



Policies & Practices of the Common Property Committee

Adopted by the Board of Directors on March 23, 2019

Table of Contents

Common Property Policies and Practices	1
<i>Objective</i>	<i>1</i>
<i>Authority.....</i>	<i>1</i>
1. Encroachment on Common Property (Approved Landscaping vs. Prohibited Structures).....	2
1.1 <i>Landscaping Encroachment on Common Property.....</i>	<i>3</i>
1.2 <i>Legacy Landscaping Rules</i>	<i>4</i>
1.3 <i>Historical Encroachment of Infrastructure (e.g., Fences, Decks, and Other Structures).....</i>	<i>4</i>
2. Guidelines for Managing Invasive Plants on Common Property – Integrated Weed Management (IWM)	5
2.1 <i>Prevention.....</i>	<i>6</i>
2.2 <i>Cultural tactics.....</i>	<i>6</i>
2.3 <i>Mechanical weed removal and reduction</i>	<i>6</i>
2.4 <i>Biological methods.....</i>	<i>6</i>
2.5 <i>Chemical methods.....</i>	<i>6</i>
3. Invasive Plants Encroaching onto Common Property from Private Property	6
4. Wildlife Management Rules.....	7
5. Common Property Usage Rules (Parks, Trails, and Open Spaces).....	8
5.1 <i>Homeowners, or their contractors, wishing to use a trail as an access point.....</i>	<i>8</i>
5.2 <i>Bicycles</i>	<i>8</i>
5.3 <i>Use of alcohol</i>	<i>8</i>
5.4 <i>Sound or noise.....</i>	<i>8</i>
5.5 <i>Trails are not for multipurpose use.....</i>	<i>9</i>
5.6 <i>Commercial activity: Only after approval by MPHOA.....</i>	<i>9</i>
6. Pets and Wildlife on Common Property	9
6.1 <i>Animals on Common Property (Leash law and waste collection).....</i>	<i>9</i>
6.2 <i>Pets and wildlife.....</i>	<i>9</i>
7. Park Hours, Closures of Parks and Trails.....	10
7.1 <i>Hours of operation.....</i>	<i>10</i>
7.2 <i>Discretionary closures</i>	<i>10</i>
8. Smoking, Vaping, and the Use of Tobacco or Related Products on Common Property.....	10

9.	Common Property Work Request Procedures	10
9.1.	<i>CPWR procedures for Common Property, including small tree work or pruning</i>	<i>10</i>
9.2.	<i>CPWR procedures and policies for large scale tree work or pruning on Common Property</i>	<i>11</i>
10.	Urban Forest Management Standards	17
11.	Tree Planting Guidelines.....	18
12.	Common Property Lawn Maintenance Guidelines	18
13.	Common Property Irrigation and Watering Guidelines	19
14.	Easement on Common Property Benefiting Adjacent Property Owners.....	19
	Overview of Common Property Standards and Rules.....	21
	<i>Private Property Adjacent to Common Property</i>	<i>21</i>
	Compliance Procedures.....	22
	<i>Overview of Committee Responsibility.....</i>	<i>22</i>
	<i>Hearing Requests</i>	<i>23</i>
	<i>Timely Receipt of Documents</i>	<i>23</i>
	<i>Appeals to the Board of Directors After Hearing.....</i>	<i>23</i>
	<i>Uncontested Notices of Violations</i>	<i>24</i>
	Appendix A.....	25
	<i>Prohibited Activities on Common Property Meriting Violations</i>	<i>25</i>
	<i>Category 1 Violations</i>	<i>25</i>
	<i>Category 2 Violations</i>	<i>25</i>
	<i>Category 3 Violations</i>	<i>25</i>
	Appendix B.....	26
	<i>Penalty Schedule</i>	<i>26</i>
	Appendix C.....	28
	<i>Invasive Species.....</i>	<i>28</i>
	Appendix D.....	29
	<i>List of Streets with Boulevard Trees Belonging to Mt. Park</i>	<i>29</i>
	Appendix E.....	30
	<i>Tree Pruning Decision Chart.....</i>	<i>30</i>
	Appendix F	31
	<i>Tree Removal Decision Chart</i>	<i>31</i>
	Appendix G.....	32
	<i>Encroachment Decision Chart</i>	<i>32</i>

Common Property Policies and Practices

Members and residents of Mountain Park Homeowners Association (MPHOA) share the rare beauty and benefits of 185 acres of natural woodlands, parks, trails, open spaces, playgrounds, monuments, and urban forest, known as Common Property (CP). The Landscape Stewardship Department's purpose is to manage this community resource for the safety, beauty, and enjoyment of all current and future residents. This document describes the policies, practices, standards, and rules that support the care of CP through the Landscape Stewardship Department's efforts to sustain Mountain Park as "Nature's Neighborhood."

The effective date of these policies, standards, and rules is April 1, 2019. Any violation matters pending on the effective date are subject to these standards, procedures, and prescribed penalties.

If a Homeowner has a request, concern, or emergency that involves a street, sidewalk, or right-of way, please call the City of Lake Oswego at 503-635-0280; this includes fallen trees, blocked storm grates, and snow or ice related emergencies on streets, sidewalks, or right-of-ways.

Mountain Park Home Owners Association will follow the rules, regulations and codes established by the City of Lake Oswego. Common Property policies are additions to City of Lake Oswego's codes and regulations.

Objective

The objective of this document is to describe policies, practices, standards, rules, and enforcement procedures that have been adopted by the Board of Directors for Mountain Park Home Owners Association and that relate to management and regulation of the Common Property, including parks, trails, and other green spaces. Some other policies that may apply to the use of Common Property are presented in the Policy on Enforcement Control of the CC&Rs and Other Issues.

Mountain Park is comprised of private property (individual owners) and Common Property (owned by the MPHOA). The Landscape Stewardship Department's role is to manage and care for all aspects of Common Property. All private property landscaping and tree care is the responsibility of individual owners.

Therefore, it is helpful to note that the following conditions apply throughout this document:

1. The LSD staff respects the rights of private property owners and will not enter private property without the owner's permission.
2. The LSD directs all of their efforts toward CP concerns. Questions about private property will be referred to other resources. For example, the LSD will not mediate landscape or tree-related issues between private property owners. Disputes between private property owners will be referred to the MPHOA Compliance Officer, the MPHOA Executive Director, and/or the appropriate authorities with the City of Lake Oswego.
3. Residents with questions about private property trees will be referred to the City of Lake Oswego Planning Division Office for the appropriate procedures and permits for managing trees. All Mt. Park residents may email tree questions to the LO Planning Division Office (Trees@lakeoswego.city), call 503-635-0290, or visit their website for more information: <https://www.ci.oswego.or.us/trees>.

Thank you for your cooperation and support of the Landscape Stewardship Department's crucial efforts to make Common Property a treasure for the enjoyment of all Mountain Park's residents.

Authority

These policies, standards, rules, and procedures have been formally approved by a resolution and affirmative vote of the Board of Directors. The MPHOA Bylaws gives the Mountain Park Board of Directors the authority to implement policies governing use of the Common Property and to put in place an enforcement program where appropriate.

1. Encroachment on Common Property (Approved Landscaping vs. Prohibited Structures)

In accordance with the Mountain Park CC&Rs, encroachment by owners into any common area is prohibited unless specific approval has been granted in writing upon a recommendation by the Common Property Committee and upon approval by the Mountain Park Board of Directors. The property must be kept in full compliance with the conditions of the waiver (please see “Historical Encroachment,” item 1.3 of this section, for more information).

A. Efforts have been made to mark the boundaries between private and common property with surveyor’s stakes/pins. However, these markers may become difficult to locate over time, covered by vegetation, or dislodged. Consequently, whenever there are questions about private property adjacent to common property, it is the resident’s responsibility to provide evidence of his/her property boundaries as determined by a licensed land surveyor.

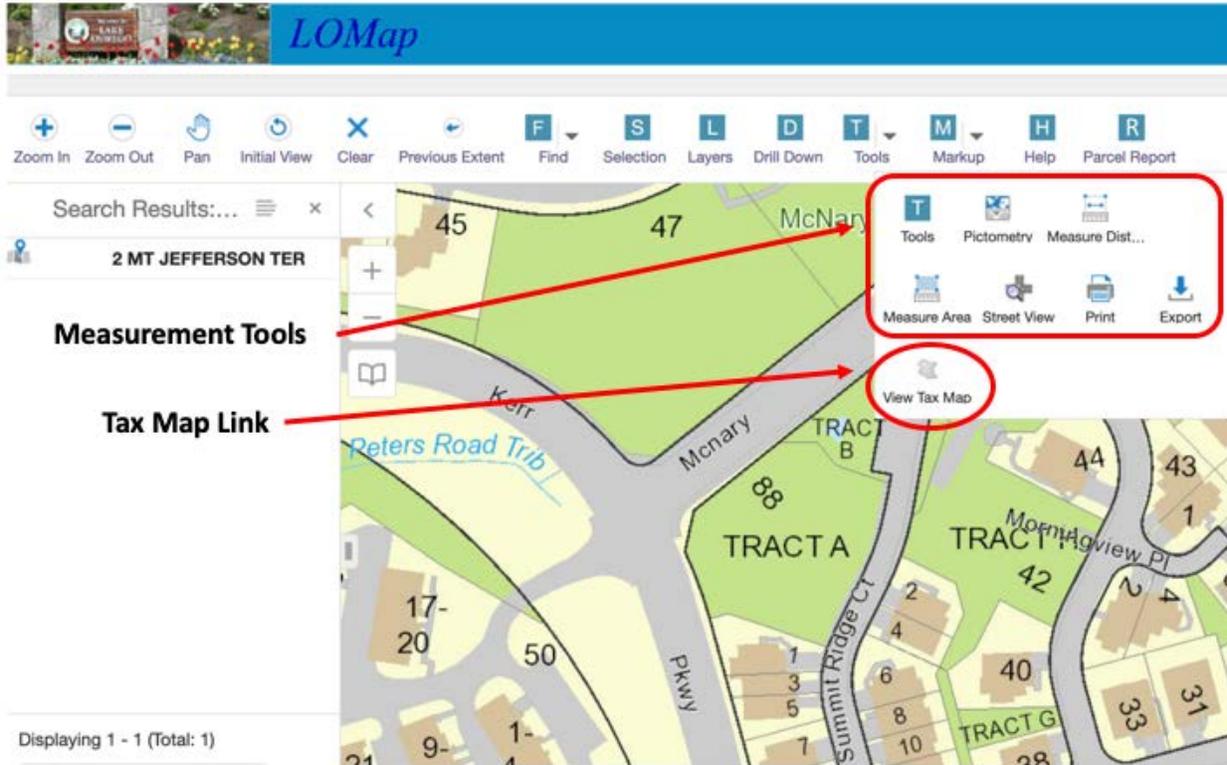
If a member or resident creates any new encroachment on Common Property prior to submitting a Common Property Work Request (CPWR) and/or before receiving approval from the Landscape Stewardship Department or the Common Property Committee (see Section 9), they will be required to correct or remove the encroachment. New encroachment only applies to plantings (e.g., shrubs, groundcovers, bulbs—hardscape of any type is not permitted, this includes fences and other structures).

