



NORTHWEST ◀ CROSSING ▶

COMMERCIAL RULES & DESIGN GUIDELINES

PROTOTYPES T₁, T₂, T₃, V₁, V₆

WEST BEND PROPERTY COMPANY LLC

JULY 2008



West Bend Property Company LLC

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GUIDELINES
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PURPOSE

These Commercial Rules & Design Guidelines control site design quality, the use of harmonious materials, and compatibility between buildings. The standards further serve to maintain the design character of the NorthWest Crossing development by describing building massing, siting and materials which reflect important aspects of the desired architecture for the development.

These Commercial Rules & Design Guidelines are organized into three sections — Construction Approval Process, Submittal Requirements and Architectural Standards.

These Commercial Rules & Design Guidelines apply to all structures constructed in the following prototypes:

- Town Attached Commercial (T1)
- Town Detached Commercial (T2)
- Town Mixed-Use (T3)
- Village Mixed-Use (VI)
- Village Industrial (V6)

The prototypes for Commercial Buildings and the allowed locations for each prototype within the NorthWest Crossing development are described in the Prototype Handbook. It is very important to use these Commercial Rules & Design Guidelines in conjunction with the NorthWest Crossing Prototype Handbook and the City's NorthWest Crossing Overlay Zone designations and related criteria.

CONSTRUCTION APPROVAL PROCESS

The application of these Commercial Rules & Design Guidelines shall be subject to the approval of the NorthWest Crossing Architectural Review Committee (ARC) which shall also approve the installation of all buildings, fences, landscaping (including water features), exposed solar applications, air conditioning, mechanical equipment, antennas, satellite dishes, utility meters, and all other exposed site and building components.

Exceptions to the Commercial Rules & Design Guidelines shall be considered on an individual basis, and granted based on architectural merit. The ARC reserves the right to amend or alter the Commercial Rules & Design Guidelines as needed.

All construction is subject to all codes and ordinances as adopted by the State of Oregon, Deschutes County, and the City of Bend, and all other pertinent regulations. The most stringent regulations shall apply in the event of a conflict.

Application and Submittal Requirements

The Construction Submittal Form and Application is available at the offices of West Bend Property Company LLC, located at 2754 NW Crossing Drive, Suite 201.

Preliminary Review

Preliminary Review is required. The Preliminary Review process tests the building and site concept. Concerns or objections are easier to address and less costly when they are identified at the beginning of the design process. There is no fee for the Preliminary Review.

Responsibilities

It is the responsibility of each NorthWest Crossing land owner and/or his agent(s) to read and understand the

Declaration of Covenants, Conditions and Restrictions (CC&R's) for NorthWest Crossing; Prototype Handbook; Commercial Sign Guidelines; ARC Construction Submittal Form and Application; and these Commercial Rules & Design Guidelines.

Architectural Review Committee

General

West Bend Property Company LLC has established the NorthWest Crossing ARC to implement and administer these Commercial Rules & Design Guidelines. The ARC shall exercise the functions for which it is given responsibility by West Bend Property Company LLC, as provided in the Declaration of CC&R's for NorthWest Crossing and for the modifications, promulgation, and enforcement of its rules governing the use and maintenance of building sites and the improvements thereon.

ARC Membership

The ARC shall consist of at least three persons who shall be appointed by West Bend Property Company LLC. Members of the ARC may be removed and replaced at any time by West Bend Property Company LLC. Except as otherwise provided herein, any quorum of members of the ARC shall have the power to act on behalf of the ARC without the necessity of a meeting and without the necessity of consulting the remaining members of the ARC.

Architectural Standards

The ARC exists for the purpose of maintaining the high standards in design development and overseeing appropriate building and property use in NorthWest Crossing. In addition to establishing an overall aesthetic for NorthWest Crossing, the intent of these Commercial Rules & Design Guidelines is to ensure that commercial structures maintain a level of design quality that is compatible with the design goals of NorthWest Crossing.

Preparation for Preliminary and Final Review Submittals

Preliminary and Final Review are similar processes and require approximately the same amount of time for the review. Alterations or additions to buildings require the same amount of time for the review process. Preliminary Review is also recommended for alterations. The timetable for both Preliminary and Final Review have three related aspects.

1). The applicant must first prepare for the review. This preparation should include:

- a) Confirm with the ARC at West Bend Property Co. LLC (2754 NW Crossing Drive, Suite 20I, Bend, OR 97701; (541) 312-6473) to see if the copy you have of the NorthWest Crossing Commercial Rules & Design Guidelines is the most recent edition (all copies are dated).
- b) Request a current copy of the NorthWest Crossing ARC Commercial Construction Submittal Form and Application.
- c) Read and understand the CC&Rs for NorthWest Crossing; Prototype Handbook; Commercial Rules & Design Guidelines, Commercial Sign Guidelines, and the ARC Commercial Building Construction Submittal Form and Application.

2). The second aspect is development and formation of your proposal. This normally includes formation of your building concept and integrating it with the constraints of the NorthWest Crossing Commercial Rules & Design Guidelines.

3). The third aspect is the ARC review. The ARC must receive your submittal at least two weeks prior to the next ARC meeting. The ARC meets regularly. Please contact the ARC at (541) 312-6473 for scheduled meeting dates.

