



DESIGN GUIDELINES

Revised April 15, 2017

The creation of a new place, particularly a new home, is an exciting and challenging process. It involves a delicate balance of dreams and reality, of possibilities and limitations, and of functional, aesthetic, and budget considerations. It must be approached carefully, for what you build here will always be a part of this community. But it should also be enjoyed as an opportunity to contribute your own ideas and dreams to the developing reality of Aspen Lakes.

The Design Guidelines have been prepared to help you through the process of designing and building your own part of Aspen Lakes. Their intent is to insure the preservation of the natural beauty of the site and the maintenance throughout the community of the high level of quality that has been established as the community standard.

While these Design Guidelines encourage the creative individuality of homes specifically designed for their sites, they also aim to maintain the quality and visual integrity of the community. Thus, their role is both to assist you in developing plans that 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 you start the design process, read these Design Guidelines thoroughly in order to understand Aspen Lakes' overall design goals and the process established for design review. Then, spend some time on your home site to appreciate its possibilities and its constraints. Select a professional architect or designer to help you translate your ideas into actual plans, and be sure he or she is well acquainted with the design philosophy for Aspen Lakes, as set out in these Design Guidelines. Obtain an accurate survey of your site to serve as a foundation for your home and landscape plans. Then, begin. And have fun.

We're looking forward to working with you.

These Design Guidelines apply to:

- Original construction
- Modifications, additions, and alterations made to the exterior of existing Units
- Original landscaping
- Material modifications, additions, and alterations to existing landscaping

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Revision History

Revision	Effective dates
Original Design Guidelines	March 9, 1993 – September 24, 1998
Revision 1	September 25, 1998 – October 14, 2003
Revision 2	October 15, 2003 – December 31, 2004
Revision 3	January 1, 2005 – December 31, 2007
Revision 4	January 1, 2008 – January 31, 2011
Revision 5	February 1, 2011 – April 14, 2017
Revision 6	April 15, 2017 -

Note: The effective dates of revised Design Guidelines apply to construction and modifications commenced after the date of such amendment only and shall not apply to require modifications to or removal of structures previously approved once the approved construction or modification commenced. (Declaration of Covenants, Conditions, and Restrictions for Aspen Lakes and the By-Laws Section)

I. INTRODUCTION

The following Design Guidelines describe the considerations the Design Review Committee will apply in reviewing the site planning, architectural design, and landscaping plans for your new home 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 Design Review Committee (the "DRC").

There are a few general points you should keep in mind when reading these Design Guidelines. First, remember that the DRC's responsibility is to accommodate creativity and appropriateness of home design while maintaining community standards of aesthetics, quality and integrity. To do this best, we have chosen not to adopt a group of rigid rules concerning maximum height of home and the like. Instead these Design Guidelines contain broad indications of goals and objectives, combined with some clear prohibitions and requirements. Please understand that this approach has left a relatively large area open for the DRC's judgment. In exercising that judgment, the DRC will use its best efforts to make decisions in keeping with the design objectives on which Aspen Lakes is founded. However, there may be individual decisions on your home or others with which you do not agree. We hope there will be very few of those and that you will be understanding of the difficult balances we must make in reaching our common goal which is to build a community of which we are all tremendously proud.

Second, you will notice many capitalized terms in these Design Guidelines. Capitalized terms that do not begin a sentence or are not a proper name are defined in the Declaration of Covenants, Conditions, and Restrictions for the Aspen Lakes Community. If you are in any doubt as to the exact meaning of those terms, check the Declaration for a formal explanation.

Third, all applications and interpretations of these Design Guidelines should be made in a reasonable manner. Therefore, when you see words like "as much as possible", or "if at all possible", please keep in mind that they mean "as much as possible, within reason".

Fourth, **the Owner is responsible for actions of an Owner's agent, representative, builder, contractor, subcontractor, or landscaper.**

Fifth, the focus of these Design Guidelines is the outward perception of Aspen Lakes, and of the homes and land within it. Therefore, the scope of design review is limited exclusively to what can be seen, heard, or otherwise sensed from outside each property. In using terms like "visible" or "screened", we refer only to visibility from the common areas of Aspen Lakes, from the golf course, or from neighboring properties.

Please note: All approvals, variances, or modifications to approvals must be in writing in order to be valid. DRC members may make courtesy visits to a home site, but any comments made during visits are not binding and cannot be relied upon.

SUBMIT ALL PLANS AND CORRESPONDENCE TO:

Julien Cayton, DRC Coordinator (541) 627-3863
Cascadia Management Incorporated
805 SW Industrial Way, Suite 9
Bend, OR 97702

II. SITE PLANNING

Climate, terrain, vistas, and existing vegetation at Aspen Lakes have all contributed to shaping the guidelines for design of improvements to home sites within the community. The following guidelines are intended to ensure environmentally sound and aesthetically pleasing development at Aspen Lakes, in harmony with the natural environment and with itself.

A. VIEWS

Aspen Lakes is set in a beautiful environment with differing vistas from all parts of the community. When planning your home, care should be taken to visually use the natural materials to provide filtered and selected views. At the same time, care should be taken to help screen and filter views back to the house and its service areas from public areas. Because of the varied on-site conditions (home sites viewed from below, home sites viewed from above, homes adjacent to roads, etc.) the homeowner and consultants should participate in an on-site visit with a representative of the Aspen Lakes DRC to point out those particular areas of potential and of concern to the overall community's cohesiveness.

B. BUILDING ENVELOPE

The building envelope is the part of each site within which all structures, including buildings, decks, driveways, and walks must be located and within which construction must be conducted (also refer to Section V A). The specific building envelope for each site will be mutually determined by the Owner and the DRC to protect and preserve the natural features of the site and, as much as possible, to maximize views for neighboring Properties. The building envelope may not include more than 50% of the lot area, and it may not encroach on any required minimum setback, except for irrigation facilities and a single driveway access no wider than 14 feet crossing the front setback. No structure may be built within 150 feet of the exterior boundary of the Aspen Lakes development.

C. SITE PREPARATION

Avoid excessive excavation and fill unless specifically approved by the DRC due to terrain considerations; rather, balancing cut and fill with minimal use of retaining walls and engineered building pads is preferred.

Retention of trees, particularly those over 12 inches in diameter, or over 30 feet in height, is strongly encouraged. Prior to cutting, removal or severe pruning of any trees deemed necessary for site development and landscaping, the Owner must first present a plan to the DRC for approval. Please refer to Section IV of these Design Guidelines for more specifics.

D. GRADING AND DRAINAGE

The goal of the land planners and landscape architects at Aspen Lakes has been to preserve the natural existing topography, rock features, and vegetation as much as possible. Improvements have been carefully planned to minimize alteration of the existing topography. These goals should be carried through to all levels of development, including individual home sites. Excessive grading of your site should be avoided 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 softness of the terrain using natural,

rounded, and varied contours, not sharply defined and regular slopes. Great care should be taken in all grading work to avoid disruption of root systems of trees. Trenching within the tree drip line should be avoided. The DRC may require further protective measures such as, for example, tree wells or rock barriers to protect trees.

