



Architectural Policies & Procedures

Adopted by the Board of Directors on April 8, 2019

I. Architectural Policies & Procedures

**Please read the following information before submitting an Architectural Application.
NO structures of any nature may be constructed on the Common Properties.**

- I. AUTHORITY TO REVIEW** – All property in Mountain Park is subject to the Declaration of Restrictions of Mountain Park Corp. Article VIII, Section 2, Subsection A states:

“No building, fence, hedge, wall or other structure shall be commenced, erected or maintained upon The Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, color, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the board of directors or the Architectural Committee. In the event the board or the Architectural Committee fails to approve or disapprove such design and location within thirty days after such plans and specifications have been submitted to it, approval will not be required and this article will be deemed to have been fully complied with.”

These restrictions provide that all projects of new construction and improvements or changes to the exteriors of existing properties are subject to review and approval by the Mountain Park Home Owners Association. An Architectural Committee has been appointed to assist the Board of Directors in reviewing the plans and specifications for new construction and modifications to existing structures. Applicants must not begin projects until a letter of approval has been received. If they do, they run the risk of having to modify or remove the projects to comply with the Architectural Committee’s decision.

II. APPLICATION PROCEDURES

- A.** The Architectural Committee meets the third Tuesday of each month at 7:00 p.m. at the Mountain Park Clubhouse. Project plans and requests must be submitted by noon on the Wednesday before the monthly meeting. Plans received after the deadline may be deferred until the meeting the following month. Applicants are welcome to attend meetings to ask questions and provide clarification. Due to legal reasons, applications must be either approved or denied.

Applications must be accompanied by graphics which show the site and measurements of the intended alteration, and indicate the location of lot lines. Various other information may be required, such as paint chip, samples of materials, photos, or manufacturers name and specifications. Additions and changes to the original application must be approved by the ARC.

The ARC maintains a list of material and colors that are already approved. Projects that use only these materials will be approved more quickly, usually by e-mail. Work may commence upon receipt of verbal or e-mail approval, which will be followed by a written approval letter for your records.

Approval of this application will expire 12 calendar months from the date of the approval letter with the exception of the issuance of a Notice of Violation and Opportunity for a Hearing (NOV) under the Home Maintenance Standards; Section B1- B4; *Dwellings and Structures, Roofs, Driveways, and Fences*. The issuance of a NOV requires the completion of the repairs within 45 days. If a member is unable to complete repairs or if a project is not completed within the required dates because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

If after the required dates for completion, the project will be inspected for completeness and compliance with the approved plans. Upon completion, please notify the Association to make a final inspection.

Applicants dissatisfied with the committee's decision may appeal the decision in writing to the Board of Directors. Board of Directors meetings are held on the fourth Tuesday of each month at 7:00 p.m. in the Clubhouse unless rescheduled. The only exceptions that will be considered are those that present an extremely hazardous condition.

B. New Home Construction – Submit a completed application along with one set of architectural plans and a site plan, drawings must be of good, professional quality, showing all details and finishes. The drawings will be retained for the permanent records. Include a landscape plan to be completed less than one (1) year after receiving a certificate of occupancy. Application forms are available at the clubhouse.

C. Exterior Modifications – Submit a completed application along with a description and drawing of the modification. Be sure to show relationship to existing structures and property lines (setbacks). Describe materials, size, color, etc.

III. EXPECTATIONS OF THE ASSOCIATION

A. The owner or contractor shall be responsible for complying with, and will comply with, all applicable federal, state and local laws; codes; regulations; and requirements in connection with this work, and will obtain any necessary governmental permits and approvals for the work. I understand and agree that MPHOA, its Board of Directors, its agent and the committee have no responsibility with respect to such compliance and that the Board of Directors' or its designated committee's approval of this request shall not warrant that the plans, specifications, or work comply with any law, code, regulation, or governmental requirement.

B. RIGHT OF ENTRY OF ASSOCIATION REPRESENTATIVE. Any agent or officer of the Association may at any reasonable hour or hours during construction or remodeling, enter and inspect any of said property as to its maintenance or improvements to determine if there has been compliance with the provisions hereof. The Association, and any agent, or officer thereof, shall not thereby be deemed guilty of any manner of trespass for such entry or inspection. The Association may issue a certificate of completion and compliance as to any property so inspected.

