

**VOL: 1999    PAGE: 44950**  
**RECORDED DOCUMENT**

**STATE OF OREGON**  
**COUNTY OF DESCHUTES**



\*1999-44950    \* Vol-Page

Printed: 09/16/1999 10:32:12

**DO NOT REMOVE THIS CERTIFICATE**

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received  
and duly recorded in Deschutes County records:

**DATE AND TIME:**        Sep. 16, 1999; 10:31 a.m.

**RECEIPT NO:**            11327

**DOCUMENT TYPE:**        Covenants,  
                                     Conditions & Restrictions

**FEE PAID:**                \$135.00

**NUMBER OF PAGES:**    26

A handwritten signature in cursive script, reading "Mary Sue Penhollow", written in black ink.

**MARY SUE PENHOLLOW**  
**DESCHUTES COUNTY CLERK**

99.44950.1

# THE RIM AT ASPEN LAKES

## DESIGN GUIDELINES

Revised: November 1995  
March 1997  
August 1999

Return To:

F. R. Baldwin

P.O. Box 1141

Sisters, OR 97759

## DESIGN GUIDELINES

The Rim at Aspen Lakes is a unique community with unsurpassed natural beauty and breathtaking views. It is the desire of the Rim's Association to promote responsible development of these unique properties.

The Design Guidelines have been prepared to help you through the process of designing and building at The Rim at Aspen Lakes. Their intent is to insure the preservation of the natural beauty of the site and to maintain the quality and visual integrity of the community. Thus, their role is both to assist you in developing plans which are well suited to your site, and to protect your investment by assuring that all other homes in the community also meet these standards.

Before starting the design process, please review these Guidelines thoroughly in order to understand The Rim at Aspen Lakes' overall design goals and the process that should be followed for design review. Also insure that your architects and contractors are well acquainted with the design philosophy for The Rim at Aspen Lakes, as set out in these Guidelines.

We look forward to working with you.

## I. INTRODUCTION

The following Design Guidelines describe the considerations the Architectural Review Committee will apply in reviewing the site planning, architectural design, and landscaping plans for your new home at The Rim at Aspen Lakes. They also detail the Construction Regulations that your builder must observe while your home is under construction. Then, they set out the exact procedure that should be followed during the design review process. Finally, they explain the composition and operation of the Architectural Review Committee.

## II. SITE PLANNING

This section deals with development considerations relating to the physical homesite and its surrounding environment.

### A. BUILDING SITE

Each Rim lot has a homesite stake, to be incorporated within the planned building site. The building site shall be approved by the Architectural Review Committee; therefore, the homeowner and consultants should participate in an on-site visit with a representative of the Rim's ARC to point out those particular areas of potential development and of possible concern to the overall community's cohesiveness.

### B. EASEMENTS AND SETBACKS

The following building setbacks are required at The Rim at Aspen Lakes:

- East and West Lot Lines Houses no closer than 50 feet from the lines
- North and South Lot Lines Houses no closer than 15 feet from the lines; please refer to the Deschutes County Building code regarding any rim setback requirements.

### C. SITE PREPARATION

No excessive excavation or fill will be permitted on any lot except where specifically allowed by the Architectural Review Committee due to terrain considerations. Strong efforts should be made to balance cut and fill with minimal use of retaining walls and engineered building pads.

Retention of trees over 12 inches in diameter or over 30 feet in height is strongly encouraged. Cutting or removal of any trees which is necessary for the development and landscaping (see Section IV Landscaping) of any site must first be approved by the ARC.

### D. GRADING AND DRAINAGE

Excessive grading of your site should not be necessary and is not desirable for sensitive siting of improvements. Any minor grading that is required should be done so as to maintain the natural existing contours of the terrain. Great care should be taken in all grading work to avoid disruption of root systems of trees by trenching within the dripline or by either cutting or filling in such areas. Drainage swales or washes interrupted by site improvements or additional drainage structures created by such improvements shall be constructed or reconstructed of natural materials properly placed for positive operation of the drainage system. Structures which are

artificial in appearance, such as exposed drainage pipe, must be avoided. Erosion is to be controlled in all circumstances. Special care must be taken during construction to protect and retain exposed earth.

#### **E. ACCESS DRIVES AND ENTRYWAYS**

Wherever possible, buildings should be oriented so that access is indirect, and garage openings do not directly face the road. Long straight runs, even if possible, should be avoided in order to maintain a natural appearance and preserve important natural features, such as trees, rock outcrops, and drainageways.

Each lot may be accessed only by a single driveway with a single cut into the roadway. Designated entryways from Camp Polk Road are shown on page 4 of 4 of the County s Plat #712, The Rim at Aspen Lakes, filed March 21, 1990. The surface of an access drive may not exceed 32 feet in width where it crosses the road right-of-way and the front setback of the lot, and must narrow to a maximum width of 14 feet. Driveways and/or parking surfaces may not encroach into any side setback without specific approval of the Architectural Review Committee. The proposed driving surface is subject to approval by the Architectural Review Committee.