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 that are artificial in appearance, such as exposed drainage pipe, will not be approved. Erosion is to be controlled in all circumstances, particularly where natural drainage from adjacent properties may be disturbed. Special care must be taken during construction to protect and retain exposed earth.

E. ACCESS DRIVES

Access drives may have a significant visual impact on the site and the community because they are seen from the road. Consequently, carefully consider the planning and design of access to your home. Wherever possible, buildings should be oriented so that access is indirect, and garage openings do not directly face the road. From the garage, drives should move toward the roadway following the natural contours of the site and meandering around and between existing trees and rock outcrops. 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 drainage ways. Generally, road beds cut into the slope are preferable to using fill. Roadways should drain to rock-lined ditches and culverts on the uphill side. Cut banks should have the natural, rolling character of surrounding terrain and should be replanted with native planting material.

Each lot may be accessed only by a single driveway with a single cut into the roadway. The surface of an access drive may not exceed 14 feet in width where it crosses the road right-of-way and the front setback of the lot. Driveways and/or parking surfaces may not encroach into any side setback without specific approval of the DRC. Some limited encroachment may be considered where unique terrain, vegetation constraints, or limited lot width may warrant. A permanent conduit of not less than 3" must be installed under the access drive at the roadway to facilitate future utilities installations. This will minimize driveway/roadway cuts for cable, gas, landscape, electrical and water in the future.

The proposed driving surface is subject to approval by the DRC. Driveway materials may vary as they relate to individual architecture, but should be hard surfaced and be maintained in good condition. Drainage across or under driveways, where required, should be integrated into the design of the driveway.

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 envelope and clear of all required setbacks. **When planning your enclosed garage space, you may want to consider the provision in the Declaration of Covenants, Conditions, and Restrictions for Aspen Lakes that restricts parking of commercial vehicles, recreational vehicles, mobile homes, boats or other watercraft or other oversized vehicles, stored vehicles or inoperable vehicles in places other than enclosed garages"** (CC&R Section 12.6(b)(ii)).

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

G. PAVING

It is the goal at Aspen Lakes to limit the impervious cover of the ground to the optimum area commensurate with the needs of access and gracious living. Excessive areas of pavement are discouraged. Preferred paving materials for driveways, paths, steps, patios and other areas are for dull, non-reflective surface and earth colors that blend well with the natural surroundings. Treatment of common areas at Aspen Lakes emphasize natural rock, rock walls, and stained rock form concrete.

H. FENCES AND WALLS; SPLIT-RAIL LANDSCAPE FEATURE

The greatest preservation of the natural environment at Aspen Lakes would be achieved if no fences were to be built. We understand, however, that there is a functional need to enclose areas for privacy and for protection of children and containment of pets. Fencing, where required, should be designed to appear as an extension of the architecture and architectural materials and used only where necessary. Natural plantings should be used to further mask the fence and its location on the site selected so as to be as unnoticeable as possible from the road and surrounding Properties. Fences utilized as sight screens must be conceived as an integral part of the overall design of the building and not simply a tacked-on element dictated solely by function.

In no case will walls or fences be permitted to arbitrarily delineate the building envelope, although it is understood that such walls or fences may define pet runs or small yards, courtyards or terraces in close proximity to the residence for the purpose of privacy. Privacy or screen walls must not exceed five feet in height, measured from existing natural grade, and they may not encroach into any required setback. All chain link fencing is prohibited.

A split-rail landscape feature is not considered a "fence" or a "wall". The purpose of a split-rail landscape feature is to serve as a landscape enhancement delineating the transition between a formal area of landscaping and a natural area. A uniform design for a split-rail landscaping feature has been developed by the DRC and is available to you by contacting the DRC. However, **the DRC must approve split-rail landscape features prior to installation.**

I. TERRACES AND DECKS

Outdoor living will certainly be one of the great pleasures of having a home at Aspen Lakes. The nature of the landforms will influence the choice among on-grade yards, terraces, and raised decks to provide the best spaces for that purpose. 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. Natural materials such as stone walls should be used as transition to more contained man-made landscapes set among Aspen Lakes' natural open spaces.

Decks must be designed to preserve the beauty of the home as seen from the Golf Course and neighboring Properties. Great care must be taken to aesthetically consider the undersides and finish of decks and terraces, especially on upper hillside sites. Where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds 30 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, great care must be taken to support the deck with elements of sufficient visual substance, so that they appear to be architecturally integrated with the residence itself. Simple posts, metal-based posts, or similar support systems for such decks are not acceptable.

J. SWIMMING POOLS AND SPAS

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 attached walls or courtyards so that they appear to be a visual extension of the home. Covers such as inflatable bubbles are not acceptable.

K. EXTERIOR LIGHTING

Outdoor lighting must be indirect to **assure that neighboring properties are protected from the direct view of the light sources. The illuminated portions of light fixtures must be painted or surface coated to minimize light scattered or reflected onto adjacent property.**

No floodlighting will be permitted. 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 will be allowed, but ornate lighting types such as colored lights or extensive yard lighting will not be approved except for seasonal lighting such as Christmas lights. Additionally, motion-activated or switch-activated lighting is strongly preferred over light-sensitive/automatic lighting.

L. OUTDOOR STORAGE

Outdoor areas housing trash containers, firewood, clotheslines, maintenance or service equipment such as lawnmowers and snow blowers or overflow storage shall be screened from all adjacent properties by a wall or fence conforming with Section H above and be connected to the home. Firewood must be enclosed within the structure or utility area and must also comply with the rules for storage under both the Fire Free and Fire Wise requirements.

M. ANTENNAE AND SATELLITE DISHES

Antennae or satellite dishes must be screened from view of any part of the Golf Course, the Common Areas of Aspen Lakes, or neighboring Properties or, when attached to a residence, painted to blend with the home.

N. 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 must be ground mounted adjacent to the residence and hidden from view of the Golf Course, roadway, or neighboring Properties. Such equipment must also be insulated for noise so as not to be heard from the Golf Course or neighboring Properties. Propane tanks shall be buried or screened. Screening may be allowed if a tank is located in proximity to the house and screen height does not exceed 4" above tank.

O. 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" 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. All disturbed areas of the site must be treated as described in Section III of these Guidelines. All meter panels must be screened or painted the same color as the house to minimize their visibility.

P. HOMESITE IDENTIFICATION AND SIGNAGE

In order to create continuity within the Community, a standard form of address and resident identification sign and standard location for placement of such signs has been established and is available to you by contacting the DRC.

No additional signage of any kind will be permitted, except directional signs provided by the developer and temporary construction signs, no larger than 20" by 28", approved by the DRC. Temporary construction signs must be removed within 90 days of occupancy.

Real estate sale or lease signs, banners, flags, and other devices intended to call attention to any residence are prohibited except for one small flyer box on the road side of each lot.

Q. MAILBOXES AND NEWSPAPER HOLDERS

Due to service restrictions and guidelines of the U.S. Postal Service, mail delivery to individual mailboxes for each home is not available. Aspen Lakes has a mail service plan approved by the U.S. Postal Service. No other mail facility on an individual site/lot will be approved.

