



**BROKEN TOP COMMUNITY ASSOCIATION  
(BTCA)**

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**DESIGN REVIEW REQUIREMENTS  
AND GUIDELINES  
(DRRG's)**

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# **BROKEN TOP COMMUNITY ASSOCIATION (BTCA) DESIGN REVIEW REQUIREMENTS AND GUIDELINES**

## **1.0 INTRODUCTION**

The Broken Top Community Association Design Review Requirements and Guidelines (DRRG) provide the process, standards and requirements for Owners and Contractors involved in the changes or modifications to the Broken Top residences and property. These guidelines also apply to changes to the common areas.

In addition to guidance for Owners, this document includes the rules and regulations that the General Contractor, all subcontractors, vendors and suppliers are to observe while a home or landscaping is under construction or modification.

*While the ultimate responsibility for meeting all of the requirements of the DRRG rests with the Owner, it is imperative that both the Owner and Contractor become very familiar with the content of this document and understand that it is, in most cases, applicable to both parties.*

The DRRG's are administered and enforced by the Broken Top Design Review Committee (DRC) in partnership with BTCA Staff, and are binding upon all persons who construct, refinish, or modify any part of the exterior of any home or make other improvements upon any property thereon. All Owners and builders are to comply with the appropriate City or County regulations, the Broken Top Governing Documents and these Design Review Requirements and Guidelines (DRRG).

Homeowners wishing to perform maintenance or make repairs to their home or property should consult with the BTCA Design Review and Compliance Coordinator to determine if the extent of repairs requires the submittal of an application in accordance with Section 3.0 of this document.

The mission of the DRC is to work with property Owners and Contractors – within the constraints of this document - to maintain the established standard of quality and integrity of the design, construction, modification and exterior upkeep of residences in the community. The Committee's objectives in executing this mission are to:

- Create a positive experience for property Owners in the review process.
- Allow for some degree of flexibility of process and ease of access to DRC members.
- Accommodate individual creativity as much as possible within the constraints of this document.

The DRC will use this document and the collective judgment of its members to make decisions in keeping with the design objectives upon which Broken Top was founded. Interpretations of this document will be made in as balanced and reasonable a manner as possible and with the intention of achieving attractive and compatible results for both the Owners and the community.

This document and the decisions of the DRC focus on the physical aesthetic qualities of Broken Top, and of the homes and land within the community, including common area landscaping. Therefore, the scope of design review relates to what can be seen, heard, or otherwise sensed from the external boundaries of each property and its physical relationship to common areas, neighboring residential properties and the golf course. Terms like "visible" or "screened", in this document refer only to these areas. Features that cannot be seen or heard from these areas are not governed by this document.

### **1.01 NON-LIABILITY:**

Neither the DRC, any member thereof, nor agents of the DRC or BTCA, 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:

- The approval or disapproval of any plans, drawings and specifications, whether or not defective;
- The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;
- The development or manner of development of any property within Broken Top;
- Property damages resulting from the accidental or deliberate malfunction of any equipment, appliances or installation.

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

Approval by the DRC of any improvement at Broken Top only refers to the Broken Top DRRG's and in no way implies conformance with local government regulations or codes. It shall be the sole responsibility of the Owner to comply with all applicable government ordinances and regulations, including but not limited to zoning ordinances, applicable building codes, and fire regulations.

### **1.02 NON-WAIVER:**

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

## **2.0 DESIGN STANDARDS**

There is no single architectural style required within the Broken Top Community. While certain styles have a beauty of their own, they are so closely associated with other times and places that they would distract from the harmony of the Broken Top community and the context of the Pacific Northwest. These include such styles as Santa Fe adobe, Log, Victorian, Neo Classic, Cape Cod, French Norman, Colonial, Mid-Century Modern and Southern Plantation, to name a few. These styles will not be approved.

Unique accents may be approved on a case-by-case basis. Experimental or ultra-contemporary designs are not in keeping with the quiet, more conservative character of the Community. Individual Owner/Designer expression can be achieved through creative use of a range of complimentary materials and colors that include but are not limited to: natural wood siding, native stone, and concrete shake or slate tile roofs in mid to dark ranges of earth tones. Using these and other materials approved on a case-by-case basis by the DRC can achieve a wide range of elegant and functional architectural designs.

Following is a list of Design Standards intended to assist the Owner or the Owner's representative in building and remodel projects. These standards shall not, in any respect, conflict with or modify BTCA's Governing Documents.

**2.01 BUILDING PROJECTIONS:** All projections including, but not limited to, chimney flues, vents, flashing, louvers, gutters, down spouts, utility boxes, porches, railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. Building projections are not allowed to encroach in any setback.

**2.02 CHIMNEYS:** All chimney termination caps, whether wood or gas burning, shall have a metal shroud completely surrounding said cap, shielding flues and spark arrestors from visibility. Shrouds shall be painted a color to blend with the color palette of the residence. All chimneys for wood-burning fireplaces shall also be equipped with an Underwriters Laboratory (UL) International Council of Building Officials (ICBO) rated and approved spark arrestor.

**2.03 DECKS AND TERRACES:** Decks are elevated outdoor structures which extend living areas to the exterior of the home. Decks shall be built of wood or approved composite materials. These features of a home shall be designed to enhance the beauty of the home as viewed from the golf course and neighboring properties.

- Deck supports and trim are important design elements and a series of uncovered posts, or similar support systems, will not be acceptable.
- The deck edge shall be fully skirted/screened with wood siding or other finish to screen the cavity beneath the deck.
- Such skirting/screening shall be recessed from the edge of the deck, except for decks overhanging living space below.
- The underside and finish of decks shall be considered, especially on upper hillside sites.

All elevated decks require recessed under-deck screening or skirting (See Section 2.11). Where living space exists below a deck structure, structural supports are significant contributors to the design character of the home and shall therefore be appropriately scaled, detailed and finished.

Terraces are hard-surface outdoor living areas that may be constructed at finished grade or built on elevated foundations. Terraces may be constructed of stone, pavers, or other hard-surfaced materials approved by the DRC. Supporting foundations for elevated terraces must be finished with one of the wall cladding materials used for the home.

Neither decks nor elevated terraces may project into setbacks. On-grade terraces that extend into side yard setbacks may be considered by the DRC in special instances, but in no case shall a terrace be any closer than 5 feet to a property line. For those lots with separate deed-restricted building and deck/terrace setbacks at the rear of the lot, only first floor decks/terraces may be built within the designated “deck” setback. Second floor decks and roof structures over first floor decks/terraces may not project beyond the “building” setback.

**2.04 DESIGN AND COLOR DUPLICATIONS:** No repetitive or similar design of the exterior of any approved residence in Broken Top will be permitted within sight or in proximity of each other. If an applicant knows the design of the applicant's residence is a repetition of another house at Broken Top, the applicant shall notify the DRC of the location(s) of the repetitive design. No exterior color will be allowed to be repeated on adjacent homes, except that an individual Neighborhood may elect to permit or encourage such duplication within its boundaries in the interest of continuity of design on a grouping of small sites.

**2.05 DOORS, WINDOWS AND SKYLIGHTS:** It is recommended that no windows be ordered by the Owner or Contractor prior to receiving approval by the DRC.

- Reflective glazing is not permitted.
- The use of wood window frames either clad or painted/stained in earth tone colors, is encouraged.
- Vinyl and fiberglass window frames shall be mid-to-dark ranges of earth tones and in a color selected for compatibility with other exterior building material colors.
- Skylight frames shall be bronze. Skylight lenses are limited to gray, bronze or clear glazing.

**2.06 DRIVEWAYS AND ON-SITE PARKING AREAS:** Driveway street access shall be limited to one per lot unless additional driveway connections are approved by the DRC. Since overnight parking on the street is not permitted within Broken Top, the integration of modest on-site parking areas is encouraged wherever the lot size and the location of the home on the lot will permit. Whenever possible, driveways should meander from the street to the garage.

**2.06.1 Width:** The maximum width of a driveway at the connection with the street is 14 feet not including transitional flares, unless otherwise approved by the DRC. Unless expressly approved by the DRC driveways shall not encroach on side yard setbacks.

**2.06.2 Materials:** Driveway material may be black asphalt and concrete pavers are permitted driveway materials which can extend to the BTCA asphalt pathway where one exists, or to the street where no pathway exists. The paving material for parking areas shall match that for the driveway, unless other materials such as turf pavers are specifically approved by the DRC. The pattern of pavers must be approved prior to installation. Asphalt is required from street to the BTCA asphalt pathway.



**2.06.3 Drainage & Grading:** A checklist of information related to the requirements for Drainage and Grading is part of the Application and must be completed when submitted. Driveways and associated automobile maneuvering areas shall be designed to minimize the amount of pavement.

A minimum 8 inch diameter HDPE or concrete pipe shall be installed under driveways at the intersection with the street in order to allow for the continuous flow of runoff water along the lot frontage where required for proper drainage. Inlet and outlet pipes are to be cut flush to the slope and inlets and outlets are to be lined with rock to protect the pipe and minimize visual impact.

**2.07 EXTERIOR LIGHTING:** These prioritized requirements and standards are intended to accomplish the following:

1. Sustain the rural character that the dark of night provides.
2. Eliminate glare and visual disturbance to adjacent property Owners or when viewed from the street or golf course.
3. Observe respect for neighboring property and common use areas.
4. Provide for functional and aesthetically pleasing exterior and landscape lighting options.
5. Prohibit pulsating and colored lighting.

**2.07.1 Requirements for Applications:** Information regarding the design, light output, number and location of all exterior lighting fixtures is required for DRC review and approval, and includes (but is not limited to):

- Exterior wall
- Soffits
- Pendants
- Driveway
- Walkway
- Landscape

Lighting submittals require a sample with actual finish or legible drawings and/or catalog cuts with color pictures be submitted for review and approval. All exterior wall light fixtures must be shown on the exterior elevations of all new construction and modification application submittals. All exterior wall fixtures are subject to DRC review and written approval regarding their location, and number. Driveway, walkway and landscape lighting may be included later with the landscape plan. Any exterior light fixtures installed without DRC review and written approval must be removed.

### **2.07.2 Home Exterior Lighting Requirements**

- A maximum of two decorative light fixtures with translucent shrouding panels may be used at the entry of a home, provided that the design of the fixture is appropriate to the home's architecture.
- The light transmittance through the shrouding panels must be such that the interior lamp (bulb) is not distinguishable.
- All other light fixtures mounted on the home must be flush-mounted down lights within soffits or wall lanterns with opaque side panels that direct light up or down and completely conceal the lamp source.
- All exterior light fixtures are limited to a maximum of 800 lumens per fixture and with a color temperature not to exceed 3200 Kelvin.
- Perimeter soffit fixtures on the sides of the home that are adjacent to neighboring properties are prohibited unless safety and/or security concerns are justified.

**2.07.3 Site Lighting:** Lighting of the site shall be low voltage, minimal in scope and directed primarily to address safety, access issues, and/or accent significant architectural or natural features. Site lighting shall not exceed 1200 total lumens contained within a 25 foot diameter circle drawn anywhere within the landscape lighting plan.

Driveway, walkway, landscape and all other decorative light fixtures are subject to DRC review and written approval regarding their location, and number. No part of the lamp may be exposed through perforated opaque material, or translucent or transparent shrouds. Colored lamps are prohibited.

**2.07.4 Landscape Lighting Requirements:** Landscape lighting should be primarily used to highlight and accent specific landscape features such as entry walkways, large trees and rock outcroppings. Lighting fixtures may be directed either downward or upward but must not be directed toward the street, golf course or adjacent properties. The fixtures used in up lighting from the ground must be concealed in below ground housings or use lenses, grates, or shrouds to reduce visibility of the light source and be inconspicuous in color.

- Architectural elements may be illuminated if done as a tie-in to landscape elements.
- Post installation site review required.
- Fixture types and restrictions:
  1. Walkway lights and area lights:
    - a. Cut-off design, blocking direct view of lamp bulb
    - b. Frosted lenses or lamps.
    - c. Lamp output limited to  $\leq 350$  lumens per fixture, with a color temperature not to exceed 3200 Kelvin. If taller lamp stems are used, lamp bulb must not be directly visible from street, golf course or neighboring properties.
    - d. Walkway lights should generally be placed no closer than 5 feet apart.