Driveway materials may vary as they relate to individual architecture, but should be of concrete or asphalt and be maintained in good condition. Any exceptions require ARC approval. Paving materials for driveways, paths, steps, patios and other areas should have dull, non-reflective surfaces and earth colors that blend well with the natural surroundings. Drainage across or under driveways, where required, should be integrated into the design of the driveway. All entryway designs must be approved by the ARC.

#### **F. ON-SITE PARKING**

Each site must have an enclosed garage for at least two cars and an additional area for at least two guest parking spaces totally within the building site area and clear of all required setbacks. Parking of trailers, boats, motor homes or other large recreational vehicles on any site for more than seven consecutive days is prohibited, unless such equipment is completely screened so that it is not visible.

No on-street parking will be permitted at The Rim at Aspen Lakes.

#### **G. FENCES AND WALLS**

Perimeter fencing is not permitted. Fencing, where required, should be designed to appear as an extension of the architecture and architectural materials and used only where necessary.

Privacy or screen walls must not exceed 6 feet in height, measured from existing natural grade, and they may not encroach into any required setback. Ornamental iron or other metal fencing is discouraged and may not be used without specific approval of the Architectural Review Committee. Chainlink or wire fencing is prohibited.

Structural retaining walls may not exceed an above-grade height of 5 feet. Multiple terraced retaining walls must be utilized where the overall height of retained earth exceeds 5 feet. Retaining walls must blend unobtrusively with the natural surroundings.

#### **H. TERRACES AND DECKS**

Yards and terraces should be designed so as to be an extension of the architecture, while also responding to the land's natural contours. The landscape should provide a key element in a comprehensive design that integrates the man-made features with the natural terrain and vegetation.

Decks should be very carefully designed to preserve the beauty of the home. Where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds 15 inches above finish grade below, the deck edge must 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, where access and light must be preserved for these living areas. In these cases, the deck must be supported with elements of sufficient visual substance, that they appear to be architecturally integrated with the residence itself. Simple posts or similar support systems for such decks are not acceptable.

#### **I. PLUMBING, SWIMMING POOLS AND SPAS**

Compliance with State and local codes related to backflow regulators, check valves, etc. must be observed. Installation of a backflow device at the water meter during construction is recommended. The size, shape and siting of swimming pools and spas, if any, must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. Pool and equipment enclosures must be architecturally related to the house and other structures through the use of walls or courtyards so that they appear to be a visual extension of the home. Covers such as inflatable bubbles are not acceptable.

#### **J. EXTERIOR LIGHTING**

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the direct view of light sources. No floodlighting will be permitted, and illumination necessary for evening activities must be directed downward, screened, and be only bright enough to provide for the safe traverse of steps

and paths. Subtle lighting of architectural elements or accent lighting (e.g. trees) will be permitted, while more ornate lighting types such as colored lights or extensive yard lighting are prohibited, with the exception of seasonal lighting such as Christmas lights. Light-sensitive automatic lighting is discouraged, in favor of motion activated lighting. Conformance to the Deschutes County Lighting Ordinance must be followed. This entails reviews with both the County's Building and Planning Departments.

#### **K. OUTDOOR STORAGE**

Outdoor areas housing trash containers, pet enclosures, clotheslines, LPG gas, maintenance or service equipment such as lawnmowers and snowblowers or overflow storage shall be screened from all adjacent properties by a wall or fence conforming with Section II above.

The screening of firewood is encouraged, but if firewood is not screened, it must be neatly stacked. Brightly colored tarps are prohibited.

#### **L. SATELLITE DISHES AND ANTENNAS**

There shall be no more than two external satellite dishes or antennas per home. Review by the ARC is required prior to the installation of any external receiver exceeding 40 inches in width or a mast extending more than 12 feet above the roof line. Others require no review as long as they present no health or safety risk at the site.

#### **M. HEATING AND COOLING EQUIPMENT**

No roof-mounted or wall-mounted heating or cooling equipment is permitted. Any exterior heating and/or cooling system components must be ground-mounted adjacent to the residence and hidden from view of the roadway or neighboring properties. Such equipment must also be insulated for noise so as to reduce the noise that can be heard from neighboring properties. The specific location of heating and/or cooling systems must be approved by the Architectural Review Committee.

#### **N. UTILITIES**

Utility services other than sewer lines are all stubbed to a property line of each site. The extension of services from these stub locations to the residence shall be the responsibility of each Owner. All utility extensions must be underground and must be routed to minimize disruption to the natural landscape and to avoid as much as possible root systems of trees over 4 inches in diameter. As a general rule, utility trenches may not encroach into any required setback except in instances in which adjoining properties share a



utility trench and where they cross the front setback between the service tap and the building envelope. Any disturbed areas of the site must be treated as described in Section IV of these Guidelines. All utility panels must be enclosed, and adhere to Central Electric Coop (CEC) regulations. Also CEC and Oregon State rules which govern the minimum clearances that must be maintained between any shubbery or structures and transformers or buildings must be observed.