Preliminary Review Advantage

The Preliminary Review process tests the building and site concept. The purpose of the Preliminary Review is to review designs at an early stage, to obtain ARC comment on designs that may not be in keeping with these Commercial Rules & Design Guidelines. The applicant is encouraged to attend the Preliminary Review, as it allows the owner to obtain ARC advice regarding conceptual designs before final construction drawings are prepared.

Concerns or objections are easier to address when they are identified at the beginning of the design process. Should the ARC require changes that effect the building's structure, exterior materials or exterior details, it is much easier to deal with them prior to completing final construction budget and drawings; and/or applying for building permits.

Preliminary Review shall not be deemed to be a final approval for the construction of the improvement(s).

The ARC Final Review

ARC Final Review meetings are closed—only ARC members, the independent architect consultant, and a representative(s) of West Bend Property Company LLC will be present. At the ARC meeting, when your project is reviewed, the plans, application, and independent architect consultant comments are reviewed and evaluated by the ARC members.

After the ARC Final Review

After a complete and accurate application is received, the ARC will complete their review within a two-week period, and submit a report of their findings to the applicant.

After the ARC Final Review meeting a review letter is prepared, listing any ARC suggestions, requirements, concerns or conditions of approval. A copy of this letter will be

provided for your design and construction agent(s).

The owner(s), or his agent, must respond to the ARC review letter in writing prior to any construction activity done on site. Additionally, if there are specific areas of concern or a requirement for more information, the owner or his agent(s) may be required to meet with a representative of the ARC to discuss these issues and/or deliver revised drawings or provide the supplemental information before the ARC will issue a final approval allowing construction to begin.

Excavation and construction may begin only after all issues (if any) are resolved, a final ARC approval letter has been granted and the owner's written acknowledgement of the approval letter has been received by the ARC.

Items which are missing from the original submittal (paint colors, masonry samples, catalog cuts, etc.) must be provided for review and approval at a later ARC meeting. It is prudent to plan color schemes and material choices well in advance of scheduling painters, masons and other specialty subcontractors.

If construction approval has been granted and construction has not begun within one year of receiving approval, the application and approval expire and the refundable portion of the application fee will be returned. A new application, a current fee, and a new ARC review and approval will be required if construction is scheduled to proceed after this time.

Appeals

Appeals to the ARC will be considered based on merit of the request and must be submitted in writing within 14 days of ARC written decisions.

Enforcement

As provided by the NorthWest Crossing CC&R's, the ARC

and/or its representative(s), shall be authorized, upon receipt of an application and submittal to build, to make onsite inspections of the building site and proposed construction at any time.

As provided by the NorthWest Crossing CC&R's, any breach of the CC&R's shall subject the breaching party to any and all legal remedies, including damages or the destruction, removal or the enjoining of any offending improvement or condition. In the event that an owner or his agent(s) fails to comply, the ARC and/or its authorized representatives may proceed with enforcement as provided for in these Commercial Rules & Design Guidelines and the NorthWest Crossing CC&R's.

Violation(s) of these Commercial Rules & Design Guidelines that are discovered during an inspection will be forwarded to owner(s) and/or their agent(s). The ARC and/or its representative(s) shall provide written notice of noncompliance to the owner(s) and/or their agent(s), including a reasonable time limit within which to correct the violation(s). In the event that an owner or his agent(s) fails to comply within this time period, the ARC and/or its authorized representatives may proceed with enforcement as provided by the NorthWest Crossing CC&R's.

Performance Bonds

At the sole discretion of the ARC, a builder, contractor or design professional may be required to submit a performance bond in the form of cash or an irrevocable line of credit prior to beginning work at the project site. The performance bond shall be in addition to the application fee required by these Commercial Rules and Guidelines. The ARC also reserves the right, solely at its discretion, to require the submittal of a performance bond during construction of a project if the ARC determines that these Commercial Rules & Design Guidelines or the CC&R's are not being followed. The failure

of the builder, contractor or design professional to provide a bond when requested may result in a stop work order. The performance bond, in whole or in part, at the discretion of the ARC, shall be forfeited if a finding is made by the ARC that the builder, contractor or design professional has violated any provision of these Commercial Rules & Design Guidelines or the CC&R's. Upon onsite inspection(s) and approval, the bond shall be released to the builder, contractor or design professional within 7 days of written notice by the ARC of the satisfactory completion of the project.

Non-Conforming Uses

If an owner has any improvement not in compliance with these Commercial Rules & Design Guidelines in effect at the time of final ARC approval, the owner will be granted a reasonable time as determined by the ARC from the date of notification by the ARC to comply with these rules.

Non-Waiver

Consent by the ARC to any matter proposed to it or within its jurisdiction, or failure by the ARC to enforce any violation of these Commercial Rules & 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 violation of these Commercial Rules & Design Guidelines.

Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these Commercial Rules & Design Guidelines is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Commercial Rules & Design Guidelines.

SUBMITTAL REQUIREMENTS

Complete and Accurate Submittals

A complete submittal (supplying all of the information outlined in the checklist) ensures the most expedient review and approval process. Information missing from a submittal and/or inaccurate drawings may delay the review and approval process, as the ARC will not review an incomplete submittal.

