



# Architectural Design Requirements and Review Procedures

Revised November 3, 2022

The purpose of this document is to provide general and specific guidance to residents of The Capes concerning the intent and expectations of the Architectural Review Committee (ARC) on matters that come before them. These matters include, but are not necessarily limited to:

1. Materials used in exterior construction, including both design and application
2. Exterior structures (*e.g.*, sheds, trellises, play equipment, hot tubs, fences, etc.)
3. Paint/color/material schemes for residences and exterior structures

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## **Section I – Overview**

### **Architectural Review Requirement**

The Capes CC&Rs states that in Article 7.1 ***“No improvement shall be commenced, erected, placed, or altered on any lot until the construction plans and specifications have been submitted to and approved in writing by the Architectural Review Committee” (ARC)***. The ARC is a committee formed by the authorization of Article VII of the CC&Rs. The purpose of these rules and of the committee is to:

1. Ensure the consistency of architectural design and appearance throughout The Capes.
2. Establish guidelines and standards that apply uniformly to all homeowners.
3. Protect property values through uniform standards of quality and consistency.
4. Ensure that new construction and alterations to existing homes exist in harmony with the unique environment and architectural theme of The Capes.
5. Assist the homeowner, where possible, to address unique situations. The review requirement does not apply to the interior of the home. It does apply for any new construction, remodels where the exterior of the home is changed or modified, fencing, or driveway changes. Additionally, the homeowner must abide by all building codes, requirements, and regulations of Tillamook County and the State of Oregon.
6. Approval by the ARC is not approval to build or remodel. In instances where a building permit is required, only Tillamook County can issue such approval with a building permit. The homeowner will not hold the ARC liable for deficiencies in construction, design or non-compliance with local and state building codes.

### **Disclaimer**

Approval of an application by The Capes ARC reflects the ARC's conclusion that the owner's proposal is consistent with The Capes' CC&R's and Architectural Design Guidelines. Neither the ARC nor The Capes Homeowners Association generally express any opinion about the safety or soundness of any owner's proposal, and ARC approval does not indicate that the proposal necessarily complies with any laws, regulations or ordinances, all of which are the responsibility of the owner.

### **Definition of “Like for Like”**

“Like for Like” is to be defined as repair or replacement of a material and/or color with a matching ARC approved material and/or color and is specifically geared towards minor repairs and replacement as outlined in the “Standard of Care” document (see Appendix A). Repairs and/or replacement of ARC approved “Like for Like” materials and/or colors will not be required to go through full ARC review and approval and is eligible for a minor ARC review. Replacing non-ARC approved materials and/or colors with non-ARC approved materials and/or colors will not be considered “Like for Like” and must go through the full ARC submission and review process. Examples of such are replacing existing non-approved color and/or style of decking and/or railing with similar non-approved material, replacing non-approved roofing color and/or material with similar non-approved material. Samples of ARC preapproved materials and colors are available for review at the HOA Management Office. If you have any questions whether a material and/or color has been preapproved by the ARC please contact the Community Manager.

### **Process**

***An application to the Architectural Review Committee (ARC) is required by any person who wishes to change anything on the exterior of his/her dwelling, place any structure on his/her property, or change any hardscapes (patios, decks, walkways, etc.).*** The ARC applications may be found on The Capes website. The form for architectural review, either minor review or full review, is to be submitted to the

community manager. The community manager forwards all applications to the ARC. The ARC meets as necessary to ensure the application queue is cleared and applicants with special needs are accommodated. Samples of ARC preapproved materials and colors are available for review at the HOA Management Office as well as examples of ARC submissions.

The ARC's decision will be one of the following:

1. Approval of the application as written.
2. Partial approval and a request for clarification of part of the application.
3. Approval with conditions and/or comments.
4. Denial of the application.

An applicant has the right to appeal an ARC decision to The Capes HOA Board of Directors, per The Capes CC&Rs.

Following are general guidelines for ARC applicants; if you have need for further information, please send an email to the ARC chair for response. The ARC would prefer that homeowners contemplating submitting an application and have questions ask those questions as soon as they come up. The ARC will attempt to answer questions when asked to speed the application process.

#### **Submission Requirements Minor ARC Review**

##### **1. Plan Approval**

To request approval for a minor alteration as outlined in the "Standards of Maintenance" (see Appendix A), the homeowner will need to submit to the ARC the following information. Please note that the only information required is that which pertains to their project and that describes the extent and intent as clearly as possible. Incomplete submissions will be returned to the homeowner. Electronic format (PDF) is preferable.

1. ARC Minor Design Review Form
2. Description of proposed exterior material(s) and color(s)
3. Description of proposed deck material(s) and color(s).
4. Description of proposed railing style and color(s).
5. Type, color, and specifications of windows, doors, and garage doors.
6. Construction drawings and details as necessary (8.5"x11" electronic format).
7. Roof and roofing material.
8. Any other information that would be helpful to completely describe your project.

##### **2. Completion of Work**

The Architectural Review Committee's consent to any proposed Improvement shall automatically be revoked one year after issuance unless construction of the Improvement has been commenced or the owner has applied for and received an extension of time from the Committee.

All work that has been approved under an ARC Request for Minor Review is to be completed within 180 days from the beginning of construction.

#### **Submission Requirements Full ARC Review**

##### **1. Plan Approval**

To request approval for new construction or an alteration and/or addition, the homeowner will need to submit to the ARC the following information. Please note that the only information required is that

which pertains to their project and that describes the extent and intent as clearly as possible. Incomplete submissions will be returned to the homeowner. Electronic format (PDF) is preferable.

