any improvements or alterations may be undertaken on a homesite within the Canyon View Estate Rim Lots, the owners must obtain advance written approval of the proposed design from the Declarant.

Both design and construction, including the construction process, must conform to the following rules and guidelines.

**Building Height**

A standard building height limitation of 21 feet is established in order to preserve views from adjacent and nearby homes and to minimize the impact of structures on the natural areas of the development. Height shall be measured from the maximum roof ridge line down to the elevation of the finished curb at the mid-point of the front lot line or the finished grade at the mid-point of the front wall of the home, whichever elevation is higher.

**Building Size**

A minimum size of 1,800 square feet must be included as interior living space in every home, excluding garage area. An exception to this minimum shall apply to Lots No. 17 and 18, which shall require a minimum size of 1,500 square feet. Outside decks and breezeways are not to be included in the interior space calculation. Lot coverage by the buildings and structure shall not exceed 40% of the total lot area. Paved areas and eaves that project beyond the foundation shall not be included in the lot coverage calculation. Covered decks or porches shall be included in the calculation.

**Neighboring Views**

Structure locations and designs must take into consideration the preservation of natural site features and will not unreasonably restrict views of neighboring homesites.

**Driveways**

Driveway cuts into Canyon View Estates rim lots will be limited to one per homesite unless the Declarant rules that a particular site's physical layout makes such a restriction extremely difficult or impractical. Driveway widths shall be restricted to two car widths where possible, and the amount of paved areas exposed to view from neighboring homesite or common roadways shall be kept to a minimum. Driveway material shall be concrete or masonry.

**Hot Tubs and Pools**

Exterior hot tubs, saunas and swimming pools must be screened from neighboring views by fencing. Designs and drawings for these features, including site plans, must be included in the submitted plans and are subject to Declarant's approval so long as Declarant owns any lot within the Project.

**Accessory or Construction Buildings**

Buildings to be used as temporary construction shelter may be temporarily erected on a homesite prior to construction of the main residence building, and only in conjunction with actual construction work. Any

temporary shelter or building must be approved in advance by the Declarant, and removed as soon as it is not necessary. In any case the maximum allowable time for a temporary structure to be allowed on a homesite is ninety day (90 days). Accessory structures such as tool sheds, dog houses, etc. must be constructed in a manner that conforms to the quality of the Dwelling. The materials used in any such building shall be of the same type as the exterior of the Dwelling, and such structure shall be no higher than ten feet and located no more than ten feet from the rear or side of the Dwelling.

#### **Adjacent Private Property**

Under no circumstances may adjacent private or development property be used for access to any other Lot, or for any construction purpose without the express and written consent of the Owner and the Declarant. Adjacent property may also not be used for parking of any equipment or construction workers' vehicles. The Owner and/or his contractor or builder shall be held fully responsible for any damage to private property.

#### **Construction Noise/Behavior Guidelines**

In consideration of neighbors, no loud radios or excessive unnecessary construction noise shall be permitted on a job site. No boisterous or rude behavior is allowed. Any pets belonging to construction workers must be leashed at all times and, if loud or unruly, may be removed or banned by the Declarant.

Exterior construction work, or the operation of noisy construction equipment is not allowed on Sundays or national holidays, and work may not begin before 7:00 a.m. on any other day.

#### **Construction Dumpster; Refuse Containment**

Adequately sized refuse dumpsters shall be provided by the builder, at the builder's expense, and shall be situated on the construction site at all times during the construction period. The construction site shall be kept clean and orderly at all times, with papers, loose material and miscellaneous building supplies neatly stored or disposed of within a refuse dumpster.

#### **Animal Runs and Animal Restraints**

All animal runs and animal restraint areas shall be preapproved by the Declarant and constructed and situated in such a way as to make them substantially concealed or screened from the view of public rights of way, the canyon, and neighboring Lots.

#### **Chimneys**

All exterior chimneys must be made of wood, stone or brick, and must incorporate a flue shroud and a spark arrestor, if for a wood burning fireplace. A metal chimney top must be of such a color as to blend aesthetically with the residence and is subject to Declarant approval.

#### **Exposed Metal**

Any exposed metals such as roofing, flue pipes, fire chimneys and caps, plumbing stacks, flashing, spark arrestors, etc. must be painted flat black, or a color that will blend aesthetically with the residence. Any such colors are subject to Declarant approval.

#### **Exterior Antennas; Satellite Antennas**

Exterior mounted radio and television antennas, are not permitted. No television satellite disks or antennas may be visible from the roadways, canyon or other Lots.