**O. HOMESITE IDENTIFICATION AND SIGNAGE**

The design and location of all homesite identification and signage requires approval of the ARC. Owners are also encouraged to install fire district address signs on occupied lots.

**P. MAILBOXES AND NEWSPAPER HOLDERS**

All mailboxes and/or newspaper holders are to be approved by the ARC.

### III. ARCHITECTURAL DESIGN

The following architectural standards have been developed to establish aesthetic goals and environmental considerations at The Rim at Aspen Lakes.

#### A. STYLE

The architectural goal should be achieved through a range of complementary materials and colors, e.g. natural wood siding, native stone, and concrete tile roofs in medium to dark ranges of earth tones.

#### B. SIZE

There are no predetermined maximum sizes of residences of The Rim at Aspen Lakes. However, in order to protect the continuity and value of the community, the minimum home size is to be 2,400 square feet.

#### C. HEIGHT OF STRUCTURES

There is a maximum height of 2 stories for buildings along rimrock lots at The Rim at Aspen Lakes. In addition, please refer to the Deschutes County building code regarding heights on rimrock lots.

#### D. ROOFS

All residences at The Rim at Aspen Lakes must have pitched roofs with a minimum pitch of 4 feet in 12 and a maximum pitch of 12 feet in 12. Mansard roofs are prohibited.

Because of fire hazard, wood shakes or shingles are prohibited. Slate, flat concrete tile, or similar fire-resistant roofing is required. Colors will be limited to non-reflective, medium to dark earth tones. Metal roofs of any type and any type of barrel or "S" tiles are prohibited.

#### E. FOUNDATIONS

Visible surfaces of concrete masonry or concrete foundation walls and piers may not exceed 12 inches above finished grade unless they are faced with approved masonry. Surfaces not faced with approved masonry must receive a stucco or mortar-wash finish and be 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 which occur under a

skirted deck such that they are no longer visible are exempt from the facing requirements stated above.

#### **F. GARAGES**

Each residence must have an enclosed garage for at least two cars, and all owner vehicles shall be parked inside garages, except for short intervals of time (several days) when parking outside may be necessitated. Carports are prohibited. Garages should be designed to open to the side of the house if at all possible. If garages open toward the road, care must be taken to design their openings to be as subtle as possible.

#### **G. EXTERIOR MATERIALS**

Exterior materials should generally be natural materials that blend and are compatible with the native landscape. All reflective metal must be painted to match or blend with surrounding materials using colors approved by the Architectural Review Committee.

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

The aesthetic merits of any combination of exterior materials are subject to review and approval by the Architectural Review Committee in order to maintain the architectural integrity and consistency of visual experience at The Rim at Aspen Lakes. It is suggested that any window coverings which can be seen from the exterior of the home shall be of a solid neutral color which harmonizes with the surroundings.

Aluminum windows, door frames, light fixtures, and skylights must be bronzed or anodized. Steel window and door frames must be painted to match or blend with surrounding materials.

#### **H. EXTERIOR COLORS**

All exterior colors are subject to prior approval by the Architectural Review Committee. The color of all exterior materials should be subdued to blend with the natural landscape. Earth tones are encouraged, although muted accent colors, including white, which are used judiciously and with restraint, may be permitted.

In no case will colors approaching the primary range (red, blue, and yellow) be permitted. It is the intent at The Rim at Aspen Lakes to preserve the appearance of the natural landscape and preclude the use of colors that would appear out of place and offensive to the eye.

**I. FRONT DOORS AND ENTRY STEPS**

Where entries are located above the lowest grade of the home, care must be taken to ensure that the entry shall be of substantial design and conform to the natural topography of the building site.

**J. WINDOWS, SKYLIGHTS AND SOLAR TREATMENTS**

All windows, skylights or solar panels must be of a design to eliminate reflective glare to neighboring properties at the Rim. All glass, plastic or other transparent skylights or solar devices are to be treated to eliminate reflective glare. Clear, bronze or gray glazing is preferred over white translucent.

**K. SOLAR APPLICATIONS**

Solar collectors are permitted at the Rim; however, the 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. Preliminary ARC approval is required for all solar collection systems.

**L. BUILDING PROJECTIONS**

All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials.

**M. PREFABRICATED BUILDINGS**

With the exception of log home construction, no building that is constructed off-site and requires transportation to any lot, whole or in partial assembly, will be permitted. This prohibition includes mobile homes, stock modular buildings, or any other structures requiring transportation and set up in a partially completed state.

