



Architectural Policies & Procedures

*Adopted by the Board of Directors on April 8, 2019
Revisions made effective by the Board of Directors on April 1, 2020*

Objective

The objective of these policies and procedures is to clarify the standards for the construction, addition and renovation of permanent structures and hardscape and how they will be applied and enforced by the Mountain Park Home Owners Association (Association).

Authority

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.

Applicable Laws

All architectural standards are subordinate to Federal and State laws as well as local city codes; however, Association standards may be more restrictive than legal requirement and will be applied unless the Association’s more restrictive rules conflict with legal requirement.

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 homeowner 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 associations’ rules are more restrictive. If the Association cannot identify the homeowner responsible for complying with these standards, the Association may communicate with any other homeowner association that has governing documents covering the property in order to obtain compliance and take appropriate action. For residents of condominiums, townhomes or other

HOAs within MPHOA, written approval of the proposed project by that Architectural Committee or Board of Directors must be submitted with the application to Mountain Park Architectural Committee.

Standards of Other Standing Committees

In addition to the Architectural Committee, 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 Home Maintenance Committee, the Common Property Committee, and the Clubhouse Committee.

The Home Maintenance Committee develops and enforces its rules regarding the maintenance of homes within the Association.

Note: Homeowners who are required to complete and Architectural Application as the result of a violation of the Standards for Home Maintenance are subject to the timelines set out by the Home Maintenance Committee and not the Architectural Committee. Any request for an extension must be submitted through the Home Maintenance Committee.

The Common Property Committee develops and enforces its rules regarding its application process and other mandates provided in its rules regarding common property.

Homeowners are responsible for understanding their property lines and ensuring that exterior projects, landscaping and maintenance are performed solely on their private property. Homeowners are not permitted to complete projects that encroach onto Common Property or neighboring properties. Additionally, homeowners may not remove or prune MPHOA Common Property trees without written permission from MPHOA. Please contact MPHOA staff for basic information regarding property lines and Common Property boundaries; further resources are available in Appendix C: Resources for Property Lines. **If there are questions or disputes, homeowners are responsible for obtaining a legal survey of their private property at the homeowners' sole expense.**

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 section XIV: Compliance Procedures.

Fines

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

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A. Application Procedures

The Architectural Committee meets the second Tuesday of each month at 7:00 p.m. at the Mountain Park Clubhouse. Project applications must be submitted by noon on the Wednesday before the monthly meeting. Applications 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. Applications will be either approved or denied. If denied, the homeowner will be informed of the reasons for the decision.

Applications must contain complete information before they can be considered. For structural additions and hardscaping changes, graphics that indicate the site of the intended alteration (with measurements) and location of lot lines are required. Depending on the project, other information may be needed, including:

- Photographs and architectural renderings;
- Paint chips (required for new colors);
- Product brochures or catalogs; and
- Product samples for roofing materials or product lines not on the pre-approved list

The Architectural Committee maintains a list of materials 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 from the Compliance Manager, which will be followed by a written approval letter for your records.

Approval of this application will expire twelve calendar months from the date of the approval letter with the exception of applications that result from 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 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 period, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

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.

Violation of these standards is a Category 2 violation.

B. Expectations of the Association

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. MPHOA, its Board of Directors, its agent and the committee have no responsibility with respect to such compliance. Further, the Board of Directors' or its designated committee's approval of this application shall not warrant that the plans, specifications, or work comply with any law, code, regulation, or governmental requirement.

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.

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 Architectural Committee 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.
- Temporary dumpsters 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.

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 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 4:00 p.m. on weekends.

After Receiving Approval

- 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, including on your property.

Violation of these standards is a Category 2 violation.

C. General External Changes

1. Fences and Walls

All fences and walls, new or replacement, require approval by the Architectural Committee. City code limits fence and wall heights to six feet above the ground in backyards and four feet above the ground in front yards. When backyards back up to streets the maximum height is four feet unless approved by the City of Lake Oswego and the Architectural Committee. [LOC 50.06.004.2]

Berms, when used in conjunction with fences and walls, are included in the 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 with the application. Front yard fences are typically not allowed. Rails are the exception and will be reviewed on a case-by-case basis depending on aesthetics and safety.

Fencing materials generally approved by the Architectural Committee include:

- Cedar board
- Cedar lattice
- Wire mesh up to 3” x 5” with decorative wood stringers
- Black vinyl-coated chain link (Approved on the 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.

Violation of these standards is a Category 2 violation.

2. Decks and Patios

Decks and patio additions over 30 inches above 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. Redwood, cedar, and pressure-treated lumber, as well as composite decking such as Trex and Timbertech are generally approved.