C. If you reside in a condominium, townhome or other HOA within MPHOA; written approval by that ARC or Board of Directors is required for any changes prior to the Mt. Park ARC reviewing the application.

D. Construction Materials

- Construction or demolition materials, equipment and debris must not be stored alongside the garage or house in a position so as to be visible from public view or neighbors for longer than 24 hours unless explicitly approved as part of the ARC application process.
- During construction projects, materials, equipment, trailers, vehicles and debris must be placed as neatly as possible and must at no time become an obstacle to pedestrians or other vehicles in that area.
- Temporary dumpsters to collect, for example, remodeling debris, are allowed on private property for up to 30 days. If more time is needed, approval of the Association is required.
- Chemical toilets used during construction are permitted in a discreet location and must be removed as soon as possible.
- Tarps are required to be a neutral color such as brown, gray or dark green and must not be visible from the front street. Blue or other brightly colored tarps are not permitted.

E. Construction Times

- The erection, excavation, demolition, alteration or repair of any building or structure and deliveries of materials shall be allowed during the hours of 7:00am and 6:00pm Monday thru Friday and 9:00am and 4:00pm on weekends.

F. After Receiving Approval

- The work must be completed as submitted on your Architectural Application, using the materials and designs specified, unless the Architectural Committee requests otherwise. Any deviation from the approved plans will result in a penalty as outlined in the Mountain Park Enforcement Policy.
- Please inform your contractor that **NO SIGNS** are permitted anywhere in Mountain Park.

IV. RESTRICTIONS ON NEW HOME CONSTRUCTION AND MODIFICATIONS TO EXISTING STRUCTURES – Mountain Park contains residences of varied architectural styles. No particular style is prohibited; however, the Architectural Committee judges each new residential plan in terms of its harmony of external design and location in relation to surrounding structures. In making its decision, the Committee may evaluate the nature, kind, shape, height, color, materials and location of the structure.

The plan review process includes an opportunity for comment by surrounding neighbors. The opinions of residents regarding new construction and modifications to existing structures is, as in other matters, given the fullest consideration, but the final decision for approval or disapproval of an application, based on the applicable criteria, is the responsibility of the Architectural Committee.

A. Height Limit

1. Two stories consisting of one story at street level and one story above that. Garages below the lower story are normally acceptable, provided that the overall height does not exceed City Code (currently 35 feet above natural grade at any point).
2. City code determines actual height in feet.

B. Floor Area

1. 1 story – minimum 1200 sq. ft. on main level.
2. 1 ½ - 2 story minimum 1000 sq. main level (square footage is exclusive of porches, patios, basements and garages).

- C. **Setbacks** (Mountain Park restrictions are generally more restrictive than City requirements).
1. Front – minimum of 20 feet from the street curb to garage to ensure ample off street parking.
 2. Side street – minimum 15 feet from the property line. (Architectural Committee may adjust front and side street setbacks to account for individual site characteristics.)
 3. Side – minimum 7 feet.
 4. Rear – minimum 20 feet.

In determining setbacks all projections from the structure except eaves, uncovered front porches, or steps are included.

- D. **Colors** – All paint colors require an architectural application with the following information: paint brand, color name and number, and color chip. It is recommended that structures be painted in “earth tones.” This is understood to mean colors which blend in well with the surroundings. Trim colors should complement the siding color of the house.

E. **Materials**

1. **Approved Siding** – The following siding materials are approved in advance by the Architectural Committee. New construction plans should use one of these materials. It is necessary to submit applications for re-siding of existing homes with an approved material. Approved materials are:
 - a. Cedar
 - b. Redwood
 - c. Stone
 - d. Brick
 - e. Stucco
 - f. Hardy-plank
 - g. Louisiana Pacific Inner Seal
 - h. Cedar Shingles
2. **Other Siding Materials** - Other siding materials must be submitted to, and be approved by, the Architectural Committee before they can be used in Mountain Park. These materials will be judged on their aesthetic harmony with surrounding structures. Note: Aluminum and vinyl siding have both been disapproved in the past.
3. **Approved Roofing** – The Architectural Committee has approved a number of different roofing materials for single-family and other residential units with pitched roofs. Plans for new construction should incorporate one of the approved materials. It is necessary to submit applications to re-roof existing structures with one of the approved materials.