- A. ARC Architectural Design Review Form
- B. ARC plan review refundable deposit (for new construction only)
- C. Cover page listing the type of request and any general information that would be important for the ARC to consider in reviewing your request.
- D. Construction and/or engineering drawings as necessary to describe the project.
- E. Site plan at scale of 1" to 20' showing final grading and all proposed improvements.
- F. Exterior elevations not to exceed 11"x17" showing each side of the home.
- G. Complete description of proposed exterior siding, accent and trim materials, including colors
- H. Type, color and specifications of roofing. Submit actual sample of proposed roofing material
- I. Type, color, and specifications of windows, doors, and garage doors
- J. Location on site plan and description of any proposed fencing and retaining walls
- K. Location, materials and colors of any proposed drive, walkway and/or exterior decking and railing
- L. Location, type and decibel level of any exterior mechanical units
- M. Exterior lighting plan
- N. Detailed water drainage plan including rain gutters, drain lines, outflow, catchment ponds, and etc.
- O. Any other information that would be helpful in describing your project or as requested by the ARC

## **2. Deposits (new construction and additions only requiring full ARC review)**

***A refundable deposit of \$500 for all requests for approval of New Construction (Type I) is required.*** Any outside costs incurred to process the application will be deducted from the deposit; such as third party Geotech reviews, impact reviews, and etc. If such costs will exceed the deposit amount, the homeowner shall be requested to increase the deposit to cover anticipated costs. Any unused funds will be refunded after completion of construction. All other applications will not require a deposit.

## **3. Decision**

***The ARC shall communicate its decision to the owner within 30 working days after it has received all the materials required by it with respect to the application.*** Any necessary third party review (such as a drainage plan review and etc.), may extend the processing time. In such instances, the application shall not be viewed as completed until all information is received; which can include incomplete applications, insufficient information and etc.

## **4. Completion of Work**

The Architectural Review Committee's consent to any proposed Improvement shall automatically be revoked one year after issuance unless construction of the Improvement has been commenced or the owner has applied for and received an extension of time from the Committee.

Construction of any building on any lot, including painting and exterior finish, is to be completed within eight (8) months from the beginning of construction so as to present a finished appearance when viewed from any angle. Please see the construction rules for additional information.

## **Section II – General Architectural Guidelines (required for all building types)**

### **Definition of Building Types**

The Capes has four distinct building types which make up our community. Each building “type” has different construction and style requirements which are reflected in the Architectural Review Guidelines. Following is a brief summary of each of the housing types:

1. New Construction (Building Type I) – construction of a new residential structure, accessory building or outbuilding on an undeveloped lot or previously developed lot.
2. Town Home (Building type II) – mostly attached unit, common wall homes with single or double car garages, some with entry courtyards, distinctive white trim, large overhangs, large ocean facing windows and exterior decks. This is the predominant housing type in The Capes.
3. Cottage (Building Type III) – condominium unit, common wall homes which are located within “The Cottages” sub-association. The cottages have carports, distinctive white trim, and large ocean facing windows, inglenooks and exterior decks.
4. Single Family Home (Building Type IV) – single, stand-alone homes on lots zoned by Tillamook County for single family occupancy. The majority of the single-family homes are located on Fall Creek Drive, but there are some single family lots on Promontory Lane. The single-family homes have fewer restrictions than either the town homes or the cottages.

### **Exterior Building Materials**

#### **Siding:**

The preferred siding is cedar shingles. The exterior siding cannot be painted or stained, but a fire retardant may be applied. Please see the applicable section below on Fire Retardant on Exterior Siding for requirements. For new construction a maximum exposure of 5” is required. For repair and/or replacement, it is required that if 50% or more of a west or south facing wall is to be replaced, that the entire surface be replaced with new material with a maximum exposure of 5". If 50% or more of an east or north facing wall is to be replaced and the existing exposure is more than 5", it is required that the entire surface be replaced with new material with a maximum exposure of 5". Where the wall area that is being repaired and/or replaced is less than a majority of the surface (under 50%), the homeowner may match the existing shingle exposure.

1. Townhomes and cottages - Western red cedar #1 quality with no accent materials.
2. Single Family Homes - either Western Red Cedar or Eastern White Cedar #1 quality shingles. Accent materials such as stone, cedar “board and batten” and etc. can be used.

#### **Fire Retardant on Exterior Siding:**

The use of a fire retardant on exterior siding is approved as long as the product does not alter the appearance of the siding. (There is no change in the color or sheen of the siding after the product has been applied). One product has been tested and is approved for application: Flame Stop II from Flame Stop, Inc. Their phone is 817-306-1222. Website is [www.flamestop.com](http://www.flamestop.com). Other products may be used but will need ARC approval prior to use.

Please note that the testing of this product has been limited to only the appearance of the siding once it is applied. There is no express or implied warranty of the functionality (fire protection) of the product by the Capes/ARC. Owners are encouraged to contact the manufacturer for any information regarding the product.



**Exterior Trim Boards and Soffits:**

***Trim boards around windows are required on town homes, single family homes and cottages.***  
The ARC feels that trim boards greatly enhance the look and quality feel of the home and are in keeping with the architectural theme of The Capes. Please consult with your builder or contractor for proper installation and flashing. Primed and white painted clear grain or tight knot cedar is the approved standard for The Capes. Alternately, exterior PVC trim is allowed for trim boards and fiber cement panel material such as "HardiPanel" is allowed for the soffits. Roof soffits, roof trim boards, as well as any exterior corner trim are to be painted white. The painting of PVC trim is required if it is any other color than white. Paint color is to match Kelly Moore "Capes White" or Miller Acrilite "Capes Off-White".

**Windows:**

White windows with white trim boards are in keeping with the style at The Capes and are the only approved color. Windows are required to be white vinyl or vinyl clad, clear glazing, energy efficient and comply with all local and state building and energy codes. Windows facing the South and West are recommended to be rated for coastal wind conditions.

**Garage Doors:**

The standard for The Capes is white vinyl garage doors in either flat or recessed panel style. When replacing a garage door the ARC recommends using the panel style of door. Windows on town home garage doors are prohibited.

**External Rolling Window Covers:**

Rolladen or similar aluminum covers that roll up into a completely enclosed case are permitted only on seaward side windows (West & SW facing) and not on any windows that face a street. All covers must be white and ARC approval is required prior to installation.

**Roofing:**

Composite roofing is the recommended roofing for all housing types in The Capes. Due to the increased risk of fire, cedar shake roofing is not allowed. For the homes that have this type of roof installed prior to 2021, minor repairs are allowed. The following manufacturers are recommended and only material that complies with hurricane ratings (conforms to ASTM D3161, Class F, 110 mph wind resistance) and is "black" with no additional color will be accepted. The following manufacturers and products are ARC pre-approved; any other products will require ARC approval. It is required that if 50% or more of the roof surface is to be replaced, that the entire roof be replaced with new material.