III. ARCHITECTURAL DESIGN

The following architectural standards have been developed primarily to meet aesthetic goals and environmental considerations for new construction and original landscaping at Aspen Lakes. The purpose of these standards is not to create look-alike residences, or to suggest that they should all use identical finishes, but rather to create a harmonious architectural approach compatible with the land itself. No one residence or structure should stand apart in its design or construction from the environment which it occupies. Rather, each should make its own contribution to a harmonious whole by reflecting in its own way the design themes which make up the look of Aspen Lakes.

The design review process for modifications, additions, and alterations made to the exterior of existing Units (including material modifications, additions, and alterations to existing landscaping) entails an abbreviated process that is described at the beginning to Section VI of these Design Guidelines.

A. STYLE

There is not one architectural style that is required or desired at Aspen Lakes. Rather, the goal of architectural harmony is to be achieved through the use of a controlled range of complimentary materials and colors---natural wood siding, native stone, and roofs in medium to dark ranges of earth tones. Using these materials, a very wide range of architectural designs can be a comfortable part of and enhance the natural environment at Aspen Lakes. However, certain architectural styles, while having a beauty of their own, are so closely associated with other times and other places that their use

might distract from the harmony of the Aspen Lakes community. Examples of such styles are southern plantation, log, Santa Fe adobe, and Victorian styles. These styles, while not prohibited, will be more highly scrutinized and may not be appropriate for some lots. Similarly, experimental or unusual building designs, although they may have many merits, are not in keeping with the quiet, more conservative character upon which Aspen Lakes is built and may not be approved.

B. DESIGN REPETITIONS

No repetition or near repetition of the exterior of any approved residence in Aspen Lakes will be permitted.

C. SIZE

There are no predetermined maximum sizes of residences of Aspen Lakes; however, the minimum home size in Phases I - III will be 2,250 square feet, and 2,800 square feet for Phase IV homes of ground floor living space (this does not include garage or second floor). Notwithstanding the foregoing, homes which are excessively large or small for their sites are discouraged.

D. HEIGHT OF STRUCTURES

The maximum height for buildings in Aspen Lakes is regulated by Deschutes County. However, the DRC will consider suitability of building height to the site and its surroundings in order to minimize the impact of structures on sensitive natural areas and to preserve as much as possible, the views from neighboring Units to the Common Areas, the Golf Course, and the mountains, as well as views from the Common Areas and the Golf Course.

E. ROOFS

Visually, the roof is one of the most important elements in the overall building design. All residences at Aspen Lakes must have pitched roofs with a minimum pitch of five feet in twelve and a maximum pitch of twelve feet in twelve. Steeper pitches are most appropriate in settings with tall trees nearby. Flatter pitches are most suitable on sites with lower, more rolling topography. Mansard roofs are prohibited.

To minimize the potential threat of fire hazard, wood shakes or shingles will not be approved; rather, slate, flat concrete tile, architectural grade composite shingles or similar fireproof roofing must be used. A list of approved roofing materials may be obtained from the DRC. Approved colors are non-reflective medium to dark earth tones.

Most metal roofs and any type of barrel or "S" tiles will not be approved. However, metal roof material may be considered provided it is used solely as an accent feature, and does not exceed 15% of the total roof area, nor exceed a maximum dimension of 6 feet in depth by 12 feet in length for any one accent feature. The use of major rooftop elements such as dormers, chimneys, or skylights, if any, should enhance the form of the roof and appear to be an integral part of the roof, not an appendage.

F. FOUNDATIONS

The foundation walls or wood stem walls that connect the house to the ground, particularly on sloped sites, are also an important element that potentially impacts the overall design and the relationship of the home to its surroundings. Preference is to use "heavy" natural materials to form the base to provide a natural transition to the ground. The proposed material should be an extension of

materials used for other elements such as walls or terraces and should not accentuate a break between them. Exposed posts and cross-braced under-structures are unsightly, especially to neighbors, provide no visual connection to the ground and therefore, should not be proposed.

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.

G. GARAGES

Each residence must have an enclosed and attached garage for at least two cars. It should be noted that both the garage and the garage doors must be large enough to accommodate your vehicles. The minimum garage door width is 9 feet, and the minimum garage entrance height is 8 feet. **Too small a garage may limit future buyers that may have larger vehicles such as SUVs.** Carports will not be approved. If garages open toward the road, great care must be taken to design their openings to be as subtle as possible. All garage doors must be equipped with automatic door openers. Also consider Section II F, above.

H. EXTERIOR MATERIALS

Preferred exterior materials are natural materials that blend in and are compatible with the native landscape. The predominant exterior material should consist of indigenous wood species; other materials will be looked at on an individual basis. Semi-transparent or solid body stains in colors that harmonize with the surrounding landscape must be used. All reflective metal must be painted to match or blend with surrounding materials using colors approved by the DRC.

Plywood siding and pressed board siding are prohibited unless the applicant can demonstrate that the specific proposed application would result in a finished appearance indistinguishable from an individual board siding application.

Stucco is preferred as an accent material rather than as the predominant exterior finish material. The use of metal siding, fiberglass siding, or composition asbestos siding is prohibited.

Notwithstanding the foregoing, the DRC will consider any combination of exterior materials with a primary goal of maintaining the architectural integrity, enduring quality and visual consistency of homes developed at Aspen Lakes.

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.

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.

I. EXTERIOR COLORS

All exterior colors must be submitted for DRC approval in compliance with the Design Review Procedures set forth in Section VI hereof. It is the intent at Aspen Lakes to preserve the harmonious

appearance of the natural landscape; therefore, the colors of exterior materials that blend with the natural landscape are preferred. More specifically, earth tone colors are encouraged while colors such as white, red, blue, and yellow are strongly discouraged.

J. WINDOWS AND SKYLIGHTS

The glass of windows and skylights must not be highly reflective, nor may their frames consist of reflective material. Frames should be of earth tones compatible with siding colors. Aluminum frames must be anodized or finished with baked enamel. White translucent lenses on skylights should be avoided in favor of grey or clear finishes.

K. BUILDING PROJECTIONS

All projections from a residence or other structure 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 they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. All building projections must be contained within the building envelope.

L. SOLAR APPLICATIONS

Passive solar applications (i.e., skylights, double paned windows, solar tubes, or other uses of sunlight that operate without the use of active mechanical systems) are encouraged. The DRC has developed some current standards for active solar installations (i.e., solar panels or similar technologies that convert solar energy into usable light, heat, or store heat for future use and use electrical or mechanical equipment); however, the DRC acknowledges that design improvements are rapidly occurring as the development of active solar technology advances and will, therefore, consider proposals for active solar applications that (i) are attractive, (ii) do not result in excessive glare and reflection (disturbing neighboring Units or golfers), and (iii) are installed flush with the roof line and tastefully integrated into the structure of the home. The current standards for active solar installations are available to you by contacting the DRC.

