

**GILLESPIE BUTTE
HOMEOWNER'S ASSOCIATION,
INC.**



DESIGN GUIDELINES

Effective October 15, 2021

Table of Contents

DEFINED TERMS 3

ARC APPROVAL REQUIRED 3

APPLICATION PROCESS..... 3

CRITERIA..... 5

CONSTRUCTION PERIOD8

COMPLIANCE WITH LAW 10

AMENDMENTS 10

EXHIBIT A 11

EXHIBIT B 12

GILLESPIE BUTTE HOMEOWNER'S ASSOCIATION DESIGN GUIDELINES

RECITALS

- A.** The Gillespie Butte Subdivision (the "Subdivision") is a planned community in Eugene, Oregon. The Subdivision is governed by the Gillespie Butte Homeowner's Association, Inc. ("Association"), including the Board of Directors thereof ("Board"), and it is subject to that certain Amended & Restated Declaration of Covenants, Conditions, Restrictions and Easements recorded on October 29, 2019 at Instrument No. 2019-049237, as the same may be amended from time to time ("Restated Declaration").
- B.** Pursuant to Article 14.3 of the Restated Declaration, the Board has adopted these Gillespie Butte Homeowners Association, Inc. Design Guidelines ("Design Guidelines") to interpret and implement the provisions of this Restated Declaration for architectural review.

GUIDELINES

- 1. DEFINED TERMS.** Capitalized terms, unless otherwise defined herein, shall have the meaning set forth in the Restated Declaration.
- 2. ARC APPROVAL REQUIRED.** As set forth in the Restated Declaration, an Owner shall obtain the ARC's approval before commencing, erecting, or placing any improvements (including any landscaping other than regular mowing or trimming) on any Lot. The foregoing requirement applies to both new improvements and the exterior remodeling and/or alteration of any existing improvements.
- 3. APPLICATION PROCESS.**
 - 3.1. Application Package.** To request the ARC's approval, an Owner desiring to make improvements ("Applicant") must first submit to the ARC two copies of a complete application package ("Application Package"). The Application Package must include:
 - a.** A filled-in copy of the ARC Approval Application Cover Sheet attached hereto as Exhibit A ("Application Cover Sheet"). The Board shall provide an Applicant with blank copies of the Application Cover Sheet for a reasonable copying fee on request.
 - b.** If the proposed improvement involves erecting walls (including retaining walls, screening walls, or landscaping walls): (i) excavation plans; and (ii) an as-built certification of acceptance by a licensed geotechnical engineer. Grading Plans required.
 - c.** If the proposed improvement involves landscaping: (i) a drawing showing the proposed landscaping; (ii) a list identifying proposed species of plants and trees to be added or removed from the landscape; and (iii) identification of any proposed yard sculpture, fountain, or other non-seasonal display to be added or removed from the landscape.
 - d.** If the proposed improvement involves the construction of an accessory building or structure: (i) a site plan showing the location, dimensions, and height of the proposed accessory building or structure, as well as the accessory building or

structure's setbacks from property lines; (ii) a description of the location and type of any outdoor lighting proposed in connection with the accessory building or structure; and (iii) information regarding the color, quality, and architectural style of the proposed accessory building or structure.

- e. If the proposed improvement involves the initial construction of a Home or driveway (or both): (i) a site plan showing the proposed height, location and orientation of the proposed Home (including the proposed Home's setback from the Lot's boundaries), as well as the proposed location of the garage, driveway, and any outdoor lighting; (ii) a certified survey identifying the boundaries of the Applicant's Lot, unless the Applicant is able to locate survey stakes on the Lot, in which case the Applicant will include in its Application Package a written statement to that effect; (iii) a specification sheet identifying all materials to be used in the construction of the driveway and the exterior of the Home, together with labeled samples of the same; (iv) all information related to excavation required by 3(b) above; (v) all information related to landscaping required by 3(c) above; (vi) the name and contact information of the licensed architect or other residential designer responsible for the design of the Home or driveway; and (vii) proof of bonding and/or insurance of the builder of the Home or driveway. **Application Package** must include: Preliminary Drawings, Schematic Floor Plans, Elevations, Grading Site Plan, Specification Sheet including all exterior materials, components and colors.
- f. A nonrefundable fee paid via a check made payable to Gillespie Butte Homeowner's Association in the following amount: (i) if the proposed improvement involves the initial construction of a Home or driveway (or both), \$1000.00; or (ii) if the proposed improvement does not involve the initial construction of a Home or driveway (or both), an amount determined by the ARC (Approx. \$150/hr) at or before the time the Application Package is submitted based on the anticipated time and expense necessary for the ARC to review the Application Package. In no event will the fee described in Section 3.1(f)(ii) exceed the application fee for initial construction set forth in Section 3.1(f)(i).