**N. CHANGES OR ADDITIONAL CONSTRUCTION**

Any change that deviates from the exterior appearance in terms of color, design, location, etc. of the approved plans either before, during, or after construction must first be approved by the Architectural Review Committee.

#### **IV. LANDSCAPING**

The landscaping goals at The Rim at Aspen Lakes are to reflect the best of Central Oregon's natural environment, enhanced by careful use of trimming, cleaning, planting, and water. All existing trees, rock outcroppings and other significant natural features should be preserved as much as possible and enhanced by judicious limbing, trimming, and cleaning. Native grasses, trees and shrubs may be added. Irrigation may be added to allow these species to thrive in their optimum forms. Drought-resistant plantings are encouraged. The following are specific guidelines intended to implement these goals.

##### **A. PRESERVATION OF EXISTING TREES AND ROCK OUTCROPPINGS**

No living trees may be removed without the approval of the Architectural Review Committee except those under 6 inches in diameter. During construction, tagging of trees which are to remain and temporary fencing should be used to assure that no grading takes place within the dripline of trees to be preserved. Exposing roots or filling over them must be strictly avoided.

Significant rock outcroppings are a characteristic feature of the land at The Rim at Aspen Lakes. They should be preserved and featured in planning for structures and landscaping. During construction, special care must be taken to avoid damage to these rock elements and the lichens growing on their surfaces. Such damage can be caused by heavy machinery, chemicals or other irritants.

##### **B. NATIVE LANDSCAPING AND FIRE PROTECTION**

As a deterrent to fire exposure and to improve the appearance of existing trees, all branches should be removed from tree trunks to a minimum height of at least 4 feet. To limit fire hazards within the Rim properties and to allow native grasses and wildflowers to thrive, dead limbs, bitterbrush and sage should be removed on a regular basis, as needed. Each owner is required to obtain the requisite fire department burn permit each year and adhere to all requirements relating to its use.

##### **C. LANDSCAPE PLANS**

Extensive landscaping is not required, but may be a condition of development in some areas. All homesites are to be maintained to present a neat and pleasing appearance, to minimize fire danger in the area and to moderate the problem of wind-blown dust.

**D. ADDITIONS TO LANDSCAPING**

When planting trees, careful consideration should be given to surrounding neighbors' view corridors of mountains, valleys, and Squaw Creek. Natural plantings can serve as privacy screens and effectively buffer noise, but care should be given to sun penetration of neighboring sites.

Private areas are those areas located within walls, courtyards or other approved structures so that they are not visible. Within private areas, an owner may create as varied or formal a landscape as desired. However, no plants which could cause harm to the community's landscaping plan through uncontrolled propagation, may be used, even in private areas.

**E. IRRIGATION**

To allow all existing and revegetated landscaping to thrive, irrigation is encouraged. Any sprinkler heads should be of "pop-up" design or discretely located, and black risers should be used in order to minimize visual awareness of these systems. Sprinkler systems may be utilized as needed, to maintain active growth and healthy green color for all plant material (except when dormant in winter).

**F. OUTDOOR FURNITURE**

Outdoor furniture and accessories may not infringe on setbacks and must be properly maintained. Swing sets and other play equipment shall be screened from adjacent view or be painted or constructed to blend with natural surroundings, as approved by the Architectural Review Committee.

**G. OUTDOOR ORNAMENTATION OR STATUARY**

Placing, erecting, constructing or allowing any permanent unnatural or man-made ornaments, signs, statuary, relics, flagpoles, machinery, equipment, basketball backboards, game poles and nets, or other such items which are unattached to approved structures are prohibited unless the same are included and made a part of a landscape plan submitted to and approved by the Architectural Review Committee. "Unnatural" shall mean any object which is not naturally growing upon, indigenous to, or accumulated upon a home site in its undeveloped state.

Bird feeders/houses made of natural materials and simple designs are encouraged.

## **V. CONSTRUCTION REGULATIONS**

In order to ensure that the natural landscape of each lot is preserved and the nuisances inherent to any construction process are kept to a minimum, the following regulations will be enforced during the construction period of all improvements at The Rim at Aspen Lakes. Any violation of these regulations by an Owner's agent, representative, builder, contractor, or subcontractor will be treated as a violation by the Owner.

### **A. CONSTRUCTION TRAILERS**

Upon commencement of construction, a construction trailer or portable field office may be located on the building site, clear of all setbacks. The field office may not be placed on-site earlier than two weeks prior to the actual onset of continuous activity. A construction trailer may not remain on-site following construction completion without written approval of the ARC.

### **B. TRASH RECEPTACLES AND DEBRIS REMOVAL**

Owners and builders shall be responsible for clean up of all trash and debris to a suitable off-site facility. Owners and builders are prohibited from dumping or burying trash anywhere on the site or elsewhere in The Rim at Aspen Lakes. Heavy debris, such as broken stone, wood scrap, and the like, must be removed from the site immediately upon completion of the work of each trade that has generated the debris.