B. In the event any owner is unable to determine the boundaries of the common property adjacent to the owner’s private property, the owner is welcome to contact the Association staff for initial assistance following these steps:

1. Contact the staff;
2. The staff will schedule a site visit;
3. The staff will use a measurement method that is consistent with the City of Lake Oswego’s practices for determining property boundaries. Currently, this means making measurements using the Lake Oswego Interactive GIS Map (<https://www.ci.oswego.or.us/maps/interactive>). There is no charge to homeowners who request this method of determining common property boundaries adjacent to private property. Please also see the following information:

- **The Lake Oswego Interactive GIS Map** is the electronic map used by the City of Lake Oswego to determine private and public property boundaries throughout the City. The Interactive Map provides all LO citizens with an initial reference for determining public and private property boundaries based on global geographic data at no cost to citizens (See also: <https://www.ci.oswego.or.us/maps>).
- **Description of the GIS Map** – “The Geographic Information System (GIS) provides the City with a valuable tool for information analysis, automated mapping, and data storage. The GIS can perform numerous analytical operations to support decision-making processes as well as create, edit, and display maps. It utilizes an integrated system of computer hardware and software designed to efficiently manage data related to positions on the Earth’s surface. This capability assists decision-makers as they allocate resources, evaluate alternatives and costs, and provide improved customer service to residents of the City” (Source: <https://www.ci.oswego.or.us/maps/mapping-services>).

- **The Lake Oswego Interactive GIS Map Provides Measurement Tools and Links to County Tax Maps with precise measurements for individual properties, which can be printed for additional reference:**



- **Please Note — GIS Map Disclaimer:** “The maps available on the City of Lake Oswego's website are for information purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication.”

4. **If there are any additional questions or disputes:** In accordance with Mountain Park’s CC&Rs, the resident is responsible for hiring a licensed land surveyor to determine the property boundaries (please also see 1.A and /or 9.1).

1.1 Landscaping Encroachment on Common Property

Any landscaping encroachment onto Common Property will be limited to landscaping (e.g., bulbs, annuals, perennials, and shrubs) up to 5 feet or less beyond the property line (hardscape of any type is not permitted, this includes fences and other structures). No modification or landscape improvements on adjacent Common Property will be permitted unless there has been specific written approval following the process below:

- 1.1.1. A Homeowner who desires to modify adjacent Common Property must submit to the Common Property Committee a written request to do so describing the area impacted and the proposed modification. A Common Property Work Request (CPWR) form should be included.
- 1.1.2. The Common Property Committee will review and may approve the proposal. A written approval will be required before any modification of Common Property is permitted. Since this is a request for exception to established policies and applies to MPOA property, there will be no process for appeal of the Common Property Committee’s decision.

- 1.1.3. In general, any modification will be limited to a strip of 5 feet or less beyond the property line. Exceptions to this rule will be considered.
- 1.1.4. The Landscape Stewardship Department will require a commitment to maintenance of any modification such as watering, weeding, etc.
- 1.1.5. Permission to continue the modification of Common Property may be rescinded at any time.
- 1.1.6. In no case will the granting of permission for modification of Common Property constitute a waiver of MPHOA ownership of the Common Property. Homeowners will be required to acknowledge this as part of the documentation of permission to modify Common Property.

1.2. Legacy Landscaping Rules

Under Article X, Section 2 of the CC&Rs, some Mountain Park homeowners have landscaped and maintained certain parts of Common Property adjacent to their property. The current Policy on Encroachment onto Adjacent Common Property shall acknowledge prior use of Common Property and shall “grandfather” this prior use without any restriction so long as the encroachment only involves landscaping, and the homeowner: 1) acknowledges Mountain Park Homeowner Association’s ownership of the Common Property (see 1.1.6. above) and 2) follows the maintenance obligations described in Article X of the CC&Rs and item 1.1.4 above.

1.2.1 Giving up Legacy Landscaping

Homeowners may elect to discontinue maintenance of Common Property adjacent to their property. In this case the Landscape Stewardship Department will take over maintenance activities and will maintain said section of Common Property. The maintenance will adhere to Common Property maintenance standards and might include the removal and replacement of existing landscape features (e.g., lawns, bulbs, trees, shrubs, etc.)

1.3. Historical Encroachment of Infrastructure (e.g., Fences, Decks, and Other Structures)

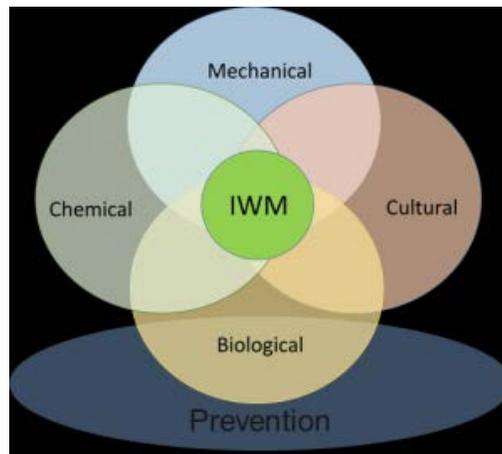
If there has been an historical encroachment of any infrastructure except landscaping (such as fences, structurally contained flower beds, porches, decks, or buildings), these must be removed from the Common Property upon notice by the Association unless a Mountain Park waiver is established consistent with the following process:

- 1.3.1. A homeowner must apply in writing describing the encroachment. The application should include: 1) a map of the property that is consistent with the City of Lake Oswego’s methods of determining property boundaries, which is currently the Lake Oswego Interactive GIS Map (<https://www.ci.oswego.or.us/maps/interactive>); 2) a diagram of the encroachment with the measurements clearly marked; 3) documentation of insurance indemnification confirming that the MPHOA is released from any legal liability for the property; and 3) a formal request that the Association grant a waiver of the encroachment policy.
- 1.3.2. The Common Property Committee will review the request for waiver and may grant the request if all of the following conditions are met:
 - 1.3.2.1. Approval for a waiver will only be granted for two years, which may be extended or revoked by the MPHOA. The Homeowner must remove the Historical Encroachment prior to the end of the specified time and restore the Common Property to a condition acceptable to the Landscape Stewardship Department.
 - 1.3.2.2. In some instances, neighbors will be contacted to determine that the requested waiver is acceptable to them. The Common Property Committee will consider all such input from neighbors but will not be bound by this input.

- 1.3.2.3. In no case will the granting of a waiver constitute relinquishing MPHOA ownership of the Common Property. Homeowners will be required to acknowledge this as part of the documentation of the agreement on Historical Encroachment.
- 1.3.3. If a structural encroachment could pose a potential hazard to users (all playground equipment would be such an encroachment).
 - 1.3.3.1 If a structural encroachment could pose a potential hazard as determined by Mountain Park staff, then these encroachments may be permitted only if an indemnification releasing MPHOA from liability is provided by the home owner.
 - 1.3.3.2. Such indemnification will require third-party insurance and must be specifically approved by the MPHOA Board of Directors.
 - 1.3.3.3. Decisions of the Common Property Committee regarding historical encroachment of infrastructure may be appealed to the CP Committee and then the MPHOA Board.
- 1.3.4. If or when removing a structural encroachment on common property becomes necessary, a specific timeline for removal will be determined by the CPC and/or LSD according to the level of difficulty and/or complexity of the project.

2. Guidelines for Managing Invasive Plants on Common Property – Integrated Weed Management (IWM)

The Mountain Park Home Owners Association Common Property Master Plan has defined a priority task to manage invasive plants on the common property and throughout the community. The Landscape Stewardship Department is committed to use Integrated Weed Management (IWM) methods to control weeds and invasive plant species on Common Property. These practices include prevention, cultural tactics, mechanical, biological and chemical practices to achieve a particular management goal (see figure below). These methods follow Local, State and Federal regulations.



IWM is about using all options available — as well as the best practices — to effectively reduce or eliminate invasive weeds on CP as appropriate to various locations (e.g., parks, playgrounds, trails, natural areas, watershed sensitive lands, landscaped areas, etc.). For additional information, please refer to the 2019 Common Property Master Plan section on “Invasive Weeds.”

