

**CERES GLEANN
HOMEOWNERS ASSOCIATION**

**ARCHITECTURAL DESIGN & REVIEW
MANUAL**

**ADOPTED MARCH 7, 2023 BY
CERES GLEANN HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS**

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INTRODUCTION

Set forth in this Architectural Design & Review Manual (hereinafter referenced as Manual) are those policies, procedures and guidelines to assist the Architectural Review Committee (hereinafter referenced as ARC) and property owners through the architectural review process. The powers of architectural review and control are key elements to the success of every "automatic membership" community such as Ceres Gleann. Properly exercised, the review and control process can create and preserve a community that is attractive, livable and prestigious. The process will help protect property values.

The Manual establishes standards and an orderly process for review of new construction (see Appendix - A), alterations to existing homes and detached structures. The Manual implements and reflects the architectural restrictions contained within the recorded Covenants, Conditions, and Restrictions (hereinafter referred to as CC&Rs) which govern the community.

ARC requires that prior approval be obtained before any item is installed or placed upon the exterior of a living unit. Prior approval is also required for any item placed on the front, side, or back of any lot, unless otherwise noted.

All residents are encouraged to read the CC&Rs and the Manual. ARC will do its best to apply the rules, but residents must realize that the HOA lacks the resources to monitor the community to ensure that all rules are followed. Voluntary compliance with the rules is important. If residents note an out-of-compliance condition, they are encouraged to file a formal concern and provide it to an ARC member. When we all work together to uphold our standards and rules, Ceres Gleann will remain an attractive and vibrant community.

In creating and updating this Manual, ARC has done its best to adhere faithfully to the CC&Rs and to use objective criteria in the establishment of standards.

ARTICLE I. ARC RESPONSIBILITIES AND POLICIES

A. Responsibilities

In accordance with the CC&Rs recorded in the records of Polk County, Oregon, ARC may be appointed by the Board of Directors whose primary duty shall be to supervise and control the design, appearance, location, and maintenance of all structural improvements on the Property in accordance with the provisions of the CC&Rs and this Manual.

B. Review Procedures

1. In carrying out its primary duties, ARC shall review all submittals and apply the policy, procedure, standards and design guidelines as set forth in the Manual and CC&Rs. ARC shall keep records of all applications and submitted plans for a period of not less than two years.
2. If a submittal is of a routine nature, such as painting or fencing, it may be approved prior to the next regularly scheduled ARC meeting. The application must be signed and approved by three (3) members of ARC, with preferably one of the signatories being the Chair or Vice-Chair. Such approval without a meeting shall be documented in writing and presented to ARC at its next regularly scheduled meeting for inclusion within ARC meeting minutes.

C. Policies

1. No building, fence, patio, deck or other structure or improvement shall be commenced, erected, built, installed, or otherwise placed on the property, nor shall any alteration or change in the exterior appearance or materials of any existing structure or improvement be made until an application and required plans and specifications have been submitted to, and approved, by ARC. Homeowners are strongly encouraged to contact an ARC member if in doubt about the need to submit an application.
2. ARC does not warrant or assume responsibility for the structural integrity, safety features, mechanical operation, or building code compliance of the proposed improvement or structures herein. General land use requirements and building codes are established by the City of Dallas, Polk County, and the State of Oregon.

D. Committee Discretion

1. It is recognized that this Manual does not contain specific requirements for every situation that may require ARC approval. ARC will exercise its sound discretion in such novel or unusual circumstances. ARC's discretion will be guided by the overall content and intent of the CC&Rs and by other decisions made by ARC, or the Board, that provide some context for the issue.
2. It is recognized that rare circumstances may occur wherein a specific application that ARC deems to be meritorious, may not conform to existing rules or precedent. In such cases, ARC shall confer with the Board of Directors before proceeding. If the Board of Directors authorizes ARC to approve the non-conforming project, ARC shall note the rationale for the approval in its regular minutes. Unless otherwise specified by the Board, the approval of a non-conforming application shall not be a precedent for future applications.