M. PREFABRICATED BUILDINGS

Buildings that are constructed off-site and require transportation to a lot, whole or in partial assembly, will not be approved. By way of example, this includes mobile homes, stock modular buildings, and other structures of a similar nature requiring transportation and set up in a partially completed state.

N. CHANGES OR ADDITIONAL CONSTRUCTION

These Design Guidelines including the Design Review Procedures (in Section VI hereof) apply to (i) original construction, and (ii) to modifications, additions, or alterations made to existing Units.

IV. LANDSCAPING

The landscaping goal at Aspen Lakes is to reflect the best of Central Oregon's natural environment, enhanced by careful use of trimming, cleaning, planting, and watering. 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. The use of native grasses, trees and shrubs is encouraged; supported by irrigation, as necessary, to help these species thrive in their optimum forms. Lawns and more formal planting styles that are properly maintained are encouraged. The following are specific guidelines intended to implement these goals.

A. PRESERVATION OF EXISTING TREES AND ROCK OUTCROPPINGS

As discussed in Section II C above, **no trees may be removed without the approval of the DRC**. During construction, trees to remain as part of the landscape should be tagged and protected by temporary fencing to assure that they are not harmed by grading within their drip lines that could endanger them by exposing their roots or filling over them.

Significant rock outcroppings are a characteristic feature of the land 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 from exposure to heavy machinery, chemicals, or other destructive irritants to these rock elements and the lichens growing on their surfaces.

B. ENHANCEMENT OF NATIVE LANDSCAPING

1. Pine Trees. To improve the appearance of existing trees, all branches should be removed from the trunk up to a height of 6 to 12 feet for trees in excess of 25 feet in total height. In order to avoid a “barbered” look, the height to which the limbs are removed should vary within the site. Live limbs may not be removed above a level equal to 40% of the total tree height or 20 feet, whichever is less, without specific approval of the DRC. All dead branches and limbs should be removed up to a height of at least 20 feet.

The ideal spacing for mature Ponderosa Pine trees is 20 to 25 feet. Dense groups of pine trees and individual trees under the crown(s) of larger trees may require thinning. Contact the DRC for approval before any thinning efforts.

2. Juniper Trees. Ancient Juniper trees are considered a special treasure at Aspen Lakes and are to be preserved in their natural form whenever possible. Old, gnarled Juniper trees with quantities of weathered wood, multiple trunks and partially collapsed trunk structures are considered as “protected vegetation” and may only be altered (trimmed) with the prior express written approval of the DRC for each individual tree.

Young live Junipers with tall straight, single trunks may have limbs and branches removed to a maximum height of 7 feet, but no higher than 30% of the total tree height without the prior express written approval of the DRC.

Prior to the start of Site Preparation discussed in Section II C hereof, members of the DRC will walk and assess the site, marking individual ancient and other Juniper Trees for preservation or special treatment, as appropriate. This effort is designed to complement, not substitute, for the Owner Plan required in Section II C of these Design Guidelines.

3. Trunks, Snags, and Stumps. Ancient Ponderosa and Juniper trunks, snags, and stumps whether fallen or standing should remain undisturbed and be incorporated into the landscape plan whenever possible. Any other treatment, including moving or removal, must have the prior express written approval of the DRC.

4. Removal of Dead/Dying/Diseased Trees. The DRC working in concert with the Association Board of Directors may require removal of dead/dying/diseased trees from occupied or unoccupied lots based on continuing surveys by the Safety and Firewise Committee. The purpose is to help prevent possible safety issues and help prevent the spread of insects or diseases to adjacent lots and throughout the Aspen Lakes community.

5. Tree Crowns. Live trees may not be “topped” (the crown removed) without prior express written approval of the DRC.

6. Native Grasses and Flowers. To limit fire hazards within Aspen Lakes and to allow native grasses and wild flowers to thrive, bitter brush and sage must be removed on a regular basis, as needed.

7. Ground Condition. Dead and fallen materials, piles of dirt, and other man made disruptions in the ground condition should be treated or removed as appropriate, and the ground and native plants clear of debris.

C. ADDITIONS TO LANDSCAPING

The landscaping plan including the introduction of new plant and other landscaping materials must be submitted to the DRC in compliance with the Design Review Procedures in Section VI hereof.

Areas between the residence and the native areas are to be treated as cultivated areas. Cultivated areas should have lawns and introduced trees and shrubs chosen from the species listed in “Fire-Resistant Plants for Home Landscapes”, PNW 590, August 2006, (a Pacific Northwest Extension Publication). To maintain a natural appearance, the line between cultivated areas and native areas should not be straight, but should wander in a curved form up to 10 feet on either side of the line. At side lines, the cultivated areas of each site should begin where the neighboring property's cultivated area ends in order to avoid obvious delineation of property lines and disruption of the natural flow of these areas. The first property with an approved landscaping plan shall be used to determine the location of the line between cultivated and native areas at side lines between the adjacent sites.

Private areas are those areas located within walls, courtyards or other approved structures so that they are not visible from neighboring Units or from the Golf Course. Within private areas, an owner may create as varied or formal a landscape as desired. However, even in private areas, plants identified in Appendix C to the “Fire-Resistant Plants for Home Landscapes” publication, which could cause harm to the community's landscaping, may not be used.

D. IRRIGATION

To support existing and re-vegetated landscaping to thrive and grow, landscaped areas should be irrigated adequately using an underground sprinkler system with manual or automatic controls. “Pop-up” sprinkler heads with black risers discretely located that minimize visual awareness are preferred.

E. LANDSCAPE PLANS

Prior to performing any landscaping, a landscaping plan must be submitted to and approved by the DRC in compliance with the Design Review Procedures in Section VI hereof. The landscape plan must agree with the topography and the elevation contour information detailed in the Site Plan and Survey of the Site required in Section VI.

F. COMPLETION OF LANDSCAPING

All landscaping work must be completed within 60 days of receipt of a Certificate of Occupancy for the residence; however, time extensions will be granted for weather conditions that prevent completion of the landscaping work in accordance with the planned schedule. Final release of the Design Review Fee and Compliance Deposit will not occur until the landscaping is completed.

G. OUTDOOR FURNITURE

The location of permanently placed outdoor furniture or other permanent outdoor accessories such as swings, tables, barbecues, arbors, jungle gyms, swing sets, horseshoe pits, etc., must be included in landscaping plans submitted to the DRC. Outdoor furniture and accessories (i) may not infringe on setbacks, (ii) must be properly maintained, and (iii) must be painted or constructed to blend with their natural surroundings.

H. OUTDOOR ORNAMENTATION OR STATUARY

Permanent unnatural or man-made ornaments, signs, statuary, pink flamingos, relics, flagpoles, machinery, equipment, basketball backboards, game poles and nets, or other such items, whether attached to a structure or deck or are free-standing, must be included in the landscape plan submitted to the DRC for review and approval. The term "unnatural" as used in this Section H, means any object, which is not naturally growing upon, indigenous to, or accumulated upon a home site in its undeveloped state.