3.2. *ARC's Receipt of Application Package.* Upon receipt of an Application Package, the ARC shall mark the date on the Application Cover Sheet in the space provided.

3.3. *ARC's Decision.* As set forth in Article 14.6 of the Restated Declaration, the ARC must render its written decision approving or denying an Application Package within 30 business days (meaning, days others than Saturdays, Sundays, and legal holidays) after its receipt of all materials required with respect to the application ("Review Period"). During the Review Period, the ARC may require the Applicant to provide additional information or materials relevant to the ARC's review, which may or may not be the information or materials described in Section 3.1 above, in which case the Review Period shall be paused until the Applicant submits such additional information or materials to the ARC. Once the ARC reaches its decision, the ARC will return one (1) copy of the entire Application Package to the Applicant (including a copy of the Application Cover Sheet marked "Approved" or "Disapproved" in the space provided), retaining the other copy for itself as its property.

3.4. *Input from Contractor.* During the Review Period the ARC may request, or an Applicant may suggest, that a Contractor (as defined in Section 5 below) meet with the ARC to discuss the Applicant's Application Package.

3.5. Changes in Plans. If any aspect of an Applicant's plans change while the ARC is reviewing an Application Package or after the ARC has approved an Application Package, the Applicant must obtain approval from the ARC to implement the change. Accordingly, in such case, the Applicant will submit to the ARC a written description of the proposed change, together with, if applicable, revised drawings or site plans (collectively, "Revised Plans"), and the Review Period shall be reset as of the date the ARC receives the Revised Plans. Additionally, if the Revised Plans relate to the initial construction of a Home, the Applicant shall submit a nonrefundable resubmission fee in an amount determined by the ARC at or before the time the Revised Plans are submitted based on the anticipated time and expense necessary to review the Revised Plans. In no event will such fee exceed the application fee for initial construction set forth in Section 3.1(f)(i).

3.6. Appeals.

- a. An Applicant may appeal the decision of the ARC pursuant to Article 14.6.4 of the Restated Declaration. When submitting an appeal, in addition to providing a written explanation of the specific objections or mitigating circumstances that justify the appeal as required by Article 14.6.4, the Applicant shall submit: (i) the Application Package initially provided to the ARC; and (ii) a copy of the ARC's decision.
- b. In considering the Applicant's appeal, the Board shall consider, among other factors the Board deems relevant, whether reversing the ARC's decision and allowing the Applicant to proceed as the Applicant desires would result in: (i) avoiding imposing on the Applicant or the Applicant's Lot an unusual or unique design limitation not experienced by other Owners or other Lots, which the Board must avoid when possible; or (ii) an improvement that substantially or materially detracts from the character and ambience of any particular Lot or the Subdivision as a whole, which the Board must also avoid when possible.

4. CRITERIA.

As set forth in Article 14.6.2 of the Restated Declaration, the ARC, in its sole discretion, may withhold or condition consent to any proposed improvement. Moreover, the ARC may impose more or less restrictive conditions on one Lot than it imposes on another Lot. Deviation from these standards are case by case and don't set a precedent. Without limiting the ARC's discretion, the ARC provides this Section 4 to give Owners a sense of the design qualities and features the ARC is generally looking for when considering Application Packages.

4.1. Home Design Generally.

- a. The general architectural design of the exterior of homes is intended to be in the Northwest Contemporary style. Examples of homes in this style are shown on the attached Exhibit B. The architectural design of each home must also be compatible with the Lot upon which it is built and must not unreasonably interfere with views of the city or mountains when considering the main level living area of surrounding homes. Homes must consider bulk, scale and mass in its design. Heights of unbroken exteriors walls will be scrutinized. No Duplicate homes will be allowed on Lots 1-16.
- b. All Homes are subject to minimum square footage sizes. Homes built on Lots 1-16 must have a square footage of at least 2,200 square feet.