At least two weeks prior to the next scheduled ARC meeting, submit to the ARC the following:

Site Plan to include:

- drawing scale: 1" = 20' (recommended)
- grading plan showing existing contours of site slope and proposed contour changes, both at 2' intervals minimum (retaining walls, if any, must be reflected accurately on the grading plan). If a site has less than 2' of slope, the site plan must note that condition.
- property lines, setbacks, and all easements (if any)
- building footprint location, roof plan including overhangs, parking areas, driveways, and service entrances clearly marked
- all existing tree and rock outcropping locations (trees which are proposed for removal, as well as all existing trees to be retained, must be clearly designated as such on the plan). Tree size noted and drip line indicated. If a site has no trees, the site plan must note that condition.
- all utility stub locations and their proposed extension locations to the building

- north arrow
- location of the following clearly marked: walkways, decks, retaining wall(s), proposed utility lines, service yard/trash storage, parking areas, utility, meter banks, exterior HVAC equipment, and storage yards, etc.
- identify Prototype classification (Town Attached Commercial, Village Industrial, etc.)
- elevation of the first floor of the building (in relation to existing grade) noted on plan
- highest ridge elevation of the building (in relation to existing grade) noted on plan
- on-site drainage/containment systems
- landscape plan, including:
 - existing tree and rock outcropping locations
 - existing and revised grades
 - proposed trees and vegetation (identify sizes)
 - hardscape (walkways, terraces, courtyards, etc.)

Exterior Elevations to include:

- drawing scale: 1/4" = 1' or as appropriate to accurately and clearly illustrate the building exterior
- all exterior building features clearly drawn and identified with all materials/finishes noted (exterior lighting, roof, siding, railings, trims, courtyards, decks, foundation, stairways, overhead or service doors, storage enclosures, masonry, meter housings, HVAC enclosures, etc)
- proposed structure's main floor line drawn and elevation in relation to existing grade noted
- accurate finished and existing grades drawn and noted

Floor Plan(s) to include:

- drawing scale: 1/4" = 1' or as appropriate to accurately and clearly illustrate the floor plan

Roof Plan(s) to include:

- drawing scale: 1/4" = 1' or as appropriate to accurately and clearly illustrate the roof plan
- roof-mounted HVAC equipment
- all roof penetrations, plumbing vents, chimneys, etc.

Application Form

- owner(s) must sign and date signature page
- cover sheet must be completed with pertinent addresses, phone numbers, legal description, street address, etc.
- all pages in application must be completed

ARC Application Fee

A check made to West Bend Property Company LLC in an amount equal to \$1/sq. ft. of building up to a maximum fee of \$15,000; and a minimum of \$2,500. A \$1,000 administration fee will be retained with the balance refunded upon successful completion of the project and any punch listed items identified as a result of the ARC's final inspection. The ARC reserves the right to make partial refunds in cases where non-compliant issues have not been addressed by owner.

Color/Material Samples

Color/material sample boards are a required submittal and are best assembled at the time of the full construction submittal; however, owners are permitted to submit them at a later date for review and written approval. Sample boards should include the following:

- Exterior window, siding, roofing colors and materials
- Exterior light fixture samples and/or legible catalog cuts or drawings
- Exterior door and window catalog cuts for all exterior doors and windows
- Awnings - catalog cuts
- Masonry and paver samples

Deposit Refund and Inspection

A portion of the ARC Application Fee will be refunded, at the discretion of the ARC, if the building and landscaping are completed and meet all ARC standards, requirements, conditions, and design guidelines. Inspection schedules become full during the building season; sometimes inspections are not feasible due to weather conditions. A request for an inspection may require a lead-time of up to three weeks.

In addition, the owner is responsible for notifying the ARC upon completion of the proposed construction, at which time the ARC shall arrange a final inspection to verify compliance with the plan as approved and to verify compliance with the Prototype Handbook and these Commercial Rules & Design Guidelines.

Miscellaneous

The ARC Application Fee may be changed at any time. If fees have changed, the owner will be required to pay the new fee for a new submittal.

If ARC final inspection approval is not obtained within 24 months of the initial ARC approval date, the deposit shall be forfeited. Forfeited deposits may be used to bring the subject property into compliance with the approved plans, specifications, and these Rules & Design Guidelines.

City Building Requirements

The City of Bend requires that a building permit be obtained prior to beginning construction of any improvement or making additions or changes to an existing structure. Please verify all City of Bend regulations at (541) 388-5580.

Utilities

All connections from trunk lines to individual structures must be underground (see Rules & Design Guidelines/Utilities).

Utilities are available from Pacific Power and Light, Cascade Natural Gas, QWEST and Bend Broadband. The City of Bend provides water and sewer services.

Adjacent Private Property

Adjacent property may not be used for access or as a parking area or staging area by any contractor or subcontractor working on the building site without Owner's approval. In the event of damage to adjacent property, the property owner and/or his agent(s) will be held responsible for restoration of the adjoining affected property and/or may result in a forfeiture of the ARC fee.

It is imperative to keep adjoining properties free of construction litter. Weekly clean-up is required.

Awnings

Awnings are encouraged at retail and pedestrian settings. All proposed awnings must be submitted for ARC review and written approval. If provided, awnings shall fit the window bays to blend with or augment the architectural character of the building. The awnings must be constructed of a material selected to complement the body color of the building and are only allowed at ground floor elevations. Awnings above the ground floor will be reviewed on a case-by-case basis. No stripes or patterns will be permitted. Refer to the Commercial Sign Guidelines.