All concrete washout, from both trucks and mixers, must occur within the building envelope of the lot in a location where it will ultimately be concealed by structure or covered by backfill. Washout in road rights-of-way, setbacks or on adjacent properties is strictly prohibited.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other lots or open space. Any clean-up costs incurred by the Architectural Review Committee or the Association in enforcing these requirements shall be payable by the owner and/or general contractor. The Architectural Review Committee may use the Compliance Deposit described in Section VI of these Guidelines to pay any costs it may incur in this connection.

### **C. SANITARY FACILITIES**

Each Owner or builder shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets must be located within the building site, clear of all setbacks, and must be removed at the conclusion of construction.

**D. CONSTRUCTION ACCESS**

The approved access drive is to be the primary construction access to any lot. Any required secondary construction access must be restored to a natural state following construction.

**E. VEHICLES AND PARKING AREAS**

Construction crews may not park on, or otherwise use, undeveloped portions of lots or Properties. All vehicles shall be parked within the building site. During very busy construction periods involving multiple trades such that all construction vehicles cannot be confined to the site properly, the overflow vehicles may be temporarily parked along the shoulder of the roadway. During these limited occurrences, vehicles must be off of the paved surface of the roadway or cul-de-sac to allow continual unconstrained access by normal traffic and emergency vehicles, including fire trucks. Vehicles may not be parked on neighboring lots, in nearby driveways, or on open space. Changing oil or other vehicle maintenance on any site is prohibited.

**F. CONSERVATION OF NATIVE LANDSCAPE**

Trees which are to be preserved must be marked and protected by flagging, fencing or barriers. The Architectural Review Committee shall have the right to flag major terrain features or plants which are to be fenced for protection. Any trees or branches removed during construction must be promptly cleaned up and removed from the construction site.

**G. EXCAVATION AND BLASTING**

Prior to any excavation, contact with the Rim's Water System Coordinator (currently Ben Beckley) must be initiated for access to the Rim's water system and to determine the location of existing underground supply lines.

If any blasting is to occur, it must be controlled so that the blasting effects shall not be injurious to other persons or properties. Liability for any resulting damages shall lie with the party performing the blasting activity. In addition, neighboring homeowners are to be notified in advance of any such planned activity.

All excess materials resulting from blasting, as well as all other excess excavation materials, must be promptly removed from The Rim at Aspen Lakes.

**H. DUST AND NOISE CONTROL**

The contractor shall be responsible for controlling dust and noise from the construction site, including the removal of dirt and



mud from public or private roads that is the result of construction activity on the site. The playing of radios or use of other audio equipment by construction crews during the improvement of any lot at The Rim at Aspen Lakes is restricted so as not to disturb any adjoining Unit, Tract or Common Area Property.

**I. MATERIAL DELIVERIES**

All building materials, equipment and machinery required to construct a residence on any lot at The Rim at Aspen Lakes must be delivered to and remain within the construction staging area of each lot, clear of all setbacks. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes, and any other equipment or machinery that will remain at The Rim at Aspen Lakes overnight. Material delivery vehicles may not drive across adjacent lots or tracts to access a construction site.

**J. 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. Control of fires and burn barrels shall be subject to local fire department regulations as shall all subsequent slash/debris burning on the property for as long as Rim ownership continues.

**K. PETS**

All dogs or other pets must be on a leash or controlled by voice command at all times. Contractor or owner pets are to be confined to the lot under construction.

**L. PRESERVATION OF PROPERTY**

The use of, or transit over any other Unit, Common Area, Tract, or amenity is prohibited. Similarly, the use of, or transit over the native area or setbacks outside the building site of any lot is prohibited. Construction personnel shall refrain from parking, eating, or depositing rubbish or scrap materials (including concrete washout) on any neighboring Unit, Tract, or right-of-way.

**M. RESTORATION OF PROPERTY**

Upon completion of construction, each Owner and builder shall clean his construction site and repair all property which has been damaged, including but not limited to, restoring grades and planting shrubs and/or trees as approved or required by the Architectural Review Committee, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

In addition, the Owner and general contractor (builder) shall be held financially responsible for any damage repair, site restoration/revegetation and refuse removal required on any and all adjacent properties as a result of trespass or negligence by them, their employees, or sub-contracted agents.

**N. CONSTRUCTION SIGNAGE**

With the exception of one small sign identifying the general contractor, individual signs identifying individual contractors, sub-contractors, tradesmen, suppliers or others are prohibited. Identification of licensed tradesmen, when required by state or county statutes, shall be confined to the posting location of the building permit. With the exception of the building permit itself, the attachment of signs or similar material to trees is strictly prohibited.

**O. DAILY OPERATION**

Daily working hours for each construction site shall be from 30 minutes before sunrise to 30 minutes after sunset. Construction activity which generates excessive noise, such as hammering, sawing, excavation work, concrete delivery, etc., must be confined to the daily hours of 7:00 a.m. to 7:00 p.m.