- c. Without limiting Section 4.1(b), homes should be designed so as not to unreasonably interfere with views of the city or mountains when considering the main level living area of another home.
- d. Skylights, Sun Tunnels and glazing should match the slope of the roof.
- e. Active solar collectors can result in excessive glare and reflection. Owners will locate solar collectors on homes in a location that limits the effect of such glare and reflection on neighboring properties.

4.2. Exterior Materials.

- a. Acceptable materials for use on the exterior of homes generally include stone, simulated stone, stained wood, cement siding and cement panels. No single wall construction allowed.
- b. Any glass visible from the exterior of a home should be either clear or lightly tinted. No reflective or mirrored glass or other reflective materials are allowed. Quality glazing is required, type and color require ARC approval.

4.3. Garages and Driveways.

- a. Each home shall have at least one garage. The garage must be enclosed, and it must be sized to handle at least two (2) conventionally-sized vehicles.
- b. Garages may either be attached to or detached from the home. When possible, garages should be oriented with openings away from streets. However, where a garage opening faces a street, the garage structure shall not occupy more than 40% of the face of the home.
- c. Every garage shall be serviced by at least one driveway. The driveway shall be a minimum width of not less than ten feet (10').
- d. Driveways must be constructed of concrete or pavers and placed on properly compacted fill. No dirt, asphalt, or gravel driveways are permitted.
- e. Driveways must be constructed prior to or simultaneously with occupancy of a Home.

4.4. Landscaping.

- a. All landscaping (including lawn, trees, boulders and shrubs) must be visually attractive and harmonious with the existing common space landscaping in the Subdivision. Artificial turf may be allowed, on a case-by-case basis.
- b. Each Owner shall install an underground sprinkler system to provide adequate water to maintain all lawn and planted areas.
- c. Each Lot shall be graded and landscaped in a manner that shall keep water runoff from adversely affecting adjoining properties.

4.5. *Lighting.*

- a. Owners are encouraged to use landscape and other exterior lighting to enhance their Homes and Lots. However, such lighting should be designed and installed in a manner that preserves the ambiance of the nighttime sky, such that each Owner may enjoy his or her view of surrounding scenery and the lights of the city and nighttime sky. Hence, exterior lighting shall be minimal and of a low intensity. Sources shall be "warm" (i.e. not blue-white LED - 3000k or less), localized, carefully placed, designed to limit the field and glare of light to the confines of the Lot on which it is installed, and directed such that it shall not flood any adjacent Lots or Common Area. Low voltage lighting is encouraged. "Low wattage" shall be defined as needed by the ARC or Board, taking into account the location, elevation, surrounding residences, and environment of each Lot. No exposed bulb shall be allowed to cause undue glare. Colored lighting (other than seasonal holiday lights) is not permitted.
- b. The primary function of any exterior lighting (other than landscape lighting) should be to provide light for normal use of a Home and for public health and safety. Hence, such lighting shall be installed only in the areas that are primarily required for use on an everyday basis and for the normal function of a home. Examples of this type of lighting include porch, patio, porte-cochere, and service area lighting. As much as possible, the lighting fixtures shall be recessed or physically integrated into the part of the structure it is on and shall not be visible from neighboring Lots.
- c. Any security lighting (meaning, lighting activated by motion sensors) should be configured so that, once activated, it does not stay on for more than fifteen (15) minutes. Moreover, such lighting should be located in places where it is unlikely to frequently activate due to regular outdoor traffic or activity.

4.6. *Mechanical Equipment.* Air conditioning, pool, and other equipment should be placed appropriately so as not to be seen or heard by neighbors as much as possible. No radio or television transmission or reception antenna, dish, device, or other similar equipment exposed to view from the street or streets abutting a Lot shall be allowed if any acceptable quality signal can be obtained on another portion of the Lot that is not exposed to view from the street.

4.7. *Accessory Buildings.* Accessory buildings shall harmonize as much as possible with the principal structure on the Lot, as well as the rest of the Subdivision.

4.8. *Footings; Foundation.*

Wood foundations are prohibited. Moreover, subject to local building code regulation, all exterior wall materials must be finished down to the final Lot grade, entirely covering any concrete exposed above final grade, thereby eliminating unfinished foundation walls. Allowed foundation exposure of up to 18" may be allowed.

4.9. *Decks*

The undersides and finish of decks which might be visible from neighboring properties shall be considered, especially on upper hillside sites. Deck supports and trim are important design elements and simple posts or similar support systems may not be acceptable. Perimeter planting or "massing" (i.e. boulders, gabion walls) may be required.