E. ARC- Manual/CC&R Conflict

1. A conscientious effort has been made to harmonize the ARC Manual with the existing CC&Rs. **In the event a conflict emerges between the Manual and the CC&Rs, the CC&Rs shall control.**

ARTICLE II. PLAN SUBMITTAL PROCEDURES

Note: Ceres Gleann, as of 1/1/2023, has no remaining buildable lots. Prior rules and requirements regarding the construction of new houses have been moved to APPENDIX A. In the unlikely event a new home is built to replace an existing home, please consult APPENDIX A. The rules and requirements in APPENDIX A continue to have full force and effect.

A. Procedure For General Alterations/Improvements to Home Structure

1. Proposals for new home construction shall follow the procedures and requirements set out in Appendix A.
2. Proposals for the major alteration of any permanent or temporary structure or improvement on any lot must be submitted to ARC; the application must be submitted at least 30 days prior to the start of the alteration or improvement. See Appendix A.

B. Procedure for Paint Approval

Two copies of the application set out in Exhibit D must be submitted; the application must be signed by the homeowner. After review, ARC will return one copy of the completed application to the homeowner noting one of the following: approval, approval as noted, or not approved. (See Article III F, for color choice requirements.)

C. Procedure for Other Improvements (roofs, fences, patios, decks, solar panels, awnings, generators, arbors, etc.)

1. Two copies of the application set out in Exhibit A must be submitted; the application must be signed by the homeowner. After review, ARC will return one copy of the completed application to the homeowner noting either: approval, approval as noted, or not approved. ARC shall complete its review within 30 days of receiving the application.
2. An incomplete application will be returned to the homeowner and considered by ARC only when completed and resubmitted.
3. Approved projects must be commenced within 3 months of ARC approval. Failure to begin the approved project within the 3-month window may, at the discretion of ARC, result in a withdrawal of approval and the requirement that a new application be submitted. Homeowners facing unexpected difficulty with a project may request a time extension from ARC before the 3-month start-up period expires.
4. Repair or replacement of items with **exactly matching items** do not require ARC approval.

ARTICLE III. REQUIREMENTS FOR SPECIFIC FEATURES

A. Fences, Walls, Hand Rails

1. Permanent Fences: ARC must approve all fences and walls prior to construction or replacement. Fences shall not exceed six (6) feet in height from the finish grade. In the case where the fence is also a retaining wall, the measurement shall be taken from the high side. Certain designs and materials for fences and walls are approved for Ceres Gleann as follows:
 - a) black wrought iron or steel, matching existing Ceres Gleann spear/spire design;
 - b) split face concrete block with cap;
 - c) combination of split face concrete block and black wrought iron or steel;
 - d) black vinyl chain link, permitted only on rear perimeter property lines of homes along Magnolia Avenue adjoining the golf course, St. Andrews Avenue east side, and those homes bordering the community garden/gazebo common property (this exempts those homes bordering the garden on Lynchet and Rhododendron); and
 - e) homes that as of January 1, 2023 have cedar plank fencing or wood/chain-link-weave fencing may retain and replace such fencing as may become necessary.
2. Small pet containment material may be temporarily attached to a permanent fence and must be black in color and be a flexible plastic mesh or netting. This material cannot exceed 3 feet in height and shall be removed when the home is sold.
3. Temporary perimeter fences/gates require an application to ARC for approval. Approved temporary fences must be metal and black in color and may not exceed 4 feet in height. These fences can only remain in place for up to two years and the approved period cannot be extended. The selected fence design should match/complement the existing permanent fence.
4. Handrails: Any handrail placed on the homeowner's lot must be black wrought iron or steel and should be similar to existing community handrails. ARC approval is required before installation.

B. Porches, Decks and Patios

1. All porches, decks and patios, if approved, shall have an appearance consistent with the exterior of the Ceres Gleann living units. No porch, patio, or deck in the rear of a living unit shall extend closer than four (4) feet to any boundary line of the lot. No porch, patio, or deck in the front of a living unit shall extend closer than sixteen (16) feet from face of curb. Porches or decks, which are constructed above grade (off the ground) must be finished to the ground with materials compatible with the deck or the living unit and screened with landscaping.
2. No porch, patio or deck within eight (8) feet of any property line of the lot shall be more than thirty (30) inches above finish grade.
3. Patios shall be aggregate finished concrete slabs on grade, pavers, or as otherwise approved by ARC, and shall be constructed in a manner to prevent surface water from flowing onto adjacent lots.