### Standard Setbacks

No improvements shall be constructed such that they encroach within the "setback area" individually designated for each lot. The Standard setback lines (in feet from the property lines) are

Front: 20 feet  
Rear: 20 feet from canyon rim  
Side: 5 feet

Setback requirements apply to any manmade structure above grade including steps, decks, porches, eaves, pools, hot tubs, etc. Fences, however, may be located on the property line. Further, on Lots No. 17 and 18, decks and improvements contained within the decks shall be permitted up to the canyon rim. Notwithstanding approval from the Declarant of a proposed site plan, final construction approval is subject to local governmental approval and permits.

### Permanent Outdoor Furniture and Accessories

Location of permanently placed outdoor furniture fixtures or equipment such as swings, picnic tables, barbecues, arbors, jungle gyms, tree houses, etc. must be approved by the Declarant. Outdoor furniture and accessories shall not infringe on setbacks and must be properly maintained. Swings sets and other play equipment shall be painted or constructed to blend with the natural surroundings.

### Drainage

The existing drainage on each homesite shall be carefully considered when siting and improvement. The natural drainage pattern should be preserved if possible and the drainage impact on neighboring homesites and the canyon shall be taken into account in the approval process. There shall be no drainage to neighboring Lots.

### Excavation

Each homesite shall be developed with a minimum modification or disruption to the existing topography. All dirt, fill and debris resulting from excavation must be removed from the homesite, or applied to the landscape in a manner pre-approved by the Declarant. To the extent feasible, all grading shall conform to natural contours of the land.

### Fencing

Fences are allowed at Canyon View Estates along the property lines of any Lot pursuant to the Declaration. Fences on the Rim Lots shall be limited to five feet in height and shall be connected to the house structure. The side fences may extend to the rim of the canyon, but not beyond. Fences shall be built of wood or masonry, only, except that vinyl fencing designed to look like wood rail fencing shall also be allowed.

### Draperies and Window Coverings

All draperies and window coverings visible from outside the home should be of materials and colors which harmonize with the surroundings and design and color of the exterior structure. No bright colors or metallic or mirrored surfaces should be visible from the exterior of the structure. Consideration should be given to the aesthetic view from neighboring homesites and the canyon.

### Duplication

No repetition of house design or exterior decoration shall be allowed within the Rim Lots of Canyon View Estates without specific pre-approval from the Declarant.

### **Exterior Lighting**

Exterior lighting which can be seen from roadways or neighboring homesites must be indirect. The light source must not be clearly visible from outside the fixture. Decorative and landscape lighting may be subject to reasonable limitations imposed by the Declarant. Exterior lightning plans must be submitted to the Declarant with the initial design review application.

### **Firewood**

Firewood and all other stored materials must be out of sight of the adjacent homesites.

### **Gutters and Downspouts**

All gutters and downspouts shall be designed as a continuous architectural feature, consistent with the building design. Exposed gutters and downspouts shall be colored to blend with the surface to which they are attached.

### **Heating and Cooling Systems**

All exterior parts of the heating and cooling systems must be screened from view from the canyon and adjacent homesites, and, where applicable, must be insulated to reduce noise to acceptable levels at adjoining properties. No exterior parts may be located within the front or rear set back areas.

### **Service Yards**

Each residence shall have a screened service yard enclosing garbage and trash containers, clothes drying equipment, bicycles, outdoor maintenance equipment, etc., if such storage is not otherwise provided by other parts of the main structure (garage).

### **Skylights and Solar Devices**

All glass, plastic, or other transparent skylight or solar devices shall be treated to eliminate glare. Clear, bronze or gray glazing is preferred over white translucent. Any solar heating system must be reviewed and approved by the Declarant prior to construction. Solar heating systems to be constructed on the outside of a residence shall be reviewed in light of how they impact the aesthetics of the view from the canyon and adjacent homesites. Such systems shall require pre-approval by the Declarant.

### **Solar Encroachment**

Any plantings that interfere with the existing use of solar energy on an adjacent homesite are prohibited and improvements, may be subject to Deschutes County solar setback requirements

### **Utilities**

Connection of utilities from trunk lines to individual structures must be underground. Exposed plumbing or electrical lines are not allowed. Materials and installation must conform to the electrical and plumbing codes as established by Deschutes County. Water and sewer hookups must be approved by the appropriate inspectors. All areas of excavation for site utility work must be fully restored. Utility meter panels must be hidden from view from the canyon, roadways and adjacent lots.