4.10. *Exterior Colors*

The color of all exterior materials shall be subdued to blend with the natural landscape. Medium to dark earth tones are strongly recommended, although muted accent colors, which are used judiciously and with restraint, may be allowed. All reflective metal shall be painted or treated to diffuse rather than reflect light.

4.11. *Pools and Hot Tubs*

Outdoor Spas and Swimming Pools: Above-grade spas and related equipment shall be screened from view from adjacent properties and the street. Above grade swimming pools are not allowed. Covers such as inflatable bubbles are not allowed

4.12. *Roofing*

In general, relatively low-profile buildings with a variety in massing and rooflines are desired. Large, expansive areas of unbroken roof planes and ridgelines are undesirable. Roof pitch shall be appropriate to the overall design character of the home and sympathetic to the surrounding site conditions. Large roof or eave overhangs are encouraged. Approved roofing includes limited lifetime high-definition composition shingles with ridge venting (reducing visible vents), slate, and flat concrete tiles. Non-reflective metal roofing, minimum 22 gauge no ribbing preferred, 1 ½-inch standing seams at no greater than 16 inches on center may be used as architectural accent. More extensive use of metal roofing may be considered by the ARC, evaluating such factors as the appropriateness of the material in regard to the style of the home. Boxed soffits and gables are encouraged but exposed soffits are allowed when decorative in nature.

4.13. *Retaining Walls*

Multiple terraced retaining walls shall be utilized where the overall height of retained earth exceeds five feet. No more than two retaining walls will be permitted along each side of the home. No retaining wall may exceed four feet in height. Retaining walls must have not less than four feet of separation from each other. Materials for construction of retaining walls shall be subject to ARC approval. Masonry units, concrete stacker block, or other modular prefabricated wall systems are prohibited. The finish material shall reference the material or color palette of the home and approved by the ARC. Existing type of boulders used in the common space are highly encouraged.

4.14. *RV parking/garages*

Exterior RV parking is not allowed and RV garages are not encouraged, but if they are proposed, they need to be integrated carefully into the overall design. Maximum garage door height shall be 12'.

5. CONSTRUCTION PERIOD. During any period ("Construction Period") in which an Owner is performing or causing to be performed improvements on a Lot ("Construction Lot"), such Owner shall adhere, and shall ensure that any contractor engaged by such Owner and any subcontractor or employee engaged by that contractor (collectively, "Contractor") adhere, to the provisions of this Section 5. The failure of a Contractor to adhere to these rules shall be deemed a failure by the Owner that engaged the Contractor to adhere to these rules.

- 5.1. *ARC Notification.* At least one week prior to commencing construction or undertaking excavation on any Lot, the Owner must notify the ARC of the pending commencement of construction.
- 5.2. *Trash.* All trash and debris on a Construction Lot shall be cleaned up at the end of each day. Lightweight material, packaging, and other items shall be covered or weighted down to prevent wind from blowing such materials off the Construction Lot. Prior to the start of construction of any major improvements, a dumpster shall be placed on the Construction Lot for all refuse accumulated from the construction project. The builder may, with written approval from an adjoining property Owner, place the dumpster on that adjoining property. Dumpsters may not be placed on the street, except where there is no practical location to place a dumpster on the Construction Lot. Trash may not be dumped, buried, or burned anyway in the Subdivision, unless the ARC has expressly designated an area for such activities.
- 5.3. *Appearances.* Each Construction Lot shall be kept neat and shall not be allowed to become a public eyesore. Dirt, mud or debris resulting from activity on a Lot shall be promptly removed from public roads and Private Drives, Common Area, and driveways. Dust and noise must be controlled. The street may not be used as a work site. No materials may be stored on any roadway or in any easement areas. During construction, the Owner or Contractor shall take all necessary actions to ensure that the streets are kept clean of debris, mud, dirt, and rock.
- 5.4. *Facilities.* Adequate sanitary facilities for construction workers must be provided. No such facilities shall be located on any Lot other than the Construction Lot.
- 5.5. *Parking.* Construction crews shall not park on a Lot other than the Construction Lot or in any unpaved Common Area or open spaces in Gillespie Butte.
- 5.6. *Equipment Cleaning.* Cleaning by concrete suppliers and other Contractors of their equipment shall be done only on the Construction Lot.
- 5.7. *Timing.* All work shall be done expeditiously and in a good workmanlike manner. All work shall be performed at a time and in a manner to minimize interference and inconvenience to other Owners. Without limiting the foregoing, and except in the case of an emergency, construction activities will only be performed Monday through Saturday and only between the hours of 7:00 a.m. and 7:00 p.m. (except during winter months, when construction activities will only be performed between the hours of 7:00 a.m. and 7:00 p.m.). Contractors may request from the ARC an exception from the foregoing requirements as necessary in connection with concrete pours.
- 5.8. *Other Restrictions.* Contractors are expressly prohibited from: (i) changing oil of any vehicle or equipment on any Lot; (ii) storing on any Lot any material that presents a safety hazard to the general public; (iii) removing any rocks, plant material, topsoil, or similar items from any Lot other than the Construction Lot; (iv) discharging any type of firearm in the Subdivision; (v) using alcohol or illegal drugs in the Subdivision; (vi) bringing pets, including dogs, into the Subdivision; and (vii) causing unnecessary noise by, among other things, operating radios, stereos, boom boxes, or similar electronic device at a loud volume. Total Construction Duration is Limited to 18 months.