C. Covered Porches, Decks and Patios

1. All permanent porch, patio or deck covers must be of a design that is complementary to the living unit and must be approved by ARC.

Setbacks shall be as follows: a) Rear: seven (7) feet from property line; and b) Front: eighteen (18) feet from face of curb.

2. Add-on porch, patio, and deck covers: Wherever structurally and functionally possible, all permanent porch, patio, or deck covers with solid roofing, shall meet the same requirements as new home construction (see Appendix A) with the exception that the roof slope may be as low as a 4 inch rise for every 12 inches of horizontal projection. All rainwater shall be collected and distributed to the City's storm drainage system.

3. Sunscreens. Permanent sunscreens must have no roof and shall be professionally designed and approved by ARC prior to installation. The fabric must be of a solid color and compatible with or match the body or trim color of the dwelling unit.

4. Awnings. ARC must approve all awnings prior to installation. Fabric type retractable awnings must be compatible with the living unit and will be considered on a case by case basis. The fabric must be compatible with or match the body or trim color of the dwelling unit. Fabric shall be maintained and kept presentable. Retractable window and patio awnings (whether temporary or permanent) shall not have pole supports to the patio, porch, or deck below.

D. Outside Storage Cabinets

1. Outside free standing and movable cabinets, benches, or deck boxes made of plastic/resin/composite/rubber material (no metal or wood) with storage capability will be considered patio furniture if:

a) they have not been constructed, designed, marketed or sold to primarily serve as a storage unit;

b) the above does not exceed 3 feet in width, 2 feet in depth, and 6 feet in height;

c) is placed on the rear patio of the home and, insofar as practical, out of view of neighboring homes; and

d) is not permanently attached to the home.

2. No permanent storage structures, sheds and outbuildings are allowed on homeowner lots. These type of structures typically have either a pitched or shed style roof and are constructed, designed, or marketed to serve as semi-permanent or permanent storage structures.

E. Exterior Walls

The front elevation of each living unit shall have significant architectural features that are consistent with other homes in Ceres Gleann. Approved wall materials are: wood or simulated wood products such as beveled siding, shakes, tongue and groove vertical siding, plywood board and batt and brick or stone veneer.

T1-11 or similar products are specifically not allowed as an exterior siding. Combinations of wood products and masonry are encouraged. Other siding materials will be judged on their merit after a review of samples. Side and rear elevations shall be selected from the same materials as approved for the front. Windows on exterior walls of the garage side of a living unit shall be of "Rain Glass" or approved alternate.

F. Exterior Colors

Exterior house colors (body, trim, shutters, and accent) must be approved by ARC and selected from the approved Ceres Gleann paint palette. Main body colors on the palette shall be the only choices available to homeowners. Trim and accent colors may be at minor variance from the palette if the selected colors clearly complement the selected main body color. See Exhibit D for application details.

Door colors are not required to conform to the paint palette. See Exhibit D for door color instructions. Must be approved by ARC.

G. Roofs

Approved roofing materials must be high end (or layered) architectural composition materials with 30 year or lifetime warranty, which provides a three-dimensional sculptured appearance using varying thickness and shadowing. Color material must be dark charcoal gray or black, the same as existing neighborhood roofs. The minimum pitch allowable is 5 inches rise in 12 inches of horizontal projection. Must be approved by ARC.

H. Outside Items and Displays

1. No basketball hoops shall be installed on any portion of the property.
2. Satellite dishes no more than twenty-four (24) inches in diameter may be installed and maintained but only on the rear portion of the home, (more specifically) within 10 to 15 feet from the rear roof line. If feasible, the dish shall not be visible from the street. Homeowners are encouraged to remove non-functioning dishes if removal can be done without causing damage to the roof by leaving existing hardware.
3. Flags and Banners:
 - a) no more than 2 (two) flags or banners, no larger than 3 feet by 5 feet, may be displayed on a lot or living unit at one time;
 - b) no free-standing flag pole will be allowed unless approved by the Board;
 - c) small American flags used to decorate lawns/pots for patriotic holidays will be considered holiday decorations and be exempt from the two-flag limitation during holiday period only.