**P. LICENSING AND INSURANCE**

It is the responsibility of the property owner to insure that all contractors and sub-contractors are properly licensed, bonded and insured for not less than \$500,000, or as otherwise required by state and county regulations.

## VI. DESIGN REVIEW PROCEDURES

In order to establish a framework of periodic review and comment on each residence as it proceeds through the design development and review process, the following procedures have been established by the Architectural Review Committee of The Rim at Aspen Lakes. Plans and specifications shall be submitted to the Architectural Review Committee in accordance with the following conference and submittal requirements and review procedures. If the Preliminary Design Submittal is not made, the Final Design Submittal must contain all elements of both the Preliminary and Final Design Submittals.

### A. PRE-DESIGN CONFERENCE

Prior to preparing preliminary plans for any proposed improvement, the Owner and/or the Owner's architect should meet with a representative of the Architectural Review Committee to discuss proposed plans, to obtain the Rim's pre-construction check list and to resolve any questions regarding building requirements at The Rim at Aspen Lakes. The purpose of this informal review is to obtain guidance from the Committee concerning the possibilities and sensitivities of the site prior to initiating preliminary design. These meetings should occur at the building site.

### B. PRELIMINARY DESIGN SUBMITTAL

When the preliminary design is complete, plans that are submitted must include all of the following exhibits. No review will commence until the submittal is complete.

1. Site plan (scale at 1" = 20') showing the lot boundaries and dimensions, footprints of the residence and all buildings, major terrain features, all trees of 6-inch diameter or greater, edge of pavement and utility locations.
2. Floor plans (scale  $\frac{1}{4}$ " or " = 1'0") showing the finished floor elevations.
3. All exterior elevations (scale  $\frac{1}{4}$ " or " = 1'0") showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch, and preliminary indication of all exterior materials and colors.
4. Any other drawings, materials, or samples requested by the Architectural Review Committee.
5. A non-refundable design review fee in the amount of \$500.00. An applicant may not advance to Final Design Review unless this fee has been paid in full. This fee may be re-imposed at the discretion of the Architectural Review Committee if excessive resubmittals are necessary to obtain a design which complies with all Design Guideline requirements.

The submittal shall consist of one set of prints, which shall be retained by the Architectural Review Committee.

At the time a completed application is received, the ARC secretary will notify contiguous property owners whose property might be impacted by the construction of your home, regarding your intent to build. These owners will receive a reduced copy of the site plan and elevations. They are given two weeks to respond with any questions or concerns.

#### C. PRELIMINARY DESIGN REVIEW

The Architectural Review Committee will review the preliminary plans described in Section B above and will respond in writing within 10 days after the review, but no later than 30 days after a submittal is complete.

Results of reviews will not be discussed over the telephone by members of the Architectural Review Committee with an Owner, his architect, or builder, and no Owner, architect or builder shall have the right to attend any meeting of the Architectural Review Committee unless specifically requested by the Architectural Review Committee. Any response an Owner may wish to make regarding the results of a design review must be addressed to the Architectural Review Committee in writing.

#### D. FINAL DESIGN SUBMITTAL

After preliminary plan approval is obtained from the Architectural Review Committee, the following documents are to be submitted for final review. No review will commence until the submittal is complete.

1. Site plan (scale at 1" = 20') showing the entire property; the location of the building envelope; the residence and all buildings, the driveway, septic tank and drainfield and parking areas; existing and proposed topography; finished floor elevations; all protected plants or special terrain features to be preserved; trees or terrain features to be removed; all utility sources and connections; and all site walls, fences, or similar structures.
2. Floor plans (scale  $\frac{1}{4}$ " = 1'0") showing finished floor elevations.
3. Building section (scale  $\frac{1}{4}$ " = 1'0" or larger) indicating existing and proposed grade lines.
4. All exterior elevations (scale  $\frac{1}{4}$ " = 1'0") showing both existing and proposed grade lines, plate heights, roof pitch and an indication of exterior materials and colors.
5. Samples, paint chips, photographs, or illustrations depicting or describing all exterior materials, finishes, and colors.

6. Optionally at this time would be a preliminary landscape plan (scale 1" = 20') showing location, size, and type of all existing and proposed trees, plants, irrigation system facilities, decorative materials, paving or other impervious surfaces, walls, steps, fences, or borders. At such time as a formal landscape plan is submitted, it should conform to the provisions of Section IV.
7. On-site staking of all building corners and other improvements, if requested by the Architectural Review Committee.

The submittal shall consist of one set of prints, which shall be retained by the Architectural Review Committee.