As the CPC continues to research and learn about the best practices for managing invasive species and weeds to meet the needs of all involved (e.g., members, staff, and Board), the following criteria will be explored:

- a. Safety and Accessibility
- b. Cost and Financial
- c. Time to Implement

- d. Neighborhood/Member Impact
- e. Environmental Impact
- f. Compliance/Legal Impact
- g. Quality of Life Impact (tied to 2019 MPOA Board Strategic Plan)
- h. Sustainability and Maintenance

2.1 Prevention

The Landscape Stewardship Department actively monitors Common Property to stop and intercept new infestations of undesired plant species. Residents are encouraged to report their observations to the Department.

2.2. Cultural tactics

Cultural tactics are management techniques to provide competitive advantage for desired plants over weeds and other invasive species. These include soil preparation for plantings, site specific plant selection, timing of planting and mulching.

2.2.1. Plant Selection

Choosing disease resistant, well adapted native and native equivalent plant species are the priority. Ornamental plants can be used – not exclusively – at high visibility locations.

2.2.2. Mulching

Arborist woodchips are the preferred natural mulching material for Common Property. This material is used to rebuild soils, retain moisture, suppress weeds and provide nutrient source for plants. They are flame resistant compared to bark dust.

2.3. Mechanical weed removal and reduction

Methods used to disrupt the growth and survival of undesired plant species include: cultivation, tilling, flaming, steaming, hand weeding, weed trimming and mowing.

2.4. Biological methods

The Landscape Stewardship Department is investigating the possibility of using living organisms in weed and invasive plant species management.

2.5. Chemical methods

When necessary, chemical weed management methods will be used in accordance with the guidelines described in the 2019 Common Property Master Plan.

3. Invasive Plants Encroaching onto Common Property from Private Property

It is important that no invasive species on private property encroach on to common property. The following policy defines specifically the requirements to prevent and control the spread of invasive plants on common property.

- 3.1. Mountain Park Home Owners Association does not restrict the planting of any species on private property, but does adhere to local, state, and federal regulations and plans to prevent and control the spread of invasive plant species.
- 3.2. Private property owners in Mountain Park will be responsible to assure that no invasive species currently on their property spreads onto common property. It is a violation to allow invasive species to encroach on to Common Property and private property owners shall be held responsible for not controlling their plantings. This is a Category 1 Violation (see Appendices A and B).
- 3.3. In the event that an invasive plant species — as defined in the Common Property Master Plan or Common Property Committee — spreads from a private property on to common property, the private property owner will be responsible for removal and restoration of the common property involved. Mountain Park staff will notify the homeowner of an invasive plant issue and may

advise the homeowner about corrective measures. If the property owner discovers the invasive species or is notified by the Landscape Stewardship Department of the violation, they shall restore the Common Property to an invasive species free area within a specific period of time as determined by the CPC, within three to six months.

- 3.4. If the private property owner does not remove the invasive plant species as described above, Mountain Park staff may take corrective measures to remove the species and charge the homeowner for associated costs based on the square feet of property involved. Failing to resolve this issue is a Category 1 Violation (please see Appendices A and B).
- 3.5. Corrective actions employed by Mountain Park staff and their decision to implement such actions are under the jurisdiction of the Common Property Committee and are not subject to further review.

4. Wildlife Management Rules

Mountain Park has 185 acres of common property, some of which has been left in its natural state. There is also a significant amount of additional undeveloped land near the community. This land is home to an abundance of wildlife. The animals living around us are a normal part of the ecosystem and are for the most part beneficial. On occasion, however, animals and humans come into conflict, requiring intervention. The Association possesses no expertise in wildlife management. However, such expertise is available from government agencies such as the U.S. Department of Agriculture Wildlife Services (USDAWS). This policy is intended to define the role of the Association in dealing with wildlife issues.

The Landscape Stewardship Department will not poison, trap or otherwise eliminate wildlife on Common Property. Management of wildlife on Common Property will be left to appropriate government agencies. Because most of the conflict between urban wildlife and people is the result of human actions, the Association will maintain educational materials for residents on the Mountain Park website that illustrate how to minimize such conflict.

- 4.1. Moles, voles and gophers:
As part of 'Nature's Neighborhood', the Landscape Stewardship Department will not poison, trap, or otherwise eliminate these animals on Common Property.
- 4.2. Squirrels, raccoons and other small mammals:
No trapping or poisoning is performed by the Landscape Stewardship Department.
- 4.3. Coyotes, deer and other large animals:
Residents reporting an animal in Mountain Park they deem to be a threat or nuisance will be directed to the City of Lake Oswego or the USDAWS. Investigation and management of the complaint will be left to the appropriate government agencies. At times, the agency handling a wildlife complaint may require the cooperation of the Association. For example, access to common property might be required to remove a problem animal. Access will be granted by the Landscape Stewardship Department. In general, the Association will follow the recommendations of agency wildlife experts but the Association is not bound by those recommendations. The Landscape Stewards have the authority to grant access to common property to government personnel working to resolve a wildlife complaint. The Association will not be responsible for any expenses incurred. If there are any charges, necessary financial arrangements must be made directly between the resident filing a complaint and the agency managing it.
- 4.4. Hornets, wasps, yellow jackets:
The Landscape Stewardship Department will use OMRI certified pesticide to remove nuisance insects because they can pose a health hazard for sensitive individuals. Residents are encouraged to let the Department know if hives or nests are spotted on Common Property.

- 4.5. Nesting birds:
Whenever possible, maintenance of nesting areas on CP will be scheduled during non-nesting season, which includes avoiding removal of problematic or invasive vegetation during these sensitive seasons. If a nest is found during maintenance work, the staff will establish a buffer and phase work around the nesting area.
- 4.6. Disturbing wildlife:
Mountain Park HOA prohibits any person from using a weapon, stick, stone, or objects of any kind to destroy, injure, molest, or disturb any wild or domestic animal on Common Property. If a resident is observed or pictured doing so, it will be treated as a Category 1 Violation (please see Appendices A and B).
- 4.7. Feeding wildlife:
It is also prohibited for any person to leave, place, or distribute foodstuff of any kind or nature on Common Property. If Mountain Park Staff finds or observes evidence of a resident feeding wildlife on CP (e.g., food scraps, bird seed, etc.), this will be considered a Category 1 Violation (please see Appendices A and B).

5. Common Property Usage Rules (Parks, Trails, and Open Spaces)

The Mountain Park Home Owners Association's Common Property consists of 9 parks and more than 8 miles of trails. The following requirements are established to keep these areas enjoyable for all.

- 5.1. Homeowners, or their contractors, wishing to use a trail as an access point
Homeowners, or their contractors, wishing to use a trail as an access point for a private project (i.e. landscaping, construction, tree work, etc.) must apply to the Landscape Stewardship Department a minimum of 7 days prior to the project start date.
 - 5.1.1. Requests must include name and contact for an outside contractor, tree, landscape, or other company. Failure to apply for permission is a Category 2 Violation (please see Appendices A and B). Both the homeowner and the contractor responsible for damages caused on Common Property assets and any adjacent private property assets.
 - 5.1.2. Damage to Common Property not repaired at the end of the project is a Category 2 Violation (please see Appendices A and B). The homeowner or contractor will be responsible for the fine plus the costs of the repair or restoration as determined by the Landscape Stewardship Department.
 - 5.1.3. Violations and appeals will follow the Board-approved CPC or Governance process.

5.2. Bicycles

Bicycle usage on trails is not permitted, with the exception of young children — under ten years of age — riding a balance bike or riding a bike with training wheels must be under the supervision of a responsible adult. This is a Category 1 Violation (please see Appendices A and B).

5.3. Use of alcohol

Consumption of alcoholic beverages is prohibited within all parks, on trails, and in green spaces except as follows: During designated MPHOA Events in designated areas on Common Property. This is a Category 1 Violation (please see Appendices A and B).

5.4. Sound or noise

- 5.4.1. No person shall cause or allow sound or noise on Common Property at a volume where the sound can be heard beyond the boundaries of said property.

5.4.2. Sound or noise, amplified or otherwise, must not violate the City of Lake Oswego's Code: 34.10.37 regarding "Loud or Disturbing Unnecessary Noise:" "It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unnecessary loud or disturbing noise in the City at any time of day." This is a Category 1 Violation (see Appendices A and B).

5.5. Trails are not for multipurpose use

5.5.1. Scooters, dirt bikes, or other motorized vehicles are not allowed on trails. This does not apply to Landscape Stewardship equipment or other maintenance vehicles. This is a Category 1 Violation (please see Appendices A and B).

5.6. Commercial activity: Only after approval by MPHOA.

6. Pets and Wildlife on Common Property

The rules for domestic animals on Common Property follow the City of Lake Oswego's rules and regulations.

6.1. Animals on Common Property (Leash law and waste collection)

Dogs are not allowed on Common Property unless leashed and controlled by the owner or keeper at all times (LOC 31.02.120). There are no "off leash" areas within Mountain Park, except McNary Park (managed by the City of Lake Oswego) on the corner of McNary Parkway and Hidalgo Street.

6.1.1. Pets are not allowed on Common Property unless leashed and controlled by the owner or keeper at all times. This is a Category 1 Violation (please see Appendices A and B).

6.1.2. Outdoor cats are prolific hunters. They will kill beneficial birds on CP so residents are strongly encouraged to keep their cats indoors and/or use bells on their collars. Keeping cats indoors will protect them from local predators such as owls, coyotes and others.

6.1.3. Pet owners must promptly remove and properly dispose of pet excrement or other solid waste. Failure to do so is a Category 1 Violation (please see Appendices A and B).

6.1.4. Pet must be licensed and have current vaccinations, collar, and tags, pursuant to OR Revised Statutes 609.030 to 609.405.