Doors, Windows and Exposed Metals

- Aluminum sliding glass doors and windows must have an anodized or powder coated finish. Mill finish aluminum frames and screens are not allowed.
- 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.
- Composite windows, including wood-fiber blends such as Fibrex by Andersen Windows and uPVC blends such as Insignia Windows by Apex Energy Solutions have been previously approved. Other brands and materials will be considered. The color of the frames should complement the exterior color scheme of the house.
- Wood frames must be stained or painted to blend with the structure.
- Other exposed metals such as flashings, plumbing stacks, flue pipes, etc. must be painted.

Violation of these standards is a Category 2 violation.

3. Mailboxes

Mailboxes must be metal, painted to complement the home and mailbox structure, and secured in the ground. Metal postings and brick mailbox structures have been previously approved. Plastic mailbox structures will not be approved.

Violation of these standards is a Category 2 violation.

4. Solar Panels

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 Architectural Committee application and subsequent installation shall adhere to the following requirements:

- An illustrated product brochure clearly depicting the unit and defining the material used must be submitted.
- Solar units must be mounted on the roof and professionally installed in accordance with the local building codes. Homeowner is responsible for getting all required permits.
- Aluminum trim, if used, must be anodized or otherwise color treated to match the home's roof color (preferably dark).
- Collection panels shall be contiguous without gaps.

Violation of these standards is a Category 2 violation.

5. Other Structures

Other structures and features such as garden sheds, tool sheds, flag poles and children's play structures (including trampolines) 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.

Violation of these standards is a Category 2 violation.

D. Paint and Siding

1. **Paint:** 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. Homeowners may apply for an accent color for their front door. Applications must include the following for all painting areas, including main body, trim, shutters, garage door, front door, gutters and fascia:

- Paint brand
- Color name and number
- Color chip

Violation of these standards is a Category 2 violation.

2. **Siding:** Applications for new construction or the residing of existing homes should use a material from the following list of approved materials:

- Hardie-plank
- Stone
- Brick
- Stucco
- Cedar
- Cedar shingles
- Redwood

Violation of these standards is a Category 2 violation.

E. Roofing

1. **Pitched-roof structures (3/12 pitch or more)** should use the following approved roofing materials:

- Architectural Grade Asphalt Shingles (see Appendix B for approved brands and colors)
- Country Manor Aluminum Roofing Shakes (approved May 2003) in Colonial Gray, Walnut Brown and Seal Brown.
- Cedar shakes and cedar shingles
- Tile (including cement/wood-fiber combination products) in natural tones or colors similar to those approved for other roofing materials.
- Decra-Bond Roofing Systems (stone-coated steel) in Weathered Timber, Teak, Shadowood, Charcoal, Coffee Brown and Granite.

Violation of these standards is a Category 2 violation.

2. **Flat Roof structures (2/12 pitch or less):** Roofing materials 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 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.

Violation of these standards is a Category 2 violation.

- 3. Standing-seam metal roofing:** Each application will be judged on its individual merits and is subject to the following conditions:
- Standing-seam sheet metal panels, 24 to 26 gauge, with 12 to 18 inches between the seams must be used.
 - Colors that may be approved are: Weathercote or equivalent, Architectural Bronze, Storm Gray, Charcoal Gray and Koala Brown. Other colors will be judged on their individual merits. Reflective characteristics will be considered.
 - A sample of the sheet metal roofing must be submitted with the application and house plan.
 - Other metal roofing considerations will include 1) area impact and compatibility with the surrounding environment and 2) location.

Violation of these standards is a Category 2 violation.

- 4. Other roofing materials** must 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 and must meet the minimum standards set by the Architectural Committee. Those minimum standards are:
- Minimum weight of 225 lbs. per square (one square equals 100 square feet).
 - Minimum air resistance of at least 110 mph.
 - UL certified to meet at least ASTM D3462 and ASTM D3018 Type I.
 - Must conform to CSA standard A123.5.

Violation of these standards is a Category 2 violation.

F. Driveways and Steps

Applications for driveways and steps must provide a sample photo of the planned design and color. Stamped concrete and concrete with a broom finish have been previously approved. Changes to the dimensions of a driveway must be depicted to show setbacks from lot lines.

Violation of these standards is a Category 2 violation.

G. Exterior Lighting

1. Permanent Lighting

Applications are required for permanent, wired lighting fixtures that are mounted to a structure or installed in the landscaping. Provide a photograph of the planned design and material and include a plan with the proposed location of the fixtures. All wiring must be buried or installed within the walls of the structure so nothing is exposed. Preference is given to lights that do not reflect up.

Permanent lighting includes:

- Path or driveway lighting fixtures
- Structure-mounted decorative light fixtures

Violation of these standards is a Category 2 violation.

2. Impermanent (Unwired) Lighting

The following types of exterior lighting do not require an application but must be aesthetically attractive or as unobtrusive as possible:

- Solar or battery-powered landscape lights
- Motion-activated security lighting

Violation of these standards is a Category 2 violation.