Glass, metal, wood or fabric are acceptable awning materials.

Buildable Area

City Requirements: (see NorthWest Crossing Overlay Zone Ordinance)

Building Setbacks (see Prototype Handbook)

Other Setbacks

Certain architectural features may project into required setbacks as follows: cornices, canopies, eaves, belt courses, sills, or other similar architectural features. All encroachments must comply with all applicable codes and ordinances.

Building Height (see Prototype Handbook)

Burning

The burning of construction or landscape debris is not permitted at any time on any building site in NorthWest Crossing.

Drainage

A drainage plan must be included as part of all construction and landscape submittals, and is subject to ARC approval. All site drainage must be retained and disposed of on the owner's property. The use of drainage retention ponds and/or bio-swales are encouraged. Provisions for the disbursement of roof, gutter, site, landscape, walkway and parking lot drainage are the property owner's responsibility. Owners should consult with professionals to discuss their drainage risk factors and specific solutions.

Structures located in such a way that they may be subject to additional water difficulties (from street run-off or other sources) during conditions that exceed the system's designed capacity should investigate the possibilities of a free-draining foundation system around the entire perimeter of the foundation or other effective drainage system(s) recommended by your drainage professional.

Some areas in NorthWest Crossing may be susceptible to street drainage and erosion problems during conditions that exceed the system's designed capacity.

For purposes of drainage, grading must slope away from all structures on a site.

Both existing and finished grading must be represented on each site plan, each exterior elevation, and each landscaping plan submitted to the ARC.

Driveways and Walkways

Driveway cuts onto streets and alleys will be limited to two per building site, unless otherwise approved by the ARC. The driveway shall be a maximum of 20 feet wide, except to radius to the street. No driveways will be allowed along the south side of NorthWest Crossing Drive between Mt. Washington Drive and NW Clearwater Drive. Other driveways are subject to ARC review and approval. The City of Bend requires a permit prior to creating the curb cut for any driveway. Driveways may be concrete, asphalt or masonry paver. Concrete sidewalks and aprons at driveways shall be a minimum 8" thick.

Walkways should be designed to enhance the entry and connect the building to the neighborhood. Buildings shall be constructed as close as possible to the back of sidewalks. Refer to Setbacks in the NorthWest Crossing Prototype Handbook.

All driveways and walkways shall be finished prior to occupancy. Exceptions may be allowed with ARC approval. Builders and Builder/Owners are responsible for repair of all driveway cuts, concrete breakage of curbs, sidewalks or sidewalk aprons. West Bend Property Company LLC and the ARC representative will monitor and provide written documentation to the responsible Owner. All repairs must be completed in a timely manner after the receipt of written notification from the West Bend Property Company LLC or ARC representative.

Duplication

In cases where similarity in building design or appearance is

deemed a concern by the ARC, modifications to the design may be required to eliminate similarities.

Excavation

Each building site shall be developed with minimal modification of the existing topography. All excavation spoils must be removed from the site. All areas disturbed during construction must be restored to their original appearance or in accordance with an approved landscape plan. Please refer to the landscaping section for re-naturalization standards. Landscaping shall be designed to “disguise” excessive slope areas caused by fill for parking lots and around the foundations of buildings.

Exterior Colors and Stains

All exterior colors are subject to review and approval by the ARC for both original painting and subsequent repainting. Exterior color treatment shall be continuous on all elevations. Colors appropriate to the character and style of the building are strongly recommended. Bright body colors will generally not be acceptable.

Care shall be taken to avoid duplicating colors of nearby structures. Natural wood siding, peeled logs and natural shakes must be stained or treated.

Exterior Design Treatment

Several things must be considered during the design process to effectively address specific site conditions. Adequately excavating for the lowest floor can better “marry” the building to the sidewalks. Sensitively selecting roof pitches and roof massing can lessen the perception of height. Stepping the building profile from the point of low grade back toward the higher grade reduces the building mass, particularly as seen from lower viewpoints. Reducing story heights at the ends of the building adjacent to neighboring properties can substantially soften such end conditions. Prudent use of

materials may be effective tools to reduce the height and mass (i.e., masonry wainscoting, base trim boards, frieze boards, and belt courses are a few design alternatives for effectively eliminating long, tall, uninterrupted walls.).

Buildings should display the traditional three-part architectural division of base, body and head, with a cornice or other demarcation at the top of the first level, as well as near the top of the building. Porches, bay windows, recessed entrances, changes in materials, and other architectural details may be required elements on the buildings.

Careful use of the prototype examples in the Prototype Handbook is essential. Use of the massing examples is encouraged. Building designs must be compatible with the context of the surrounding built environment. Building site owners are strongly encouraged to review ARC files of structures on adjoining sites to aid in window placements and other conditions on side elevations.

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

Exterior material treatment used on the building walls shall be continuous and consistent on all elevations in order to achieve a uniform and complete design and must avoid a “vener” look. Exterior siding material must be carried down to within eight inches of grade. Only eight inches of exposed foundation is permitted on any exterior elevation.

Stucco & Masonry. The use of stucco and/or masonry materials may be exempt from the one treatment look. Many times these materials may be used in conjunction with other approved siding materials to enhance the architectural style and appeal of all sides of a building. When masonry is used on

the front of a building and it extends to any front corner, it must extend at least 18" around the adjoining side elevation.