6.1.5. Pet owners must prevent their pets from annoying, molesting, attacking, or injuring any person or other animal, and are responsible for all damages associated with failing to do so. This is a Category 1 Violation (please see Appendices A and B).

6.1.6. Pet owners are prohibited from tying up or leaving any animal unattended on common property. This is a Category 1 Violation (please see Appendices A and B).

6.2. Pets and wildlife

It is prohibited for any person to permit any dog or other pet in any area of Common Property to molest, disturb wildlife, including nesting or breeding places of any such wildlife. It is not permitted for any dog or other pet to enter any area that the Landscape Stewardship Department has posted. This is a Category 1 Violation (please see Appendices A and B).

7. **Park Hours, Closures of Parks and Trails**

These rules apply for all parks within Mountain Park boundaries. Any park closures will be posted on the MPHOA website and in the Clubhouse.

7.1. Hours of operation

All parks are open between 6:00am – 10:00pm daily. Use of the parks after hours is prohibited. This is a Category 1 Violation (please see Appendices A and B).

7.2. Discretionary closures

Any part of any park or trail may be closed to the public by the Landscape Stewardship Department for the following reasons:

7.2.1. If work performed by the Department requires it.

7.2.2. Do not enter work areas because of dangerous conditions, work equipment, noise, dust, flying debris, falling limbs or trees.

7.2.3. If park conditions create risk of harm to the public.

7.2.4. If the usage would create a risk of harm to Common Property or natural/sensitive areas.

7.2.5. If the closure is in the best interest of MPHOA.

7.2.6. If weather conditions require it, such as high wind, snow, ice and others.

7.2.7. If seasonal closure is warranted to protect turf areas.

7.2.8. If the continued use could create or exacerbate fire hazard.

8. **Smoking, Vaping, and the Use of Tobacco or Related Products on Common Property**

This rule applies to all 185 acres of Common Property, including the Clubhouse, parks, trails, open spaces and green belts within Mountain Park boundaries. All smoking in any form, including vaping, is prohibited on all Mountain Park Common Property. This is a Category 1 Violation (please see Appendices A and B).

9. **Common Property Work Request Procedures**

The Landscape Stewardship Department manages Common Property throughout Mountain Park, including forests, parks, miles of walking trails, monuments, street-side beds and islands, and refined landscapes. As stewards, the Department strives to maintain and protect Mountain Park's natural resources, as well as cultivate functional and aesthetically pleasing landscapes throughout "Nature's Neighborhood."

9.1. CPWR procedures for Common Property, including small tree work or pruning

(with less than five inches of trunk diameter at 4½ feet off the ground)

Periodically, a Homeowner may wish to request that the Landscape Stewardship Department consider additional landscape-related care on Mountain Park Common Property. The Common Property Work Request (CPWR) is the way for the Homeowner to submit a request to the Landscape Stewardship Department for consideration. CPWR forms can be found on the MPHOA website or picked up at the Clubhouse.

Common Examples of CPWRs:

- Homeowner desires pruning or removal of trees less than 5 inches DBH (Trunk Diameter at Breast Height, which is 4½ feet off the ground) or other vegetation on adjacent Common Property.
- Homeowner wants to request permission from the Landscape Stewardship Department to do their own landscape-related activities on Common Property (within the limit of 5 feet).

- Homeowner notices repair work needed for MPHOA infrastructure on Common Property, such as a tunnel light not working or a bench in need of repair.

The CPWR is a request and the Landscape Stewardship Department may accept or decline the request depending on a number of factors including cost, compliance with MPHOA policies, procedures; City of Lake Oswego or other codes, input from neighbors, and the discretion of the Landscape Stewardship Department.

The Department will verify the common property/private property boundaries using a method that is consistent with the City of Lake Oswego’s practices. Currently, this means using the Lake Oswego Interactive GIS Map (<https://www.ci.oswego.or.us/maps/interactive>).

If the request is for an action that primarily benefits the Homeowner, such as a request for vista pruning, the Homeowner will be responsible for all of the costs involved. If the vista pruning benefits multiple properties, the cost may be split among those Homeowners. If the CPWR is denied, the Homeowner may appeal to the Common Property Committee.

The normal procedure and time frame for acting on a Common Property Work Request follows:

- a. CPWR forms can be found on the MPHOA website or picked up at the Clubhouse. The CPWR can be submitted electronically or in hard copy addressed to the Landscape Stewardship Department.
- b. Map of the proposed work location must be included with the request. (City of Lake Oswego GIS Map: <https://www.ci.oswego.or.us/maps/interactive>).
- c. The Landscape Stewardship Department evaluates the request and will normally respond in no more than 30 days. The decision will be based on consideration of the appropriateness of the request, cost, schedule, compliance with codes and policies, and other factors concerning “property lines.”
- d. Any question or dispute concerning “property lines” that can’t be resolved through the use of the City of Lake Oswego GIS Map will require the following procedure. The owner will pay for a licensed land surveyor to determine the precise location of property boundaries and provide this map/report to the Landscape Stewardship Department.
- e. If a CPWR request involves tree removal, notification of at least two properties in each direction will take place.
- f. If the Landscape Stewardship Department concludes that the requested work must be paid for, in whole or in part, by the Homeowner, an estimate of the cost will be sent to the Homeowner for their consideration and agreement before work will begin.
- g. The scheduling of approved work will be done as soon as possible depending on the available resources of the Landscape Stewardship Department at the discretion of the Landscape Stewardship Director.

9.2. CPWR procedures and policies for large scale tree work or pruning on Common Property

On the slopes of Mt. Sylvania, Mountain Park uniquely offers views of Portland and the Cascade Mountain Range to the north and east and the Willamette and Tualatin River valleys to the south and west. Within Mountain Park are 185 acres of Common Properties owned by the Mountain Park Home Owner’s Association. While individual property owners are members of the Association, they do not have any direct ownership rights to the Common Properties.

The Common Properties have a rich ecosystem of vital landscapes ranging from natural areas including wetlands to parks and other cultivated areas. Trees are a vital asset of the Common Properties of Mountain Park, estimated at a cumulative value of over 23 million dollars. Homeowners desiring any tree modifications to the Common Properties must obtain approval via the submission of a Common Property Work Request and subsequent determination by the Landscape Stewardship Department (and, when necessary, the Common Property Committee). MPHOA accepts financial responsibility for pruning, removing, and mitigating trees that pose an unacceptable level of risk (as determined by an ISA Qualified Tree Risk Assessor). All other approved tree pruning or removing activities are the financial responsibility of the Requestor including permitting and mitigation tree planting.

Index:

- 9.2.1. What is Large Scale Tree Work?
- 9.2.1.1. Vista, Solar Access and Building Clearance Pruning
- 9.2.1.2. Routine Maintenance Pruning (Safety and Tree Health)
- 9.2.2. Tree removals (Dead, Diseased, Risk or Invasive)

ALL ACTIVITIES DESCRIBED HEREIN ARE SUBJECT TO THE FOLLOWING:

1. Consistent with the City of Lake Oswego’s applicable rules and regulations, MPHOA does not guarantee the preservation of an EXISTING or PREVIOUS view.
2. MPHOA does not permit the establishment of a view where none existed at the time of house purchase by the Requestor.
3. Map of the proposed work location, with measurements, must be included with the request. (City of Lake Oswego GIS Map: <https://www.ci.oswego.or.us/maps/interactive>).
4. Any question or dispute concerning “property lines” that cannot be resolved through the use of the City of Lake Oswego GIS Map will require the following procedure: The owner will pay for a licensed land surveyor to determine the precise location of property boundaries and provide this map/report to the Landscape Stewardship Department.
5. Pruning shall be consistent with ANSI A300 Standards for Pruning and not remove more than 15% of the live crown.
6. For removals, the preferable action is to leave the tree for wildlife habitat - (leaving large woody sections to decay) unless it poses an unacceptable risk as determined by the Landscape Stewardship Department (and / or consultation with an ISA Certified Arborist). If such risk is present the preferred action is to remove the portion of the tree involved in the risk.
7. Building clearance pruning may be permitted within the following guidelines:
 - a. Vertical roof clearance of no more than ten (10) feet, as long as pruning does not remove more than the stated 15% live crown.
 - b. Lateral building clearance of no more than ten (10) feet, utilizing directional pruning where possible.
8. Boulevard trees are the property of Mountain Park, yet they are the physical and financial responsibility of the adjacent property owner (consistent with the City of Lake Oswego). A boulevard tree is defined as located within the easement of Mountain Park Common Property existing between the street and bordering private property. Please see Appendix D for a list of Mountain Park streets that include boulevard trees.

Any maintenance, trimming, or removal of trees must be authorized by the Landscape Stewardship Department. Upon notification that work is required, the homeowner must follow the subsequent guidelines:

- a. MPHOA will notify the adjacent property owner about the necessary work pertaining to his/her boulevard tree(s). The property owner will have 30 days to find an ISA Certified Arborist and tree company to schedule the recommended action(s). The homeowner will coordinate the tree work with the Landscape Stewardship Department so a MPHOA staff member can be present.
- b. All bids and work must be from a tree company approved by the Landscape Stewardship Department.
- c. In accordance with the MPHOA CC&Rs, costs for pruning, maintenance, or removal of boulevard trees are the responsibility of the homeowner.