3. Decorative String Lights

Unburied exterior strings of decorative lights are permitted year-round within the following guidelines:

- Lights must be white
- Lights must not blink
- Bulbs cannot exceed 2.5 volts per incandescent mini- bulb or C3 or C5-sized LED mini lights
- Total length of light strings cannot exceed 50 feet
- Cord color should blend with surroundings as much as possible so as to be barely visible during the day

The intent is that string lighting should be used only as exterior accent lighting. Permitted uses would be to light a deck railing, a pergola, around a door frame, or in one small tree.

For rules regarding holiday lighting, see Home Maintenance Committee policies and procedures, section K.6.

Violation of these standards is a Category 2 violation.

H. Landscape

All landscaping changes must take place within the borders of your property. Homeowners are responsible for understanding their property lines and ensuring that their projects do not encroach onto Common Property or neighboring properties. For further information see page two under Standards of Other Standing Committees and Appendix C: Resources for Property Lines.

1. Removal of Hedges

Applications are required for the removal of hedges that serve the same screening function as a fence or wall.

Violation of these standards is a Category 2 violation.

2. Landscape and Retaining Walls

Approved materials for walls are:

- Stone and rock
- Recycled Stone (“The Wall”)
- Timber

Keystone, cinderblock or similar type retaining walls are reviewed on a case-by-case basis. A Building Permit is required from the City of Lake Oswego for all retaining walls that are greater than 4 feet in height, and any retaining wall that is over 2 feet in height that supports a surcharge (i.e., has a slope behind it). [LOC 45.15.020] Retaining wall less than four feet in height may be located in the required setback, provided that if there are multiple retaining walls within the setback, each retaining wall shall

be located no closer than five feet to another retaining wall, as measured from the back of one retaining wall to the front of the other retaining wall. [LOC 45.15.020]

Violation of these standards is a Category 2 violation.

3. Hardscaping

Plans for the addition or alteration of prominent and permanent hardscape features such as walkways, water features, river rock beds and sport courts must be submitted for the approval of the Architectural Committee. Materials should be clearly detailed in the application and will be judged on overall aesthetic harmony with the house and surrounding properties.

Violation of these standards is a Category 2 violation.

4. Artificial Turf

Installation of artificial turf is not permitted in Mountain Park.

Violation of these standards is a Category 2 violation.

5. Landscape plans

Submission of detailed landscape plans, including all hardscape and plantings, is required for new construction. For changes to existing properties, the Architectural Committee must approve any changes to hardscape but planting plans other than large hedge removal are not required.

Violation of these standards is a Category 2 violation.

I. 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 multi-family 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.

Violation of these standards is a Category 2 violation.

J. 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.

Violation of these standards is a Category 2 violation.

K. 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.

Violation of these standards is a Category 2 violation.

L. Restrictions on New 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 to surrounding structures. In making its decision, the Architectural Committee may evaluate the design, kind, shape, height, color, materials and location of the structure.

1. Height Limit

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

Violation of these standards is a Category 2 violation.

2. Floor Area

- One story structures must have a minimum of 1200 square feet on the main level.
- One and a half to two story structures must have a minimum of 1000 square feet on the main level.
- Square footage is exclusive of porches, patios, basements and garages.

Violation of these standards is a Category 2 violation.

3. Setbacks

- Mountain Park restrictions are generally more restrictive than City requirements.
- Front: minimum of 20 feet from the street curb to garage to ensure ample off-street parking.
- Side street: minimum of 15 feet from the property line.
- Architectural Committee may adjust front and side street setbacks to account for individual site characteristics.
- Side: minimum of seven feet.
- Rear: minimum of 20 feet.
- In determining setbacks, all projections from the structure except eaves, uncovered front porches and steps are included.

Violation of these standards is a Category 2 violation.

4. Paint, Siding and Roofing

Application for paint color, siding material and roofing material on new construction are subject to the same procedures noted earlier in this document.

Violation of these standards is a Category 2 violation.

5. Landscaping

Landscaping plans for new construction 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.

Violation of these standards is a Category 2 violation.

M. Penalties Associated with Architectural Standards

- Commencement of any projects that alter the external appearance of the property, prior to submission of a completed application to the Architectural Committee and without formal approval from the Committee, is not permitted.
- Commencement and/or completion of denied projects is not permitted.
- Commencement and/or completion of previously approved projects with non-approved alterations is not permitted.
- 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 (See Penalty Schedule, Appendix A.)

N. 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.

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 a NOV, as well as any other information for Committee review as determined by the Compliance Manager and the Committee.

2. Compliance Procedures for the Architectural Committee

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 a NOV. The Committee will decide whether or not 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 the NOV, the Committee will conduct the hearing before making its decision.