2. Up-lighting:
  - a. Fixtures to provide a directed, but soft-focused beam non-metallic reflector. Lamp output limited to  $\leq 350$  lumens per fixture, with a color temperature not to exceed a rating of 3200 Kelvin.
  - b. Glare shields on all fixtures to block light not directed to plantings on hardscapes.
  
3. Down-lighting:
  - a. Must be mounted so lamp is not visible from off the property.
  - b. Lamp output limited to  $\leq 350$  lumens per fixture, with a color temperature not to exceed 3200 Kelvin.

**2.07.5 Driveway Lighting Requirements:** Light fixtures along driveways shall be on wood or painted metal posts between 12 and 24 inches in height with a finish and color that is compatible with the approved exterior color palette of the home.

- Driveway light fixtures may not be located closer than 15 feet apart.
- Fixtures shall be installed so as to direct light downward and contain low voltage lamps. Lamp output is limited to a maximum of 350 lumens per fixture, not to exceed a color temperature rating of 3200 Kelvin.
- All light fixtures shall shield light from neighboring properties.
- No lighting fixtures along driveways, other than the home address sign, may be installed within 20 feet of the road, unless approved by the DRC.
- A light fixture sample or catalog cut sheet shall be submitted for review and approval.

**2.07.6 Site limitations:**

1. No light shall fall on neighboring property or common areas.
2. Light levels to be subtle and not glaring.
3. Fixtures to be constructed and positioned so that the lamp light element itself cannot be seen from adjoining properties or common areas.
4. Up-lighting to be caught full in the illuminated foliage; care must be taken to account for lamp glare through bare limbs of deciduous plantings during winter months.
5. No exposed bulbs permitted.
6. Bulbs cannot be distinguishable within the decorative housing.
7. No clear glass on fixtures permitted. No part of the lamp may be exposed through perforated opaque material, or translucent or transparent shrouds.
8. Colored lamps are prohibited.
9. Wall fixtures must have downward directed light sources shielded with an opaque material.
10. Permanently strung patio/party lights with exposed bulbs or theme shades visible from neighboring properties or the golf course/path are not allowed.

**2.07.7 House Identification Sign:** The Owner is responsible for installing and maintaining the cosmetic appearance of the DRC approved lighted address sign and ensuring that it is fully illuminated during night time hours. The design, specifications, source of and preferred location for the home address sign is available from the DRC office. Installation of address sign must be perpendicular to the street, visible and not obstructed by landscape, rocks or outcroppings, and conform to community-wide standards for safety reasons.

**2.07.8 Holiday Lighting:** Holiday lights may be installed on the exterior of a home no earlier than one week before Thanksgiving. They may be illuminated from Thanksgiving through January 8th, and must be removed from the exterior of the home no later than January 31st. All holiday lighting must be turned off by 11:00 PM.

**2.08 EXTERIOR HEATING AND COOLING EQUIPMENT:** All exterior heating and/or cooling system components shall be installed at ground level, adjacent to the residence, screened from view of the golf course, street, or neighboring properties and not encroach in any of the setbacks. An effort shall be made to minimize the sound of heating and cooling equipment from neighboring properties or the golf course. No window, roof or wall mounted heating or cooling equipment will be permitted.

**2.09 EXTERIOR MATERIAL COLORS AND ACCENTS:** Exterior materials and colors should generally be natural products that blend and are compatible with the native landscape.

**2.09.1 Materials:** The predominant exterior material shall be natural wood species detailed as beveled, lap, tongue and groove, shingle (red cedar), board-on-board, board and batten and similar siding treatments. Red cedar siding materials should be Western Red Cedar Lumber Association grades of Clear V.G. Heart and A Clear grades or Select Knotty – or equivalent for other wood species. Unless specifically approved otherwise by the DRC, siding shall run in a consistent direction on all exterior walls. Fiber-cement lap siding may be considered if the applicant can demonstrate to the DRC that the specific proposed application would use a quality product of at least 5/8” thickness. All other uses of fiber-cement siding must have a finished appearance that is largely indistinguishable from a natural wood board siding application. Plywood and other siding materials are prohibited.

**2.09.2 Colors:** Paint and stain finish colors shall harmonize with the surrounding landscape. Predominant areas of color application shall be medium to dark earth tones although somewhat more intense accent colors, if used judiciously and with restraint, may be allowed. All reflective metal shall be painted to match or blend with surrounding materials.

**2.09.3 Accents:** Peeled log elements and stucco finishes may only be used in very limited amounts and only as an accent. It is suggested that designs proposing to use such accents be submitted to the DRC very early in the design process in order to avoid spending time and money developing a design concept deemed by the DRC to be inappropriate. The use of metal, fiberglass, composition, vinyl, or any form of exposed plywood siding is prohibited. Other than a foundation, any exterior masonry, other than a foundation that extends more than twelve inches above finished grade, shall be authentic stone or stone veneer.

**2.09.4 Masonry:** The type, color and pattern of proposed stone masonry veneer must be clearly described in the submittal material. DRC approved stone veneer patterns are traditional random ashlar and ledgerstone. Subtle variations of these patterns may be approved but the goal shall be to maintain a generally horizontal emphasis to the lay-up. Brick and other unit masonry are prohibited; glass block in small amounts may be approved but may not face the

street or golf course. In instances where the DRC is unsure of the acceptability of a proposed veneer pattern and/or material, the DRC may require that a sample of the stone variety and pattern be installed as a 4' x 4' sample built on-site for DRC review.

**2.09.5 Window Coverings:** Because they can be seen from the exterior of the home, draperies and window coverings made of a solid, non-reflective neutral color that harmonizes with the surroundings are recommended.

**2.10 FENCES AND GATES:** The primary goal of these guidelines is to maintain the natural open spaces and existing wildlife movement within the Broken Top Community. Fencing of the entire site is prohibited. Any fencing must be minimal and incorporated into the overall architectural design, and shown on the site plan and approved by the DRC. Chain link or wire fencing is prohibited. All fenced areas shall be included in the overall lot coverage calculation (See Section 2.14).

Gates in fences and walls shall be discrete unless they serve as the principal entrance to the home. Such principal entry gates shall be scaled, detailed and finished so as to enhance the architectural theme of the home. Driveway gates are prohibited.

### **2.11 FOUNDATIONS:**

- Visible surfaces of concrete masonry or concrete foundation walls and piers may not exceed twelve inches above finished grade unless faced with approved stone.
- Surfaces not faced with approved stone shall receive a stucco or mortar-wash finish and be painted to blend unobtrusively with adjacent materials.
- Wood siding that extends from framed walls down over foundation walls to cover foundations surfaces must be sloped with the finished grade, not stepped.
- Foundation walls are exempt from the facing requirement if they are under a skirted deck such that they are not visible.
- Visible screening or skirting for an elevated deck or terrace must be faced with stone, wood siding, or an otherwise approved finish; the screening or skirting must be recessed.

### **2.12 GARAGES:**

**2.12.1 Garages – Custom Homes:** Each residence shall have an enclosed garage for at least two cars. Wherever possible, garage and service doors should face away from the street. Carports are prohibited. Three car garages are required to have at least one bay offset by a minimum of 4 feet unless otherwise approved by the DRC. Garage door height shall not exceed 8 feet unless approved by the DRC. Wood materials are preferred, but metal or aluminum garage doors may be approved on a case-by-case basis, if submitted with a cut sheet sample.

**2.12.1 Garages – Fall Creek:** All three car garages must be side loaded. Only two car garages may be oriented to the street. The inclusion of a shop and/or storage space within the garage will be considered with respect to the overall impact on lot coverage. Overly large garages will not be allowed.

**2.13 HEIGHT OF STRUCTURES:** The building height within Broken Top is limited to 30 feet measured from the average existing grade at the foundation to the highest roof ridge. The DRC will consider the suitability of building height to the site and its surroundings in order to minimize the negative impact of large structures on natural areas or adjacent neighbors.

**2.14 LOT COVERAGE:**

**2.14.1 Lot Coverage – Custom Homes:** The area of lot covered by the building footprint, roof overhangs, courtyards, fenced areas, patios, decks, driveways, pathways and impervious surfaces for Custom Homes shall not exceed 50% of the gross lot area. Regardless of the paving material, on-site parking areas shall be included along with the driveway in the tabulation of lot coverage.

**2.14.2 Lot Coverage – Fall Creek:** Each site has an established building envelope and patio setback area. Buildings, rooflines, decks, water features, spas, mechanical equipment, fences and all building projections must be contained within the designated building envelope. Patios and decks less than 30 inches in height may be built in the designated patio setback.

**2.15 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 for new construction. The BTCA has continued a mail service plan acceptable to the Postal Service, establishing a single approved design for the structures on which gang mail boxes and newspaper holders are mounted. The BTCA will construct and maintain each structure prior to issuance of a Final Release on any residence that will use that structure. Individual mailboxes or newspaper holders on-site are not allowed. Only the BTCA may revise, modify or change the mailbox groupings.

**2.16 OUTDOOR APPLIANCES AND HEATING:**

**2.16.1 Televisions and Appliances:** Televisions, big screens and/or movie screens, refrigerators (unless built-in), and appliances that are free standing or mounted to any exterior structure are not permitted outdoor appliances. The only outdoor appliances that are permitted are UL approved fire pits, outdoor heaters, BBQs and outdoor fireplaces providing application has been approved by the DRC and installation is followed per manufacturer's specifications.

**2.16.2 Heating Appliances:** Permission to construct and use any built-in outdoor heat-generating device must be specifically applied for and approved by the DRC. Complete drawings showing the location of the outdoor heat-generating devices, specifications and construction details must be provided including manufacturer's installation and operations manual. Due to the extreme fire danger usually present in the Central Oregon region, the following shall apply to all heat-generating appliances whether built-in or portable:

- Under no circumstances shall wood, paper or other combustible materials be burned in any exterior fireplace, barbecue or fire pit.
- All outdoor heat-generating appliances shall have an easily accessible off-switch in the event of a fire emergency.
- A Multi-Purpose A, B, C, Dry Chemical Fire Extinguisher, rated as a minimum of a 2-A, 10-BC shall be available within 20 feet of all exterior or fire pit installations.
- Owners should check with the City of Bend fire department if they have any doubts as to

the safety or acceptability of a specific appliance.

All approved outdoor heating appliances must be installed per the manufacturer's specifications and UL Code.

**2.16.3 Exterior Fireplaces:** Exterior fireplaces must be constructed completely of fireproof materials (unless the unit is expressly approved by the manufacturer for use on a wood deck surface) and vented with a code-approved chimney.

**2.16.4 Fire Pits:** Any proposed exterior fire pit installation (including free-standing) must be clearly delineated on the submitted landscape plan showing its precise location in relationship to the applicant's residence, the golf course, adjacent neighbors and existing trees. Location must consider and respond to possible adverse impacts on neighboring properties.

All fire pit component parts and structure must be constructed of and placed upon noncombustible materials (unless a unit is expressly approved by a manufacturer for use on a wood deck surface). A fire pit must not be located under any trees unless there is 20 feet of vertical clearance from the top of the fire pit to the lowest limbs, 10 feet from overhangs, near ladder fuels, and separated from the nearest building, wood decking or other wood construction as specified in the manufacture's installation specifications.

Fuel for a permanent fire pit must be natural gas (no propane) with a flame no higher than 12 inches. All approved outdoor heating appliances must be installed per the manufacturer's specifications and UL Code. Freestanding fire pits can be fueled by propane if the manufacturer specifications allow propane and must meet the requirements specified for permanent pits in this paragraph. The gas supply line must be equipped with an emergency shut-off valve, in addition to the standard on-off valve, not more than 15 feet from the fire pit.

**2.16.5 Barbecues:** The location of built-in outdoor barbecues must be clearly shown on the submitted landscape plan. Built-in barbecues shall be placed so as to minimize smoke trespass onto adjacent properties. Fuel must be natural gas or propane. Charcoal briquettes are prohibited. Built-in barbecues must be installed according to the manufacturer's installation specifications. All barbecues must be lidded. No chimney cookers or smokers are allowed.