Exposed understructures of buildings built on hillside sites are prohibited.

Exterior Lighting

The objective of the exterior lighting requirements is to eliminate glare and annoyance to adjacent property owners and passersby. To this end, the guidelines are as follows: All exterior fixtures must have downward-directed light sources which are shielded with a minimally translucent material approved by the ARC. No fixture shall glare onto adjacent properties. Colored lamps are prohibited. Architectural pole lighting at parking lots and around the building should be of a height in scale with the building but not to exceed 20 feet in height. Walkway, landscape and all other decorative light fixtures are subject to ARC review and approval regarding their style, location, number and wattage. No part of the lamp may be exposed through perforated opaque material. A variance for outdoor special holiday lighting is only granted between the Saturday before Thanksgiving and the second weekend in January. All holiday lighting must be completely removed by January 31.

Information regarding the design, number and location of all exterior lighting fixtures is required for ARC review and approval, including (but not limited to) exterior wall, pendant, architectural accent, parking lot, walkway, site and landscape lighting. Lighting submittals require an actual sample or legible drawings and catalog cuts for the review process. All exterior light fixture locations must be shown on the site plan and exterior elevations of all construction submittals. Landscape lighting should be shown within the landscape plan. All exterior light fixtures installed without ARC review and approval must be removed.

Exterior Walls and Trims

In the design of buildings, which propose the use of a composite of exterior materials, consideration shall be given to appropriate balance, both in terms of the amount of each material, as well as the specific areas of their use. Building walls of more than one material shall change materials along horizontal lines, projecting bays, or other architectural features (see illustration). Some building designs will be required to have exposed rafter tails, brackets, or other visible architectural elements to enhance design.

Heavier appearing materials shall be used only below lighter appearing materials. Lap siding and shingle exposure and board and batten spacing are subject to ARC review and approval.

The following materials are approved for use on exterior walls and trims:

- a) Wood (treated with semi-transparent or solid body stains or paints), shingles and the use of lap wood and cement-based siding material is approved. Board and batten type siding, heavy timber and log style buildings may be appropriate on some sites; however, they are subject to ARC review and approval. In most cases, siding applications which involve a mix of directions (horizontal, diagonal, and vertical) are discouraged
- b) Brick, natural and cultured stone.
- c) Textured masonry block units are not to exceed eight inches in height.
- d) Stucco and synthetic stucco.



- e) Exposed cast-in-place concrete using dimensional wood form boards.

Prohibited Materials and Conditions:

- a) unarticulated panel siding (e.g., T-I-II, plain plywood, sheet press board)
- b) seams on sheet (plywood or pressboard type) products
- c) other similar quality, non-durable products

Fences and Landscape/Retaining Walls

Fences and Landscape/Retaining Walls require specific review and approval from the ARC before they may be installed. A fence is defined as a structural, functional or ornamental barrier separating one exterior space from another.

The heights or elevations of any wall or fence shall be measured from the existing natural elevations of the property at or along the applicable points or lines. With the exception of Industrial Prototype V6 at backyard areas only, no cyclone, metal mesh, or chain link fences are allowed whatsoever except that fence posts may be metal or steel enclosed in wood. Freestanding concrete and masonry walls shall be minimum 8" thick. Wood shall be painted unless natural cedar or redwood is used. Site wall materials should generally match building materials. Metal and iron fencing shall be configured in predominately vertical elements; all metal surfaces shall be painted.

Acceptable materials for Fences and Landscape/Retaining Walls are as follows:

- a) Brick, concrete and stone masonry
- b) Architecturally detailed exposed cast-in-place concrete
- c) Stucco, cement based

- d) Wood pickets, lattice and boards; use #2 or better no-hole cedar or other ARC approved wood.

- e) Painted wrought iron
- f) Chain link (Prototype V6 only)

Some Fencing Considerations:

- a) Fences constructed with wood shall use wood wrapped steel posts. All fences shall be six (6) feet in height or less. Wood wrapped steel posts for fences may be higher than six (6) feet with ARC approval. Height shall be measured from the natural grade. "Natural grade" is defined as the site topography which exists at the time a lot is sold to the first owner by the project developer or builder; fill material subsequently brought to a site does not modify this original grade. The ARC will evaluate each condition on an individual basis.
- b) No tree, whether in a setback or on private property, shall be used for the attachment or support of any fence or privacy screen.
- c) Fences along alleys shall be at least 3' away from the pavement.
- d) Chain link fencing is preferred adjacent to pedestrian paths.

Fireplaces

No wood burning stoves or fireplaces are allowed.

Flagpoles

Flagpoles, flags and banners require prior ARC review and approval before they may be installed. Size of flag and height of pole are also subject to ARC approval.

Gutters and Downspouts (See Drainage)

Gutters are recommended in and may be required on some buildings. All gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored or painted to blend in with the surface to which they are attached.

All drainage pipes connected to downspouts must be concealed from the view of neighboring properties. In addition, this drainage must be accommodated on the owner’s property. Please investigate the addition of French drains or other types of dry well systems to accommodate gutter drainage.

Prefinished metal or wood gutters and painted metal downspouts are acceptable roof flashing materials for NorthWest Crossing. Gutters shall be round or ogee profile.