### **Parking**

Each residence will include a garage for at least two cars, which must be connected to the main structure. In addition, a minimum of two exterior parking spaces shall be required for each homesite. Camping vehicles/trailers, trucks, campers, boats, cars under repair, trailers, recreational equipment, etc. shall be completely hidden from view of the canyon, roadways and adjacent homesites..

### **Exterior Material Treatment**

Materials used on all exterior walls shall present a consistent appearance in order to achieve a uniform design. Exterior colors must harmonize with the surrounding landscape and all colors are subject to approval by the Declarant. Exterior color treatment shall be continuous on all elevations. Duplication of colors of nearby homes is discouraged.

### **Exterior Walls and Trim**

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

- a. Wood: Treated with earth tone semi-transparent or solid stains, or earth tone paints. In most cases, siding applications that involve a mix of directions (horizontal, diagonal, vertical) are discouraged. Use of plywood type or pressed wood siding is prohibited.
- b. Brick: Medium to dark earth tone colors. Light-colored brick or contrasting colored brick is discouraged.
- c. Textured masonry block: Units are not to exceed 4 inches in height and must be in dark earth tone, natural colors.
- d. Stucco: natural colors allowed, according to Declarant approval.
- e. Stone: Natural earth tone colors and local area materials are recommended. Unusually colored or bright colored stone is discouraged. All stone work is subject to Declarant pre-approval.

### **Roof Materials**

Wood shakes and shingles are approved for use, subject to City of Redmond building codes and Fire Department approval. Any type of wooden roofing material will require the installation of an approved exterior sprinkler system. Concern for fire potential is a major consideration. Preferred roofing materials include composition shingle, slate, tile, concrete tile and metal shake. Ribbed metal roofing is not permitted. All roofing materials shall be of earth tone only, and material and color are subject to Declarant approval.

### **Landscaping**

Homesite landscaping is required for a minimum of thirty feet around each residence, subject to setback or lot boundaries. A portion of the landscaping shall include lawn or grasses. All homesites shall be maintained to present a neat and pleasing appearance to the canyon and surrounding property. Landscaping shall be planned to help minimize fire danger for the area and to moderate the potential of blowing dust. In areas where the owner chooses to maintain a more natural appearance for the site, excess fuels (underbrush and dead branches) must be removed and the ground brush thinned. Steps must be taken to restore unsightly scarred areas due to construction activity or other soil damage, and to remove dead plant material and refuse from the site.

Landscaping that is added must include automatic irrigation system installation. A back flow prevention device is required and must be maintained according to State of Oregon standards. Maintenance of the landscaping in an attractive condition is required. Landscaping must be completed within sixty days from the date the residence is ready for occupancy, weather permitting, unless the time period is extended by the Declarant.

Landscaped areas of a homesite which can be seen from the canyon or adjacent homesites shall be treated in a casual, fluid manner and integrate well with the natural setting and aesthetics Canyon View Estates.

#### **Trees and Shrubs**

No tree over four inches in diameter, major shrub, large rock or other prominent vegetation or natural feature shall be removed from a homesite without the express written consent of the Declarant. Out of consideration for fire hazard, all existing trees on a homesite must have all lower dead limbs and branches removed to the four-foot level. Wherever practical, trees which screen views from adjacent lots and common roadways should be preserved. On the canyon view side of a homesite, special efforts should be taken to preserve a reasonable number of existing trees, particularly fine or interesting specimens, while also allowing for a reasonable canyon views from the homesite. A "reasonable view" does not mean a view totally devoid of trees, however. To help enhance the views of the canyon from a within a homesite it is recommended that due consideration be given to thinning and trimming lower branches and limbs from larger trees resulting in a filtered view through the trees.

#### **Berms**

Berms are allowed where appropriate with a maximum height of 48 inches, unless a higher berm is specifically approved by Declarant. No fences will be allowed over berms. Berm design and construction must be approved by the Declarant.

#### **Maintenance**

Each Owner is required to keep his homesite, landscaping, and all improvements in good repair and attractive condition.

#### **Utilities**

Electric power is supplied to each homesite through underground cables by Pacific Power and Light for lots 1 through 24 and by Central Electric Co-op for all other lots. Electric and all other services to improvements on a homesite must also be underground.

Natural gas is provided by Cascade Natural Gas Company.