Portable barbecues shall be placed so as to minimize smoke trespass onto adjacent properties. Fuel must be natural gas or propane. Charcoal briquettes are prohibited. All barbecues must be lidded. Portable barbecues do not require DRC approval.

**2.16.6 Patio Heaters:** Free-standing patio heaters must have a safety tilt shutoff system and do not require DRC approval.

**2.17 OUTDOOR STORAGE AND COURTYARDS:** Outdoor storage areas, courtyards and service yards for 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. Screening shall consist of an architectural extension of the home in the form of walls or courtyards. Such a wall or fence may not exceed 6 feet in height and may not encroach on setbacks.

**2.18 OUTDOOR SPAS AND SWIMMING POOLS:** Spas, swimming pools and related equipment shall be screened from neighboring home sites and public view from the roads, the golf course

and common areas. Screening shall consist of an architectural extension of the home in the form of walls or courtyards. A spa completely recessed below a deck or terrace walking surface complies with this requirement as long as no portion of the unit below that surface is exposed to offsite view. Landscaping may serve to soften screening walls but in itself is not an acceptable means of concealment. Above grade swimming pools and pool covers such as inflatable bubbles are not permitted.

**2.19 PERGOLAS, TRELISES AND GAZEBOS:** Pergolas and trellises must have some direct connection or architectural relationship to the home (structure or paved surface), be entirely constructed of wood, stained or painted to blend or match with the home color pallet and open to the sky (no plastic, metal or other solid roof coverings are permitted). Alternative materials must be approved by the DRC. Gazebos are prohibited.

**2.20 PET ENCLOSURES:** Buried electric retaining fences are preferred. After the installation of system and training period, perimeter flags and signs must be removed from landscape, no longer than 60 days from installation date. Any other method of animal containment including permanent outdoor enclosures must be approved by the DRC. Such enclosures must have limited visibility from the street, golf course or adjoining properties and located where they do not unreasonably impose on neighbors (e.g. noise and odor).

**2.21 PREFABRICATED STRUCTURES:** Any structure that is constructed off-site and requires transportation to any lot, in whole or in partial assembly, will not be permitted. This prohibition includes mobile homes, stock modular buildings, portable storage bins or any other structures requiring transportation and set up in a partially completed state.

**2.22 RAILINGS:** Deck, terrace and balcony railings shall be designed and detailed so as to be appropriate to the design character of the home. Unless expressly approved by the DRC, such railings may not exceed 36 inches in height, measured from the adjacent walking surface.

**2.23 ROOFS:** In general, relatively simple, low profile buildings with some variety of massing and rooflines are preferred. Long, expansive areas of unbroken roof planes and ridgelines are undesirable.

The minimum roof pitch is four-in-twelve feet and the maximum is twelve-in-twelve feet. Extended roof eave overhangs with wood soffits are encouraged with a minimum eave overhang being 24 inches unless otherwise approved by the DRC. Fascias should be proportioned appropriately for the particular home design and roof style. Stepped fascias are preferred.

Approved roofing materials are slate or concrete tiles. Colors shall be earth tones ranging from medium to dark. Asphalt composition shingles, wood shakes/shingles and metal roofs are prohibited. All flashing shall be painted or anodized to match the roof color. Snow stops, if installed, must match the color of the roof and be installed in accordance with the manufacturer's installation guidelines.

Within the Broken Top community the management of site storm water runoff must comply with the City of Bend Grading / Clearing Ordinance. Among ordinance stipulations is the requirement that all storm water runoff be contained within each individual home site. Homes built or modified within the Fall Creek neighborhood are required to install gutters with downspouts channeled to retention areas since the remaining surface area for developed Fall Creek lots is not adequate to accommodate runoff through typical site contouring alone. Owners are strongly encouraged to install gutters or downspouts located directly under eaves as a means of controlling runoff, while at the same time protecting walkways, doors, etc. Gutter/downspout systems must be channeled



to appropriately engineered retention areas such as swales, gravel-filled channels with French drains, sumps, etc. as described in Section 5.05 Drainage and Erosion Control and 5.06 Drainage and Grading Plan. Gutters and downspouts shall be painted to blend with the color of their background material (e.g. fascia or wall cladding).

**2.23.1. Heat Tape/Cables:** Heat tape or cables may be installed on roofs and gutters by a licensed and certified installer. The installation must comply with the manufacturer's installation guidelines. Only dark grey or black heat tape is permitted. All heat tape and electrical connections shall be as inconspicuous as possible. Owners are responsible for maintaining the appearance and operation of heat tape.

The Owner must obtain approval by submitting an application to the DRC setting forth the materials to be used, the installation guidelines and the proposed placement of the heat tape. No fee or deposit is required.

**2.24 SETBACKS:** All setbacks run parallel with the lot line. Deed restricted lots have setbacks which were modified by the original developer of Broken Top (e.g. different rear yard setbacks for building and deck), and lots along the golf course which have modified rear setbacks to accommodate golf play.

Where no deed restriction exists, setbacks are as follows: Setbacks are a minimum of 20 feet for front yards, a minimum of 5 feet for rear yards and a combined minimum of 15 feet for side yards, with no side yard being less than 5 feet. No portion of the building, rooflines, decks, above grade paved surfaces, trellises, pergolas, water features, spas, fences, landscape elements including rock or cement retaining walls, mechanical equipment or other structures shall encroach into any of the property setbacks.

**2.25 SIGNS:** No signs of any kind are allowed on the property, except the permanent house address marker and home security signs which should be posted as inconspicuously as possible while retaining their intended purposes. During construction, standard DRC approved sign naming the Contractors and/or designer is allowed.

Only one for sale sign identifying the realtor may be posted at a home site (typically facing the street, unless otherwise approved by the DRC) and according to the DRC approved signage specifications.

**2.26 SITE PREPARATION:** Excessive site excavation or fill is to be avoided. Except for special circumstances approved by the DRC, view planes and grade elevations must be consistent and workable with adjacent property development.

Retention of existing trees over 12 inches in diameter or over 30 feet in height is strongly encouraged. When circumstances appear compelling, cutting, removal or pruning of trees required for the development and landscaping of a site may be approved by the DRC. (See Section 5.15 – Trees, for additional information.)

**2.27 SITE DRAINAGE AND EROSION CONTROL:** All runoff from a rainfall event shall be collected and retained on the Owner's property. This includes runoff from both impervious (including but not limited to roofs, patios and driveways) and pervious surfaces (including lawns, mulched areas and areas of native vegetation). The runoff shall be collected and conveyed to an appropriately sized retention area and/or subsurface drainage dispersal system within the property. The collection system may include gutters, surface swales or buried drain lines. For the purpose of calculating the volume of water to be retained on the Owner's property the following formulas should be used:

For impervious surfaces: Drainage area in square feet (SF) x 1.0 (runoff coefficient) x 0.21 = required retention volume in cubic feet.

Example: 2,400 SF roof x 1.0 x 0.21 = 504 cubic feet

For pervious surfaces with significant slope: Drainage area in square feet x 0.35 (runoff coefficient) x 0.21 = required retention volume in cubic feet.

Example: 3,000 SF areas of grass x 0.35 x 0.21 = 220.5 cubic feet

This formula should be used to compute the volume of runoff that needs to be retained on site for the entire area of the Owner's property. The number and location of drainage swales and other collection systems that need to be included in the landscape design will be dependent on the topography of the property.

## **2.28 HOUSE SIZE:**

**2.28.1 Custom Homes:** The minimum size house for Custom Homes shall be 2,000 gross square feet in the living space plus a two-car garage. There is no maximum size, but homes that are excessively large for their lots will be discouraged and may incur some restrictions in order to fit appropriately into the neighborhood.

**2.28.2 Fall Creek Homes:** The minimum house size in the Fall Creek development must be at least 1,800 square feet and no larger than 3,200 square feet. These measurements exclude the square footage dedicated to the garage.

## **2.29 SOLAR AND RENEWABLE ENERGY APPLICATIONS:**

Solar collectors and any other on-site renewable energy systems shall be designed to be an integral part of the home and will be considered on a case-by-case basis. Impact on neighboring home sites and common areas will be evaluated in the DRC approval process.

Solar water heating systems must be nationally certified by Solar Rating & Certification Corporation (SRCC) or successor programs and in compliance with local, state and federal regulations. Photo Voltaic (PV) panels or modules, as well as controls and regulators, must be UL certified and in compliance with local, state and federal regulations.

**2.29.1 Photo Voltaic Solar Systems:** PV systems must be installed by a qualified, licensed installer, who must provide the Owner with a final system test report which must be presented to the DRC. The report must clearly state that the system fully meets the proposed design specifications and power output, has been checked on site to be in full and complete working order, and all components must carry a manufacturer's warranty.

All panels must be mounted on the roofing substrate to within 1/2 inch of the roof tile surface. Roof tiles must be installed closely to the panel structure and cover all flashing material as much as possible. Photovoltaic panels or modules must be mounted flat to the roof pitch with at least one side parallel to roof eave and/or ridge.

Elevated solar collectors mounted directly on roof surfaces are not allowed. Ground mounted solar collectors are not allowed, unless approved by the DRC.

Solar roof shingles, solar slates or other types of roofing-like photovoltaic material must be compatible with the color of the home roofing materials. Panels must be of the non-reflective variety, installed contiguously. The size, number, arrangement and total square footage of the panels must be proportionally appropriate for the size and shape of the roof face on which they are mounted.

The color of the mounting framework must blend with the color of the roof. All exposed metal or panel dividers must match the solar panel. Solar panels must be uniform in color and present minimal visible reflectivity to adjacent properties.

All pipes, wires, support structures, meters and control devices must be fully concealed within the panel installation and home. The only exception to this is the lockable, visible DC disconnects which must be located on the outside of the home, near the electric meter. No exterior wires or conduits are permitted.

**2.29.2 Solar Water Heater Systems:** The size, number, arrangement and total square footage of collector panels must be proportionally appropriate for the size and shape of the roof face on which they are mounted. They must have a low profile and be flush-mounted on a sloped or flat roof with at least one side parallel to the roof eaves or ridge. All pipes, wires and control devices must be concealed as described for PV systems above. The color of the mounting framework must blend with the color of the roof. All exposed metal or panel dividers must match the solar panel. Solar panels must be uniform in color and present minimal visible reflectivity to adjacent properties.

**2.29.3 Required Submittals:** A site plan drawn to scale must be included with the application showing clearly the placement of the house, property/set back lines, fences, plan location of proposed solar collectors, existing or proposed landscaping and orientation of the proposed solar panels in relation to adjacent properties. No solar installations are allowed to face directly onto the golf course or street.

A catalog or brochure showing the appearance of the solar equipment and complete specifications of the system (power output, dimensions, colors, materials, regulatory approvals, etc.), along with a sample of the exposed panel face and proposed or existing adjacent roof tiles.

Detailed drawings to scale showing how the solar panels or modules will be mounted and installed, the area and configuration of the panel array, elevation of proposed location, flashing concealment and any existing or proposed structural screening.

In the case of retrofit on an existing home, provide photographs showing the proposed location of the roof panels to be installed.

**2.29.4 Final inspection:** Upon completion of the solar panel installation, the DRC must be notified and an appointment made to conduct a final review and sign-off of the installation prior to actual use of the system.

**2.30 SATELLITE ANTENNAS:** Any proposed satellite antenna placed on or around a residence shall be as inconspicuous as possible, consistent with technical and regulatory requirements for adequate reception. Specific placement of the antenna and color matching to the adjacent background shall be important considerations. Prior to the installation of an antenna, the Owner must obtain approval by submitting an application to the DRC setting forth the proposed placement and color of the antenna.

**2.31 STEPS AND WALKWAYS:** On-grade steps and walkways are to be designed as integrated extensions of the site and architecture, and visually attractive to adjacent properties. Hardscape paving materials for these steps and pathways, such as paving stones, concrete interlocking pavers, stamped concrete flagstone, and slate must be compatible with the material palette of the home and are subject to approval. Decomposed granite of natural earth tones with retaining borders may be approved on a case-by-case basis. Step and walkway elements shall not project into setbacks. Walkways consisting of asphalt, gravel, bark chips and other loose, unbound ground coverings are not permitted.