**ARC Pre-approved Recommended Manufacturers and products:**

1. CertainTeed, Presidential Shake (Charcoal Black), Presidential Shake TL (Charcoal Black) or ARC approved equal.
2. Malarky, Legacy (Midnight Black), Alaskan (Midnight Black) or ARC approved equal.
3. Cedar shakes and shingles are to be used on single family homes only. The shakes/shingles are required to be #1 Blue Label Western Red Cedar shakes, installed with stainless steel fasteners per UL 1897 and "Miami-Dade" requirements.
4. Accent roofing (metal) is allowed on single family homes, cottages and HOA association accessory buildings only; it is not allowed on townhomes. The metal roof is to complement the main roof and is not to comprise more than 25% of the total roof area. Metal roofing is to

comply with wind uplift ratings UL580 and UL1897, have concealed stainless steel fasteners and to be "blue" or "green" in color. Submit samples of roofing material for ARC approval.

### **Exterior Propane Tanks and Mechanical Units**

All propane tanks, mechanical units and any supporting elements shall be screened so they are not visible at any time from the street or neighboring property. A two-sided enclosure around the propane/mechanical area must be installed per Tillamook County code with the open side facing away from the street or any neighboring properties. The height of the enclosure should extend 6" above the top of the tank, and approximately 6" should be left open at the bottom of the screen for ventilation. The enclosure shall be constructed of materials installed in a manner that matches the exterior of The Capes homes and all framing materials shall be treated against moisture penetration. Propane tanks are required to be earthquake strapped. Window air conditioners are not allowed.

### **Noise Levels**

No heat pump or other heating, ventilating, air conditioning, or other permanent equipment which produces noise at more than 80 decibels is allowed per Tillamook County requirements. All mechanical equipment must be shielded from street view. Emergency equipment such as power generators and such which are used for emergency purposes only are exempt from the noise level requirement.

### **Exterior Lighting**

All exterior lighting must have either a shielded or diffused light source and should be suitable for coastal conditions; night-sky lighting is not a requirement. Low intensity and energy efficient lighting is strongly encouraged. Security lighting will be reviewed on a case-by-case basis by the ARC. No security lighting that is motion activated is allowed.

All outside lighting must be directed downward. Flood lights are not permitted unless they can be shielded in a way that directs all light downward. Outside lighting should be "warm white" or filtered LEDs (correlated color temperature < 3000 Kelvin) to minimize blue emission.

### **Driveways**

Driveways must be surfaced with light exposed aggregate concrete or asphalt. For new construction, driveways need to be completed and surfaced within the 9-month construction period.

### **Walkways**

Walkways may be pressure-treated wood decking in a natural finish, composite style decking (Trex, TimberTek or similar in a natural or grey finish), pavers (grey) or light exposed aggregate concrete.

### **Window Air Conditioners**

Window air conditioners are not permitted.

### **Decks & Porches**

The surface may be wood decking, Elite wood, cedar or hardwood in a natural finish or composite style decking (Trex, TimberTek or similar in a grey or brown finish) only. Townhome and cottage decks cannot be expanded beyond their original dimensions. All deck framing shall be pressure treated wood with stainless steel hardware and fasteners. The use of vinyl or plastic lattice is not allowed.

### **Railing Systems**

The following railing systems are pre-approved by the ARC. Any other proposed systems must have ARC approval.

1. Wood railing - The traditional approved deck railing for townhomes is 4x4 vertical support posts with 2x4 top and bottom railing, and balusters of 2x2 pickets. The material may be cedar or Elite wood with a natural finish, or composite material (Trex, TimberTek or similar) with a grey finish.
2. Glass railing – Full frame glass railing with white aluminum vertical support posts, white aluminum top cap and bottom rail. Minimum ¼” tempered glazing and stainless-steel hardware. (See Appendix B for illustration)
3. Cable railing – Vertical support posts, top caps and rails must be aluminum or powder-coated stainless steel (white or wood-toned only – exact color must have ARC approval prior to installation), stainless steel with a mill finish, cedar, elite wood or hardwood, .125” multi-strand stainless steel cables and stainless-steel hardware. (See Appendix C for illustration)

### **Fire Pits**

Per the Fire Marshall's request: fire pits, portable fire pits, chimera, etc. are not allowed at The Capes due to safety and fire hazards. This applies to all home types and common areas.

### **Seasonal & Holiday Lighting**

These guidelines spell out the ARC's general conditions for the use of exterior seasonal/ holiday lighting (that which are in addition to the exterior porch lighting that was on the residence when originally constructed or which was added per ARC permit). All following uses of the word "lighting" refer to seasonal/holiday lighting, including light strings/strands and/or lighted displays/figures. These guidelines apply to personal use of lighting in The Capes on cottages, townhomes and single-family homes.

1. It is urged that any lighting used be low-wattage/low energy or mini-bulbs, including LED, to conserve energy. Exterior lighting shall not impose on neighbors. (For example, on town homes lighting should typically not be installed on the sides of houses, as the light would enter neighbor's side windows.)
2. Lighting shall not be turned on prior to dusk, except on the day of the holiday being celebrated, when light may be illuminated all day. Lighting shall be turned off by 11 PM.
3. Lighting may be attached to structures, fences, clipped to the gutters or vegetation above the ground. Be careful not to use an installation method that might leave a path for water to penetrate the building envelope. (For instance, nailing anything to a roof is not recommended.)
4. Lighting may be illuminated up to two weeks prior to the holiday and must be removed by two weeks following the holiday or holiday period.
5. In no case may an external noise- or sound-making system be deployed.

### **Section III - Architectural Guidelines for Specific Building Types**

*The following section outlines the specific requirements for each housing type as defined in Section II and is in addition to the Section II requirements.*

#### **New Construction (Building Type I)**

Encompasses new construction townhomes, single family homes, cottages and outbuildings. The building must "blend in" with the existing style and feel of The Capes. The intent is to promote well designed quality homes that preserve the appearance of The Capes. We encourage homes designed in the "Domestic Craftsman" style, "Cape Cod" style or "NW Coastal" style with cedar shingle exteriors and white trim. New townhomes built in between or next to existing townhomes must be compatible to the town home style. Prior to any final building plans, the homeowner can request a preliminary review from the ARC based on drawings or architectural drafts.