Bird feeders that blend in with the natural environment, are made of natural materials and simple designs are encouraged.

I. ADJACENT RIGHTS OF WAY

As stated in the Declaration of Covenants, Conditions, and Restrictions for Aspen Lakes (Section 5.1(b)), Owners are responsible for the landscaping treatment (both formal areas and natural areas) of their site, including the land within rights of way that are adjacent to the site between a property line and the pavement of any roadway within such right of way. All of such area, whether within the site or in rights of way adjacent to it, will be landscaped to comply with Sections IV A through H, above.

J. FIRE WISE COMMUNITY IMPLEMENTATION PLAN

The Homeowner's Association Board of Directors shall function as the "Fire Wise Board".

Aspen Lakes successfully completed the Oregon Department of Forestry and Deschutes County initial wildland urban interface assessment in the fall and early winter of 2007. Recommendations for additional fire mitigation activities were incorporated into the "Aspen Lakes Landscape Maintenance Standards" and the "Aspen Lakes Annual Spring Clean-up" checklist for homeowners.

Aspen Lakes Estate Owners', Inc. hereby agrees to incorporate the provisions of The Oregon Forestland-Urban Interface Fire Protection Act of 1997 (Senate Bill 360) as a part of its Fire Wise Community plan.

In preparation for the above-referenced annual compliance inspection, a "Fire Wise Day" will be scheduled in the early spring to provide presentations, demonstrations and training for residents and staff by fire agency personnel and other matter experts for the annual Spring Clean-up campaign. This campaign will focus on clean-up of winter debris, mowing and trimming where needed, removal of accumulated needles and other debris from roofs and gutters, removal and limbing of trees as needed, etc. Where areas of grasses and wildflowers are retained within the first 30 feet around each residence, they should be carefully trimmed to a height between 6 and 10 inches early each spring prior to green-up. Dead grasses--whether native or ornamental--are ladder fuel that should be controlled. An Aspen Lakes Spring Clean-up Checklist will be distributed to each residence. The checklist will be updated each spring as needed to remain current with conditions within the Aspen Lakes community.

Aspen Lakes Estate Owners, Inc., by this reference, adopts the publication "Fire-Resistant Plants for Home Landscapes", PNW 590, August 2006, (a Pacific Northwest Extension Publication) as the "accepted species listing" for landscaping. Where individual specimens not included in the publication have already been incorporated into landscaping, additional surrounding fuels modification will be maintained to mitigate any additional fire-related threat that they may pose. As routine landscaping upgrades are made, these species should be removed from the site. Examples include a limited number of Blue Spruce, Pfizer Junipers and Arbor Vitae.

V. CONSTRUCTION REGULATIONS

The following construction regulations have been adopted to ensure that the natural landscape of each lot is preserved to the extent possible and the nuisances inherent to any construction process are kept to a minimum. The Owner is responsible for violations committed by an Owner's agent, representative, builder, contractor, subcontractor, or landscaper.

During construction, construction sites must be kept neat to prevent it from becoming a neighborhood eyesore or detriment to other lots or open space. The Association may engage a clean-up contractor if the construction site is not neatly maintained, costs shall be the responsibility of the Owner and may be deducted from the Design Review Fee and Compliance Deposit described in Section VI J.

A. BUILDING ENVELOPE

The building envelope is the limit of development on each lot and is also the area within which all construction activities must be confined. To this end, the building envelope must be temporarily fenced with material and staking sufficient to contain and control debris during construction. Temporary staking enclosing the building envelope must terminate at the property line adjacent to the entrance drive.

B. CONSTRUCTION TRAILERS

Upon commencement of construction, a construction trailer or portable field office may be located on the building site within the building envelope, clear of all setbacks. The type, size and color of any portable office must be approved in writing by a representative of the DRC during the pre-construction conference. 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 for more than six months without prior written approval of the DRC.

C. TRASH RECEPTACLES AND DEBRIS REMOVAL

Trash and debris must be cleaned up at the end of each day. An approved trash receptacle for containment of lightweight materials and packaging must remain on the site at all times. The receptacle must be positioned on the site alongside the access drive, clear of side and rear setbacks, adjacent road right(s)-of-way and neighboring properties. Trash receptacles must be emptied on a regular basis to avoid overflow of refuse. Disposal shall be at a suitable off-site facility. Dumping or burying trash anywhere on the site or elsewhere in Aspen Lakes is prohibited. 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 washouts, from both trucks and mixers, must occur within the building envelope in a location where it will be ultimately concealed by structure or covered by backfill. Washout in road rights-of way, setbacks or on adjacent properties is prohibited.

D. DUST AND NOISE CONTROL

The contractor is 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 contractor shall also limit, within reason, the on-site activities of construction workers (such as playing loud music or bringing dogs that disturb the peace and quiet) so as not to disturb the neighboring Units, Common Area, or Private Amenities.

E. SANITARY FACILITIES

Each construction site shall have adequate sanitary facilities for construction workers. Portable toilets must be located within the building envelope alongside the access drive, clear of all setbacks.

F. CONSTRUCTION ACCESS

The approved access drive will be the only construction access to any lot.

G. VEHICLES AND PARKING AREAS

Construction crews may not park on, or otherwise use, undeveloped portions of lots or Properties. All vehicles must be parked within the building envelope. During very busy construction periods involving multiple trades, it is permissible for some construction vehicles that cannot be confined to the site, to temporarily park 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.

H. CONSERVATION OF NATIVE LANDSCAPE

Trees to be preserved must be marked and protected by flagging, fencing or barriers. The DRC may flag major terrain features or plants that are to be fenced by the Owner or contractor for protection.

Any trees or branches removed during construction must be promptly cleaned up and removed from the construction site.

I. EXCAVATION MATERIALS AND BLASTING

Prior to any blasting, if any, the DRC must be notified in advance, and the approvals must be obtained from any appropriate agencies. Furthermore, either the contractor/builder or the demolition company must give prior notice of at least three days to neighboring properties of the time and extent of any blasting. Blasting may only be done by licensed demolition personnel, with all requisite insurance coverages as mandated by county and state statutes specific to their blasting activity at Aspen Lakes. The DRC may require written documentation of anticipated seismic effects, warranting that the results of any blasting will not be injurious to other persons or properties, public or private, and that all appropriate protection measures will be utilized.

All excess materials resulting from blasting, as well as all other excess excavation materials, must be promptly removed from Aspen Lakes and disposed of properly.

J. MATERIAL DELIVERIES

All building materials, equipment and machinery required to construct a residence on any lot at Aspen Lakes must be delivered to and remain within the building envelope 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 Aspen Lakes overnight. Material delivery vehicles may not drive across adjacent lots or tracts to access a construction site.

K. ALCOHOL AND CONTROLLED SUBSTANCES

The consumption of alcohol or use of any controlled substance on any construction site or Common Area within Aspen Lakes is prohibited.

L. 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.

M. PETS

Pets brought onto the property by members of the construction crew must be controlled, confined to the construction site, and may not harass wildlife or other household pets.