**2.32 UTILITIES:** All permanently installed meters or other utility equipment and all other exterior mounted devices, must be painted to match the surface upon which they are installed and be mounted so as to not be visible from the street. Primary electrical, telephone and cable television reception boxes located at the street are excluded from these requirements.

### **3.0 DRC APPLICATION AND APPROVAL PROCEDURES**

**3.01 APPLICATION PROCEDURE:** All applications shall be submitted to the BTCA Design Review and Compliance Coordinator at least 14 calendar days prior to the next scheduled DRC meeting date. Applications shall include

- Fees (checks only)
- One (1) set of 24" x 36" drawings (including the information described below),
- A digital copy of plans in PDF format via e-mail or thumb drive.

Incomplete submittals or submittals including drawings which are not deemed by the DRC to be of professional quality will not be accepted. Submittals with deficiencies which are not apparent until initiation of the review process will be returned without review, with inadequacies noted.

The BTCA Design Review and Compliance Coordinator will notify all Owners by mail who own property within 1000 feet of a home site under review that improvement plans have been submitted and are scheduled for review by the DRC. The date of the DRC review will be indicated in the notification. The DRC will review the plans and will respond in writing to the applicant within 14 days following the review. The DRC will take one of the following actions:

- Approve
- Approve with Conditions
- Defer Approval
- Decline Approval

The Owner(s) must be current on BTCA dues when submitting items for review to the DRC. If delinquent, the submittals will not be processed.

An Owner, or an Owner's representative, may attend a meeting to review their project by making an appointment. The availability of a specific meeting date for an appointment may depend upon the length or nature of the meeting's agenda.

Requests for revisions, additions or modifications of any kind to be made during construction of an approved design must be submitted to the DRC for approval prior to commencing such work.

**3.02 PRE-DESIGN CONFERENCE:** Prior to preparing preliminary plans for any proposed new home or modification (including landscaping), the Owner and/or Owner's representative is encouraged to meet with the BTCA Design Review and Compliance Coordinator to discuss proposed plans, seek answers to any questions regarding building requirements at Broken Top, or review requirements of the DRRG's. The purpose of this informal review is to obtain guidance concerning design options, specific site opportunities and constraints prior to initiating preliminary design.

**3.03 DESIGN REVIEW AND APPLICATION:** The purpose of the Design Review meeting is to enable the DRC to review a complete set of plans prior to the generation of detailed construction documents in order to identify specific aspects of the design which may be inconsistent with the DRRG's. This meeting is intended to help expedite the review process by having a complete set of design documents available for review and is a step to save the applicant time and money associated with the revision of construction documents. The Application for Design Review defines what should be submitted to the DRC and shall include:

**3.03.1 Site Plan:** A complete site plan with the roof plan at a scale of no less than 1" = 10' with the information required as defined in the Application plus existing and proposed finished grades (minimum 1 foot contour intervals). The site plan should also show the lot number; adjacent streets; orientation of the site; the dimensions of the lot, driveway and parking areas; existing trees greater than 6 inches in diameter measured at 12 inches above grade which are to remain or be removed; the proposed location of fences, trellis and screens; all setbacks and easements; and special site features to be preserved or removed.

Information on the proposed location and finished elevations at the top and bottom of any retaining walls, decks, terraces, trellises, pergolas, fences, screens, driveway and walks; the proposed location of all utility services and meters, and the proposed location of all exterior mechanical equipment.

Grading plans must include an existing topographic survey prepared and certified by a licensed civil engineer or surveyor. Landscape design and construction information must be submitted, including grading and drainage information, erosion control measures, concrete washout location, onsite drainage facilities and drainage calculations as necessary to demonstrate the adequacy of the proposed improvements.

**3.03.2 Floor Plans:** All floor plans and exterior elevations at a scale of no less than 1/4" = 1'-0" should be included with the Application with all finish floor elevations noted.

**3.03.3 Building Elevations:** Building elevations drawn at a scale of no less than 1/4" = 1'-0" showing accurate relationships of the building's finished floor to the proposed finished grade of the lot on each elevation, including decks and patios, exterior building materials, masonry patterns and roof pitches.

**3.03.4 Exterior Lighting:** Provide manufactures catalog cuts with size and finish of fixtures, for all exterior lighting fixtures to be placed on the building with specific locations of fixtures shown on the site plan and elevations. Exterior building lighting must meet the requirements of Section 2.07.

**3.03.5 Exterior Materials and Colors:** A sample board of exterior materials and colors must be submitted for approval. The board shall be 18" x 24", marked with the Owner's name and lot number. To the degree practical, the size of samples mounted on board should be somewhat representative of proportions of the colors/materials as they will appear on the home.

A typical sample board may be reviewed at the DRC office. Materials to be used shall include information such as the manufacturer's name, color names or numbers, etc. Elements to be addressed are as follows:

- Roofing
- Exterior Siding
- Decks
- Window Frames
- Doors (including overhead)
- Window and Door Trim
- Stone Veneer (including a graphic representation of the pattern)

- Stone used for Driveways, Walkways and Terraces
- Fascia and Other Trim
- Timber Features
- Walls, Screens and Fences
- Copper Treatments (must be treated to patina at installation)

Colors and materials presented on the color board shall appear in proportion to how the color or material will appear on the home. A copy of the Exterior Materials specification sheet included in the Final Design Review Application shall accompany the color board; any changes proposed to previously submitted material specification information must be brought to the attention of the DRC. Once approved by the DRC, the color board will be kept at the Design Review office to be available for review until completion of project.

**3.03.6 Deferral of Exterior Colors:** An Owner may delay submittal of the exterior colors until after the start of construction of the house in order to test an assortment of potential colors with actual materials or to better visualize on-site conditions. No color or material shall be applied until such time as the DRC has had the opportunity to review and approve the selections.

**3.03.7 Design Review Fee:** The fees established by the DRC to cover the review of the design documents shall be paid with the initial application submittal. If the DRC is required to incur multiple or repeated reviews for a particular project, the DRC will notify the applicant of additional fees required. There is a separate application fee for final landscape review. Please see Landscape Application for details (available in the BTCA administrative office).

If the design documents are complete and comply with the requirements of the DRRG's as determined by DRC review, the design will be approved by the DRC, and the Owner/Contractor may proceed with the completion of the detailed construction documents and the permitting.

If the design documents are incomplete or require modification to comply with the requirements of the DRRG's, the Owner/Contractor will be informed of the areas of noncompliance and will be required to resubmit a final design for DRC review prior to approval.

Any changes that are made to design documents that have been approved by the DRC must be submitted to the DRC for a second review and approval prior to implementing such changes.

**3.04 LANDSCAPE DESIGN REVIEW AND APPLICATION:** A landscape plan should also be submitted with a Landscape Plan Application with proposed plantings, hardscape features, and proposed drainage solutions for DRC review. It is emphasized that the Broken Top Community is situated in a beautiful ponderosa pine forest which establishes the exceptional environmental character of the community. Thus no existing trees greater than 6 inches in diameter measured at 12 inches above grade may be removed without approval of the DRC. If the landscape plan submitted at this time is conceptual, a second submittal will be required for final approval by the DRC. (See Section 5.0 Landscape Applications.)

**3.05 FINAL DESIGN REVIEW:** A second review of a proposed design will be required under the following circumstances:

- If a home design has received preliminary design approval with comments from the DRC requiring changes, the proposed changes must be submitted to the DRC for approval.

- Designs that were not approved in the initial review by the DRC must also be resubmitted for approval.
- Final landscape designs must be submitted for final approval if the initial submittal was conceptual in nature.

**3.06 COMMENCEMENT AND COMPLETION OF CONSTRUCTION:** Upon receipt of DRC approval, the Owner shall commence construction within one year from the date of such approval. Otherwise the approval expires. Location of recorded property pins must be clearly marked. Even with construction approval, construction may not commence until the Contractor of record has submitted a signed form to the BTCA staff acknowledging familiarity with the DRRG's and expressing intent to comply.

All construction work, including landscaping, shall be completed within 15 months of the commencement of construction. An extension may be granted due to delays caused by weather, labor strikes, emergencies, calamities or the unusual scope of a particular project, as long as a good faith effort has been made to abide by the requirement. The DRC, based upon its assessment of the situation, will establish stipulations for the extension.

**3.07 OBSERVATION OF WORK IN PROGRESS AND FINAL RELEASE:** The BTCA staff, or its authorized representative, may conduct periodic project visits to the site during construction to evaluate the status of the project for compliance with the DRRG's and approved design documents. When necessary, resulting from what is observed during a site visit, the DRC may issue notices of noncompliance.

In the event of any violation of these DRRG's or of the design review provisions of Article XI in the BTCA Governing Documents, the DRC may, at its sole discretion, and in addition to any incurred restoration expenses, impose a punitive fine on the Owner and/or Contractor commensurate with the severity of the violation. The Owner shall have 30 days from the date of notice of noncompliance to remedy the non-complying portions of the project. If by the end of this period, the Owner has failed to remedy the noncompliance, the DRC may take action to remove the non-complying improvements as provided for in the DRRG's and BTCA Governing Documents including injunctive relief or the imposition of fines. Fines shall be determined as provided for in Section 7.0, Fines and Penalties.

Upon completion of any residence or other improvement, the Owner and the Contractor of record shall give written notice of completion to the DRC. When the project nears completion a reminder notice shall be sent to the Owner and Contractor to schedule an appointment with the BTCA Design Review and Compliance Coordinator to conduct a final review of the project and identify any items, remaining for completion. When the BTCA staff determines that the scheduled work has been satisfactorily completed, and all fines, if any, have been paid in full, the construction deposit shall be returned.



## **4.0 CONSTRUCTION GUIDELINES**

**4.01 LOT CORNERS:** Contractors shall physically locate the property corner pins and physically identify the property boundaries prior to the commencement of construction.

**4.02 ALCOHOL, MARIJUANA AND OTHER CONTROLLED SUBSTANCES:** The possessing, furnishing or consumption of alcohol, marijuana or use of any unlawful controlled substance on any construction site or common area within Broken Top is prohibited.

**4.03 ATTIRE:** All persons working on site within Broken Top must wear shirts while on premises.

**4.04 BLASTING:** If any blasting is to occur anywhere in the Broken Top Community, the DRC shall be notified two weeks in advance and appropriate approvals shall be obtained in writing from the City of Bend and/or Deschutes County. Blasting may only be performed by licensed demolition personnel, with all requisite insurance coverage as mandated by County and State statutes specific to their blasting activity at Broken Top. The DRC shall have the authority to require written documentation of anticipated seismic effects, with confirmation that such effects will not be injurious to other persons or properties, public or private, and that all appropriate protection measures have been utilized.

**4.05 CONSTRUCTION INSURANCE REQUIREMENTS:** All Contractors shall indemnify and hold harmless the DRC, the DRC members, the agents of the DRC and the Broken Top Community Association, Inc., from and against all claims, damages, losses, and expenses, including attorney's fees, arising out of or resulting from the performance of the Contractor's work. The Broken Top Community Association, Inc., and members and/or agents of the DRC shall be added as Additional Insured's to the Contractors Commercial General Liability insurance policy. The policy shall include a "per project" aggregate. All policies must provide 30 days' notice of cancellation or material change.

Prior to commencing construction, the Contractor shall provide the BTCA with certificates of insurance providing evidence of Commercial General Liability, Automobile Liability, Employers Liability, and Workers' Compensation insurance. Minimum limits of \$1,000,000 are required.

**4.06 CONSTRUCTION SIGNAGE:** One sign identifying the General Contractor and/or designer may be posted at the building site. Specifications for this sign may be obtained from the DRC Manager. No other signs are allowed except a temporary real estate sale sign (refer to Section 2.25). Identification of licensed tradesmen, when required by state or county statutes, shall be confined to the posting location of the building permit. Attachment of signs or similar material to trees is strictly prohibited.