1. Modification of lot prior to construction  
The ARC must approve any changes to an undeveloped lot. As a general rule, the lots are to be kept in a natural state until such time construction begins, however, existing natural landscaping must be maintained so as not to interfere with the bay or ocean views of other lots.
2. Building siting requirements  
The home must be placed on the lot in a manner to not only comply with any building requirements of Tillamook County, but also (to the extent possible) to minimize the impact on the other Lots and existing trees.
3. Building height requirements  
Each lot is subject to the maximum building height established by Tillamook County. In addition, the ARC may establish a more restrictive height requirement.
4. Siding  
Exterior accent materials are allowed on single family homes and must blend-in with the architectural style of the home as well as the overall "look" of The Capes, be appropriate to coastal environments and limited to 25% of the front facade. Examples include but are not limited to "board and batten" cedar siding, natural stone veneer and brick. Provide samples of all exterior accent materials for ARC review and approval.
5. Landscaping  
All new construction shall submit a landscaping plan to The Capes Landscape Committee (or in the absence of a Landscape Committee, the Board of Directors will serve as the acting LSC). The Landscape Committee must approve the landscaping plan and the landscaping completed within 6 months from the date of occupancy.

#### **Townhome (Building Type II)**

1. Courtyard  
The interior of the courtyard may be developed as the homeowner wishes as long as the improvements are not visible from the street, do not disturb the adjacent townhome owners with either loud or unpleasant noises or smells or in violation of CC&R and ARC rules.
2. Courtyard Wall Construction
  - a. All framing material including plywood shall be treated against moisture penetration and finished with cedar shingles and trim to match the townhome construction.
  - b. The top of the courtyard walls shall be beveled to shed water if a wood top is used. (See Appendix E for detail) As an alternative, a synthetic wood such as Boral or PVC is

recommended (for the top rail as well as the trim) due to the propensity of wood to rot over time in this climate.

- c. The wall must have a 2-inch-thick top rail. The corner boards need to be 7 ¼ inches wide. The finish board under the top rail needs to be 7 ¼ inches wide as well.
- d. All trim is to be painted to match Kelly Moore "Capes White" or Miller Acrilite "Capes Off-White".
- e. Shingles must be installed "5 inches to the weather" or overlapping so that 5 inches are revealed.
- f. The minimum wall height is 5 feet and the maximum height is 6 feet.

### 3. Courtyard Gates

- a. Townhome gates are required to have either one of six pre-approved styles or other proposed style by the homeowner and approved by the ARC.
- b. The common wall neighbor cannot have the same style of gate.
- c. The gate must blend with the architecture of the townhome and stay within the limits of the courtyard wall. (See Appendix F for photos of approved gate styles.)
- d. Gates may either be 1) completely unpainted, 2) trim-only painted or 3) completely painted. Any paint on the gate is to match Kelly Moore "Capes White" or Miller Acrilite "Capes Off-White".

### 4. Exterior trim

Exterior trim is required on all townhomes in the following locations: around all exterior windows and doors, fascia trim and corner trim. Exposed beam and rafter tails are required to remain although they may be cut-back to the eave line to minimize dry rot damage. All painted trim is required to match Kelly Moore "Capes White" or Miller Acrilite "Capes Off-White". Townhomes without window trim shall install trim when replacing windows or adjacent framing.

### 5. Fencing and Walls (not including wind fencing)

Section 6.13 of The Capes CC&Rs states that "No fences or hedges along Lot lines shall be installed by Owners except for Detached Lots." This precludes townhomes from any fencing or hedges along lot lines. Courtyard walls are allowed. Please see the applicable section on Courtyard Wall Construction for requirements.

### 6. Front Doors

Townhome front entry doors are to be full-lite "French" style doors; one (1) alternate style is preapproved.

- a. For privacy and security on full-lite doors, the homeowner may elect to add interior window blinds, frosted glazing or security film upon approval of the ARC.
- b. A homeowner may elect to have an alternate door style where visibility and security are an issue. Alternate style is a ¼ light "Craftsman" style door to be painted one of the three pre-approved door colors. The alternate style requires approval by the ARC. (See Appendix D)
- c. There are four approved door colors for townhome doors. ARC preapproved colors are blue, green, red and white. Color samples are available at the HOA Office.

### 7. Additions and remodels

Additions and remodels are to match the style and intent of the original home and are to be in keeping with the overall look and feel of The Capes.

### 8. Windows

Windows are required to be white vinyl or vinyl clad, clear glazing, energy efficient and rated for coastal wind conditions. Mullions and style are to match the adjacent townhome(s) and are to blend with the overall "look" of The Capes.

### 9. Walkways

- a. Townhomes with courtyards – walkways, decks, stairs and railing outside of the courtyard wall boundaries are to comply with the general requirements outlined in Section II.
- b. Townhomes without courtyards – all walkways, decks, stairs and railing are to comply with the general requirements outlined in Section II.

### **Cottage (Building Type III)**

1. ARC Reviews  
Homeowners in the Cottages HOA are subject to their own Cottage ARC review, and sub-association approval is required before submitting to The Capes ARC.
2. Exterior trim  
Exterior trim is required on all cottage homes in the following locations: around all exterior windows and doors, fascia trim and corner trim. Exposed beam and rafter tails are required to remain although they may be cut-back to the eave line to minimize dry rot damage. All painted trim is required to match Kelly Moore "Capes White" or Miller Acrilite "Capes Off-White".
3. Fencing and Walls (not including wind fencing)  
Section 6.13 of The Capes CC&Rs states that "No fences or hedges along Lot lines shall be installed by Owners except for Detached Lots." This precludes Cottages from any fencing or hedges along lot lines.
4. Additions and remodels  
Additions and remodels are to match the style of the original home and are to be in keeping with the overall look and feel of The Capes.
5. Windows  
Windows are required to be white vinyl or vinyl clad, clear glazing, energy efficient and rated for coastal wind conditions. Mullions and style are to match the adjacent cottages(s) and are to blend with the overall "look" of The Capes.