Heating and Cooling Systems

All exterior elements of heating and/or cooling systems must be screened from the view of neighboring building sites and roadways and must be constructed to reduce noise transmission to acceptable levels at adjoining properties. Materials to screen around HVAC systems should match or complement adjacent building materials and must be reviewed and approved by the ARC.

Landscaping

Landscaping is required and may be a condition of development in some areas. All sites, however, shall be maintained to present a neat and pleasing appearance to all off-property vantage points, to minimize fire danger in the area and to moderate the problem of wind-blown dust. If a property owner chooses to maintain the natural appearance of the site, steps must be taken to restore/re-naturalize unsightly scarred areas due to construction activity or other damage and to remove dead plant material and refuse from

the site. Re-naturalize all areas disturbed by the construction of the building. Re-naturalizing includes:

- Planting ARC-approved native plant material schedule:
 - a) 5-10% Trees (requirement is lot-specific):
Ponderosa Pine (*Pinus ponderosa*)..... 6 – 8 feet
 - b) 25-45% Shrubs (must have a minimum of 3 varieties of the following):
Serviceberry (*Amelanchier alnifolia*)..... 5 gallon
Greenleaf Manzanita (*Arctostaphylos patula*).....
..... 2 gallon
Big Sagebrush (*Artemisia tridentata*)..... 2 gallon
Creeping Orange Grape (*Mahoria repens*) .. 2 gallon
Wax Currant (*Ribes cereum*) 2 gallon
Wood’s Rose (*Rosa woodsii*) 5 gallon
Douglas Spirea (*Spiraea douglasi*) 5 gallon
Coralberry (*Symphoricarpos orbiculatus*) .. 5 gallon
 - c) 35-55% Grasses (must have one of the following):
Idaho Fescue (*Festuca idahoensis*)..... I gallon
Bluebunch Wheatgrass (*Pseuoroegenia spicatum*)
..... I gallon
 - d) 0-25% Forbs (optional):
Yarrow (*Achillea millifolium*)..... I gallon
Threadleaf Fleabane (*Erigeron filifolius*) 4" pot
Sulfur Buckwheat (*Erigonum umbellatum*) .. 4" pot
Oregon Sunshine (*Eriophyllum lanatum*)..... 4" pot
Silky Lupine (*Lupinus sericeus*) 4" pot
Lowly Penstemon (*Penstemon humilis*) 4" pot
Showy Penstemon (*Penstemon spectabilis*).... 4" pot
- Spreading mulch/pine needles/duff, covering raw earth

- Feathering transitions between truly native areas to the newly restored areas

Other Landscaping Considerations

- a) Landscaping must be completed within six months of completion of the building’s exterior or by occupancy, whichever occurs first. Exceptions for weather delays to landscape completion may be considered by the ARC.
- b) The front and side setbacks along public Right of Way shall be landscaped. Underground irrigation is required unless xeriscape design is approved.
- c) Street tree species, number, size and location are to be determined by. NorthWest Crossing Street Tree Guidelines for the area between the curb and sidewalk. This area also requires sod, or approved substitution, and underground irrigation. For Prototype TI along NorthWest Crossing Drive, the right-of-way shall be concrete sidewalk with street trees and grates meeting NorthWest Crossing guidelines. At a minimum, all street trees shall be a minimum 2" caliper.
- d) In some situations the ARC may require an owner to plant trees and/or add contouring to a site to screen unsightly on-site elements from off-site vantage points.
- e) It shall be the responsibility of the building owner, when landscaping his property, to follow the landscape plan approved by the ARC.
- f) When appropriate, contiguous property owners should work together to create a continuous flow from one property to the next avoiding a straight line delineating property lines.
- g) Landscape plans must be presented on 11" x 17" or larger paper and provide the following details:

- i) Identification, quantity and size of all proposed species of trees and plantings.
- ii) Delineation between areas. For example: sod vs. bark, planting areas vs. sod (preferably in color).

Irrigation systems requirements:

- a) Underground automatic irrigation systems need to be designed to irrigate lawn and shrub areas with separate zones.
- b) All spray heads (pop-ups) must have pressure-regulating capabilities.
- c) Irrigation controllers must have the following minimum features:
 - i) 365-day calendar for odd or even day watering.
 - ii) Independent programming for mixed irrigation applications.
 - iii) Water budget feature that is selectable for each program for seasonal adjustments.

Mailboxes

Individual mailboxes are prohibited. Group mailboxes are provided throughout NorthWest Crossing.

Keys for the mailboxes may be picked up at the U S Post Office.

Maintenance

Each property owner is required to keep his land, landscaping and all improvements in good repair and attractive condition. This includes keeping any native areas free of weeds, building materials, and other debris.

Metals and Plastics

All exterior metals and plastics (vents, flashing, gutters, etc.) must be screened from view, painted or treated to blend in with the adjacent surrounding material. All utility meter housings must be painted to match the body color of the building.

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

Overhead Doors and Garages

Overhead doors should be located in a way to accommodate vehicle loading and unloading, but not located such that they are visible from the street for Prototypes T1 and T2. Overhead doors may be metal, but should be painted to match color of adjacent building material.

For Prototype V6, overhead garage doors facing the street shall be maximum 12' wide each.