- d. After 30 days if the property owner has not complied, the Landscape Stewardship Department will notify the homeowner that MPHOA staff will schedule the recommended boulevard tree work with an approved tree company, and the homeowner will be charged for these services.
- e. If access to private property is necessary for the efficient and safe operation of tree work, the property owner is required to grant the approved tree company unobstructed access.
- f. MPHOA is not responsible for damage to private property when the homeowner selects the tree company that will complete the work. However, the tree company chosen to do the work must carry appropriate insurance.
- g. At no time is the homeowner to instruct, direct, or influence the work of a Mountain Park-approved arborist or tree company on site. Such actions are disruptive, dangerous, and may result in the arborist and/or tree company ceasing service; offering no refund on unfinished work.
- h. No governing ordinances or laws are allowed to be violated in the course of doing tree work on Common Property.
- i. After being notified by the Landscape Stewardship Department, failure to complete boulevard tree care and/or failure to reimburse MPHOA for arboricultural work performed on boulevard trees is a Category 2 Violation (see Appendices A and B).

City of Lake Oswego Tree Code:

Topping trees is a violation of the City of Lake Oswego Municipal Code 55.02.030. According to City of Lake Oswego Municipal Code 55.02.020 topping means the severe cutting back of a tree’s limbs to stubs three inches or larger in diameter within the tree’s crown or to such a degree so as to remove the natural canopy and disfigure the tree. It is considered as tree removal if 50% more of the crown get pruned, or tree work causes damage to a tree so the tree to decline and/or die.

No person shall top a tree for any reason including establishing or maintaining a view.

Topping is the destructive and obsolete pruning practice of cutting back branches to stubs, which leaves wounds that invite decay and disease into the tree. Topping damages a tree’s natural shape, beauty, and overall health. A tree that has been topped cannot produce enough food to maintain healthy functioning. Topped trees respond with a vigorous growth of weakly attached limbs that are more susceptible to breakage and storm damage. They also require more frequent and expensive maintenance. Topping is the worst thing one can do for the health of a tree; it leads to immediate death in some species and reduced lifespan in others. Topping is difficult to manage, dangerous for climbing arborists, administratively demanding, creates potential hazards, and is very difficult, if not impossible, to correct.

9.2.1. What is Large Scale Tree Work?

Large scale tree work refers to work performed on trees more than 5 inches DBH. (*Trunk Diameter at Breast Height, 4 ½ feet off the ground*). Large scale tree work can be requested for the following purposes:

9.2.1.1. Vista, Solar Access, and Building Clearance Pruning

Vista Pruning is the only acceptable pruning practice where limited limbs are selectively removed, with great consideration for the tree’s health. Vista pruning creates a pleasing view from a specific vantage point.

Mountain Park supports the installation of solar panels. Appropriate pruning for solar access is permitted at the discretion of the Landscape Stewardship Department; however, *MPHOA will not remove common property trees for vista, solar access, or aesthetic reasons*. Solar panel installation must also receive approval from the Architectural Committee.

- a. Requestor completes CPWR form and submits to MPHOA. The following need to be included in the CPWR:
 - Requestor identifies the specific trees where vista pruning, solar access pruning, or building clearance pruning (hereafter referred to as pruning) is requested. Trees must be identified on Common Property by the Requestor with pink flagging tape wrapped around the tree without damaging the tree (i.e. the use of nails or other items to secure flagging tape), at the time of CPWR submission.
 - Requestor identifies *one* specific component of their view (vista) they wish to have maintained by pruning identified tree(s) and the vantage point from which the view is obtained; an entire view horizon may not be identified. Examples of vistas are Mount Hood and Mount St. Helens.
 - Photos must be included with vista component, building clearance concerns and/or solar access concerns identified.
 - Map of the proposed work location must be included with the request using the City of Lake Oswego GIS Map (<https://www.ci.oswego.or.us/maps/interactive>).
 - Any question or dispute concerning “property lines” that cannot be resolved through the use of the City of Lake Oswego GIS Map will require the following procedure. The owner will pay for a licensed land surveyor to determine the precise location of property boundaries and provide this map/report to the Landscape Stewardship Department.
 - For solar access requests, the CPWR shall be accompanied by a report from a solar power professional identifying the tree(s) involved and the recommended actions.
- b. Landscape Stewardship Director / Steward visits site and assesses the requested actions in consultation with the Requestor where possible. The Department will verify the boundaries between private and common property. Landscape Stewardship Director determines the following:
 - Have the tree(s) in question been previously topped?
 - Does the tree play a critical role in local soil stability, storm water mitigation, or habitat?
 - Overall tree health.
 - Is removal and replacement appropriate and feasible?
 - Have the tree(s) been identified in the 2014 Tree Inventory & Management Plan? If so, what was the recommended action?
 - Will the proposed action adversely affect the ‘reverse’ view of neighbors below and/or other neighbors?
 - Does the tree or trees play a vital role in upholding the “Nature’s Neighborhood” intent and aesthetic?
 - Is the tree an invasive or nuisance species?
 - The extent to which the vista is diminished by factors other than the tree(s) involved in the claim.
- c. Landscape Stewardship Department obtains a bid for the proposed tree work from an ISA Certified Arborist /Tree Company. The Arborist proposal must follow the City of Lake Oswego tree permitting requirements. The proposal will be added to the original CPRW and the Common Property Committee will review the request.
- d. Landscape Stewardship Department will notify the Requestor of the Common Property Committee’s decision. The Common Property Committee’s decision is final.
- e. After final approval from the Common Property Committee, Mountain Park HOA will need to receive payment from the homeowner in advance prior to scheduling the work.
- f. A Landscape Steward will coordinate and monitor the tree work performed by the Arborist to ensure all the goals are met.
- g. Mountain Park HOA will pay the Arborist / Tree Company.

Trees that have been previously topped will be evaluated on a case-by-case basis. All approved vista pruning requests will include the cost of planting a mitigation tree to ensure the long-term viability of our canopy and its renewal. Requestor will be responsible for any tree replacements.

9.2.1.2 Routine Maintenance Pruning (Safety and Tree Health)

Mountain Park HOA supports healthy forest and healthy trees. With 185 acres of forested hillside, tree maintenance is paramount.

Pruning is the most common tree maintenance procedure. Although forest trees grow quite well with only nature's pruning, landscape trees require a higher level of care to maintain their structural integrity and aesthetics. Pruning must be done with an understanding of tree biology. Improper pruning can create lasting damage or even shorten the tree's life.

Because each cut has the potential to change the growth of the tree, no branch should be removed without a reason. Common reasons for pruning are to remove dead, diseased, weakly attached and low-vigor branches from the crown of a tree to improve form, to reduce risk, to increase light and air penetration to the inside of the tree's crown. Mature trees are pruned as corrective or preventive measures, to maintain a mature tree in a healthy, safe, and attractive condition. Most routine pruning is performed to remove weak, diseased, or dead limbs.

Residents are allowed to prune trees on their property. However, the Landscape Stewardship Department strongly advises against pruning branches reaching over property lines from Common Property. If pruning of these branches negatively affects the overall health of the Common Property tree the resident will be liable for mitigation and damages.

The Landscape Stewardship Department and Common Property Committee encourage residents to fill out a CPWR and contact with the Department for additional information. Routine maintenance pruning on Common Property is performed by the Landscape Stewardship Department. From time to time residents request maintenance pruning on common property trees. To request this service please follow the steps below:

- a. Requestor completes CPWR form and submits to MPHOA Landscape Stewardship Department. The following need to be included in the CPWR:
 - Requestor identifies the specific trees where maintenance pruning (hereafter referred to as pruning) is requested. Trees must be identified on Common Property by the Requestor with pink flagging tape wrapped around the tree without damaging the tree (i.e. the use of nails or other items to secure flagging tape), at the time of CPWR submission.
 - Map of the proposed work location must be included with the request. (City of Lake Oswego GIS Map (<https://www.ci.oswego.or.us/maps/interactive>).
 - Any question or dispute concerning "property lines" that cannot be resolved through the use of the City of Lake Oswego GIS Map will require the following procedure. The owner will pay for a licensed land surveyor to determine the precise location of property boundaries and provide this map/report to the Landscape Stewardship Department.
- b. Landscape Stewardship Director/Steward visits site and assesses the requested actions, in consultation with the requestor where possible. The Department will verify the boundaries between private and common property using the [Lake Oswego GIS Map](#).
Landscape Stewardship Director determines the following:
 - Overall tree health.

- What type of pruning is necessary to maintain selected trees?
 - Have the tree(s) been identified in the 2014 Tree Inventory & Management Plan? If so, what was the recommended action?
 - Will the proposed action adversely affect immediate neighbors?
 - Do the tree(s) play a vital role in upholding the “Nature’s Neighborhood” intent and aesthetic?
 - Is the tree an invasive or nuisance species?
- c. Landscape Stewardship Department will schedule the work if the tree work can be accomplished by MPHOA Landscape Stewards. The requestor will get a notification from the Landscape Stewardship Department.
 - d. If the scale of work requires it, the Director will obtain a bid for the proposed tree work from an ISA Certified Arborist / Tree Company and schedule the work. The Arborist proposal must follow the City of Lake Oswego tree permitting requirements. Landscape Stewards will coordinate and monitor the tree work performed by the Arborist to ensure all goals are met.
 - e. If the requested work is NOT necessary for safety or tree health the Requestor will be notified by the Landscape Stewardship Department.
 - f. If the Requestor wishes, the CPWR will be sent to the Common Property Committee for review. In this case the Landscape Stewardship Department obtains a bid for the proposed tree work from an ISA Certified Arborist /Tree Company. The Arborist proposal must follow the City of Lake Oswego tree permitting requirements.
 - g. The Common Property Committee will review and either allow or decline the requested tree work.
 - h. Landscape Stewardship Department will notify the Requestor of the Common Property Committee’s decision. The Common Property Committee’s decision is final.
 - i. If the request is granted, the Requestor will be responsible for payment in advance before scheduling the work.
 - j. A Landscape Steward will coordinate and monitor the tree work performed by the Arborist to ensure all goals are met. Mountain Park HOA will pay the arborist/tree company.