### **Single-Family Home (Building Type IV)**

1. Siting  
For new construction and additions, the ARC may require additional setbacks and height restrictions based on preservation of view corridors, drainage fields and mature trees which may be above and beyond the requirements of Tillamook County. These items will be addressed by the ARC on a case by case basis.
2. Additions and remodels  
Additions and remodels are to match the style of the original home and are to be in keeping with the overall look and feel of The Capes.
3. Exterior trim  
Exterior trim is required on single family homes. Exterior trim is required in the following locations: around all exterior windows and doors, fascia trim and corner trim. All painted trim is to match Kelly Moore "Capes White" or Miller Acrilite "Capes Off-White". Single family homes without window trim shall install trim when replacing windows or adjacent framing.
4. Fencing and Walls (not including wind fencing)  
Other than wind screening, fences and walls are generally discouraged since they detract from the open community feeling and can create a "mini-estate" effect, particularly in the front area of the house. However, fences can be used on detached lots within a landscaping plan to enhance the visual appeal of the overall plan as well as serve as wind blocks to protect the plants. If fencing is to be used, it needs to follow these guidelines:
  1. An overall fencing plan must be approved by the ARC.

2. The general standard is that no fencing will be greater than 5 feet in height, including any lattice or other part which is above the fence boards, however this may be increased to 6 feet if the fence is in the backyard of a detached lot, is not an impediment to the adjoining lots, or does not present a visual obstruction.
3. Fencing that extends beyond the front of the house is discouraged. Fencing is not allowed across the front of the property.
4. The fence is required to be straight-grained tight knot cedar.
5. The "good neighbor" pattern of boards is to be followed using, as a minimum, 4x4 P.T. posts, 2x6 cedar rails, and a 2x6 cedar top cap. Stainless steel nails or non-rusting fasteners are to be used.
6. Fencing cannot be painted or stained. It can be sealed with a clear preservative.
7. Privacy fencing as well as screening for propane tanks or equipment may be cedar siding with white or natural trim installed per Tillamook County codes. (See Section II: Exterior Propane Tanks and Mechanical Units for additional information on screening requirements for propane tanks and other equipment.)

## **Section IV - "Greening" of The Capes**

***Energy efficient technologies, materials and construction methods are strongly recommended for any new, addition or remodel project.***

Technologies covered:

1. Window treatments designed to reflect or retain solar gain at various times throughout the year
2. Higher efficiency home heating systems, tankless water heaters or heat pumps
3. Active ventilation systems in attics
4. Solar energy systems
5. New technologies and materials will be reviewed on an individual basis

Implementation of the above technologies, approaches or systems shall be encouraged as a part of the stated policy of the HOA and the ARC consistent with maintaining the architectural homogeneity of the neighborhood.

The following technologies are approved for installation in The Capes:

### **Window Treatments**

Window treatments designed to reflect or retain solar gain at various times throughout the year shall be encouraged in all residences within The Capes. The installation shall avoid creation of reflection into adjacent properties and shall not be mirrored. White backing shall be required on all draperies and blinds.

### **High-efficiency Home Heating Tankless Water Heater Systems or Heat Pumps**

Such devices within The Capes shall be encouraged as a matter of Association policy. Any new roof or sidewall penetration for the exhaust of combustion gases shall be done in a manner to minimize venting of said gases into adjacent dwelling units and said vents shall be painted to match the surrounding siding or roof material. Any additional gas line installations in support of these systems shall be done in a manner that minimizes their visibility from either the street or adjacent dwelling units. Location of new exterior air handling units shall be done to minimize visual, noise, and thermal impact on adjacent dwelling units.

### **Active Ventilation Systems in Attics**

Such systems shall be encouraged as a means to minimize heat gain (and corresponding cooling demands) within dwelling units in The Capes. Approval of requests for installation of said units by the ARC shall take into consideration aesthetic and noise impacts on the community and adjacent dwelling units and shall endeavor to minimize the impact of said installations.

### **Solar Energy Systems**

A Solar Energy System is any device, structure, mechanism, or series of mechanisms which uses solar radiation as a source for heating, cooling or electrical energy. For the purposes of these requirements "solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in: (a) The heating or cooling of a structure or building; (b) The heating or pumping of water; or (c) The generation of electricity.



General Requirements. A Solar Energy System installed on homeowner property shall meet the following general requirements:

- Each Solar Energy System shall be installed in conformance with all applicable governmental rules, laws, regulations, and ordinances, including but not limited to applicable zoning, building, and fire codes.
- No Solar Energy System installed on homeowner property may threaten public health or safety or violate any applicable law.
- Each Solar Energy System shall be maintained in good repair and working order. Any Solar Energy System damaged, destroyed, or disused shall be removed or repaired within ninety (90) days after such initial damage, destruction, or disuse.
- No Solar Energy System shall be installed until the building plans and specifications have been submitted in writing to the Architectural Review Committee for review and have been approved in writing.
- No Solar Energy System shall be installed on any homeowner property until all permits and approvals required by law have been issued.

Requirements for Residential Building-Mounted Solar Energy Systems. Each Building-Mounted Solar Energy System shall meet the following standards:

- Each Building-Mounted Solar Energy System shall meet the General Requirements (set out above).
- Each Building-Mounted Solar Energy System shall be installed on the roof of the primary residential structure or accessory structure.
- Each Building-Mounted Solar Energy System shall be located in a position least visible from any street or common area.
- Each Building-Mounted Solar Energy System installed on a pitched-roof shall be parallel to the plane of the roof and the roof edge, not be greater than twelve (12) inches above the roof surface to which it is attached, and not be visible above the roof line.
- Each Building-Mounted Solar Energy System shall not extend beyond the perimeter boundary of the roof section to which it is attached and shall terminate such distance from the edge of the roof as required by any applicable building and fire codes.
- Each Building-Mounted Solar Energy System shall have a frame, brackets, and visible piping or wiring that is of a color matching the surface upon which the Building-Mounted Solar Energy System is installed, or, if such a color is not commercially available, a bronze or black tone commonly available in the marketplace.

Residential Ground-Mounted Solar Energy Systems. These systems are not allowed.