N. PRESERVATION OF PROPERTY

The use of, or transit over any other Unit, Common Area, Tract, or Private Amenity, including the Golf Course, is prohibited. Similarly, the use of, or transit over the native area or setbacks outside the building envelope 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.

O. RESTORATION OF PROPERTY

Upon completion of construction, the Owner and contractor/builder shall clean the construction site and repair all property that was damaged during construction, including but not limited to, restoring grades and planting shrubs and/or trees as approved or required by the DRC and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

The Owner is financially responsible for the repair, site restoration/re-vegetation and refuse removal or any other clean-up or damage to neighboring sites or Common Areas resulting from the construction activities on the Owner's site (reference Subsection S, below).

P. CONSTRUCTION SIGNAGE

With the exception of one small sign not larger than 20" by 28" identifying the general contractor, individual signs identifying individual contractors, sub-contractors, tradesmen, or suppliers are prohibited. 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 prohibited.

A Contractor/Builder's sign must be removed prior to Final Release and reimbursement of the balance, if any, of the Design Review Fee and Compliance Deposit.

Q. DAILY OPERATION

Daily working hours for construction are 30 minutes before sunrise to 30 minutes after sunset. Construction activity that generates excessive noise, such as hammering, sawing, excavation work, concrete delivery, etc., must be conducted between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday. Noisy activity shall be curtailed on Sundays.

R. SITE VISITATIONS

Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, design review observers, sales personnel, and the owner. Construction personnel should not invite or bring family members or friends, especially children, to the job site.

S. LICENSING, INSURANCE, AND DEPOSIT REQUIREMENTS

All contractors, sub-contractors, and landscapers must post evidence of proper licensing and insurance with their lot owner and the DRC, prior to entering the construction premises. Confirmation shall be evidenced in the form of a valid Oregon Construction Contractors Board certificate of registration and a Certificate of Insurance naming both the lot owner and Aspen Lakes as certificate holders. The required insurance must provide coverage not less than the applicable limits of coverage relating to comprehensive general liability, automobile liability and workmen's compensation. The minimum limits of liability shall not be less than \$500,000 each for general liability and automobile liability. General liability coverage shall contain provisions for contractual liability and broad form property damage. The certificate shall provide for a 30-day notice to the certificate holders in the event of cancellation or material change in the limits of coverage.

Prior to entering the construction premises, each general contractor, subcontractor, and landscaper shall deliver to the DRC a \$25,000 Compliance and Damage Deposit. This deposit will be held by the DRC until final release has been issued as described in Section VI-N. If the general contractor, subcontractor, or landscaper fails to comply in any way with Design Guidelines, with the approved plans, the Construction Rules described in Section V, or fails to repair any damage to any Unit, Common Area, Golf Course, or any other Properties within Aspen Lakes, then the funds held in the Compliance and Damage Deposit may be used to pay the cost of correcting such failure. Any funds remaining in such deposit after the final release has been issued will be promptly returned to the affected party.

The Compliance and Damage Deposit may only be waived for those general contractors, subcontractors, or landscapers identified by the DRC as preferred contractors, subcontractors, or landscapers.

Owner(s) assume full responsibility for any and all damages by their Contractor/Builder, his agents and subcontractors of all levels, and their agents to (i) adjacent property, (ii) the Owner(s) property, (iii) Common Areas, (iv) roadways within Aspen Lakes, and/or (v) entry gates to Aspen Lakes. The Compliance and Damage Deposit set forth in Section VI J hereof, will be held by the DRC until final release has been issued as described in Section VI N hereof and may be used to pay the costs of repairing damage to any of the foregoing if the Owner fails to do so.

T. VEHICULAR ACCESS TO ASPEN LAKES

Prior to the start of construction activity at Aspen Lakes, the DRC may require the general contractor/builder to prepare a contractors vehicle pass list including the description and identification of construction/employee vehicles. Persons or vehicles may not be allowed entry through the security gates until the requisite documents are on file and the appropriate passes have been issued. The DRC may require proof of acceptable insurance as a condition of entry.

VI. DESIGN REVIEW PROCEDURES

New Construction: The DRC has adopted the procedures set forth in this Section VI A-R to facilitate communications throughout the design and construction process for new homes, hopefully resulting in a positive experience for all involved parties. Additionally, some forms have been developed to help make the process as clear, definitive, and smooth as possible. As mentioned, these procedures apply primarily to original construction and original landscaping.

Changes to Existing Units: The design review process for modifications, additions, and alterations made to the exterior of existing Units (including material modifications, additions, and alterations to existing landscaping) comprehends an abbreviated process that entails (i) the Owner submits written plan or written explanation and description of proposed project to the DRC; (ii) Owner makes a Design Review Fee and Compliance Deposit in the amount of \$1,750.00 only if the proposed project requires the DRC to review plans similar to those submitted for original construction (i.e., a room addition to an existing Unit would require the Owner to make this deposit whereas additions to the landscaping would not) of which \$1,000 will be returned to the Owner within 45 days after the final release for the project has been issued by the DRC; and (ii) within 45 days after receipt of plans for the project the DRC shall do the following:

1. Make an on-site inspection if deemed necessary;
2. Review the project plans as necessary;
3. Share the project plans with neighboring properties that could be impacted by the proposed plans (i.e., glare from solar panels, planting trees that might block views or significantly alter sun/shade of a neighboring property, installation of a split rail feature or hedge, plan proposes an exterior color that is not in keeping with Aspen Lakes community standard);
4. Respond to Owner with DRC's comments and comments from neighboring properties (if any) with approval, or denial, including suggestions for next steps (if any) within 45 days after receipt of the proposed plan, and;
5. To the extent necessary, use and comply with the Design Review procedures and forms described in this Section VI.

A. PRE-DESIGN CONFERENCE

Prior to preparing preliminary plans for any proposed original improvement, the DRC recommends that the Owner and/or the Owner's architect or designer meet with a representative of the DRC to discuss proposed plans and to resolve any questions regarding building requirements at Aspen Lakes. The purpose of this informal meeting is to obtain guidance from the DRC concerning the possibilities and sensitivities of the site prior to initiating preliminary design. These meetings should occur on site whenever possible.

B. PRELIMINARY DESIGN SUBMITTAL

When the preliminary design is complete, two sets of plans for each of the following are to be submitted to the DRC and must include all of the following exhibits. No review by the DRC will commence until the submittal is complete.

1. Site plan (scale at 1" = 10' or 1" = 8'), showing the entire property, the location of the proposed building envelope; the residence and all buildings, driveways, and parking areas; existing and proposed topography; proposed finished floor elevations; all trees of 4 inch diameter or greater and special terrain features to be preserved; and trees and/or special terrain features to be removed.
2. Survey of the site (scale 1" = 10' or 1" = 8'), prepared by a registered land surveyor or licensed civil engineer showing lot boundaries and dimensions, topography (2 foot contours or less), major terrain features, all trees of 4 inch diameter or greater, edge of pavement and utility locations.
3. Floor plans (scale 1/4" or 1/8" = 1'0") showing the finished floor elevations.
4. All exterior elevations (scale 1/4" or 1/8" = 1'0") showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch, and preliminary indication of all exterior materials and colors.
5. If slope considerations or complexity of design present potential construction issues, the DRC may require a study model (same scale as site plan) that accurately depicts all the proposed improvements and their relationship to the site.
6. Any other drawings, materials, or samples requested by the DRC.