9.2.2. Tree removals (Dead, Diseased, Risk or Invasive)

Mountain Park HOA values the trees found in Nature’s Neighborhood. Trees on Common Property will be considered for removal for the following reasons only:

- The tree is dead and poses high risk of failure.
- The tree is diseased or in declining health.
- The tree is invasive.

MPHOA will NOT remove common property trees for vista, solar access, or aesthetic reasons.

To request tree removal, follow the process below.

- a. Requestor completes [CPWR](#) form and submits to MPHOA Landscape Stewardship Department. The following need to be included in the CPWR:
 - Requestor identifies the specific tree(s) for removal. Tree(s) must be identified on Common Property by the Requestor with orange flagging tape wrapped around the tree without damaging the tree (i.e. the use of nails or other items to secure flagging tape), at the time of CPWR submission.
 - Requestor identifies *one* of the stated reasons (see above) for the request.
 - Map of the proposed work location must be included with the request. (Google map or City of Lake Oswego GIS Map (<https://www.ci.oswego.or.us/maps/interactive>).

- Any question or dispute concerning “property lines” that cannot be resolved through the use of the City of Lake Oswego GIS Map will require the following procedure. The owner will pay for a licensed land surveyor to determine the precise location of property boundaries and provide this map/report to the Landscape Stewardship Department.
- b. Landscape Stewardship Director / Steward visits site and assesses the requested actions. The Department will verify the boundaries between private and common property. Landscape Stewardship Director/Steward determines the following:
 - Is the requested action reasonable?
 - Urgency of the request.
 - Does the tree play a critical role in local soil stability, storm water mitigation, or habitat even if the tree appears to be dead?
 - Is removal and replacement appropriate and feasible?
 - Have the tree(s) been identified in the 2014 Tree Inventory & Management Plan? If so, what was the recommended action?
 - Will the proposed action adversely affect other neighbors?
 - d. Landscape Stewardship Department will consult with an ISA Certified Arborist who will conduct a basic tree risk assessment. The evaluation will focus on target assessment, site factors, tree health and species profile, load factors, tree defects and conditions affecting the likelihood of failure. The Director will receive the assessment from the Arborist and bring the report/proposal to the Common Property Committee for review.
 - e. Landscape Stewardship Department will notify the Requestor of the Common Property Committee’s decision. The Common Property Committee’s decision is final.
 - f. A Landscape Steward will coordinate and monitor the tree work performed by the Arborist to ensure all goals are met.

10. Urban Forest Management Standards

The Common Property Committee and the Landscape Stewardship Department is committed to maintenance renewal of the urban forest on Mountain Park’s Common Property. These policies are focusing on maintaining and improving tree health, managing the understory (trees, shrubs, groundcovers and invasive species) and renewing the tree canopy. The Landscape Stewardship Department will utilize best management practices (BMPs) for arboriculture and urban forestry in the upkeep, maintenance and update of the urban forest and Common Property trees. More information is available in the 2019 Common Property Master Plan.

- 10.1. Tree health: The Landscape Stewardship Department continuously monitors tree conditions on Common Property. Residents are encouraged to report any issues, concerns related to hazard trees on Common Property.
- 10.2. When possible, dead trees or trees slated for removal will stay as tall snags for wildlife habitat on Common Property.
 - 10.2.1. Height of the snags should be determined that even tree failure will not cause damage to private or common property.
 - 10.2.2. Trees along trails might be fully removed for safety reasons.
- 10.3. Understory management:
 - 10.3.1 Logs and trunks over 6 inches diameter will be left on the forest grounds to decompose.
 - 10.3.2. Tree pruning and brush must be hauled out or chipped on site.

- 10.4. Control and removal invasive species: See the Section 2 Policy on Invasive Plants on Common Property – Integrated Weed Management (IWM). Please also see the Common Property Master Plan (URL).
- 10.5. Reforestation and replanting: See Tree planting guidelines in Section 13.
- 10.6. Landscape Stewardship Department continue utilize all available tools and BMPs (Best Management Practices) to manage Common Property trees and the Urban Forest within Mountain Park boundaries.

11. Tree Planting Guidelines

Revitalization and renewal of our tree canopy is a promise to future generations. As such, it is important that tree planting activities occur on a regular basis, and the HOA is dedicated to such practices on Common Property. Selecting the right tree for the right place is important to not place an undue burden on the HOA or its neighbors.

- 11.1 Tree planting guidelines for Common Property:
 - 11.1.1. Replant native evergreen and deciduous trees and shrubs, groundcovers, grasses and bulbs in forested settings and on Sensitive Lands.
 - 11.1.2. Ornamental landscapes around the Clubhouse, monuments, traffic islands, high visibility areas etc. will utilize a combination of native and ornamental trees, shrubs, grasses, bulbs and groundcovers.
 - 11.1.3. Pick the right plant for the right place
- 11.2 Tree planting guidelines on private property: If you wish to plant a tree adjacent to Common Property, feel free to contact the Landscape Stewardship Department for a consultation and keep in mind the following key points:
 - 11.2.1. Fast growing trees often grow at the expense of root stability.
 - 11.2.2. If the tree trunk grows to a diameter that spans the property line, that tree is now under the shared ownership of the HOA and the homeowner.
 - 11.2.3. The HOA has the right to cut back any branches hanging over the property line, to the property line.
 - 11.2.4. If a tree planted on private property causes excessive litter such as rotting fruit, the HOA may require the owner to remove the tree at the owner’s expense, subject to City code.
 - 11.2.5. If a tree planted on private property causes infrastructure damage on Common Property such as pathways, the HOA may require the owner to remove the tree at the owner’s expense, subject to City code, and cover the cost of the infrastructure repair.

12. Common Property Lawn Maintenance Guidelines

Lawn mowing and maintenance services are provided by outside contractor in order to free up Landscape Stewards to maintain Common Property in an environmentally sensible and responsible way. There are 21 areas mowed regularly around Mountain Park. Actual maintenance schedules may vary in response to environmental conditions. Mowing frequency is based on location, irrigation availability. Lawnmowing is scheduled between March and November.

- 12.1. Irrigated lawns are mowed once a week edged every second week.

12.2. Biweekly mowing and edging once a month on non-irrigated lawns.

12.3. Meadows are mowed once a month.

13. Common Property Irrigation and Watering Guidelines

The Landscape Stewardship Department is in charge of maintaining irrigated and unirrigated landscape features at Mountain Park. Not all parks, monuments, traffic islands or other plantings are irrigated. Watering and prioritizing irrigation is extremely important during the drier part of the year.

The Landscape Stewardship Department assesses and addresses current watering priorities and evaluates anticipated future needs on Common Property. Improper and unnecessary water usage is wasteful, expensive and causes more harm than good. Proper watering techniques and well-maintained irrigation systems use only the necessary amount of water to irrigate landscapes.

- 13.1. The Landscape Stewardship Department prioritizes watering in the following order:
 1. Ornamental landscapes around the Clubhouse
 2. Freshly planted trees, shrubs and other plants
 3. Irrigated traffic islands and monuments
 4. Unirrigated monuments and traffic islands
 5. Parks with automated irrigation systems
 6. Unirrigated parks and landscaped areas
 7. Others
- 13.2. Watering trees and shrubs: The goal is to provide enough water for these plants to ensure survival. Drought stressed trees and shrubs might not be aesthetically pleasing but will survive.
- 13.3. Using mulch: Extensive usage of arborist woodchip help retain moisture, keep the soil cool and the roots protected.
- 13.4. Golden brown lawns on Common Property: Even with adequate irrigation lawns tend to go dormant and turn a golden-brown color during summer months. In situation like this, the turf is dormant not dead. It will bounce back once rain and cooler temperatures return.
- 13.5. Native plants in the landscape: Native plants are well adapted to local soil and climate conditions. They might go dormant during extended drought conditions.
- 13.6. Residents are encouraged to help report issues related to watering.

14. Easement on Common Property Benefiting Adjacent Property Owners

The Developers of Mountain Park and, subsequently, the Mountain Park Homeowners Association have granted easements over Common Property for the benefit of adjacent homeowner properties. These easements address driveways, flag lots, and the strip of land between most property lines and the adjacent street or curb line. These easements describe the following three rights and obligations:

- 14.1. The abutting property owner shall have an irrevocable easement of ingress and egress over such Common Property.
- 14.2. The easements are not dedicated to the public as public ways.
- 14.3. It shall be the duty of the property owner to improve and maintain in proper condition the area between the property line and the nearest curb or improved street.

The specific notation of policy governing these easements on Common Property for adjacent property owners appear in a number of documents including:

- a. The Declaration of Restrictions of Mountain Park Corporation (March 29, 1968).
- b. Applicable Mountain Park Plats that describe the plans and layouts of certain neighborhoods in Mountain Park.
- c. Individual lot plans and descriptions.

Any and all of these sources are the basis for the applicable Policy of Mountain Park Homeowners Associations as described in 14.1, 14.2, and 14.3 above.

Overview of Common Property Standards and Rules

Objective

The objective of this section on “Standards and Rules” is to provide an overview that clarifies how CP standards and rules will be applied in accordance with the Mt. Park CC&Rs and enforced by the Mountain Park Home Owners Association (Association). For more detailed information about each area of concern, please refer to the section on Common Property Policies.

Please Note: If a homeowner has a request, concern, or emergency that involves a street, sidewalk, or right-of-way, please call the City of Lake Oswego at 503-635-0280; this includes fallen trees, blocked storm grates, and snow or ice related emergencies on street, sidewalks, or right-of ways.