### **New Technologies**

Energy efficiency and “green building” are rapidly growing and changing industries and the ARC recognizes that new technologies, methods and materials are being introduced on an ongoing basis. The ARC reserves the right to review and adopt new technologies and materials on an individual basis as they become available.

### **Non-approved Installations**

The following technologies are not approved for installation in The Capes at this time:

1. "Ground source" heat pumps - Due to the requirements of this type of unit for drilling of wells and return of used water to the underground aquifer and in consideration of the geologic conditions of the lots within The Capes, such units will not be approved for installation.
2. Exterior awnings and shades - Due to the high wind and weather conditions experienced at The Capes, exterior awnings and shades (except hurricane shutters) are not approved.
3. Wind-powered electrical generating units/wind turbines - These are inconsistent with the architectural theme of the community and shall not be permitted within The Capes until such time as the technology results in units that are consistent with the visual theme of the community.

The ARC has approved the installation of alternative energy sources, in general, with the following caveats:

1. All installations must have ARC application approval.
2. The installation may not create an environmental nuisance (noise, wind, etc.) nor impinge on your neighbors use or enjoyment of their property.
3. All installations must have all required permits from both local and state jurisdictions.

### **Alternative Energy Resources**

Tillamook County Permits:  
Community Development Department  
<http://www.co.tillamook.or.us/gov/ComDev/>

Tillamook PUD:  
<http://www.tpud.org/>

## **Section V – Construction Rules and Regulations**

Any property owner, builder, contractor, or subcontractor engaging in construction, maintenance, repairs, restoration, or other improvements on a lot or home at The Capes must comply with the following construction regulations. The Board of the Homeowner's Association may assess fines or other penalties for failure to adhere to these regulations. The Board of the Homeowner's Association ("HOA Board") may update these rules and regulations as necessary. Owners may recommend changes through the Architectural Review Committee (ARC). Owners are responsible for keeping builders, contractors, and subcontractors working on their behalf informed of all current rules and regulations. Copies of current rules and regulations are available at the community manager's office.

### **Architectural Review**

Article 7.1 of The Capes CC&Rs states that *"No improvement shall be commenced, erected, placed, or altered on any lot until the construction plans and specifications... have been submitted to and approved in writing by the Architectural Review Committee."* Owners should contact the community manager for current architectural review guidelines, applications and review deposits.

### **Insurance**

Prior to the start of new construction and addition work, and as part of the approval process, the owner shall provide a copy to the community manager of a certificate of public liability insurance against claims for damages due to bodily injury, including death, and property damage which may arise during construction. The certificate shall include the Capes Homeowner's Association as an additional insured party. The insurance shall be written for not less than \$1,000,000 for injuries, including death, to any one person in any one accident, and not less than \$500,000 for property damage. All contractors must document that they are duly licensed, bonded and insured as required by the State of Oregon. For lesser projects, such as for maintenance or repair, contractors must have bonding and insurance appropriate to the project.

### **Completion of Construction**

Construction of any building must be completed within eight (8) months of commencement of construction. For purposes of these Construction Regulations, "construction" includes, but not limited to, such activities as groundbreaking, excavating, constructing walkways, erecting temporary structures (such as storage buildings), or similar activities and storing building materials. The Capes CC&Rs require that "The construction of any building on any Lot, including painting and all exterior finish, shall be completed within eight (8) months from the beginning of construction so as to present a finished appearance when viewed from any angle. In the event of undue hardship due to weather conditions, this provision may be extended for a reasonable length of time upon written approval from the Architectural Review Committee."

### **Construction on the Coast**

The Capes HOA and ARC strongly recommend that all construction materials and methods be suitable for a coastal environment and be able to withstand salt air and high wind conditions. It is the responsibility of the homeowner to ensure that proper coastal construction methods and practices are being followed and that all exterior envelope materials and products are well suited to a coastal environment. If you have any questions regarding materials, products or licensed general contractors please contact the community manager or the ARC for recommendations.

### **Animals**

Contractors, subcontractors, and their employees are not permitted to have pets or animals of any kind on any job site at The Capes at any time, day or night.

### **Portable Toilets**

Contractors (or owners if they are not using a general contractor), must at their expense provide portable toilets for workers. Portable toilets must be placed on the job site (that is, they may not be placed on any common areas), must be maintained in a sanitary condition and anchored in such a way as to not tip-over during high wind conditions.

### **On-Site Materials**

A reasonable amount of building materials may be stored on the job site once the ARC has approved the project. Materials may be stored on the job site only and not on any adjoining lot or common area. (Note: Placement of any building materials on a job site constitutes commencement of construction for the purposes of the time limit on completion as indicated above.) Materials must be secured against high winds.

### **Cleanup and Disposal of Trash and Debris**

Construction debris, excavated material, plant material, and trash shall not be allowed to accumulate at any job site, shall not be disposed of on any lot or common area or in any trash container other than a dumpster located at the construction site. Contractors may provide containers ("dumpsters") for debris or otherwise ensure a clean and safe construction site. The contractor is responsible for keeping the area around the dumpster clean. Trash containers at the entry to The Capes are for owners to dispose of residential trash only and must not be used for construction debris. Dumping of any building material into storm drains is not permitted at any time or under any circumstance. Dumpsters, loose lumber, building materials, tools and misc. debris must be anchored so as to not fly away during periods of high winds.

Concrete and mortar suppliers and contractors may clean their delivery vehicles or other equipment only on the owner's lot, and only with written permission from the owner, but nowhere else on The Capes premises.

### **Responsibility for Workers**

Owners are solely responsible for the actions of their contractors and their subcontractors while working on that owner's projects at The Capes. Neither The Capes nor the Homeowner's Association can be held liable for any such actions.

### **Working Hours and Noise Restrictions**

Except with advanced written request and approval of the ARC or Board, no construction work of any kind is permitted before 7:00 a.m. or after 7:00 p.m. Monday through Saturday. In addition, exterior construction work on homes making significant noise (this includes, but is not limited to grading, foundations, framing, siding, or roofing) is not permitted before 9:00 a.m. on Saturday. Exterior work that is loud and/or disruptive is not allowed on Sundays and holidays. Interior work which is not loud and/or disruptive may be performed on Sundays and holidays.