**4.07 CONSTRUCTION TRAILERS:** A construction trailer or portable field office may be located within the building site, but not within the building setbacks. The type, size, color and location of any portable office shall be submitted for approval and may not be placed on-site earlier than two weeks prior to commencement of construction nor remain on-site for longer than six months without approval of the DRC.

**4.08 CONSTRUCTION VEHICLES AND PARKING AREAS:** Construction workers and vendors may not park on or otherwise use adjacent streets or open spaces. The use of a vacant neighboring lot or lots may only occur with the written permission of the lot Owner and with the absolute requirement that the Contractor restore the lot to its original condition/appearance. All construction and worker vehicles must park on the project lot and not within the side yard setbacks. However, during exceptionally busy construction periods, when there is not room for all

construction and delivery vehicles on the project lot, vehicles will be permitted to park along the shoulder of the street with two wheels off the paved surface of the street, as long as normal traffic flow is unrestricted. Performing oil changing and other vehicle maintenance on any site is prohibited. During construction the edges of the street and walking path shall be protected with dirt or gravel and repaired as required.

**4.09 DRRG'S:** All Contractors and subcontractors working within the Broken Top community must have knowledge of and accept the stipulations outlined in the latest edition of the Broken Top DRRG's document.

**4.10 DUST AND NOISE CONTROL:** The Contractor shall be responsible for controlling dust and noise from the construction site during the entire period of construction, including the removal of dirt and mud from public or private streets that are the result of construction activity on the site.

Playing radios or other audio equipment and shouting or loud talking by construction workers during the improvement of any lot at Broken Top is prohibited. The use of generators as a power source is prohibited.

**4.11 FIREARMS AND WEAPONS:** Contractors, subcontractors, construction workers, service providers and all other non-residents are prohibited from possessing firearms or other weapons while on Broken Top property.

**4.12 FIRES AND FLAMMABLE MATERIALS:** Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, is prohibited. At least two 20-pound ABC-Rated Dry Chemical Fire Extinguishers shall be present and available in a conspicuous place on the construction site at all times. No on-site fires are allowed, except for small, confined, attended fires for the purpose of heating masonry water.

**4.13 MATERIAL DELIVERIES:** All building materials, equipment and machinery required to construct a residence shall be delivered to and remain within the boundaries of the lot. When necessary setbacks may be used during construction, but existing trees on the lot may not be damaged and there must be no encroachment or damage to landscaping on adjacent properties.

**4.14 PETS:** No pets of any kind may be brought into the Broken Top Community or onto a construction site by any construction worker, vendor or delivery person. Pets left in a vehicle are considered in violation of this regulation and may be subject to fines.

**4.15 RESTORATION OF PROPERTY:** Upon completion of construction, the Contractor, suppliers and related employees and subcontractors shall clean the construction site and repair all property which may have been damaged, including but not limited to, restoring grades, replanting shrubs and trees as approved or required by the DRC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

In addition, the Owner and Contractor shall be held financially responsible for removal of all refuse and trash and restoration/re-vegetation of any and all adjacent properties caused during construction, trespass or negligence by their employees, subcontractors or suppliers.

**4.16 SANITARY FACILITIES:** Contractors shall be responsible for providing adequate on-site sanitary facilities for construction personnel. Portable toilets shall be located completely within the property and not within the setbacks. Colors and location shall be approved by the DRC.

**4.17 TRASH RECEPTACLES AND DEBRIS REMOVAL:** Contractors shall clean up all trash and debris at the end of each day. An approved trash receptacle shall remain on-site at all times, located near the street and outside of the setbacks. Dumping, burying, or burning trash anywhere on the site or elsewhere in Broken Top is strictly prohibited. Heavy debris, such as broken stone and wood scrap, shall be immediately removed from the site upon completion of the work of the trade that generated the debris.

All concrete wash out from both trucks and mixers shall occur within the building area of the lot in a location where it will be ultimately concealed by structure or covered by backfill. Washout in the street, setbacks or on adjacent properties is strictly prohibited. Any cleanup costs incurred by the DRC or the BTCA to enforce these requirements shall be paid by the Owner.

**4.18 VEHICULAR ACCESS TO BROKEN TOP:** All Contractors, subcontractors, vendors, delivery vehicles and equipment must enter and exit only from the main gate. Use of the Simpson entry/exit gate is strictly prohibited and subject to fines and possible denial of access to the Broken Top Community if used.

**4.19 WORKING HOURS:** Daily working hours shall be from thirty (30) minutes before sunrise, but not prior to 6:30 a.m.; and until 30 minutes after sunset, but not later than 8:30 p.m. Construction work which generates excessive noise, such as hammering, sawing, excavation work, and concrete or soils delivery shall be confined to the hours of 7:00 AM to 6:00 PM, Monday through Friday, and 8:00 AM to 5:00 PM on Saturdays. **No construction work is allowed on Sundays and the following national holidays:**

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

## **5.0 LANDSCAPE APPLICATIONS**

**5.01 FINAL LANDSCAPE DESIGN AND PLANNING GOALS:** The primary landscape planning and design goals are as follows:

- To achieve a diverse harmony of visible landscape designs while not distracting from the natural Broken Top setting of open Ponderosa Pine Forest.
- To enhance and encourage the preservation of the native High Desert plant community and the Central Oregon regional identity it creates.
- To promote sustainable landscapes that conserve water, require fewer resources to maintain, and reduce the risks of excessive fire exposure.

The results of this approach will achieve a special neighborhood identity in combination with objectives of sustainability, preservation and conservation.

**5.02 GENERAL LANDSCAPE DESIGN:** Landscape design within the community shall promote interesting and varied, yet cohesive plantings that are harmonious with the predominantly native open ponderosa pine forest backdrop. Retaining significant stands of native trees and plant communities is an essential step towards maintaining the inherent natural integrity and healthy sustainable ecosystem in the community. The introduction of non-invasive, native or non-native species compatible with the growing conditions and wildlife of Central Oregon is encouraged.

The ideal choices are harmonious with the open ponderosa forest back drop, non-invasive, hardy for the region, deer and pest resistant, drought tolerant and fire resistant. Requests for approval of species not on the plant list (Appendix A) will be considered but must be submitted in writing to the DRC. Lawns, where proposed, shall be of natural grass. Artificial turf is prohibited.

The only allowable landscaped areas are within the Owner's property lot lines. Absolutely no landscape vegetation plantings, irrigation, boulders, mulch or vegetation removal is allowed on BTCA common property including the area between the pathways and street.

**5.03 LANDSCAPE PLAN REQUIREMENTS:** The submitted landscape plans shall include the following:

1. Plan(s) must be to scale.
2. A complete legend of all proposed plant materials including Common and Botanical Names, installation sizes, types, quantities and species. (Use legible lettering and clear drafting.)
3. Specific graphic symbols indicating trees and shrubs and placement locations.
4. Specific locations of existing conifer trees indicating the sizes of those to remain and those proposed to be removed.
5. Location of existing natural areas to be retained.
6. The landscape plan must not neglect side yards and shall specifically provide adequate buffering and screening between the home and the neighboring site. Landscape designs must extend the same design theme created in front and rear yards to the area between shared side property lines.
7. Location of lawn areas to be installed and relationship to adjacent properties. (Merging of lawns with neighboring properties is not mandatory).
8. Indicate proposed boulder groupings and proposed rock outcroppings.
9. Location of invasive and undesirable vegetation to be removed.

10. Site grading and drainage plans. (May be separate plans, but must meet requirements in Section 5.06).
11. Indicate type and location of proposed landscape lighting. Submit fixture specifications (see requirements in Sections 2.07.4).
12. Indicate location and materials proposed for hardscape (including trellises, play structures, built-in BBQ, fire pits, water features and other permanent features.).
13. Location and type of paved surfaces, paths, walkways and outdoor steps (including tread and riser dimensions).
14. Show landscape maintenance access to the rear of the property.
15. Site North arrow, lot number, Owner's name and property address.
16. Accurate location of existing homes on adjacent properties.
17. Name and address of landscape designer and Contractor, including Oregon state license number and expiration date.

**5.04 CONSERVATION OF WATER RESOURCES:** Conservation of water resources, selection of hardy plants suitable to the region, grouping plants by their watering and cultural needs, minimizing high water user groundcovers, proper soil preparation, modest water features, and efficient irrigation design are all suggested and encouraged. (See Section 5.08, Irrigation for watering goals.)

Contiguous lawn plantings from lot to lot are not mandatory. However maintaining a harmonious transition between landscape materials ("linking or relating one to another") between lots is a primary goal.

Mulching or compost is essential for gardening in arid regions. Mulch helps keep plants roots cool, prevents soil from crusting, minimizes evaporation, and reduces weed growth. Mulches also give beds a finished look and increase the visual appeal of your garden. Organic mulches, such as shredded bark, should be applied at 3-4 inches deep. Fine to shredded dark brown fir and hemlock, mulch or compost is the standard for Broken Top. Cedar, light juniper and other light brown or red colors are not allowed. Because mulches decompose over time, they are an excellent choice for new beds. As plants mature and spread, they will cover the mulched areas. Mulch can be applied directly to the soil surface or placed over a landscape fabric. (Note: Do not use black plastic because it prevents air and water from reaching to the plant roots.) A caution about decorative bark mulch: It is possible to ignite very dry bark mulch with lit cigarettes or firebrands from a wildfire. If you landscape with bark mulch up against your home, make sure your bark mulch remains moist to prevent ignition.

**5.05 DRAINAGE AND EROSION CONTROL:** All lot water run-off including but not limited to roofs, patios and driveways, shall be collected and conveyed to an appropriately sized retention area and/or subsurface drainage dispersal system within the property. The collection system may include gutters, surface swales or buried drain lines. The Owner is responsible for establishing finished floor elevations that ensure positive drainage away from the home, installing and maintaining a subsurface drainage dispersal system that has adequate capacity, and ensuring that water run-off does not flow onto adjacent property. (See Section 2.27, Site Drainage and Erosion Control.)

Furthermore, the Owner shall consider existing off-site drainage improvements such as catch basins, drywells and culverts, which benefit the Owner's lot. Such improvements shall be noted on the grading and drainage control drawings and the lot grading and drainage design shall take these elements into account as a part of the site drainage plan.

The Owner, or the Owner's representative, is responsible for installing and maintaining adequate erosion control measures during construction, such as silt fencing, bio-bags, and gravel water bars. A designated location on the site shall be established where concrete mixer washout can be contained. During construction, the Owner is responsible for maintaining the existing 18 inch wide gravel shoulder and the drainage ditch along the streets abutting the lot.

It is highly recommended that site grading and drainage design be prepared by a licensed civil engineer. The design may be provided as a separate drawing or as part of the landscape design drawing. However, when the two are submitted as separate documents, the landscape planning must be responsive to the grading and drainage design.

Drywells, cisterns or other site drainage systems installed on common areas shall be maintained by the BTCA. The Owner is responsible for repairing any off-site drainage improvements, such as catch basins, drywells and culverts damaged during construction of the Owner's improvements.

**5.06 DRAINAGE AND GRADING PLAN:** Drainage and grading plan must be submitted with the landscape plan. The grading and drainage can be shown on the landscape plan or may be submitted with the landscape plan as a separate document. Both the landscape plan and the grading and drainage plan shall refer to the other supporting document when submitted separately, be consistent in scale, format, and information. All roof run-off and surface drainage must be retained on site. The retention system may include gutters, surface swales, buried drain lines, drywells, dry creek trenches, retention ponds or other facilities.

**The drainage and grading plan shall include the following:**

1. Proposed finish floor elevations of garage slab, driveway, and main floor.
2. Proposed finish elevations of hardscapes (i.e., patios, steps, walkways, decks or terraces including but not limited to retaining walls of rock or concrete).
3. Existing trunk base elevations of trees to be preserved.
4. Existing elevations of site and proposed grade changes using 1-foot contour intervals.
5. Proposed gutter and downspout locations.
6. Proposed locations, size, depth, and type of on-site surface drainage retention and mitigation.
7. Calculation of storage volume of roof and surface run-off. (See Section 2.27)
8. Proposed berm locations and dimensions with highest point indicated.
9. Proposed locations, type and dimensions of retaining walls and boulders with size and highest point indicated.