Sewer connection is located at each lot and sewer service is provided by the City of Redmond. Applicable connection fees and service fees are determined by the City and individually billed to the owner.

Water service is available at each homesite from the City of Redmond water system.

Underground telephone and cable TV service are also provided to each homesite.

#### **Building Permit Requirements**

Canyon View Estates is under the auspices of the City of Redmond, Deschutes County, Oregon. The County has adopted the Uniform Building Code as amended by the State of Oregon. The City requires that a building permit be obtained prior to beginning of construction of any improvement or addition. Notwithstanding any Declarant approval, City of Redmond and other governmental agency requirements or restrictions take precedence.

#### **Completion of Construction**

As outlined in the Declaration, construction completion is required within one year of construction startup. In the event of undue hardship due to weather conditions, this provision may be extended for a reasonable length of time upon written approval from the Declarant.

### Severability

If any section, subsection, paragraph, sentence, clause or phrase of the rules and regulations is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not effect the validity of the remaining portion of these rules.

### Non waiver

Consent by the Declarant to any matter proposed to it, or within its jurisdiction, or failure by the Declarant to enforce any violation of the rules or standards, shall not be deemed to constitute a precedent or waiver impairing the Declarant'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 standards.

## SUBMITTAL AND APPROVAL PROCEDURES

**Design Approval:** The following steps are required for design approval, start of construction and completion of a residence at Canyon View Estates:

1. Submit a design review application form and three copies of the following drawings to the Declarant no later than thirty days prior to the date on which construction is scheduled to begin:
  - Site plan
  - Building elevations
  - Floor plans
  - Landscaping plan
  - Lighting plan
  - Exterior material and color specifications
2. Submit the design review fee of \$250 with the drawings (unless the fee has been previously submitted in connection with an application for preliminary design approval);
3. String the house footprint for inspection by Declarant;
4. Obtain a building permit from the City of Redmond; and
5. Obtain written approval of the construction drawings from Declarant. (Initial response to the submitted drawings will be provided by Declarant within 21 days of receipt of all required fees and documentation.)

**Preliminary Design Approval.** Preliminary design approval is recommended but not required. The purpose of the preliminary approval is to provide an opportunity for review of the proposed designs and early detection of attributes of the design which may not conform to the Declarant guidelines, the aesthetic goals of development at Canyon View Estates, or which may give specific concern to the Declarant members. The preliminary process allows the owner and designer to receive Declarant's advice regarding standards interpretation or design changes which may be requested by the committee, before unnecessary time and

money have been expended. The goal of the preliminary process is for the Declarant to work with the owner to expedite easy approval of the final design.


To obtain a preliminary design approval, submit the design review fee and one copy of the site plan and construction drawings to Declarant. Then arrange a meeting with Declarant's representative to review any areas of question. No preliminary approval, however, shall constitute final design approval.

**Inspection.** Submittal of a design review application shall authorize the Declarant to make necessary on-site inspections of the proposed homesite and improvements. The owner is responsible to notify Declarant upon completion of construction and request a final inspection, at which time the Declarant shall verify compliance with the design and plan as previously approved. Failure to comply with the approved plans and specifications shall nullify any prior design approval. Declarant, or any Owner, shall be entitled to specifically enforce compliance with the approve design specifications.

**Expiration of Approval.** Design approval is valid for construction substantially started within one year of the date of approval. If construction has not begun within one year, a new application (including the application fee) must be submitted.

IN WITNESS WHEREOF, the undersigned, being Declarant herein, has executed this instrument on June 2, 1997.

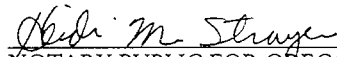
CANYON VIEW ASSOCIATES L.L.C.  
by The Pennbrook Company, Managing Member

  
\_\_\_\_\_  
Donald N. Bauhofer  
President

STATE OF OREGON        )  
                                  )  
COUNTY OF DESCHUTES )

The foregoing instrument was acknowledged before me on this 2 day of June, 1997, by Donald N. Bauhofer, President, The Pennbrook Company, on behalf of Declarant.



  
HEIDI M. STRAYER  
NOTARY PUBLIC FOR OREGON  
My Commission Expires 3-28-98



STATE OF OREGON )  
COUNTY OF DESCHUTES ) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:

97 JUN -4 PM 3:23

MARY SUE PENHOLLOW  
COUNTY CLERK

BY *J. Symons* DEPUTY  
NO. 97-19252 FEE 45-  
DESCHUTES COUNTY OFFICIAL RECORDS