#### **E. DEFERRAL OF MATERIAL OR COLOR SELECTION**

An applicant may wish to delay the confirmation of final color or stonework selections until some point in time after the start of construction in order to better visualize landscape considerations, or to test an assortment of potential colors with actual materials intended for use. The Architectural Review Committee will cooperate with the applicant in this regard, provided that no work may be started, nor color or material applied, until such time as the Committee has had the opportunity to review and consent to the final selections. The resubmittal must occur before the placement of any orders for materials in order to avoid potential restocking costs in the event of denial of the submitted item(s). Any Final Design Approval shall be conditional on the Owner obtaining Architectural Review Committee approval of any materials or colors on which approval was deferred at the time of the Final Design Submittal. Application of any material, coating or finish without the requisite resubmittal to the Architectural Review Committee shall have the effect of voiding the Final Design Approval in its entirety.

#### **F. SITE INSPECTION**

As soon as the submission of final plans is complete, a representative of the Architectural Review Committee will inspect the site to determine that the conditions as depicted in the Final Design Submittal are accurate and complete.

#### **G. FINAL DESIGN REVIEW**

The Architectural Review Committee will review the final plans and respond in writing within 10 days after the review, but no later than 30 days after a submittal is complete. If, in the opinion of the Architectural Review Committee, the submittal is a logical and direct development of the approved preliminary drawings and is otherwise in compliance with these Design Guidelines, approval will be granted. Should the design violate any of these guidelines, disapproval may result, and a revised submittal will be required.

Results of reviews will not be discussed over the telephone by members of the Architectural Review Committee, with an Owner, his architect, or builder, and no Owner, architect or builder shall have the right to attend any meeting of the Architectural Review Committee unless specifically requested by the Architectural Review Committee. Any response an Owner may wish to make regarding the results of a design review must be addressed to the Architectural Review Committee in writing.

#### **H. RESUBMITTAL OF PLANS**

In the event of any disapproval by the Architectural Review Committee of either a preliminary or a final submittal, a resubmission of plans should follow the same procedures as an original submittal.

#### **I. PRE-CONSTRUCTION CONFERENCE**

Prior to commencing construction, the builder must meet with a representative of the Architectural Review Committee to review construction procedures and coordinate his activities in The Rim at Aspen Lakes.

#### **J. COMPLIANCE DEPOSIT**

To assure the Owner's and builders's compliance with these guidelines and their agreement to build all structures, landscaping, and other improvements in complete conformance with approved plans, the Owner shall deliver to the Architectural Review Committee a Compliance Deposit in the amount of \$500.00. This deposit must be delivered prior to commencement of construction and will be held by the Architectural Review Committee until the final release described below has been issued by the ARC. If either the Owner or builder fails to comply in any way with these Design Guidelines, with approved plans, or with the Construction Rules described in Section V, then the funds held in the Compliance Deposit may be used to pay the costs of correcting such failure. Any funds remaining in such deposit after the final release has been issued will be promptly returned to the Owner.

#### **K. COMMENCEMENT OF CONSTRUCTION**

Upon receipt of final approval from the Architectural Review Committee, payment of the Compliance Deposit, and satisfaction of all Deschutes County review processes, the Owner shall satisfy all conditions and commence the construction or any work pursuant to the approved plans within one year from the date of such approval. If the Owner fails to begin construction within this time period, any approval given shall be deemed revoked.

The Owner shall, in any event, complete the construction of any improvement on his lot within one year after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

If the Owner fails to comply with this schedule, then the remedies found in Section 24 of the Rim's By-Laws may be pursued.

**L. INSPECTIONS OF WORK IN PROGRESS**

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

**M. SUBSEQUENT CHANGES**

Additional construction or other improvements to a residence or lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, shall follow the earlier provisions of these Guidelines. Exterior remodeling and/or alterations to an existing home are subject to an ARC review, costing \$100 for plan review and \$150 compliance fee (potentially refundable). Work must begin within six months of approval and completion within one year.

**N. FINAL RELEASE**

Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the Architectural Review Committee. Within 10 days of such notification, a representative of the Architectural Review Committee may inspect the residence or other improvements for compliance. If all improvements comply with these Design Guidelines, the Architectural Review Committee may issue a written approval to the Owner, constituting a final release of the improvements by the Architectural Review Committee. Final release is to be issued within 30 days 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 Architectural Review Committee may issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance. Said notice is to be issued within 30 days of the final inspection. The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the noncomplying portions of his improvement. If, by the end of this time period, the Owner has failed to remedy the noncompliance, the Architectural Review Committee may take action to correct the noncomplying improvements or initiate legal action.

**O. NONWAIVER**

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 Guidelines, shall not be deemed to constitute a precedent or waiver impairing the ARC's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent or to enforce any subsequent or similar violations of the Guidelines.

**P. RIGHT OF WAIVER**

The Architectural Review Committee reserves the right to waive or vary any of the procedures set forth herein at its discretion.