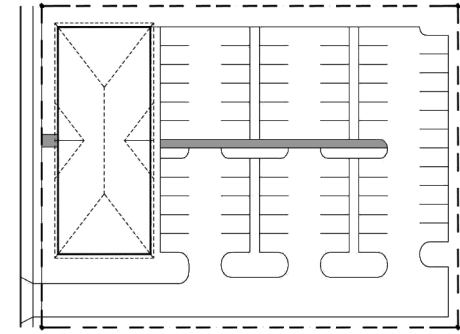
Garages are permitted where dwelling units are allowed. Only 7' - 8' tall garage doors are permitted.

Owners or their agents are strongly encouraged to minimize the massing and visual impact of the garage. The space between the top of the garage door(s) and the roof shall be kept to a minimum (see Exterior Design Treatment). Larger doors require ARC review and approval.

Parking and Screening

Parking lot designs should provide for the necessary parking spaces and related landscaping and pedestrian access. At least one paved, continuous and direct pedestrian walkway through the parking lot to the building shall be provided (see illustration).

It shall be 5 feet wide, minimum. The walkway must be



adjacent to a minimum 5 foot wide landscape strip, with trees planted 20 - 30 feet on center, depending on the tree crown diameter. When the walkway crosses a driveway, the walkway paving treatment shall be continuous. Refer to prototype Handbook regarding parking lot locations. If adjoining property owners choose to functionally connect their parking lots for shared parking, the landscaping requirements and number of spaces is subject to ARC and City of Bend approval. One out of every 12 continuous parking stalls must be dedicated to trees and landscaping. The number of continuous, side-by-side parking stalls shall not exceed 11.

With the exception of Prototype V6, boats, trailers, buses, motor homes, commercial vehicles, trucks larger than one ton, recreational vehicles, disabled vehicles or other similar vehicles shall be stored only within an enclosed structure with a design approved by the ARC.

No parking whatsoever shall be allowed in access and alley easements; it is each owner's responsibility to see that their guests, invitees, and lessees abide by this condition.

No vehicles shall be parked in the street for more than 24 hours at a time.

If it is necessary for one of the above vehicles (which are normally stored in another location) to be parked on a building site in view of roadways, or neighboring buildings

or homesites, the ARC must be notified in advance of parking on the building site. Such items may be parked on the owner's designated parking area, and not on the street, for no longer than forty-eight (48) hours.

T1, T2, and T3 Prototypes require screening of parking. Provide a planter strip and/or decorative wall.

Primary Entrance

The building must have a primary entry located on the front facade of the building. There must be a direct, paved walkway from sidewalk to the main entry.

Exceptions may be granted for the V6 Prototype.

Roofs and Roofing Accessories

Slate, ceramic and concrete tiles, concrete and wood simulated shakes, and composition roofing (with at least a 25-year warranty) are acceptable roofing applications for NorthWest Crossing. Pre-formed metal roofing and textured metal with a matte finish may be considered on some buildings, with ARC approval. Wood shakes and shingles are discouraged due to fire danger. Roofing applications will be reviewed on an individual building basis. Even though the product is approved, some colors will not be permitted on buildings in NorthWest Crossing.

Low slope single ply membrane roofs may be permitted when a parapet and cornice are used to conceal all roof-mounted equipment from the view of adjacent properties. (See Prototype Handbook) In some locations where street frontage is required (0' - 5' front setbacks), low slope roofs behind parapets or false fronts may be required. Flat roofs shall be accessible from a habitable space such as a balcony, or, if not, they shall be concealed by sloped roofs or parapets.

Where sloped roofs are used, main roofs shall be 4:12 minimum to 14:12 maximum slope with symmetrical gable

or hip configuration. Eaves shall be continuous except at sheds and dormers. Shed roofs shall be attached to main building wall or roof ridge, with a minimum 3:12 slope. Eaves shall overhang at least 18 inches and shall be visibly supported by exposed rafter ends or braces. Eaves less than 18" will be individually considered by the ARC.

All roof-mounted components such as mechanical equipment shall be visibly screened from view from any adjacent street.

Satellite Dishes and Antennas

No exterior satellite receivers or transmitters, television antennas, radio antennas, or other receiving device shall be placed on any building or structure without review and approval of the ARC.

Other Considerations:

- a) Satellite dishes over 18 inches in size are not permitted on buildings or sites. Larger sizes will be considered in Prototypes V6 and are subject to ARC review and approval.
- b) Location of receiving devices must be inconspicuous and pre-approved before placement. Landscape screening may be required in some cases.

Security

If you have a security concern, call the City of Bend Police at 388-0170 or if it is a true emergency, dial 911. If the situation is a rules violation, contact the ARC at 541-312-6473.

Service Yards/Trash Enclosures

When not provided by other structures, each commercial building shall have a screened service yard enclosing garbage, recycling, and trash containers, landscape debris, outdoor maintenance equipment and so forth. Service yards may be

detached from the building and must be screened from view of other buildings or roadways. Chain link enclosures are prohibited. All service yards must be reviewed and approved by the ARC.

Owners are responsible for their own garbage and trash removal during and after construction. Construction sites must be kept clean from trash and construction debris at all times. Construction sites that are not kept clean (at least weekly removal of trash and construction debris) may be subject to the ARC action of having the trash and construction debris picked up and disposed of. The cost of the removal and disposal of the trash and construction may be deducted from the ARC fee.