### **Drainage and Erosion Control**

Drainage from any phase of the construction process must be controlled in such a manner that it does not adversely affect adjacent lots, common areas, or dune stability. Qualified erosion barriers shall be placed to prevent sand and debris from washing into gutters and storm drains. Dust and sand from any phase of

construction must be controlled so that other homeowners are not impacted. Please instruct your contractor to prevent sand run-off by implementing erosion control measures on your lot. Do not allow sand and other debris to go into the street where it will clog the storm water system. These measures should be implemented prior to excavation or immediately at the start. The street in front of your lot needs to be kept clean and free from sand as well. Your contractor must sweep and clean up any sand or debris on a daily basis. This is important as it will not only keep the storm system clear, but it will protect the street as well. Please refer to Appendix G for additional information.

#### **Construction Trailers, Field offices**

A construction trailer, field office, or similar temporary structure may be placed at a job site with approval in advance by the ARC. Such temporary structures shall be located only as approved by the ARC and must be removed within five (5) days of job completion.

#### **Construction Traffic and Parking**

Construction personnel must drive cautiously and observe the posted speed limit of 15 mph. Construction personnel shall not park vehicles or equipment on or otherwise use other sites or lots, other owner's driveways, open spaces, or any common areas. All vehicles must be parked such that they do not block traffic, driveways, or posted fire-lanes. Vehicles must be parked such that they do not damage landscape on any improved lot, common area, or natural area. No overnight parking of construction personnel vehicles. Vehicles shall be parked so as not to hinder the flow of traffic.

#### **Gate Access**

The Capes is a gated community, the owner may obtain gate access cards from the community manager for use by their contractors and subcontractors for the duration of their project. The owner shall be responsible for such gate cards and shall pay a refundable deposit for each card issued. Owners are responsible for the whereabouts of all cards issued to them. The owner must report lost, stolen, or damaged cards to the manager immediately. The owner must return to the community manager all cards issued to them for their project within five (5) days of the job completion. The gate will be programmed in accordance with the contractor's working hours specified above.

#### **Construction Signage**

Temporary construction signs may be placed as specified in the Architectural Design Guidelines. All such signs shall be removed within five (5) days of job completion.

#### **Repair and Restoration of Damaged Property**

Any damage to property owned by others, or by the Homeowner's Association, must be repaired or restored promptly (generally within 30 days) at the expense of the responsible party, or the owner, if the responsible party cannot be determined. Upon completion of construction, the property owner is responsible for cleaning his/her job site and repairing all property that was damaged. Repair and restoration includes, but is not limited to, restoring grades, stabilizing open sand, replacing shrubs and trees as approved by the ARC and the Landscape committee, and repairing streets, driveways, paths, culverts, signs, lighting, and fencing.

#### **Local, County, State, Federal, and OSHA Requirements**

Owners are responsible to see that their builders, contractors, and subcontractors meet all applicable codes, laws, and requirements set by local, county, state, federal, and OSHA. This includes, but is not limited to proper work, clothes, shoes, safety lines, and any other equipment specified by OSHA regulations and The Capes CC&R's.



## Section VI – Appendices

### Appendix A – “Standard of Care” Document

#### PREAMBLE

Section 9.4 requires owners of all living units (including attached and detached) to maintain and repair their living unit in a manner consistent with the general standard of exterior maintenance at The Capes.

The following is the definition of those standards by building element. These standards are to be used during periodic visual inspections. These standards are intended to be reasonable and to be relied upon to maintain the desired values of the living units within The Capes community.

#### LIVING UNIT STANDARDS

**DRIVEWAYS:** Driveways shall be clean, moss free and the surface shall be intact and evenly graded.

**GARAGE DOORS:** Garage doors shall be clean, free of rust and scaling and operationally intact.

**WALKWAYS:** Walkways shall be structurally able to support an individual and free of safety hazards.

**EXTERIOR STAIRS:** Steps and hand rails shall be structurally able to support an individual and be free of safety hazards.

**COURTYARD GATE:** Gate hardware shall be rust free and operational. The gate wood elements shall be intact.

**COURTYARD WALL:** Walls shall be structurally sound with all shingles intact and undamaged. Trim boards shall be free of dry rot and damage or be able to be repaired with minor puttying.

**PROPANE TANKS AND MECHANICAL UNITS:** Propane tanks and mechanical units shall be maintained clean and free of rust. Landscaping where previously approved shall be maintained so as to screen the unit from the street and neighboring property. Wood screens shall be clean, intact and free of dry rot.

**FOUNDATION:** The foundation shall be intact with full ground contact (not undermined) and shingles and trim boards shall be above the soil.

**FOUNDATION VENTS:** Vents should be operational with proper rodent screening, not blocked with sand or debris unless properly covered during winter months.

**SCREENS AND STORM DOORS:** Screens and storm doors shall be rust free, intact and painted (if appropriate).

**EXTERIOR LIGHT FIXTURES:** Fixtures shall be clean, rust free, intact and operational

**ELECTRICAL BOX:** Boxes shall be rust free, intact and meet appropriate building and electrical codes.

**SIDING:** All shingles shall be clean, intact and undamaged.

**TRIM BOARDS AND RAFTER TAILS:** Boards shall be intact, free of dry rot and damage or be able to be repaired by minor puttying.