HEARING REQUESTS

To contest the allegations in a 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 were 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 seven days of the hearing, the decision of the Committee will be provided to the Member in writing and 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 NOVS

If no hearing was requested, the Committee will consider the allegations in the NOV and determine whether or not 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 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, and 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 for the first offense;
\$200 for the second offense;
\$400 for each subsequent offense.

Category 2

\$200 for the first offense;
\$400 for the second offense;
\$800 for each subsequent offense.

Category 3

\$500 for the first offense;
\$1,000 for the second offense;
\$2,000 for each subsequent offense.

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, hospitalization, or other substantial reasons that reasonably prevented the violator from correcting the violation.

The fine will also 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 ongoing 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 an opportunity for hearing, until the ongoing violation is corrected.

APPENDIX B

APPROVED BRANDS AND COLORS OF ARCHITECTURAL GRADE ASPHALT SHINGLES

I. **CertainTeed**

- CertainTeed Grand Manor Shingles (approved December 2019) in Black Pearl, Brownstone, Colonial Slate, Gatehouse Slate, Stonegate Gray, Tudor Brown and Weathered Wood.
- CertainTeed Landmark TL Shingle (approved May 2005) in Aged Bark, Country Gray, Max Def Black Walnut, Moire Black, Old Overton and Shenandoah.
- CertainTeed Landmark Premium (approved December 2019) in Max Def Heather Blend, Max Def Moire Black and Max Def Weathered Wood.
- CertainTeed Presidential Shake (approved June 2001) in Aged Bark, Autumn Blend, Charcoal Black, Country Gray and Shadow Gray.
- CertainTeed Presidential Shake TL (approved October 2014) in Aged Bark, Autumn Blend, Charcoal Black, Country Gray and Shadow Gray.

II. **GAF**

- GAF Glenwood (approved December 2019) in Adobe Clay, Autumn Harvest, Chelsea Gray, Dusky Gray, Golden Prairie and Weathered Wood.
- GAF Grand Canyon (approved August 2003) in Black Oak, Mission Brown, Stonewood and Storm Cloud.
- GAF Grand Sequoia (approved August 2003) in Autumn Brown, Cedar, Charcoal, Mesa Brown and Weathered Wood.

III. **PABCO**

- PABCO Paramount Advantage (approved December 2019) in Antique Black, Driftwood, Oakwood, Pewter Gray and Weathered Wood.
- PABCO Paramount (approved January 2007) in Antique Black, Driftwood, Oakwood, Pewter Gray and Weathered Wood.

IV. **Malarkey**

- Malarkey Windsor – Heavyweight Shingle (approved March 2015) in Midnight Black, Natural Wood, Storm Grey and Weathered Wood.
- Malarkey Windsor XL – High Profile Design (approved September 2017) in Midnight Black, Natural Wood, Storm Grey and Weathered Wood.
- Malarkey Legacy – Architectural Shingles (approved December 2019) in Midnight Black, Natural Wood, Storm Grey and Weathered Wood.
- Country Manor Aluminum Roofing Shakes (approved May 2003) in Colonial Gray, Walnut Brown and Seal Brown.

APPENDIX C

RESOURCES FOR PROPERTY LINES

Lake Oswego GIS Map: <https://www.ci.oswego.or.us/maps/interactive>

The Lake Oswego Interactive GIS Map is the electronic map provided by the City of Lake Oswego (LO) to help 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. Go to the link listed above and then to New LO Map.

Disclaimer: The maps available on the City of Lake Oswego's web site 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. While reasonable effort has been made to ensure the accuracy of the information shown on this page, the City of Lake Oswego assumes no responsibility, or liability, for any errors, omissions, or use of this information.

Clackamas County Surveyor: <https://www.clackamas.us/surveyor>

Responds to survey and property questions; maintains filed surveys, plats, road records; reviews, approves new land division plats; recovers, restores and protects Public Land Corners.

Clackamas County's GIS Map Disclaimer: The information and maps accessed through this web site provide a visual display for your convenience using data from Clackamas County's Geographic Information System. Every reasonable effort has been made to assure the accuracy of the maps and associated data from several sources. Clackamas County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Clackamas County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Clackamas County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Clackamas County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder. Users are strongly advised to verify from authoritative sources any information displayed in this application before making decisions.

Multnomah County Surveyor: <https://multco.us/surveyor>

Services provided include:

- Providing access to public survey records
- Reviewing surveys submitted by land surveyors
- Filing and indexing surveys in the public survey records
- Review and approval of land division plats, including subdivisions, partitions and condominiums
- Maintaining and restoring public land survey corner monuments
- Survey support for county roads and bridges, as well as other county and local agencies
- Helping the public, county and local agencies with surveying expertise