**VII. ARCHITECTURAL REVIEW COMMITTEE****A. MEMBERS**

The Architectural Review Committee shall consist of three to five members. Each member shall hold his or her office until such time as he or she has resigned or been removed or his or her successor has been appointed as set forth herein.

**B. SELECTION OF MEMBERS**

Members of the Architectural Review Committee shall be selected as provided in Article VIII Section 1 of the Declaration.

**C. RESIGNATION OF MEMBERS**

Any member of the Architectural Review Committee may, at any time, resign from the Architectural Review Committee upon written notice delivered to the Association.

**D. DUTIES**

It shall be the duty of the Architectural Review Committee to consider and act upon such proposals or plans related to the development of The Rim at Aspen Lakes as are submitted pursuant to the Design Guidelines, to enforce these Design Guidelines, and to amend these Design Guidelines when, and in a manner deemed appropriate by, the Architectural Review Committee.

**E. MEETINGS**

The Architectural Review Committee shall meet from time to time as necessary to properly perform its duties. The vote of the majority of the members shall constitute an act of the Architectural Review Committee.

The Architectural Review Committee shall keep on file all submittals and copies of all written responses to Owners to serve as a record of all actions taken.

**F. COMPENSATION**

Unless authorized by the Association, any members of the Architectural Review Committee who are affiliated with the Declarant shall not receive any compensation for services rendered.

All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties. Professional consultants and representatives of the

Architectural Review Committee retained for assistance in the review process shall be paid such compensation as the Architectural Review Committee determines.

#### **G. AMENDMENT OF DESIGN GUIDELINES**

The Architectural Review Committee may, from time to time and at its sole discretion, amend or revise any portion of these Design Guidelines. All such amendments or revisions shall be appended to and made a part of the Design Guidelines. Administrative changes may be made in like manner by the Committee, while changes of a substantial nature may be recommended by the Committee for consideration by the Board of Directors.

The Rim's Board of Directors may amend or revise any portion of these Design Guidelines. All such amendments or revisions shall be appended to and made a part of the Design Guidelines. After each amendment or revision, a copy of the amended Design Guidelines will be sent to each lot owner of record, to local realtors and also be recorded at Deschutes County.

#### **H. NONLIABILITY**

Members of the Architectural Review Committee shall not be liable to the Association or to any Owner or other Person for any loss or damage claimed on account of any of the following:

1. The approval or disapproval of any plans, drawings and specifications, whether or not defective.
2. The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.
3. The development, or manner of development, of any property within The Rim at Aspen Lakes.

Every Owner or other Person, by submission of plans and specifications to the Architectural Review Committee for approval, agrees that he will not bring any action or suit against the Architectural Review Committee, any of its members, or the Board of Directors regarding any action taken by the Architectural Review Committee.

Approval by the Architectural Review Committee of any improvement at The Rim at Aspen Lakes only refers to the The Rim at Aspen Lakes 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, rim setbacks, local building codes, etc.

**I. ENFORCEMENT**

The Architectural Review Committee may, at any time, inspect a lot or improvement and, upon discovering a violation of these Design Guidelines, provide a written notice of noncompliance to the Owner and if applicable, to the contractor, including a reasonable time limitation within which to correct the violation. If an Owner and/or builder fails to comply within this time period, the Architectural Review Committee or its authorized agents may enter the lot and correct the violation at the expense of the Owner and/or builder of such lot. Said expense shall be the primary responsibility of the Owner and shall be secured by a lien upon such site enforceable in accordance with the Declaration.

In addition, if the Architectural Review Committee is holding a Compliance Deposit from the Owner or a Damage and Compliance Deposit from the general contractor, funds in the Compliance Deposit and/or Damage and Compliance Deposit may be used to satisfy, in whole or in part, the obligation of the Owner and/or builder to pay such expense.

In the event of any violation of these Design Guidelines, the Architectural Review Committee may, at its sole discretion and in addition to restoration expenses, impose without limitation a punitive fine, commensurate with the severity of the violation. Such fine shall be paid and secured as provided above for other expenses for which the Owner and/or builder is liable.

**J. SEVERABILITY**

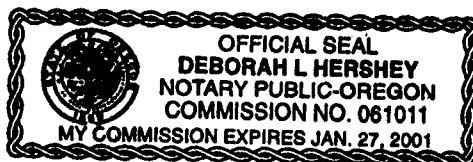
If any provision of these Design Guidelines, or any section, clause, sentence, phrase, or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Design Guidelines shall be construed as if such invalid part were never included therein.

ARCHITECTURAL REVIEW COMMITTEE

By: Frank R. Baldwin  
FRANK R. BALDWIN, Member

STATE OF OREGON            )  
                                  ) ss.  
COUNTY OF DESCHUTES )

The foregoing instrument was acknowledged before me this 16th day of September, 1999, by FRANK R. BALDWIN.



Deborah L. Hershey  
Notary Public for Oregon