C. PRELIMINARY DESIGN REVIEW

The DRC will review the preliminary plans and will endeavor to respond in writing within 30 days after a submittal is complete. Failure of the DRC to respond in writing within 45 days after the plans submitted comply fully with Section B above will constitute the DRC's automatic approval. For purposes of these Design Guidelines "respond within 45 days" means that the DRC shall have deposited their written response in the U.S. mail within the 45 day period.

The DRC may contact the Owner and/or the Owner's architect/designer to discuss the plans, to ask questions and to seek additional information or clarification of items submitted. However, the DRC generally refrains from discussing the results of their reviews over the telephone. The DRC may review plans in one or more working sessions to which the Owner and/or architect/designer may not be invited but may also request the Owner and/or architect/designer to one or more meetings to seek clarifications, discuss options, suggest alternative design elements that may be more amenable to the subject site or may be more harmonious with the Community Standard for Aspen Lakes. It is contemplated and desired that the Preliminary Design Review process involves discussions among the relevant parties and is an iterative process resulting in a design that satisfies all parties.

All communications between the Owner and/or the Owner's architect/designer and the DRC must be made in writing or written records kept of any meetings or other communications between the parties. The DRC must deliver written reports of its activities and decisions to the Board of Directors of the Association.

Should the Owner disagree with a final decision made by the DRC, the Owner may request the DRC to reconsider their decision. To do this, the Owner delivers a written request for reconsideration to the DRC, which request could either include/attach additional information meant to persuade the DRC to reach a different conclusion, or the Owner could request a meeting with the DRC at which the Owner could present additional information. In either case, the DRC shall endeavor to reconsider their decision or hold a meeting with the Owner and reach a decision, which shall be communicated in writing to the Owner within 30 days of receipt of the Owner's written request. If, after reconsideration by the DRC, the Owner continues to disagree with the DRC's decision, then the Owner may request a joint meeting of the Board and DRC to review the DRC's decision. To do this, the Owner delivers a written request for a joint meeting of the Board and the DRC to the President of the Board (or Vice President if the President is unavailable) at which the Owner can present their arguments and suggestions and additional information to engage the DRC, the Board members, and the Owner in a discussion of the issues with the goal of conducting a fair, objective hearing of the Owners' issues and concerns and hopefully reaching a conclusion that is reasonably satisfactory to all parties involved. Any decision reached at the joint meeting shall be duly recorded and a copy inserted in the Owner's lot file

D. FINAL DESIGN SUBMITTAL

After preliminary plan approval, one set of the documents listed below is to be submitted to the DRC for final design review. No review will commence until the submittal is complete. These documents will be retained by the DRC and will become part of the permanent record for the subject lot. Owners are advised that if the final design is a substantial variance from the preliminary design, the DRC may require resubmission of Preliminary Plans and the entire review process will be repeated.

1. Site plan (scale at 1" = 10' or 1" = 8'), showing the entire property; the location of the building envelope; the residence and all buildings, the driveway, 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 1/4" = 1'0") showing finished floor elevations.
3. Building section (scale 1/4" = 1'0" or larger), indicating existing and proposed grade lines.
4. All exterior elevations (scale 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, and at least one three dimensional illustration depicting all exterior materials, finishes, and colors.
6. Color rendering of front and rear elevations.
7. Complete landscape plan (scale 1" = 10' or 1"= 8') showing location, size, and type of all existing and proposed plants, irrigation system facilities, decorative materials, site and elevation contours, paving or other impervious surfaces, walls, steps, split rail features, or borders.
8. On-site staking of all building corners and other improvements, including driveway, walkways, patios, and decks.

E. DEFERRAL OF MATERIAL OR COLOR SELECTION

An applicant may wish to delay the confirmation of landscaping plans (if any) and 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. A delayed submittal of the landscape plan and final color and stonework selections is acceptable to the DRC; provided, however, that no landscape work may be started, nor color or material applied, until after the delayed items have been submitted to and approved by the DRC. Be advised that any delayed submittal(s) should be delivered to the DRC before ordering materials in order to avoid potential restocking costs in the event of denial of the submitted item(s). Further, the DRC cannot complete its review process and issue approval of a Final Design until after all materials and colors have been submitted to the DRC. Application of any material, coating or finish prior to submittal to and approval of the DRC is subject to rework or other adjustments at the Owner's expense.

F. SITE INSPECTION

Upon the DRC's receipt of a complete set of final plans (including any delayed items), members of the DRC will visit the site to determine that the conditions as depicted in the Final Design Submittal are accurate and complete.

G. FINAL DESIGN REVIEW

The DRC will conduct its review of the final plans and will endeavor to respond in writing within 30 days after a submittal is complete. Failure of the DRC to respond within 45 days after the plans submitted comply fully with the foregoing will constitute the DRC's automatic approval.

The iterative process described in the section regarding preliminary plans may be repeated with respect to communications among the parties regarding final plans.

All communications between the Owner and/or the Owner's architect/designer and the DRC must be made in writing or written records kept of any meetings or other communications between the parties. The DRC must deliver written reports of its activities and decisions to the Board of Directors of the Association.

Should the Owner disagree with a final decision made by the DRC, the Owner may seek further review by following the process described in Section C, above.

H. RESUBMITTAL OF PLANS

If the DRC does not approve of either a preliminary or a final submittal, the Owner may a resubmit plans that reflect the discussion with the DRC. Resubmitted plans will follow the same procedures as an original submittal. Alternatively, the Owner may seek further review as described above.

I. PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the contractor/builder must meet with a representative of the DRC to review construction procedures and coordinate his activities in Aspen Lakes.

J. DESIGN REVIEW FEE AND COMPLIANCE DEPOSIT

To assure the Owner's and Builder/Contractor's compliance with these guidelines and to perform their work in accordance with the approved plans, a Design Review Fee and Compliance Deposit in the amount of \$5,515.00 must be delivered to the DRC by the Owner. The Design Review Fee and Compliance Deposit is due at the time that the Preliminary Design is submitted to the DRC. A portion of the Design Review Fee and Compliance Deposit, \$2,015, is used to cover the expenses incurred in the review process and is non-refundable. The balance, \$3,500, will be held until the final release described below has been issued by the DRC; provided, however, that the balance may be used to set-off amounts resulting from failure to comply with these Design Guidelines, approved plans, and/or with the Construction Rules. Failure to comply with the Design Guidelines, approved plans, and/or with the Construction Rules may require the Board of the Association to consider taking an enforcement action. The remaining balance of the Design Review Fee and Compliance Deposit, if any, will be returned to the Owner within 45 days after the final approval has been issued by the DRC.