Before having any roofing work done, you must submit an application to the Architectural Committee, showing clearly the type and color of roofing material you intend to use.

Approved Roofing Materials for Pitched Roofs – Approved roofing materials for pitched-roof structures (3/12 pitch or more) are:

- a. Cedar shakes and cedar shingles
- b. Tile (including cement/wood-fiber combination products) in natural, or colors similar to those approved for other roofing materials.
- c. Decra-Bond Roofing Systems (stone-coated steel) – approved colors are Weathered Timber, Teak, Shadowood, Charcoal, Coffee Brown, and Granite.

- d. Architectural Grade Asphalt Shingles - specific manufacturers, grades and colors listed below:

CertainTeed Grand Manor Roofing Shingles (approved January 2003)
approved colors are Brownstone, Gatehouse, Pearl Black, and Tudor Brown.

CertainTeed Landmark TL Ultimate Shake (approved May 2005) approved colors are Aged Bark, Chestnut, Country Gray, Moire Black, Mountain Timber, Old Overton, Platinum, and Shenandoah.

CertainTeed Landmark TL Ultimate Roofing Luxury Shingle (approved May 2005)
approved colors are Aged Bark, Chestnut, Country Gray, Moire Black, Mountain Timber, Old Overton, Platinum, and Shenandoah.

CertainTeed Presidential 50-year guarantee (approved June 2001) approved colors are Aged Bark, Autumn Blend, Charcoal Black, Chestnut, and Shadow Gray.

CertainTeed Presidential TL (approved October 2014)
Aged Bark, Autumn Blend, Charcoal Black, Country Gray, Platinum, and Shadow Gray.

GAF Grand Canyon (approved August 2003) approved colors are Black Oak, Mission Brown, and Sedona Sunset.

GAF Grand Sequoia (approved August 2003) approved colors are Autumn Brown, Cedar Blend, Charcoal, Mesa Brown, and Weathered Wood.

PABCO Paramount (approved January 2007) approved colors are Antique Black, Driftwood, Oakwood, Pewter Gray, and Weathered Wood.

Malarkey Windsor – Heavyweight Shingle (Approved March 2015) approved colors are Midnight Black, Natural Wood, Storm Grey and Weathered Wood.

Malarkey Windsor XL – High Profile Design (Approved September 2017) approved colors are Midnight Black, Natural Wood, storm Grey and Weathered Wood.

- e. Country Manor Aluminum Roofing Shakes (approved May 2003)
approved colors are Colonial Gray, Walnut Brown, and Seal Brown.

4. Other Roofing Types Requiring an Application

- a. Flat Roofs – Roofing materials for flat-roof structures (2/12 pitch or less) will be judged on their individual merits including structural design and harmony with surrounding structures. Standard built-up roofs (with or without gravel cover) and standing-seam metal (see below) have been approved in the past. Mechanical equipment on flat-roof structures must be enclosed and special attention must be given to the roof appearance from neighboring residences that may look down on it.
- b. Standing-seam Metal Roofing – Each proposed application will be judged on its individual merits and subject to the following conditions:
 - i. Standing-seam sheet metal panels; 12 to 18 inches between seams; 24 to 26 gauge.

- ii. Colors that may be approved are: Weathercote or equivalent, Architectural Bronze, Storm Gray, Charcoal Gray, Koala Brown. Other colors will be judged on their individual merits. Reflective characteristics will be considered.
 - iii. A sample of the sheet metal roofing must be submitted with the application and house plan to the Architectural Committee.
 - iv. Other metal roofing considerations will include (1) area impact and compatibility with the surrounding environment and (2) location.
5. Other Roofing Materials - Other roofing materials must be submitted to, and approved by, the Architectural Committee before they can be used in Mountain Park. These materials will be judged on their aesthetic harmony with surrounding structures and must meet the minimum standards set by the Architectural Committee. Those minimum standards are:
- a. Minimum weight standard is 225 lbs. per square (1 square equals 100 square feet)
 - b. Minimum air resistance of at least 110 mph
 - c. Meet UL certified to meet at least ASTM D3462 and ASTM D3018 Type I
 - d. Conform to CSA standard A123.5
6. Doors, Windows and Exposed Metals
- a. Vinyl clad windows - are approved for use in Mountain Park. The color of the vinyl frames should complement the exterior color scheme of the house.
 - b. Aluminum sliding glass doors and windows - must have an anodized, or powder coated finish. Mill finish aluminum frames and screens are not allowed.
 - c. Wood frames - must be stained or painted to blend with the structure.
 - d. Other exposed metals - such as flashings, plumbing stacks, flue pipes, etc. must be painted flat black or a color suitable to the Committee. Metal chimneys must be boxed with brick or wood unless otherwise approved by the Committee.