4. Holiday Decorations:

- a) Holiday decorations, OTHER than during the Christmas/December holiday season, may be placed in the front yard of a living unit for period beginning ten (10) days prior to and ending two (2) days after a holiday, for a total of twelve (12) days;
- b) Christmas/December holiday decorations may be placed on a living unit/lot beginning the day after Thanksgiving and ending January 5;
- c) All fan or other mechanically inflated decorations for any holiday period must be deflated by 10 pm each day the decorations are displayed.

5. No barbecue grills are allowed on the front area of any living unit.

6. Ladders, work tools, and other maintenance items must be placed in the garage when not in use.

I. Yard Art

1. Yard art, trellises, bird feeders, and similar items may be added to a lot if they fit into the lot's landscaping plan, **AND** are placed in the backyard or side yard, provided that the displays do not materially obstruct a neighbor's view. Such items may only be placed in the front yard or street side of a lot if the items have written ARC approval.
2. No art work of any kind shall be placed on the front of a house, garage, or front/back gable. The exception to this rule is that you may place up to 3 items at the main entry and back patio of your home without ARC approval.
3. Permanent trellises or arbors placed between two living units must be agreed upon by the neighbors and are subject to ARC approval.

J. Signage

No political, campaign, or religious sign, decor or banners are allowed, including those placed inside homeowner's windows that may be viewed by neighbors. This includes signs, flags, or banners which may have political connotations.

K. Pets

1. All pets shall be confined to the owner's living unit or lot and shall not be permitted to run free or otherwise become a nuisance or source of annoyance to other homeowners/occupants.
2. No outdoor kennels, cages, dog runs, or stand-alone fencing or pens are allowed.

L. Climate Control

Outdoor air conditioning units shall be placed so as to minimize noise to adjacent units.

M. House Numbers

House numbers must be clearly readable from the street, but not so large as to be out of proportion to the structure and incompatible with the overall design of the living unit.

N. Exterior Lighting

1. Type and placement of additional exterior lighting devices (other than low voltage devices) must be approved by ARC. Replacement of exterior lighting fixtures does not require ARC approval. Selected lighting should eliminate glare and annoyance to adjacent property owners and passersby. Low wattage is preferred.
2. No exterior lighting shall be placed or operated upon or within any lot which shall cast excessive or unreasonable amounts of light or glare on adjacent lots within the community.

O. Construction Sites

Homeowners, contractors and others shall keep a clean construction site. All construction debris, lumber remnants and scrap materials shall be removed from the site after each work phase has been completed. In no case can there be more than one week's accumulation of debris. In lieu of removal from the site, ARC may authorize the use of a dumpster if placed on the driveway of the lot. Dogs, drugs, alcohol or loud radios are not permitted on the job site. Contractors in violation of these rules will be required to leave.

P. Hot Tubs/Spas

Only free-standing, self-contained hot tubs/spas will be considered. ARC approval required.

Q. Solar Energy Panels

Solar energy panels must be approved by ARC prior to installation. Panels must comply with all health and safety standards as well as all federal, state, and local codes and regulations. To minimize the visual impact on the neighborhood from the street, and to the extent practicable, panels may only be installed on the roof of a living unit and only on the rear portion of the roof. Panels must conform to the slope of the roof and the top edge of the panels may only be as high as the roof ridge. The panel frame and support brackets shall be the same color as the material to which it is attached. All piping and wiring for the panels shall be concealed within the attic, if possible.

R. Sidewalks

As per City of Dallas ordinance, homeowners are responsible for the repair and maintenance of the sidewalks that adjoin the streets at the front and side of their living unit.

S. Generators

ARC rulemaking regarding the placement and use of power generators is currently in development. Homeowners wanting to install a generator must consult with ARC and obtain approval before placing a generator on a lot.

ARTICLE IV. NON-COMPLIANCE ENFORCEMENT AND APPEALS

Violations of the rules and regulations set out in this Manual may be noted by ARC members directly, or reported to ARC by members of the community. ARC will investigate reported violations to ensure that there is an actual violation.

If a violation is found following investigation, ARC will contact the homeowner who is in violation of the rules and regulations via person-to-person, email, or US Mail and attempt to secure voluntary compliance within a reasonable amount of time. A written First Non-Compliance Notice may be given.