Authority

These rules are authorized by Mountain Park’s Codes, Covenants, & Restrictions, the Board of Director’s resolutions and decisions, [ORS 94.630\(1\) \(a\)](#) and [ORS 94.640](#).

Internal Operating Procedures

To facilitate the implementation of these rules, the Association’s Executive Director and staff are responsible for monitoring compliance with these standards and managing the Association’s internal operations regarding these standards as required by the Board of Directors (Board) and the Common Property Committee (CPC).

Applicable Laws

All compliance standards of the Association are subordinate to the regulations of Federal, State and local laws; however, Association rules may be more restrictive than legal requirements and will be applied unless the Association’s more restrictive rules conflict with legal requirements.

When a violation of these standards occurs that is also a violation of the law, the Association reserves the right to report this to the appropriate authorities.

Standards of Local Associations

Other organizations within the Mountain Park community, including other local home owners’ associations, have rules and policies related to properties that have an overlapping scope with those of the Association. Any policies or rules of a local association within Mountain Park are independent from the policies and rules described in this document. In the event of any conflict, the Association’s rules and procedures supersede any local association’s policies and rules, unless the local association’s rules are more restrictive.

If the Association cannot identify the homeowner responsible for complying with these standards, the Association may communicate with any other home owners’ association that has governing documents covering the property in order to obtain compliance and take appropriate action.

Standards of Other Standing Committees

In addition to the CPC, there are three other standing committees that have authority delegated to them by the Mountain Park Board of Directors for developing and enforcing rules of the Association. These committees are the Architectural Committee, the Home Maintenance Committee, and the Clubhouse Committee.

The Architectural Committee (ARC Committee) and Home Maintenance Committee (HMC) develop and enforce their rules regarding their application process, as well as their mandates regarding construction materials, maintenance, and associated issues for permanent structures and hardscape on private property.

Private Property Adjacent to Common Property

At times, proposed private property projects may be adjacent to Common Property (e.g., a fence). When this is the case, both the ARC Committee and the CPC may need to be consulted to confirm that private property structures will not encroach on CP.

The CPC requests that the homeowner provide evidence to the ARC Committee and the CPC demonstrating that the project is within private property boundaries (please also see #9 in Policies and Practices).

This evidence would include:

1. A detailed description of the proposed project;
2. A map of the property boundaries, please use the Lake Oswego Interactive GIS Map (<https://www.ci.oswego.or.us/maps/interactive>), and
3. A drawing of the proposed project, with measurements, using the Lake Oswego Interactive GIS Map.

NOTICE: *Before proceeding with a project, repairs, or material replacement mandated in the rules of the ARC Committee, the member also must obtain approval of the CPC.*

Staff will review, access, and confirm whether or not the owner has completed the project in accordance with the CC&Rs and the requirements of the CPC, ARC Committee, and Home Maintenance rules.

A number of CPC concerns may overlap with the concerns of the Architectural Committee (e.g., adding or replacing fences and exterior improvements adjacent to common property) and the Home Maintenance Committee (e.g., fences or structures falling into disrepair along common property). In these cases, the committees involved must be notified and consulted to ensure that there is proper maintenance of structures along common property; to ensure that encroachment is removed when there are no waivers in place or when waivers have expired; and to ensure that no new encroachment occurs.

The Clubhouse Committee develops and enforces its rules concerning clubhouse behaviors and interactions with Association staff.

Enforcement Actions

The procedures for enforcing these standards are provided in Compliance Procedures for Common Property Procedures to follow.

Fines for Violations

Fines for violations are assessed according to the Penalty Schedule, Appendix A.

Compliance Procedures

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 f) 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.

Compliance Procedures for Common Property Standards

OVERVIEW OF COMMITTEE RESPONSIBILITY

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 NOVs 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 DOCUMENTS

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 NOTICES OF VIOLATION

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 30 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 NOTICES OF VIOLATIONS

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 CPC 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 April 1, 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

PROHIBITED ACTIVITIES ON COMMON PROPERTY MERITING VIOLATIONS

Category 1 Violations include:

- a. Creating a nuisance to others;
- b. Noise violations;
- c. Littering or dumping of trash;
- d. Fishing, bathing, or wading;
- e. Commercial or construction activity on CP without MPHOA approval;
- f. Overnight camping;
- g. Disturbing or feeding wildlife;
- h. Posting signs or notices;
- i. Not cleaning up after pets, inappropriately disposing of dog waste, not complying with leash laws, leaving a pet unattended, or allowing a pet to run off leash on CP.
- j. Allowing pets to disturb wildlife;
- k. Possession of newly plucked branch, leaf, tree, shrub, or plant, unless authorized by the Landscape Stewardship Department;
- l. Permitting invasive species on private property to encroach on Common Property (plus cost of removal based on the square feet of property involved);
- m. Using scooters, dirt bikes, or other motorized vehicles on trails or Common Property;
- n. Consumption of alcoholic beverages is prohibited within all parks, trails, and green spaces, except as follows: During designated MPHOA Events in designated areas on Common Property.
- o. Soliciting of any kind;
- p. Smoking in any form;
- q. Failing to resolve or respond to encroachment violations according to the CC&Rs within the timeframe described in CPC letters of notification;
- r. Being in parks after hours without MPHOA approval.

Category 2 Violations include:

- a. Recurrence of Category 1 Violations;
- b. Defacing or destroying posted notices;
- c. Fireworks of any kind (plus cost of mitigation);
- d. Use of pesticides or dumping of toxic chemicals (plus cost of mitigation);
- e. Removal, defacing, or destruction the MPHOA property in any way (plus cost of mitigation);
- f. Demolishing or building new trails (plus cost of mitigation).
- g. Failing to get permission from the Landscape Stewardship Department to use CP as an access point for a private property project and/or damaging or failing to restore CP to its original condition after the completion of a private property project (fine, plus costs of repair or restoration).
- h. Failure to complete Boulevard Tree care and/or failure to reimburse MPHOA for arboricultural work performed on Boulevard Trees.

Category 3 Violations include:

- a. Recurrence of Category 2 Violations;
- b. Criminal activity, including drug use (with referral to law enforcement);
- c. Damaging, defacing, or destroying CP equipment or structures (plus cost of mitigation, with possible referral to law enforcement);
- d. Fires of any kind (plus cost of mitigation, with referral to law enforcement);
- e. Discharge of fire arms, pellet guns, BB guns, or hunting (with referral to law enforcement).
- f. Damaging, topping, or removal of any tree (fines for this violation will include assessment of replacement costs, replacement, installation, and mitigation, along with a referral to the City of Lake Oswego Tree Code Enforcement).

APPENDIX B

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 CP Committee’s rules. Under each category there are progressive penalties for subsequent, discrete violations of the Committee’s rules. Each rule violation is assigned a penalty category in the CPC rules.

Category 1:
\$100 first offense;
\$200 for second offense;
\$400 for each subsequent offense.
(Plus cost of replanting, replacement, lost value, and/or mitigation)

Category 2:
\$200 first offense;
\$400 for the second offense;
\$800 for each subsequent offense.
(Plus cost of replanting, replacement, lost value, and/or mitigation)

Category 3:
\$1,000 for first offense
\$2,000 for second offense
\$3,000 for each subsequent
(Plus cost of replanting, replacement, lost value, and/or mitigation)

CP tree violations: There are four major elements assessing the value of a CP tree: 1) size, 2) species, 3) condition, and 4) location (Department of Forestry, Purdue University: www.fnr.purdue.edu).

The Landscape Stewardship Department, in consultation with a certified arborist, will use the following formula to determine the value of a CP tree:

Tree Value = Basic Tree Cost (base price x adjusted trunk size) x Species Rating (comparative rating of a given species based on its individual characteristics) x Condition Rating (overall health of the tree) x Location Rating (determined by the tree’s placement in the landscape)

Case illustration: Destroying a Western red cedar with a 10-inch diameter trunk could have a replacement value of \$3,000 or more. Accordingly, a 25-inch diameter Western red cedar would have a higher replacement value.

II. Legal Action

The Association may seek legal remedies at any time. When a violation is ongoing 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, if and when this is possible, except for Category 3 violations. A penalty will be imposed for subsequent violations.

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 ongoing violation is corrected.

A Member's enjoyment rights regarding the clubhouse and common property may be suspended for thirty days if a violation is not corrected as required by the Committee's rules.