V. FENCES, DECKS AND OTHER STRUCTURES

The structural side of a fence and all supports shall face the owner's property.

A. Fences and Walls – All fences and walls, new or replacement, require approval by the ARC. City code limits fence and wall heights to six feet above the ground in backyards and four feet above the ground in the front yards. When backyards back up to streets the maximum height is four feet unless approved by the City of Lake Oswego and the Mountain Park Architectural Committee. Berms, when used in conjunction with fences and walls are included in height determination. On corner lots, the wall and fence height is limited to 30” within a vision triangle as defined by the city of Lake Oswego ordinance. Fences may be placed on property lines and a site plan should be included.

1. Fencing materials generally approved by the Architectural Committee include:

- a. Cedar Board
- b. Split-rail Cedar
- c. Lattice Cedar
- d. Up to 3” x 5” wire mesh with decorative wood stringers
- e. Black vinyl-coated chain link - may be approved on condition that, at the time of installation, evergreen plantings are placed on the outside of fence sections that parallel streets and/or abut common property or street rights-of-way. Plantings should be placed at each post with other shrubs placed along the outside of the fence to screen it from street

view. Plants should be at least 60% of the height of the fence at the time of planting. It is not necessary to screen fence sections along property lines between private properties.

The Committee will consider other styles and materials on a case-by-case basis.

2. Landscape Walls —Keystone, cinder block, or similar type retaining walls are reviewed on a case by case basis. Rock walls are preferred where retaining walls are necessary. Approved materials for walls are:

- a. Stone
- b. Re-cycled Stone (“The Wall”)
- c. Timber
- d. Other materials will be considered on a case by case basis.

B. Decks – Deck and patio additions over 30 inches above the ground level are subject to the same setback requirements as the residence to which it is appurtenant. Decks and patios under 30 inches above the ground may extend within three feet of the property line.

C. Other Structures – Other structures such as garden sheds, tool sheds, flag poles, and children’s play structures may be placed on the property with the approval of the Architectural Committee. Generally, these kinds of structures must be sited to minimize any negative impact on surrounding residences and be finished in a manner that complements the residence.

VI. LANDSCAPING – Landscape plans should be submitted with new home construction plans. Owners have up to one year after completion of the residence to complete the landscaping. Until final landscaping is complete, owners are required to keep grass and weeds under control so as not to spread undesirable seeds to adjacent properties or otherwise have a negative impact on the neighborhood.

VII. MULTI-FAMILY AND COMMERCIAL PROPERTIES – Multi-family properties and commercial developments are reviewed in terms of their impact on the community. In lieu of general restrictions on multifamily and commercial new construction, remodeling, additions, landscaping and other improvements, each development is reviewed on a case-by-case basis by the Architectural Committee. To the extent possible, building material restrictions applicable to single-family residences are applied to multi-family projects. The Board of Directors has set a density goal of 17 units per acre or less.

VIII. SATELLITE DISHES AND OTHER ANTENNAS – Satellite dishes with a diameter of one meter or larger require the approval of the Mountain Park Home Owners Association prior to installation. The concern of the Association is to minimize the aesthetic impact of the dish on the neighborhood. FCC regulations have nullified Mountain Park conditions placed on smaller satellite dishes and other communications antennas. However, owners are asked to voluntarily place dishes and antennas in inconspicuous locations, without sacrificing signal quality, in order to minimize the negative impact on the neighborhood. Painting the dish, a dark gray color does not affect the reception and renders the dish inconspicuous. Mountain Park is appreciative of residents who carry out this simple modification.