**5.07 ENHANCEMENT OF NATIVE LANDSCAPING:** Preservation and plantings of native grasses and wildflowers are encouraged. While bitterbrush and sage do provide wildlife habitat, they also crowd flowers and grasses, create fire risk ladder fuels and should be limited to isolated island areas away from the home, except where they occur adjacent to rock outcroppings, on steep slopes, away from conifers or in accent areas where grasses would be inappropriate.

**5.08 IRRIGATION PLANNING:** Each site must be efficiently irrigated with a properly hydro zoned automated sprinkler system which must meet the minimum "WaterWise" landscape criteria as set by the City of Bend's "WaterWise Program" or successor programs. (See City of Bend website). Compliance is required for approval; however a sprinkler plan need not be submitted.

Each Owner is responsible for maintaining a healthy and appealing landscape that incorporates water conservation technology and minimizes water use, waste and runoff. The BTCA strongly recommends the use of SMART irrigation controllers on all new sprinkler installations, and all

modified landscapes (remodels). To this end, BTCA highly recommends retaining a qualified irrigation designer experienced in the design of efficient irrigation systems.

Landscapes must be installed by landscape Contractors licensed in the State of Oregon. Furthermore, BTCA highly recommends employing licensed landscape Contractors who also meet the criteria for “*WaterWise Landscapers*” as defined by the Oregon Landscape Contractor Association’s “*WaterWise Certification Program*” or successor programs.

**5.09 OUTDOOR FURNITURE AND EQUIPMENT:** An application for permanently installed outdoor equipment or furnishings, including but not limited to BBQ’s and play structures, shall be submitted to the DRC for review and decision. Installations must take into consideration possible adverse impacts on the golf course and neighboring home sites. Both permanently installed and portable outdoor furnishings and accessories may not encroach on setbacks and must be properly maintained. Swing sets and other children’s play equipment shall be screened from adjacent properties or be painted to blend with the natural surroundings and buffered with landscaping. No bright colors are allowed. Wood type play equipment is encouraged. All portable outdoor equipment must be stored away when not in use.

**5.09.1 Permanent Basketball Hoops:** Installation of a permanent basketball hoop may be considered on some custom homes within the Broken Top community provided that the homeowner submits an Application for a Basketball Hoop Installation to the DRC for review. The Arrowood I & II, Bridge Creek Village, Courtyards, Fall Creek, Painted Ridge, Tyrion Sky and Whisper Ridge neighbors do not qualify for permanent basketball hoops. Installation of a permanent basketball hoop must meet the following criteria in order to be considered for approval:

- The location must be as inconspicuous as possible. Not all homes are suitable for permanent Basketball Hoops.
- The Basketball Hoop backboard must be screened from various viewpoints/angles to minimize the visual impact from the street and pathways.
- The backboard shall be transparent or clear acrylic with no colorful graphics or contrasting colors anywhere on the fixture. The pole, rim and net shall be black.
- The slope of the driveway may be a determining factor; whether or not a permanent Basketball Hoop can be approved by the DRC and appropriately screened.
- The Basketball Hoop must be located at least 25 feet from the street or pathway and located within the setbacks. Pole installations are preferred. Backboards mounted on the home or garage will be considered by the DRC on a case-by-case basis.
- Additional landscaping may be necessary to provide the required screening. Any additional landscaping required by the DRC must be installed and inspected prior to basketball hoop installation. The Owner is required to notify the DRC Coordinator when the hoop and landscaping have been installed according to approved plans. If the Basketball Hoop is not screened adequately upon final inspection by the DRC, additional screening may be required.

- The DRC will only accept Basketball Hoop applications from March 1st to September 1st. This seasonal restriction allows time for the applicant to complete the installation of any required screening prior to the winter season.
- No court or backboard lighting shall be allowed.
- The impact on or objections from adjacent neighbors will be considered.

Portable basketball hoops are not be permitted.

**5.10 OUTDOOR ORNAMENTATION:** Placing, erecting, or constructing any permanent unnatural or man-made artificial ornaments, signs, play items, sculptures, stand-alone flag poles, relics, machinery, equipment game poles and nets, or other such items which are not part of a DRC approved application are prohibited.

Religious or sporting symbols may be placed at appropriate times of the year, celebrating that specific event. Such symbols must be removed at the end of the event, unless otherwise provided for in this document.

**5.11 OUTDOOR WALKING SURFACES:** Landscaped yards that include hardscape elements must be designed as integrated extensions of the site and architecture, and visually attractive to adjacent properties.

**5.11.1. Terraces:** To promote drainage and integration with the Broken Top natural environment, excessive areas of paved surfaces are discouraged. Paving materials for terraces, patios, steps and other similar areas shall be of a dull, non-reflective surface and of a color that blends well with the natural surroundings and the home color pallet. Paver units shall be made of colored or stained concrete.

**5.11.2. Walkways:** Please see Section 2.31 - Steps and Walkways.

**5.12 PLANT AND BOULDER PLACEMENT:** Plantings and rock placements should be grouped in such a way as to retain a natural appearance. Stylized or “highly sculptural” boulder placement should be avoided. Boulders shall be installed to appear as natural rock formations commonly seen in and around the surrounding wild lands.

**5.13 PRESERVATION OF EXISTING TREES AND ROCK OUTCROPPINGS:** DRC’s approach will be to preserve as many existing trees and rock outcroppings as can reasonably be achieved.

- Removal of trees or rocks outside the building footprint MUST be approved by the DRC.
- Existing trees and rock outcroppings to be preserved shall be protected during construction with flagging and temporary fencing to protect preserved trees which must be placed around the base(s) of the trees to assure that no grading takes place within the drip line.
- Exposing, filling or compacting soil, including vehicle parking, over tree roots must be strictly avoided.
- Washing out cement, drywall paste, paint or other construction chemical on preserved landscape areas or rock outcroppings is prohibited.



**5.14 REDUCTION OF FIRE RISK:** Efforts shall be made to reduce wildfire risk and promote forest health through the reduction of fuel ladders directly under trees and eaves, tree thinning, judicious limb trimming, crown cleaning and sometimes tree removal where deemed necessary by the DRC and/or for fire safety. Sustainable landscape planning practices of fire-resistant plant choices and efficient irrigation design is encouraged.

**5.15 TREES:** Trees are an integral part of the natural beauty of the Broken Top community. As such, the following guidelines apply.

**5.15.1 Maintenance:** Pruning of dead limbs does not require DRC approval.

**5.15.2 Removal:** If an Owner wishes to remove any tree from their property that measures 6 inches or larger in diameter and measured at 12 inches above grade, the Owner must submit an application to DRC for review. Any application to remove a tree(s) shall include a written statement from a certified arborist that the tree(s) is unhealthy, diseased or creates an imminent danger to the Owner's property or adjacent properties. (Replacement with a comparable tree may be required.) Stumps of trees removed must be ground to below grade.

A notice of the application submitted for tree removal may be sent to adjacent home or lot Owners for their review. If the removal affects the privacy of adjacent properties, the replacement tree shall be large enough to restore privacy.

**5.16 VIEW PRESERVATION:** The preservation of mountain and golf course views, while assuring privacy between neighbors, are essential elements of landscape planning within the Broken Top Community. Owners of adjacent properties are encouraged to work together to maintain each other's peripheral views where possible. Deed restricted view corridors as identified in the Broken Top Plat Map, will be strictly enforced by the DRC. The combined height of berms and mature plantings within the view corridor will be limited to a maximum of 6 feet above grade. The 6-foot maximum includes a berm maximum height of 3 feet above grade.

**5.17 WATER FEATURES:** All proposed water features must be shown on the landscape plan with the overall drop, distance and depth indicated. All areas of the water feature must be covered with natural materials, such as river rock, so that the liner or lining material is not visible. Applying water conservation techniques will be an important consideration in reviewing and approving the design and planning of water features. Water features shall be designed so as to appear to be a natural feature within the landscape. The purpose of such landscape feature is for the enjoyment of the Owner; the impact of such features as viewed from off-site shall be subtle. Water features are not allowed in setbacks.

**5.18 RETAINING WALLS:** Structural retaining walls may not exceed 5 feet in height. Multiple terraced retaining walls shall be utilized where the overall height of retained earth exceeds 5 feet. Retaining walls must be natural stone or natural stone veneer.

## **6.0 MODIFICATIONS APPLICATION**

**6.01 REQUIRED DOCUMENTS:** Plans and related documents for any site, residence or landscape must be submitted to the DRC for review and approval prior to commencement of the modification work. The required documents are provided for the guidance of applicants and shall not be regarded as imposing a limitation on the DRC to require additional materials in specific cases. (For notification requirements, see Section 3.01.)

Since each modification is unique, applicants are encouraged to carefully review the BTCA DRRG's and to review with the BTCA Design Review and Compliance Coordinator the entire application for completeness.

Furthermore, submitted projects which, in the opinion of the BTCA Design Review and Compliance Coordinator, are complex or significantly large, may be forwarded to the DRC for review and approval. The required documents for review of specific changes are detailed in the following sections.

### **6.02 EXTERIOR PAINTING:**

An application and the required fee must be submitted for repainting if there is no color change, and samples of the existing colors are available in the BTCA files, the request will be processed administratively and the fee will be waived.

If a change in color is requested, the Owner must submit the following along with the application and required fee:

- Color change applications must include a drawing no larger than 11" x 17" of the applicant's home with the areas to be painted or stained clearly marked.
- Photographs must be submitted from sufficient angles to allow the DRC to clearly see the area of the home to be painted, as well as the immediately adjacent homes.
- An 8 ½" x 11" sheet must be submitted showing each proposed color with the paint or stain manufacturers name or code for the color.

In addition to the above, for color changes, sample sections of the trim and body portions must be painted on the residence for inspection by the BTCA Design Review and Compliance Coordinator prior to approval.

**6.03 LANDSCAPE CHANGE:** Owners wishing to make landscape changes shall consult with the BTCA Design Review and Compliance Coordinator to discuss the extent of the modifications. For major modifications, a landscape plan must be submitted showing the applicant's existing residence drawn to scale, with all of the proposed landscaping changes shown (additions and/or removals) and each plant clearly identified. If any landscaping changes other than lawn or living plants are to be proposed, the plan must show all setbacks. If decks, trellises or other hardscape elements of any type are being proposed as part of the plan, the applicant must show all dimensions and lot coverage calculations to demonstrate that the 50% lot coverage limitation will not be exceeded (refer to Section 2.14.1).

Prior to removing any tree, Owners must submit an application to remove any tree from their property that measures 6 inches or larger in diameter and measured at 12 inches above grade. (See Section 5.15.2 for Tree Removal.)

**6.04 BUILDING MODIFICATIONS:** Photographs must be submitted of the existing home taken from sufficient angles to allow the DRC to clearly see the area of the home to be modified, along with a proposed site plan showing the applicant's lot dimensions, setbacks, adjacent homes, the existing residence drawn to scale, and the proposed modifications clearly marked thereon.

Elevation drawings of the proposed modifications are required, along with a "sample board" depicting all exterior materials, paint/stain colors, and finishes as well as a photograph of the sample board to be retained by the BTCA staff as a permanent record. The sample board shall not be larger than 18" x 24" and will be held in the administrative office until the project is completed.

If any expansion of the home, including decks or patios, is being proposed, the applicant must show all dimensions and lot coverage calculations to validate that the 50% maximum lot coverage limitation will not be exceeded. At least one copy of the plan shall be no larger than 11" x 17".

**6.05 COMMENCEMENT OF MODIFICATION CONSTRUCTION:**

The DRC will review the final plans and, if the submittal is in compliance with the DRRG's and is a logical and direct development of the approved preliminary plans, grant approval for the commencement of construction. No construction or excavation shall begin without this approval.

Upon receipt of Final Design approval by the DRC, the Owner shall commence construction of the improvements within 6 months from the date of such approval or any approval given shall be deemed withdrawn.

All construction, including landscaping, shall be completed within 12 months after commencement of construction, unless such completion is rendered impossible or would result in great hardship to the Owner, due to labor strikes, fires, national emergencies or natural calamities, or unless the Owner has requested and been granted an extension. An extension may be granted for delays caused by weather, labor strikes, emergencies or calamities, as long as a good faith effort has been made to complete construction. The Owner must request an extension and the Committee based on its assessment of the situation will define the length of the extension. Notice: Failure to request and obtain approval for an extension may result in a fine.