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

Setbacks and Easements (See Prototype Handbook)

Signs (See Commercial Sign Guidelines)

Skylights and Solar Devices

All glass, plastic or other transparent skylight or solar device shall be treated to eliminate reflective glare. Clear, bronze or gray glazing is preferred over white translucent. Flat skylights are preferable to domes.

Solar collectors are encouraged at NorthWest Crossing; however, the collectors must be flat to the roof. In addition, the majority of the mechanical portion of the system must be contained within the structure and not positioned on the roof. Preliminary and final ARC approval is required for all solar collection systems.

Staging Area

Each construction approval submittal must designate at least

one staging area for a building site, subject to approval by the ARC. Each staging and construction area must be kept clear of trash and debris.

Temporary Structures

No structure of a temporary character, trailer, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time. Construction trailers are allowed during the construction phase of the building and must be removed upon substantial completion of the building.

Tree Preservation Guidelines

Throughout NorthWest Crossing there are many trees that make the building sites unique. To maximize the likelihood of saving existing trees, follow these basic tree preservation techniques:

- a) Identify the Critical Root Zone (CRZ) area. The drip line is a good rule of thumb.
- b) Design around the CRZ whenever possible.
- c) Install construction fencing around as much of the CRZ as possible. Do not let any activity (storage, traffic, cleaning of tools, etc.) take place within the fenced area.
- d) Where activity must occur (usually footing or trench), cut cleanly any roots encountered. Backfill and water as soon as possible.
- e) If traffic across the CRZ cannot be avoided, install 10"–12" of woodchips to protect the CRZ from compaction.
- f) No fill or cut may be added to the drip zone.

Tree Removal and Trimming

The removal of any tree larger than 6 inches in diameter (19 inches in circumference) or construction activity or other

negligence, without the written approval of the ARC, is prohibited and is subject to a \$5,000 fine per tree. Trees less than 6 inches may be removed in accordance with fire safety guidelines. Any tree may be trimmed up six feet from ground level for fire safety. Any dead limbs above this height should be removed.

Trees identified for removal within the view corridors must remain on the site until the building is framed. The request for removal of these trees will be addressed once the building is framed and ARC members make an onsite visit.

Unauthorized tree removal during construction will result in immediate forfeiture of the deposit and suspension of all construction activity on the property until a remediation plan and new deposit are received and approved by the ARC.

Tree topping is prohibited in NorthWest Crossing and is subject to a fine up to \$5,000 per topped tree. If an owner or their agent(s) ignores this prohibition, the owner will be required to completely remove and replace the topped tree with a tree or trees (with the size(s) and species as required by the ARC) at the owner's expense.

Trellises, Decks, Porches, Stairs, Stoops, Deck/Porch Skirting, and Balconies

Elevated decks with occupied areas below shall have supports of not less than 6" X 6". Built-up wing walls or built-up columns (clad with siding material), both in conjunction with landscape screening are encouraged and in some cases will be required. Acceptable materials are as follows:

- Cast concrete, brick, stucco and stone masonry, wood or fiberglass columns, posts, piers and arches
- Wood, brick, concrete and stone masonry decks, stoops, stairs, porches and balconies
- Stone, masonry or wood lattice screen for undercroft

- of porches or decks, compatible with adjacent wall materials
- Wood, welded steel or iron trellises
- Railings, balustrades and related components shall be wood, painted welded steel or iron

Trellis materials may be wood, welded steel or iron. Railings, balustrades and related components may be wood, painted welded steel or iron. Columns, posts, piers and arches may be cast concrete, stucco, masonry, wood, lap siding, or fiberglass.

Additionally, all 1st floor decks which are more than 24 inches above grade must have skirt (screening) walls and these walls must be recessed 18 to 24 inches from the deck/porch edge to create shadow lines. Landscaping around decks more than three feet above grade shall be required to reduce the scale of the skirt (screening) wall.

Utilities

All connections from trunk lines to individual structures must be underground; exposed plumbing, electrical, and all other utilities and services are prohibited. All areas of excavation for site utility work must be restored (see Landscaping). Utility trenching should be laid out in a manner to minimize the impact on trees' critical root zone.

Utility Meters

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

Water Features

All water features must have written ARC approval prior to their construction and/or installation. The ARC has

sole discretion and may reject any water feature deemed inappropriate.

Water features shall be integrated as part of the landscape or streetscape.

Water features shall be sized, located, and oriented to complement the adjacent building or landscape environment. Noise from water features shall be limited so as to not impact adjoining or adjacent buildings or homesites.

Water features shall be scaled as a minor landscape element—they shall not dominate or distract from the landscaping or the architecture of the building.

Windows, Glazing, Entrances, Door Frames, and Accessories

Wood, vinyl or prefinished metal frames and sashes are allowed. Clear or “low E” glazing are required. No reflective glass is allowed, without the ARC’s approval. Aluminum windows, door frames and skylights must be factory painted, vinyl clad or bronze anodized, unless other treatments are specifically authorized by the ARC. Hinged glass doors (not sliding), where visible from the street, are allowed. Entry and overhead doors shall be wood, embossed metal or fiberglass. Wood or fiberglass shutters are allowed. Interior window treatment shall harmonize with the exterior facade.

Bay windows shall extend to the floor level and be visibly supported by brackets, or extend completely to the ground. Door and window shutters shall be sized to cover the window. No single sheet of glass visible from the street should be greater than 24 square feet in area. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4 inch minimum posts.