IX. SOLAR PANELS

A. Proposed installations of solar collectors of any types must be approved by the ARC.

B. Design Requirements: The application for the installation of any solar collection system must be accompanied by professional, to scale construction drawings that include the name of the installation contractor. The plans shall show the exact location and number of collectors, means of attachment to the roof structure and location of all exterior components. The ARC Application and subsequent installations shall adhere to the following requirements:

1. A sample of illustrated brochure of the proposed solar unit clearly depicting the unit and defining the material used, must be submitted with the application.
2. Solar units must be mounted on the roof and professional installed in accordance with the local building codes. Homeowner is responsible for getting all required permits.
3. Aluminum trim, if used, must be anodized or otherwise color treated to match the homes roof color (preferably dark).
4. Collection panels shall be contiguous without gaps.

X. OTHER RESTRICTIONS AND GUIDELINES – No building may be occupied during original construction. Construction of new buildings must be prosecuted with reasonable diligence continuously from the time of commencement until fully completed. The Architectural Committee has defined “reasonable diligence” as one year from the commencement of construction to completion. No buildings constructed elsewhere may be moved onto a Mountain Park lot except with the prior written approval of the Board of Directors. All electrical, telephone, cable TV and other outside wiring must be underground. No overhead wiring or poles are allowed.

II. Penalties Associated with Architectural Standards

1. Commencement of any projects that alter the external appearance of the property, prior to submission of a completed application to the Architectural Review Committee (ARC) and without formal approval from the ARC is not permitted.
2. Commencement and/or completion of denied projects is not permitted.
3. Commencement and/or completion of previously approved projects with non-approved alterations is not permitted.
4. Property owners may be required to redo or remove non-approved projects within a specified period of time and incur the associated costs in addition to the assessment of fines for architectural standards violations.

Violation of these standards is a Category 2 violation with a fine of \$200 (Penalty Schedule - Appendix A).

III. Compliance Procedures

1. Staff Resolution of Compliance Problems

Ensuring compliance with the rules and standards of the Association is the responsibility of the Board, working in concert with its committees and Association staff.

The responsible senior staff leader for compliance is the Compliance Manager. The Compliance Manager has a broad range of responsibilities that include: a) monitoring the properties within Mountain Park; b) identifying compliance problems; c) communicating with Members and residents about compliance problems; d) working with Members and residents to achieve voluntary compliance; and e) issuing a Notice of Violation and Opportunity for Hearing (NOV) when this action is appropriate.

REPORTING REQUIREMENTS

At every monthly meeting of the Committee, the Compliance Manager will report on compliance activities regarding the Committee’s rules. The report must include a summary of all compliance issues that resulted in the issuance of an NOV, as well as any other information for Committee review as determined by the Compliance Manager and the Committee.

2. Compliance Procedures for Architectural Review Committee

OVERVIEW OF COMMITTEES RESPONSIBILITIES

If informal action by the Compliance Manager has not resulted in bringing a property into voluntary compliance with the Committee's rules, the Compliance Manager will issue an NOV. The Committee will decide whether there is a violation and the appropriate amount of the fine or sanction, if any, regarding all NOV's that have been issued regarding its rules. If a hearing has been requested to contest the allegations in any NOV, the Committee will conduct the hearing before making its decision.

HEARING REQUESTS

To contest the allegations in an NOV, the affected Member must request a hearing in writing within 15 calendar days following the date of the NOV. Any written information the Member wants considered by the Committee must be provided to the Association within 15 calendar days following the date of the NOV. The Association will provide an opportunity for a hearing that is within 45 calendar days from the date the NOV was provided or mailed to the Member.

TIMELY RECEIPT OF DOCUMENT

Documents must be received from Members within the timeframes specified in these procedures or as specified by the Committee. Documents are considered received according to the date of mailing (postmark) or upon receipt of an electronic submission. The Committee will determine if the hearing request or any other submissions was received within the specified timeframes if disputes arise regarding the timely receipt of documents.