Basketball hoop construction shall commence March 1<sup>st</sup> and must be completed annually by October 31<sup>st</sup>, otherwise the installation should be delayed until the next construction period.

## **7.0 FINES AND PENALTIES**

**7.01 FINES FOR DESIGN GUIDELINE VIOLATIONS:** In the event that the Owner or Contractor, including their employees, subcontractors, vendors and delivery persons, fail to adhere to the rules and requirements of the DRRG's, the BTCA may elect to levy a fine relative to the stated violation as described in the Violation and Fine Table Section 7.03. The intention of the fine system is not to be a revenue generator, but rather to encourage Owners and the design and building teams to adhere to the BTCA DRRG's, as well as to offset the costs of enforcing the DRRG's.

It shall be the policy of the BTCA to notify the Owner and Contractor in writing of the specific nature of any violation and the intention to levy a fine. The Owner has the right to appeal the fine according to the BTCA appeal policy, except for repetitive violations. Absent the filing of a notice to appeal, the amount of the fine is immediately due and payable.

When a violation requires immediate remediation and is not effectively addressed by the Owner or the Contractor, BTCA reserves the right to remediate the violation and bill the Owner or Contractor the resulting cost. Remediation costs and fines may be deducted from the Owner's or Contractor's construction deposit.

**7.02 STOP WORK ORDER:** Should the Owner or Contractor refuse to comply with the required mitigation of construction violations based upon the DRRG's and as determined by the DRC, the BTCA may, at its sole option, issue a Stop Work Order to the Contractor, following receipt of which, the Contractor and all of the trades, subcontractors, vendors and suppliers employed in the construction of the project, shall immediately cease and desist from any further work on the project until the DRC has approved the required mitigation and released the Stop Work Order. Any fines levied prior to the issuing of a Stop Work Order must be paid prior to the release of the Stop Work Order. Additional fines may be appropriate to encourage compliance with these DRRG's and the BTCA Governing Documents.

**7.03 VIOLATIONS AND FINES:**

<b>CONSTRUCTION</b>	<b>FINE</b>
Initiating new construction or modification without approval	\$1,000 to \$5,000
Deviations from approved plans	\$1,000 to \$100,000
Unauthorized earthwork or site alteration	\$1,500
Unauthorized blasting	\$1,500
<b>TREE, BRUSH AND LIMB</b>	<b>FINE</b>
Tree removal from own property, common area or neighboring property without prior authorization. Owners must submit an application to remove any existing trees that measure 6 inches in diameter at 12 inches above grade. (See Section 5.15.2) Remediation requires replacement of a tree or trees of equal total caliper plus fine to be determined by the DRC. Example: An 8 inch diameter tree removed shall be replaced with two 4-inch diameter trees.	\$1,000 to \$5,000
Failure to properly dispose of vegetative debris from site	\$500
<b>NATIVE LANDSCAPE PROTECTION</b>	<b>FINE</b>
Failure to maintain vegetation protection fencing during construction (See Section 5.13)	\$500
Damaging native landscape on adjacent properties and areas around the construction site	\$500
<b>TRASH RECEPTACLES AND DEBRIS REMOVAL</b>	<b>FINE</b>
Failure to remove daily debris, mud or excess dirt from public or private streets, open spaces or driveways	\$500 to \$1,000
Concrete washout in streets, rights-of-way, setbacks or adjacent properties	\$500 to \$1,000
Trash receptacle missing from job site	\$250
Portable sanitary facility missing or in unauthorized location	\$250
<b>VEHICLES, ACCESS AND PARKING AREAS</b>	<b>FINE</b>
Access to home site by means other than approved route (future driveway)	\$250
Using an unapproved gate when entering Broken Top – first occurrence	\$100
subsequent occurrences	\$250
Parking in areas other than designated in DRRG's	\$250
<b>HOURS OF CONSTRUCTION</b>	<b>FINE</b>
Construction outside of approved hours of operations	\$500
Radio or other audio equipment audible beyond property lines	\$500
<b>SAFETY</b>	<b>FINE</b>
Possession or discharge of firearms or other weapons	\$1,500 to \$10,000
Fire extinguishers missing or inadequate	\$500
Possessing, furnishing or consumption of alcohol, marijuana or use of unlawful controlled substances (see Section 4.02)	\$500
Pets or other domestic animals on site during construction (see Section 4.14)	\$100
<b>OTHER VIOLATIONS</b>	<b>FINE</b>
Fines for violations not listed may be assessed on a case-by-case basis. Fines may be increased due to the severity of the violation at the discretion of the DRC.	\$250 to \$100,000

## **8.0 APPEALS:**

DRC appeals will be according to BTCA Board Hearing and Appeals Policy Resolution Number 2016-8-23.

**ADOPTION AND APPROVAL**

These Broken Top Community Association DRRG's, as revised August 4, 2020 are hereby adopted and approved by the BTCA Board of Directors:

\_\_\_\_\_  
Mike Chrystal, President

Date:\_\_\_\_\_

\_\_\_\_\_  
Don Turnage, Vice President

Date:\_\_\_\_\_

\_\_\_\_\_  
Diana Robertson, Treasurer

Date:\_\_\_\_\_

\_\_\_\_\_  
Monica Harrington

Date:\_\_\_\_\_

\_\_\_\_\_  
John Rennick, Secretary

Date:\_\_\_\_\_

\_\_\_\_\_  
Dick Dolmseth, Director

Date:\_\_\_\_\_

\_\_\_\_\_  
Craig Brown, Director

Date:\_\_\_\_\_

## APPENDIX “A” PLANT MATERIALS LISTING AND RECOMMENDATIONS

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Minimum Plant Sizes: The minimum plant material size requirements are:

- ➔ 4 inch pots or 1 gallon - Perennials or Groundcovers
- ➔ 1 gallon - Shrubs (native to Central Oregon)
- ➔ 5 gallon - Shrubs (non- native to Central Oregon)
- ➔ 5 gallon - Specialty dwarf specimens
- ➔ 15 gallon - Large shrubs or deciduous trees
- ➔ 5 foot - Evergreen Conifer Trees

### NOTES FOR PLANT LISTS:

Plantings (trees) with invasive roots must be controlled with root barrier systems.

DR = DEER RESISTANT PLANTS: Plant material that is *less likely* to be browsed by deer. Deer resistant DOES NOT MEAN deer-proof. Plants will be nibbled by browsing deer due to the available food source for that year, location of plants, deer species, and simple curiosity.

FR = FIRE RESISTANT PLANTS: Fire-resistant plants are those that do not readily ignite from a flame or other ignition sources. These plants can be damaged or even killed by fire; however, their foliage and stems do not significantly contribute to the fuel and, therefore, the fire’s intensity. There are several other significant factors that influence the fire characteristics of plants, including plant moisture content, age, total volume, dead material and chemical content. FIRE-RESISTANT DOES NOT MEAN FIREPROOF. Most deciduous trees and shrubs are fire-resistant. Fire-resistant plants have the following characteristics:

1. Leaves are moist and supple
2. Plants have little dead wood and tend not to accumulate dry, dead material within the plant.
3. Sap is water-like and does not have a strong odor.
4. Sap or resin materials are low.

N = NATIVE or NATURALIZED PLANTS: Plant material that has a greater chance of thriving in our area due to growing season and water, temperature and soil requirements.

BROADLEAF EVERGREENS: This group of plants will retain their leaves throughout the winter months. Their foliage may take on a winter color and then green up again in spring. Winter watering recommended.

Deer favorites:

- |                |                  |                    |
|----------------|------------------|--------------------|
| ❖ Arborvitae   | ❖ Flowering Kale | ❖ Pansies          |
| ❖ Aspen        | ❖ Grape Hyacinth | ❖ Petunias         |
| ❖ Bitter Brush | ❖ Hybrid Roses   | ❖ Red Twig Dogwood |
| ❖ Columbine    | ❖ Manzanita      | ❖ Tulips           |
| ❖ Crab Apple   |                  |                    |

*Please visit the Oregon State University’s website for further definition on deer and fire resistant plants, and Xeriscaping in the High Desert.*



**APPENDIX "A"**

**LIST OF RECOMMENDED PLANTS - NATIVE AND NATURALIZED**

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>DR</b>	<b>FR</b>	<b>N</b>	<b>NOTES</b>
<b>TREES - EVERGREEN</b>					
Abies concolor	Concolor (White) Fir	DR			
Abies grandis	Grand Fir	DR			
Abies lasiocarpa	Sub-Alpine Fir	DR			
Calocedrus decurrens	Incense Cedar				Needs moist soil
Juniperus chinensis	Chinese Juniper	DR			
Juniperus communis	Common Juniper	DR		N	Small tree/shrub
Juniperus occidentalis	Western Juniper	DR		N	
Larix occidentalis	Western Larch	DR		N	
Picea omorika 'Bruns'	Bruns Siberian Spruce				Small tree/shrub
Pinus aristata	Bristlecone Pine	DR			Slow growing
Pinus contorta	Lodgepole or Murrayana Pine			N	
Pinus flexilis	Vanderwolf's Pine				
Pinus monticola	Western White Pine			N	
Pinus mugo	Mugo Pine	DR			Low growing pine
Pinus nigra	Austrian Pine	DR			
Pinus nigra 'Oregon Green'	Oregon Green Austrian Pine	DR			Small tree
Pinus pungens var. glauca	Colorado Blue & Green Spruce	DR			
Pinus sylvestris	Scots Pine, Scotch Pine	DR			Dwarf, upright
Tsuga mertensiana	Mountain Hemlock				
<b>TREES - DECIDUOUS</b>					
Acer circinatum	Vine Maple	DR			
Acer ginnala	Amur Maple	DR	FR		Red fall color
Acer glabrum	Rocky Mountain Maple	DR			Many varieties
Acer rubrum	Red Maple	DR	FR		Scarlet fall color
Amelanchier alnifolia	Serviceberry				
Arctostaphylos patula	Greenleaf Manzanita				
Artemisia tridentata	Western Sage	DR			
Betula nigra	River Birch or Heritage				Needs moisture
Cerocarpus ledifolius	Mountain Mahogany				
Crataegus ambigua	Russian Hawthorn	DR			
Crataegus phaenopyrum	Washington Hawthorn	DR			
Malus hybrids	Crabapple				
Philadelphus lewisii	Lewis' Mock Orange				
Physocarpus capitas	Western Ninebark				
Populus tremula 'Erecta'	Swedish Columnar Aspen				

Prunus virginiana	Chokecherry				
Pyrus calleryana 'Chanticleer'	Cleveland Select Pear	DR			
Pyrus fauriei 'Westwood'	Korean Sun Pear	DR			
Pyrus maackii	Amur Chokecherry	DR			
Quercus palustris	Pin Oak	DR			
Quercus rubra	Red Oak	DR			
Rhus glabra	Smooth Sumac				
Ribes aureum	Golden Current				
Ribes cereum	Wax Currant				
Robinia pseudoacacia	Black Locust	DR			
Robinia x ambigua 'Idahoensis'	Pink Idaho Locust	DR			
Rosa woodsii	Wood Rose				
Salix matsudna 'Tortuosa'	Corkscrew Willow	DR			
Sambucus caerulea	Blue Elderberry	DR			Moist soil
Sorbus aucuparia	Mountain Ash	DR			
Spiraea douglasii	Douglas Spirea				
Syringa reticulata	Japanese Green Lilac	DR			
Tilia cordata	Little Leaf Linden				
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>DR</b>	<b>FR</b>	<b>N</b>	<b>NOTES</b>
<b>SHRUBS - BROADLEAF</b>	<b>EVERGREENS</b>				
Arctostaphylos patula	Green leaf Manzanita				
Cercocarpus ledifolius	Curl-leaf Mountain Mahogany				
Daphne x burkwoodii	Carol Mackie Daphne	DR	FR		
Mahonia aquifolium	Oregon Grape Holly	DR	FR		
Mahonia repens	Creeping Holly	DR	FR		Ground cover
Yucca species	Yucca	DR	FR		
Festuca ovina glauca	Fescue Blue				
Helictotrichon sempervirens	Avena Grass, Blue or Blue Oat Grass			N	
Koeleria macrantha	Prairie Junegrass			N	
Mahonia repens	Creeping Oregon Grape				
Miscanthus sinensis	Miscanthus or Maiden Hair Grass				
Oryzopsis hymenoides	Indian Ricegrass				
Panicum virgatum	Switch Grass, 'Heavy Metal'				
Pennisetum alopecuroides	Fountain Grass				
Phalaris arundinacea	Ribbon Grass				
Poa secunda	Sandberg Bluegrass			N	
Pseudoroegneria spicata	Bluebunch Wheatgrass				
Sisyrinchium idahoense	Blue-eyed Grass				
Sorghastrum nutans	Indian Grass				