If the homeowner remains out of compliance after discussion with ARC representatives, ARC shall consider the matter at either a special meeting or a regularly convened meeting, wherein the homeowner shall be provided the opportunity to present arguments relevant to the alleged infraction. ARC shall consider any testimony and evidence presented and decide if the homeowner remains in violation of the rules and regulations. If a violation is found, the Homeowner will receive a Second Non-Compliance notice with a set date for correction.

If ARC finds there is, in fact, a continuing violation after the Second Notice, it shall refer the matter to the Board of Directors.

ARTICLE V. REVISION OF ARCHITECTURAL MANUAL

With approval from the Board of Directors, ARC may from time to time amend, modify, or revise provisions of this Manual; including the procedures for submitting, reviewing, and approving projects. However, no such amendment, modification, or revision shall be binding upon homeowners until notice of change has been provided by the Board to the homeowners. Moreover, no amendment, modification, or revision shall be binding on homeowners until such amendment, modification, or revision has been approved by the Board of Directors.

APPENDIX A

REGULATIONS GOVERNING THE CONSTRUCTION OF A HOUSE OR MAJOR ADDITION IN CERES GLEANN HOA

1. Proposals for the construction of a home, or a major addition or modification to an existing home (any penetration and rebuilding of existing wall, roof, or other feature of the building envelope) must be submitted to ARC in the form of a Complete Application at least 30 days prior to the start of construction. The Complete Application must include:

- a) Two copies of construction documents (plans and specifications) which comply with ARC's published checklists;
- b) Two copies of the Exhibit A application form, completed by the homeowner;
- c) Two copies of Exhibit B completed checklist;
- d) Two copies of the Exhibit C construction agreement.

Incomplete applications will be returned to homeowners and will be reviewed only when completed and resubmitted to ARC.

ARC will complete its review and return one set of all submitted documents to the homeowner while retaining the second copy. ARC will notify the homeowner after review that either: 1) the project has been approved as submitted; or 2) the project has been approved with conditions; or 3) the project has not been approved for the reasons stated. Work must begin on approved projects within 3 months of approval; failure to begin within three months will require re-approval.

2. Each Owner and designer shall apply all applicable standards within the state and local building codes and the CC&Rs for density, building type, setback requirements, utilities and placement and other exterior characteristics. Owner and designer shall also conform the design to this Manual and generally conform to the external appearance and design of existing structures within Ceres Gleann. (See item 6, following.)

3. All plans and drawings shall be of professional quality with sufficient detail to clearly define the proposed project. Plans for new home construction shall be designed by architects or other professional building designers and shall include elevation drawings of the front, sides and rear of the proposed structure. All plans will contain the name, address, and telephone number of the firm or individual responsible for creating the plans.

4. Major additions or renovations require the homeowner to submit the items listed in 1. a and b above. The submittals must conform to items 2 and 3 above and submitted to ARC 30 days prior to beginning work on the project.

5. All construction, whether a new home or a major alteration, shall be completed in a timely manner. It is expected that a new home will be completed and ready for occupancy 9 months after ARC approval has been received.

6. Design Criteria

- a) living units shall be attractive and of a high-quality architectural design that is compatible in external appearance, design and quality with existing living units in Ceres Gleann;
- b) all living units will be constructed with the following setback requirements:
 - Front: House to be 18 feet from the face of the curb, garage to be 25 feet from the face of the curb
 - Side: 4 feet from property lines
 - Rear: 12 feet from property lines
- c) roof gutters shall be required on all structures and must be properly drained to direct all water into the City's storm drainage system;
- d) driveways, walkways, porches, and patios shall be of exposed aggregate concrete slab construction only;
- e) each single-family living unit shall include an attached garage designed to enclose two (2) vehicles.
- f) all living units shall be no higher than two (2) stories above finished grade level with a maximum height at the ridge line of thirty (30) feet as measured from the lowest point adjacent to the foundation. All two-story homes shall not have the roof or any other part of the structure extending over any property line. No two-story living unit with windows on the upper floor shall have windows that face the back yard except for golf course lots and other homes on the perimeter.
- g) minimum size for a single-story living unit (excluding garage) shall be 1200 square feet. Minimum size for a two-story living unit (excluding garage) shall be 1600 square feet.
- h) see Article III-O for construction site regulations