CONTESTED NOV'S

CONDUCT OF THE HEARING: If a hearing is requested to contest the allegations in the NOV, the Committee will conduct the hearing. At the hearing, the Member may explain the Member's position concerning the NOV. The Association's staff and the Member may present information from witnesses and provide documents and pictures. The Committee may ask questions and request further information from the Member or the Association's staff in order to make its decision. The Committee may set reasonable time limits for oral presentations and the submission of any requested information.

The Committee will consider the information presented at the hearing by the Association's staff and the Member, or requested by the Committee, when making its decision. The Committee's decisions must be reasonable, based on applicable Association rules and policies, and consistent with prior decisions having the same or substantially similar issues.

Within 7 days of the hearing, the decision of the Committee will be provided to the Member in writing and it will include notice of the Member's right to appeal the decision to the Board.

APPEALS TO THE BOARD OF DIRECTORS AFTER HEARING

Any appeal to the Board must be made within 15 calendar days of the date of the Committee's written decision following a hearing. The appeal to the Board must be in writing and provide the specific reasons the Member objects to the Committee's decision.

The Board's review on appeal shall be limited to consideration of the documents, pictures, and written information presented to the Committee, the Committee's decision, and the objections raised in the Member's appeal. The Member may explain the specific objections raised in the appeal based on the information previously provided by the Member to the Committee. The Board may request an explanation from the

Committee and the Association's staff regarding the Committee's decision and the issues raised in the appeal by the Member.

Based on the Member's specific objections provided in the appeal, the Board of Directors may decide that there was no violation, ratify and adopt the Committee's decision, or return the matter to the Committee for reconsideration.

After an appeal, the Board will provide its decision in writing to the Member. Any fine is due, and any other Board sanctions are effective, immediately after the Board issues its final decision.

UNCONTESTED NOV'S

DECISIONS WHEN NO HEARING WAS REQUESTED: If no hearing was requested, the Committee will consider the allegations in the NOV and determine whether there was a violation and the appropriate penalty. In making its decision, the Committee may consider any additional information requested by the Committee or presented to the Committee by the Compliance Manager. The Committee's decisions must be reasonable, based on applicable Association rules and policies, and consistent with prior decisions having the same or substantially similar issues.

The Committee's decision will be presented to the Board for ratification and adoption as the final decision. Any fines are due, and any other Board sanctions are effective, immediately after the Board issues its final decision.

REPORTING COMMITTEE ACTIONS

Whenever there has been an action by the Architectural Review Committee regarding any NOV, there will be a report presented within 30 days to the Board of Directors.

EFFECTIVE DATE

The effective date of these standards and procedures is March 11, 2019. These standards and procedures apply to all violations pending on the effective date after reasonable notice is provided to any affected Members.

APPENDIX A

PENALTY SCHEDULE

I. Standard Penalties

For purposes of determining what constitutes an “offense” under the penalty schedule, an offense is defined as an act or omission that violates the Committee’s rules. Each rule violation is assigned a penalty category in the Committee’s rules.

Category 1:

\$100 first offense;

\$200 for second offense;

\$400 for each subsequent offense.

Category 2:

\$200 first offense;

\$400 for the second offense;

\$800 for each subsequent offense.

Category 3:

\$500 for first offense;

\$1,000 for second offense;

\$2,000 for each subsequent offense.

II. Legal Action

The Association may seek legal remedies at any time. When a violation is on-going and uncorrected for three 30-day periods or the total amount of fines unpaid by their due dates is \$3,000, whichever occurs first, the Association will pursue appropriate and available legal actions against the Member.

III. Reasons for Mitigating the Standard Fine

The Member may have the standard penalty reduced for good cause. For mitigation of the penalty for good cause, the Member must show the violation occurred because of unavoidable or excusable circumstances that were reasonably beyond the violator’s control. Examples of good cause include prolonged illness or hospitalization or other substantial reasons that reasonably prevented the violator from correcting the violation.

The fine also will be mitigated if the Member corrects the violation prior to the Committee’s decision regarding the NOV.

IV. Reasons for Aggravating the Standard Fine

Additional penalties will be assessed for on-going violations that are not corrected by the responsible Member as required by the Committee’s rules. The penalty may be assessed every 30 days, with notice and opportunity for hearing, until the on-going violation is corrected.