APPENDIX C

INVASIVE SPECIES

- English ivy (*Hedera helix*, *H. hibernica*)
- Himalayan blackberry (*Rubus armeniacus*, *R. discolor*, *R. procerus* *R. bifrons*)
- Traveler's joy clematis, Old man's beard (*Clematis vitalba*)
- Herb Robert (*Geranium robertianum*)
- Kudzu (*Pueraria lobata*)
- Shining geranium (*Geranium lucidum*)
- Scotch broom (*Cytisus scoparius*)
- Spurge laurel (*Daphne laureola*)
- English holly (*Ilex aquifolium*)
- English laurel (*Prunus laurocerasus*)
- English hawthorn (*Craetegus monogyna*)
- Garlic mustard (*Allinaria petiolate*)
- Italian arum (*Arum italicum*)
- Poison hemlock (*Conium maculatum*)
- Yellow archangel (*Lamiastrum galeobdolon*)
- Lesser celandine (*Ranunculus ficaria*)

See ORS 569.350

APPENDIX D

LIST OF STREETS WITH BOULEVARD TREES BELONGING TO MOUNTAIN PARK

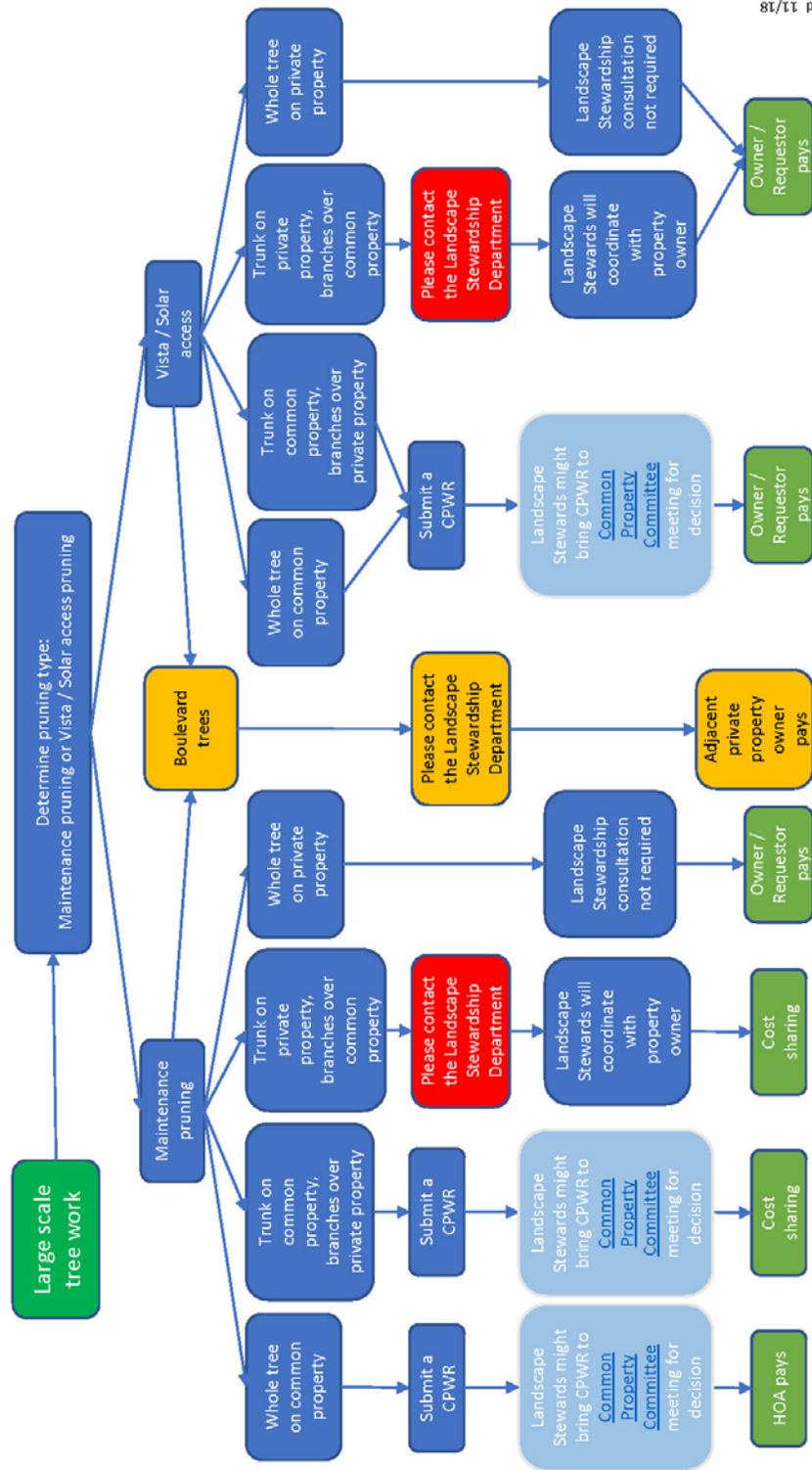
- Bartok Place
- Blazer Trail
- Bloch Terrace
- Botticelli Street
- Britten Court
- Carman Drive
- Churchill Downs
- Cirque
- Del Prado Street
- Eagle Crest Drive
- El Greco Street
- Falstaff Street
- Greenridge Court
- Greenridge Drive
- Hotspur Street
- Independence Avenue
- Jefferson Parkway
- McNary Parkway
- Monroe Parkway
- Monticello Drive
- Mozarteum Court
- Offenbach Place
- Oriole Lane
- Othello Street
- Peacock Place
- Pheasant Run
- Polonius Street
- Preakness Court
- Silver Court
- Tanglewood Drive
- Thunder Vista Lane
- Touchstone
- Touchstone Terrace
- Yorick Street



Tree Pruning Guidelines

landscapestewardship@mtparkhoa.com
(503) 635-8333

All tree work must follow Lake Oswego applicable tree codes and all **tree pruning** on MPOHA Common Property must follow Mt. Park policies and guidelines. If you are uncertain if the tree is on common or private property, submit a Common Property Work Request (CPWR), and the Landscape Stewardship Department will assist you. Landscape Stewards may consult with an ISA Certified Arborist related to tree work.



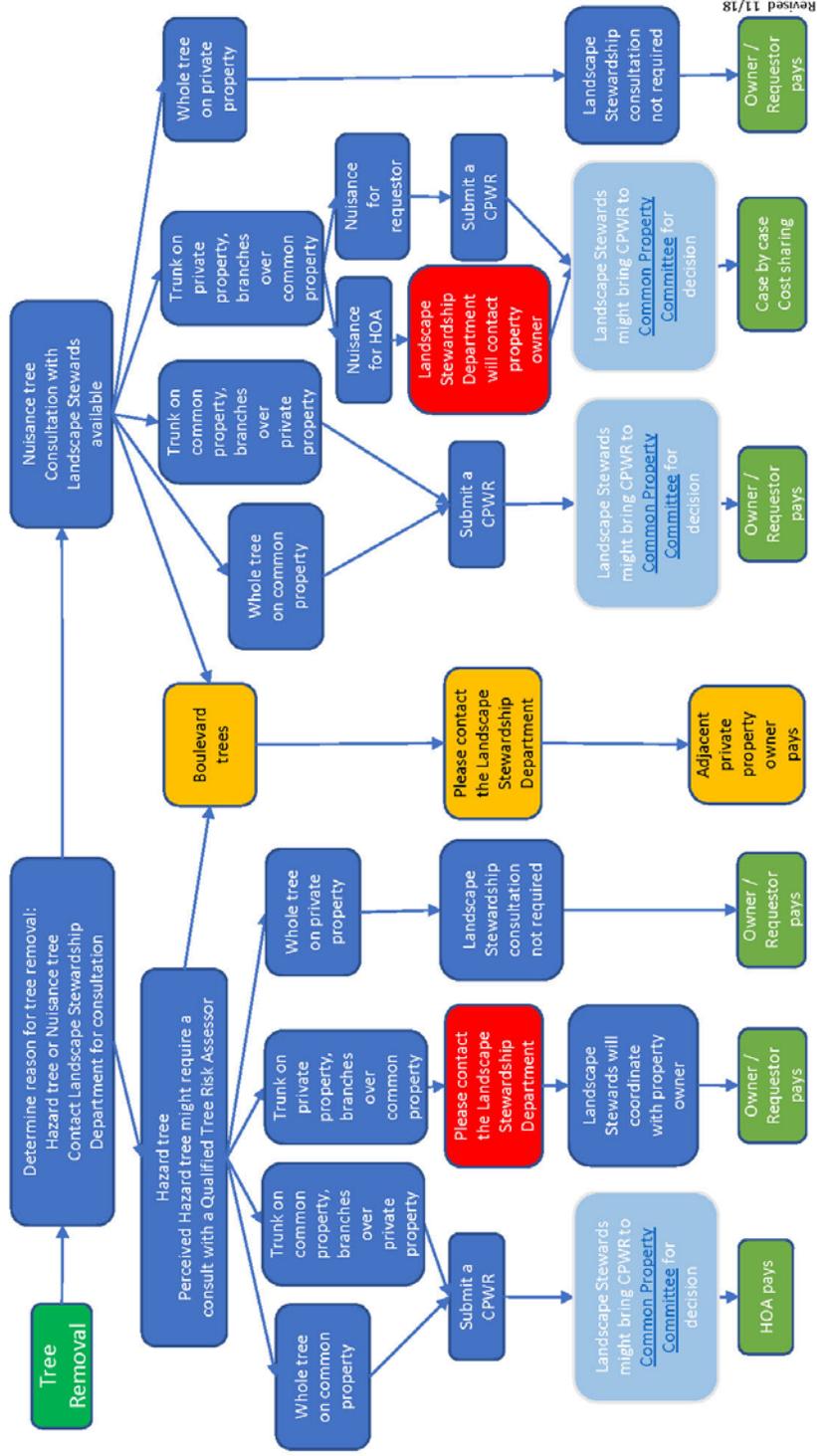
Revised 11/18



Tree Removal Guidelines

landscapestewardship@mtparkhoa.com
(503) 635-8333

All tree removals must follow [Lake Oswego applicable tree codes](#) including procuring permits for removal. On MPOHA Common Property, tree removals must also follow Mt. Park Tree Removal Guidelines. If you are uncertain if the tree is on common or private property, submit a [Common Property Work Request \(CPWR\)](#), and the Landscape Stewardship Department will assist you. Landscape Stewards may consult with an ISA Certified Arborist related to tree removal.



Revised 11/18

APPENDIX F

Tree Removal Decision Chart



Construction - Encroachment into Common Property

landscapestewardship@mtparkhoa.com
 (503) 635-8333
ccrmanager@mtparkhoa.com
 (503) 635-3561

The Common Property and Architectural Committee requires all applicants to verify property boundaries before submitting a CPWR or ARC request. MPHQA encourages to use the City of Lake Oswego's GIS map. <http://gis.ci.oswego.or.us/pub/>