Be advised that up to an additional \$1,500.00 of the Design Review Fee and Compliance Deposit may be retained to cover costs associated with review of excessive re-submittals that may be necessary to achieve a design that complies with all Design Guideline requirements.

Note that the Design Review Fee and Compliance Deposit for additions, alternations, and modifications is addressed in the preamble to this Section VI.

K. COMMENCEMENT OF CONSTRUCTION

Plans that have been approved by the DRC are valid for one year; therefore, construction must commence pursuant to the approved plans within one year from the date of such approval. If construction does not commence within the one year period, the approvals expire and the design review process must be repeated.

Construction must be completed within 18 months after commencing construction, exceptions permitted if completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

L. INSPECTIONS OF WORK IN PROGRESS

The DRC 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 of work in progress or compliance with these Design Guidelines.

M. SUBSEQUENT CHANGES

Additional construction or other improvements to a lot or the exterior of a residence, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the DRC for approval prior to making such changes or additions.

N. FINAL RELEASE

Upon completion of construction and landscaping or other exterior improvement, the Owner shall give written notice of completion to the DRC. Within 21 working days of receipt of such notification, one or more representatives of the DRC may inspect the residence or other improvements for compliance to the approved plans. If all improvements comply with these Design Guidelines, the DRC will issue a final approval, in writing, to the Owner and provide a copy of to the Association. The DRC will endeavor to provide its written response within 30 days after receipt of the Owner's written notice of completion. Failure of the DRC to respond within 45 days after receipt of such written notice will constitute the DRC's automatic approval.

If the improvements were not fully completed or were not completed in accordance with the approved plans, the DRC may deliver a written notice of noncompliance to the Owner, specifically describing the items of noncompliance. Any such notice of noncompliance will be delivered to the Owner within 30 days of the DRC's receipt of the Owner's written notice of completion. The Owner shall deliver to the DRC a written notice of the Owner's completion and/or correction of the items set forth in the notice of noncompliance. One or more representatives of the DRC may re-inspect the improvements for compliance and shall endeavor to provide written notice of approval or items still needing attention to the Owner as expeditiously as possible, but no more than 30 days after receipt of the Owner's written notice.

The Association's *Enforcement Measures, Collection Policy, and Schedule of Fees and Charges (August 2011)* may be employed to obtain compliance.

O. NONWAIVER

The DRC's approval of any plans, drawings, or specifications for a particular Unit shall not be deemed to constitute either (i) approval for a similar plan, drawing, or specification for a different Unit, nor (ii) a waiver of any provision in these Design Guidelines as they may be amended and/or supplemented from time to time.

P. RIGHT OF WAIVER

Intentionally left blank.

Q. EXEMPTIONS

Utility and maintenance buildings and other structures located on non-residential tracts are exempted from the "Architectural Design Standards" portion of this document.

However, the DRC will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

R. RELATIONSHIP WITH ASSOCIATION

The DRC is a committee of the Association; the DRC has exclusive jurisdiction over all original construction on or any modifications, additions, or alternations made to any Units. The DRC is responsible for implementing these Design Guidelines. However, enforcement of these Design Guidelines and the Declaration of Covenants, Conditions, and Restrictions for Aspen Lakes and By-Laws is the responsibility of the Board of the Association. The DRC is required to keep accurate and complete records of all of its actions, decisions, and communications with Owners and must report all of its decisions and actions to the Board and provide copies of all written communication and documents to the Association. Deposits described herein are held and/or paid for the account of the Association.

VII. DESIGN REVIEW COMMITTEE

A. MEMBERS

The DRC consists of 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 DRC shall be selected as provided in Section 11.2 of the Declaration.

C. RESIGNATION OF MEMBERS

A member of the DRC may resign upon written notice delivered to the Association.

D. DUTIES

The DRC's duty is to review, inspect, and act upon such proposals and plans for the development of Aspen Lakes in compliance with these Design Guidelines-

E. MEETINGS

The DRC shall meet from time to time as necessary to properly perform its duties. Except for working sessions and inspections, the DRC shall post notice of its meetings on the bulletin board at the Aspen Lakes Recreation Center. The vote of the majority of the members shall constitute an act of the DRC.

The DRC shall keep an accurate record of all submittals and copies of all written responses to Owners and maintain these records in a "lot file" in the office at the Aspen Lakes Recreation Center.

F. COMPENSATION

Members of the DRC are not compensated 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 DRC may be retained subject to the Board's prior approval. retained for assistance in the review process shall be paid such compensation as the DRC determines.

G. AMENDMENT OF DESIGN GUIDELINES

The DRC has full authority to amend these Design Guidelines until the "DRC Turnover Date" which is defined as the time when "none of the Declarant, any affiliate of the Declarant, or any Builder owns any Unit primarily for the development and/or sale, or, the date that the Declarant executes and records a written instrument surrendering the right to appoint all members of the DRC" (Declaration of Covenants, Conditions, and Restrictions for Aspen Lakes, Section 11.2); provided however, that the Design Guidelines, as amended, must be consistent with the Declaration of Covenants, Conditions and Restrictions for Aspen Lakes and the By-Laws, and must comply with applicable Oregon Revised Statutes.

After the DRC Turnover Date, the DRC may make administrative amendments to these Design Guidelines (i.e., change the meeting date, revise forms letters responding to Owners, and so on); however, amendments of a substantial nature may be recommended by the DRC but must be approved and adopted by the Association's Board of Directors (i.e., supplement to the Design Guidelines regarding solar applications). These Design Guidelines must continue to be consistent with applicable Oregon Revised Statutes and with the Declaration of Covenants, Conditions, and Restrictions for Aspen Lakes and the By-Laws.

Owners may obtain a copy of the most recent-version of these Design Guidelines from the DRC or the Board of Directors-

H. NONLIABILITY

Neither the DRC, any member thereof, nor the Declarant, shall 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 Aspen Lakes.

Every Owner or other Person, by submission of plans and specifications to the DRC for approval, agrees to communicate and work with the DRC and to refrain from bringing or pursuing any form of legal action against the DRC, any of its members, or the Declarant, regarding any action taken or decision made by the DRC.

The DRC's approval of any improvement at Aspen Lakes only refers to the Aspen Lakes Design Guidelines and does not imply conformance with local government regulations. Owners are advised that they are also responsible to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

I. ENFORCEMENT

The DRC is responsible for administering these Design Guidelines; the Board of Directors of the Association is responsible for enforcing these Design Guidelines and the Declaration of Covenants, Conditions, and Restrictions for Aspen Lakes and the By-Laws. A separate document sets forth the various enforcement mechanisms that may be used by the Board of Directors and is available to you from the DRC or the Board.

By way of example, the DRC may discover a violation of these Design Guidelines or noncompliance with an approved plan upon inspecting a lot or improvement; the DRC may provide a written notice of noncompliance to the Owner and if applicable, to the Builder/Contractor, setting forth a reasonable time period within which to correct the violation. The DRC may send a second notice if the correction is not made within the stated time period. A second notice will be sent to the Owner and if applicable, to the Builder/Contractor with a copy being sent to the Board for their notification and consideration of possible enforcement actions.

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.