**GUTTERS AND DOWNSPOUTS:** Gutters and downspouts shall be intact, secured and not damaged.

**DECK RAILING:** All railing elements shall be secured, intact and structurally able to provide lateral restraint.

**DECKS:** All deck elements shall be secured, intact and structurally able to support design loads.

**ROOFING:** All shingles shall be clean, intact and undamaged.

**CHIMNEY:** All chimney elements shall be intact, secured and not damaged.

## Appendix B – Example of Glass Railing

### Illustrations of Alternate Railing Systems – Glass Railing Example

Top Cap:	White
Bottom Rail:	White
Vertical Supports:	White
Glazing:	¼"min clear tempered glass panel





**Appendix C – Example of Cable Railing**

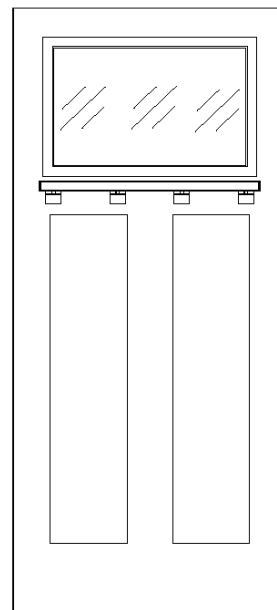
**Illustrations of Alternate Railing Systems – Cable Railing Example**

White aluminum vertical support posts, white aluminum top cap and bottom rail. ¼” multi-strand stainless steel cables and stainless steel hardware

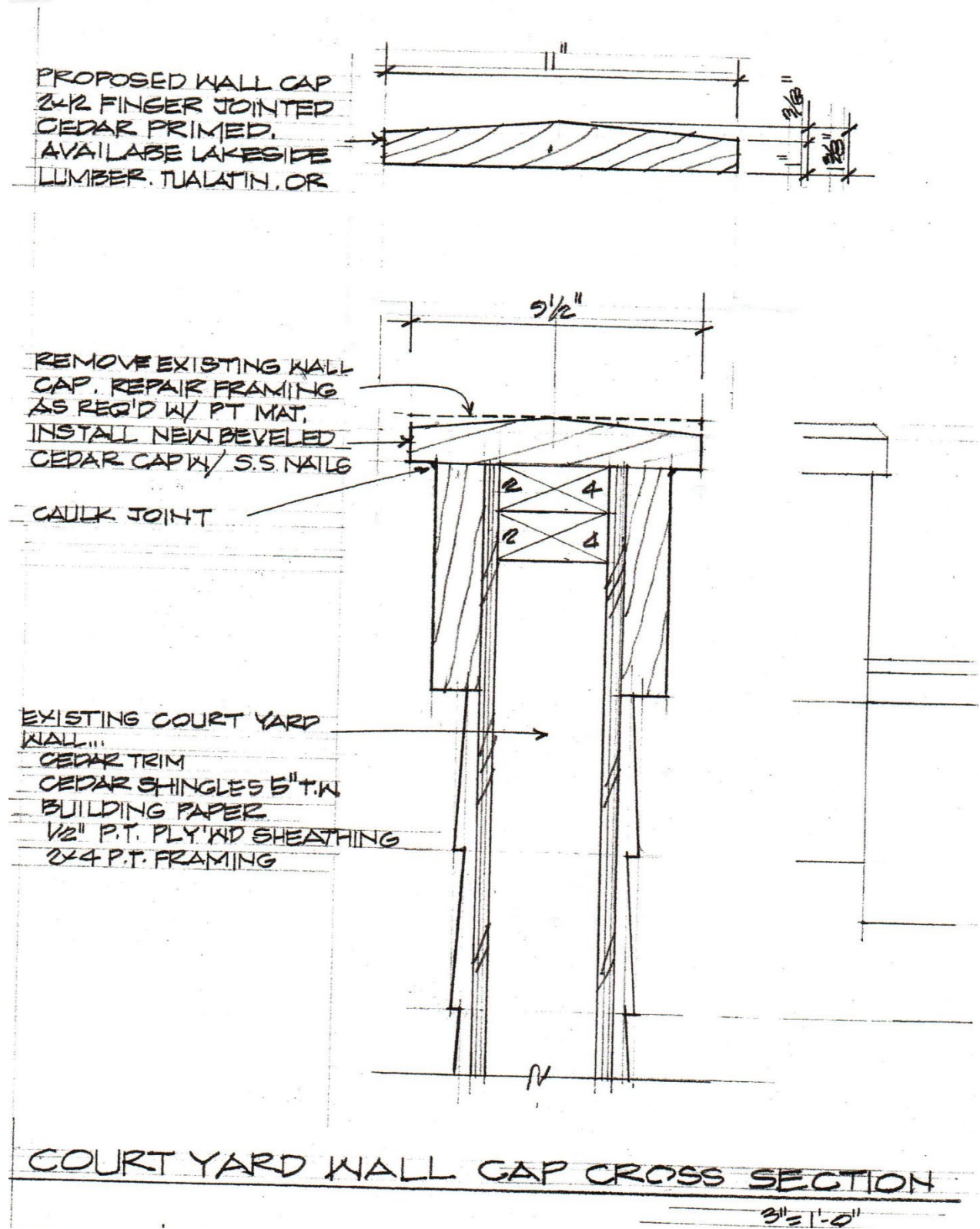


**Appendix D – Alternate “Craftsman” Style Door for Townhomes**

Manufacturer: Jeld-Wen  
Style: Architectural Fiberglass  
Model: #814 Craftsman  
Glazing: Clear temp or frosted  
Finish: Primed for painting



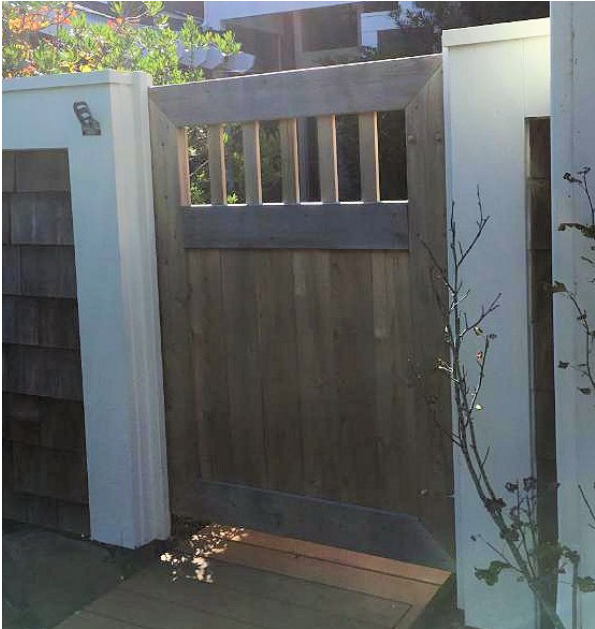
Appendix E – Courtyard Beveled Wall Cap Illustration



Appendix F – Examples of Approved Courtyard Gate Styles







Appendix G – Erosion and Sediment Control During Construction