5.9. *Damage or Injury.* Each Owner assumes liability, and shall be responsible, for all damages or injury that result from work of the Owner or a Contractor, including damage or injury to or on any property adjacent to the Construction Lot.

6. COMPLIANCE WITH LAW. Owners are responsible for obtaining all permits and approvals necessary for performing improvements. The fact that the ARC approves any proposed improvement shall not be construed as the ARC making any opinion that the proposed improvement (or construction thereof) complies with the Laws. Neither the ARC, any member thereof, nor agents of the ARC, nor the Declarant of Gillespie Butte, shall be liable to The Gillespie Butte Homeowner's Association, Inc. or to any owner or other person for any liability, loss or damage claimed on account of any of the following:

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

Neither the ARC 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 ARC or a member thereof, provided only that the member has, in accordance with the actual knowledge possessed by the ARC or by such member, acted in good faith. The scope of the ARC's review is not intended to and shall not be construed to include any representations or warranties or conclusions regarding structural, geophysical, engineering, fire safety or any other matters, compliance with applicable laws or regulations, fitness for a particular purpose or habitability. Approval by the ARC of any improvement at Gillespie Butte only refers to The Gillespie Butte Design Guidelines for Custom Homes and in no way, implies conformance with applicable government laws or regulations. It shall be the sole responsibility of the owner to comply with all applicable government laws or regulations, including but not limited to, zoning ordinances and local building codes.

7. AMENDMENTS. As set forth in the Restated Declaration, these Design Guidelines may be amended from time to time by the Board. Upon request, the Board shall provide a copy of the most current version of these Design Guidelines to any Owner for a reasonable copying fee.

As President of the Board, I certify that the above Design Guidelines were duly adopted by the Board on the 15th day of October, 2021.



Dane Butler

EXHIBIT A
GILLESPIE BUTTE SUBDIVISION
ARC Approval Application Cover Sheet

This application is for the following (please check one):

- Construction of New Home and/or Driveway
- Construction of New Improvements Other Than a Home or Driveway
- Additions, Remodeling, or Modifications to Existing Improvement
- Additions, Remodeling, or Other Modifications to Existing Landscaping

Owner Name _____ Owner Phone _____

Property Address _____ Gillespie Butte Lot # _____

Person/Company Completing _____ Work Phone _____

Work shall commence _____ and be completed approximately _____

Please give a brief description of the proposed improvement(s), including information about the nature, shape, height, materials, colors and proposed location of the improvement(s). Additional sheets, together with any other documents and information required by Section 3.1 of the Design Guidelines, may be attached.

The undersigned, Owner of the above described property, hereby declares to the best of his or her knowledge that the improvements proposed in this Application, including all attachments hereto, conform to Gillespie Butte Homeowners Association's Design Guidelines.

Signature of Owner _____ Date _____

TO BE COMPLETED BY ARC	
DATE APPLICATION RECEIVED ____/____/____	DATE OF ARC DECISION ____/____/____
THE APPLICATION IS (circle one):	
APPROVED	DISAPPROVED (brief explanation attached)
SIGNED ON BEHALF OF THE ARC: _____	

EXHIBIT B
EXAMPLES OF HOMES IN THE NORTHWEST CONTEMPORARY STYLE