BOTANICAL NAME	COMMON NAME	DR	FR	N	NOTES
<b>SHRUBS- DECIDUOUS</b>					
Acer circinatum	Vine Maple	DR	FR		
Acer glabrum	Rocky Mountain Maple		FR		
Amelanchier alnifolia	Serviceberry, Saskatoon		FR		
Artemesia tridentate	Sagebrush	DR			
Berberis species.	Barberry	DR			
Caragana arborescens.	Peashrub, Siberian	DR			
Caryopteris x clandonensis	Blue Mist Spirea, Bluebeard	DR	FR		
Chaenomeles species	Flowering Quince				
Chamaebatiaria millifolium	Desert Sweet, Fernbush	DR	FR	N	
Chamaebatiaria millifolium	Fernbush	DR			
Chrysothamnus nauseosus	Gray Rabbitbrush	DR			
Chrysothamnus viscidiflorus	Green Rabbitbrush	DR			
Cornus baileyi	Red Twig Dogwood				
Cornus sericea	Red Osier Dogwood	DR	FR		
Cotoneaster species.	Cotoneaster	DR	FR		
Euonymus alatus 'Compactus'	Dwarf Burning Bush	DR	FR		
Forsythia	Forsythia cultivars	DR			
Ligustrum vulgare	Privet, European	DR			
Lonicera tatarica	Honeysuckle, Arnold Red	DR			
Perovskia atriplicifolia	Russian Sage	DR	FR		
Philadelphus species	Mockorange		FR		
Physocarpus species	Ninebark				
Potentilla fruticosa	Shrubby Potentilla	DR			
Prunus besseyi	Western Sandcherry		FR		
Rhamnus frangula 'Asplenifolia'	Buckthorn, Fernleaf	DR	FR		
Rhamnus frangula 'Columnaris'	Buckthorn, Tallhedge	DR	FR		
Rhus glabra	Smooth Sumac				
Rhus typhina	Sumac, Staghorn		FR		
Ribes alpinum	Currant Alpine	DR	FR		
Ribes cereum	Golden Current				
Rosa species	Hardy Shrub Rose		FR		
Rosa woodsii	Woods' Rose		FR		
Salix species	Willow, Corkscrew Willow		FR		
Spirea betulifolia	Birchleaf Spirea			N	
Spiraea x bumalda	Bumald Spirea	DR	FR		
Spiraea douglassii	Western Spirea		FR		
Spiraea x vanhouttei	Spirea, Vanhuotte				
Symphoricarpos albus	Snowberry	DR	FR		
Symphoricarpos orbiculatus	Coralberry, Indian Current				
Syringa species	Lilac, Japanese Green Lilac	DR	FR		

Viburnum lantana	Viburnum, Wayfaring Tree	DR			
Virburnum, lentago	Viburnum, Nannyberry	DR			
Virburnum, trilobum	Compact American Cranberry	DR			
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>DR</b>	<b>FR</b>	<b>N</b>	<b>NOTES</b>
<b>PERENNIALS-VINES-BULBS</b>					
Achillea species	Yarrow	DR	FR		
Adenophora confuse	Ladybells	DR			
Aegopodium podagraria	Bishop's Weed	DR			
Agastache rupestris	Hummingbird Mint or Hyssop	DR			
Allium senescens 'Glaucum'	Ornamental Onion	DR			
Allium species	Chives (Onion/Garlic)	DR	FR		Herb
Ajuga reptans	Carpet Bugle	DR			
Amorpha canescens	Leadplant	DR			
Anemone	Japanese Windflower				
Anthemis species	Marguerite Daisy	DR			
Aquilegia species	Columbine	DR	FR		
Armeria maritime	Sea Thrift		FR		
Artemisia species	Wormwood, 'Silvermound'	DR			
Artemisia tridentate	Big Sagebrush	DR			
Aster species	Aster				
Aurinia saxatilis	Basket-of-Gold	DR	FR		
Balsamorhiza sagittata	Arrow-Leaf Balsamroot	DR			
Baptisia australis	False Indigo	DR			
Bergenia cordifolia	Heartleaf bergenia		FR		
Brunnera	Siberian Bugloss				
Campanula species	Bellflower				
Centaurea cyanus	Bachelor's Button	DR			
Cerastium tomentosum	Snow in Summer	DR			
Chionodoxa luciliae	Glory of the Snow	DR			Bulb
Coreopsis species	Coreopsis or Tickseed	DR	FR		
Crocus species	Crocus	DR			Bulb
Delphinium varieties	Delphinium	DR	FR		
Dianthus species	Garden Carnation, Pinks	DR	FR		
Dicentra species	Bleeding Heart	DR			
Digitalis species	Foxglove	DR			
Echinacea pupurea	Purple Coneflower	DR	FR		
Echinops ritro	Globe Thistle				
Epilobium angustifolium	Fireweed		FR		
Erigeron compositus	Fleabane, Dwarf Mountain Daisy	DR			
Eriogonum species	Buckwheat	DR			

Eriophyllum lanatum	Oregon Sunshine	DR			
Euphorbia species	Spurge	DR			
Falugia paradoxa	Apache Plume	DR			
Gaillardia varieties	Blanket Flower	DR	FR		
Galium odoratum	Sweet Woodruff	DR			
Geranium species	Hardy Geranium, Cranesbill	DR	FR		
Genista species	Lydia Broom, Silky Leaf Broom				
Geum specias	Grecian Rose	DR			
Gypsophila species	Baby Breath	DR			
Helenium species	Sneezeweed	DR			
Helianthemum nummularium	Sun Rose		FR		
Helianthus species	Sunflower	DR			
Helleborus species	Hellebore	DR			
Hesperis matronalis	Dame's Rocket	DR			
Heuchera species	Coralbells		FR		
Hosta species	Hosta Lily		FR		
Hyssopus officinalis	Hyssop	DR			
Iris species	Iris, Tall Bearded, Dwarf	DR	FR		
Knautia macedonica	Knautia				
Kniphofia uvaria	Torch Lily or Red-Hot Poker	DR	FR		
Lamium species	Deadnettle	DR			
Lavandula species	Lavender	DR	FR		
Leucanthemum x superbum	Shasta Daisy				
Liatris species	Gayfeather	DR			
Linum lewisii	Blue Flax	DR	FR		
Lonicera species	Honeysuckle Vine		FR		
Lupine varities	Lupine	DR	FR		
Lychnis species	Maltese Cross, Rose Campion	DR			
Muscari species	Grape Hyacinth	DR			
Narcissus species	Daffaodil, Narcissus	DR			
Nepeta x faassenii	Catmint	DR			
Oenothera species	Evening Primrose	DR	FR		
Origanum species	Oregano	DR			Herb
Paeonia species	Peony	DR			
Papaver oriental	Oriental Poppy	DR	FR		
Penstemon species	Penstemon or Beardtongue	DR	FR		
Perovskia atriplicifolia	Russian Sage	DR			
Phlox diffusa	Spreading Phlox	DR			
Physostegia virginiana	Obedient Plant	DR			
Platyocodon grandiflora	Balloon Flower				
Polygonum aubertii	Silver Lace Vine				

Potentilla verna 'Nana''	Creeping Potentilla	DR			
Pulmonaria saccharata	Lung Wort				
Pulsatilla species	Pasque Flower				
Ratibida columnifera	Prairie Coneflower, Mexican Hat	DR	FR		
Rheum	Ornamental Rhubarb	DR			
Rudbeckia species	Black-eyed Susan	DR			
Salvia nemorosa	Sage	DR	FR		
Santolina chamaecyparissus	Lavender Cotton	DR			
Saponaria species	Soapwort	DR			
Scabiosa species	Pincushion Flower	DR			
Silene species	Catchfly	DR			
Solidago species	Goldenrod	DR			
Sphaeralcea munroana	Orange Globe Mallow	DR			
Stachys byzantina	Lamb's Ear	DR	FR		
Tanacetum species	Tansy, Feverfew, Partridge Feather	DR			
Teucrium species	Germander	DR			
Thymus species	Upright Thyme	DR	FR		
Vinca minor species	Periwinkle, Creeping Myrtle	DR			
Wyethia species	Mule's Ears	DR			
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>DR</b>	<b>FR</b>	<b>N</b>	<b>NOTES</b>
<b>GROUNDCOVERS</b>					
Ajuga reptans	Carpet Bugleweed	DR	FR		
Anacyclus depressus	Mount Atlas Daisy or Mat Daisy				
Antennaria speciesa	Pussytoes or Cat's Ears		FR		
Arctostaphylos uva-ursi	Kinnickinnick		FR		
Aubrieta deltoidea	Rock Cress		FR		
Cactaceae family	Hardy Cactus	DR			
Callirhoe involucrate	Poppy Mallow				
Cerastium tomentosum	Snow-in-Summer	DR	FR		
Delosperma cooperi	Purple Iceplant		FR		
Delosperma nubigenum	Yellow Iceplant		FR		
Dianthus species	Sweet William	DR	FR		
Fragaria species	Wild Strawberry		FR		
Iberis Sempervirens	Candytuft				
Lamium species	Dead Nettle	DR	FR		
Phlox subulata	Creeping Phlox		FR		
Sedum species	Sedum, Stonecrop		FR		
Sempervivum species	Hens and Chicks		FR		
Thymus species	Upright Thyme	DR	FR		
Thymus praecox	Creeping Thyme	DR	FR		

Thymus species	Culinary Thyme	DR	FR		Herb
Veronica species	Speedwell		FR		
Vinca Minor varieties	Periwinkle	DR			

BOTANICAL NAME	COMMON NAME	DR	FR	N	NOTES
<b>ORNAMENTAL GRASSES</b>					
Achnatherum hymenoides	Indian Ricegrass			N	
Calamagrostic acutiflora	Feather Feed Grass, Karl Foerster				
Deschampsia caespitosa	Tufted Hairgrass			N	
Eriogonum caespitosum	Desert Buckwheat				
Festuca idahoensis	Idaho Fescue				
Festuca ovina glauca	Fescue Blue				
Helictotrichon sempervirens	Avena Grass, Blue or Blue Oat Grass			N	
Koeleria macrantha	Prairie Junegrass			N	
Mahonia repens	Creeping Oregon Grape				
Miscanthus sinensis	Miscanthus or Maiden Hair Grass				
Oryzopsis hymenoides	Indian Ricegrass				
Panicum virgatum	Switch Grass, 'Heavy Metal'				
Pennisetum alopecuroides	Fountain Grass				
Phalaris arundinacea	Ribbon Grass				
Poa secunda	Sandberg Bluegrass			N	
Pseudoroegneria spicata	Bluebunch Wheatgrass				
Sisyrinchium idahoense	Blue-eyed Grass				
Sorghastrum nutans	Indian Grass				

## **DRRG – CHANGE LOG**

All changes to the DRRG's will be recorded here after approved by the BTCA Board of Directors.

#	Date	Section(s) Being Changed	Rationale for Change
1	8/18/20	Section 5.09.1 Permanent Basketball Hoops. Added to Application that additional landscaping is required prior to installation of basketball hoop. "Homeowner is responsible for notifying the DRC for inspection and approval prior to the installation of the basketball hoop".	Inserted – "Not all homes are suitable for permanent basketball hoops. Added "to minimize the visual impact from the street and pathways.