



MOUNTAIN PARK
Nature's Neighborhood

Mountain Park Declaration of Restrictions, Guidelines, and Clarifications

The Mountain Park Declaration of Restrictions, established in 1968, sets forth the rules for our community. The rules are intended to give homeowners more control over their community, protect property values, and maximize the quality of life. Please refer to the full context in the CC&R's & Declarations of Restrictions. This is merely a token of the full requirements that are established.

In 1997, at the direction of the Board of Directors, a committee of homeowner volunteers spent considerable time reviewing the Declaration of Restrictions to find articles that could use clarifying guidelines. The Committee then developed a proposal that was submitted to the Board of Directors.

Modifications have been made as a result of careful review by the Board, legal counsel, and from suggestions submitted by our members. The following guidelines are a result of this joint endeavor. The desired outcome of these guidelines and clarifications is that Mountain Park residents will be able to understand and more fully comply with the rules and regulations that govern our community.

The Board wants to emphasize that it is not making new law. That would require approval by the membership. But some of the Declaration language is so general that it does not give residents sufficient guidance to comply. For example, Article VI. Section 1.D. prohibits all "noxious or offensive activity" or anything that is a "nuisance" or an "annoyance" to the neighborhood. What the Board has done with this section is specifically identify a number of more common activities that our community has, by its complaints or outrage, determined to be noxious, offensive, a nuisance or an annoyance. The Board has taken a similar approach to other vague or ambiguous portions of the Declaration.

In the paragraphs that follow, the quoted italicized paragraphs in bold are verbatim extracts from the Declaration of Restrictions. The guidelines and clarifications follow the extracts.

Rights of Enjoyment & the Transfer of Rights

Declaration Article IV. Section 4. states:

"Delegation of Use. - Any member may delegate in accordance with the bylaws his right of enjoyment to the Common Properties to the members of his family and his tenants."

In other words a home owner who leases or rents his home may transfer his rights to use the facilities to his tenant(s). Or, the home owner may wish to keep his rights, even though he may not live in Mountain Park.

The home owner is always ultimately responsible for the assessments and the maintenance of his property(s).

If a home owner does wish to transfer his rights to his lessees, please contact the Recreation Center for a "Transfer of Rights" form. Only the home owner may fill out this form listing his tenants. Tenants may not use the facilities unless a current "Transfer of Rights" form is on file at the Recreation Center.

Home Based Businesses

Declaration Article VI. Section 1. Paragraph A. states:

"No Building Site on The Properties shall be used for any purpose other than residential purposes unless otherwise shown on the official recorded plat, provided that this restriction shall be inapplicable to any Building Site created by subdivision of a Block subsequent to the date of this Declaration."

The Association interprets this to state that home based businesses are not permitted in Mountain Park, if they create traffic, noise, noxious or offensive activity.

Examples of businesses not permitted in Mountain Park may include (but not inclusive of) clothing sample sales being sold out of a garage on a regular basis, car repair businesses or a cabinetry and shelving business.

Pets

Declaration Article VI. Section 1.B. states:

“No animals or fowls shall be raised, kept or permitted upon the Properties or any part thereof, excepting only domestic dogs or cats and excepting caged birds kept within the dwelling house, providing said dogs, cats and pet birds are not permitted to run at large and are not kept, bred, or raised for commercial purposes or in unreasonable numbers.”

Pets make wonderful companions and can add much to a family’s quality of life. But pet owners should be sensitive to the possibility that their pets may have a negative impact on the neighborhood if not properly controlled.

Article VI. Section 1.B. of the Restrictions limits pets to domestic dogs and cats. Caged birds kept within the dwelling are also permitted. Other animals such as pigs, horses, goats, snakes, and other exotic animals are not permitted.

No dogs are allowed to run free outside the pet owner’s property. Dogs must be confined to fenced yards or be under physical control, i.e. on a leash, when out of the fenced area. Pet owners should promptly remove excrement or other solid waste deposited by pets from areas not designed to receive such wastes, including but not limited to, public areas such as streets, sidewalks, parking strips, public parks or private property of others.

The Home Owners Association has placed numerous disposal stations with supplies of “pooper scoopers” in the parks and other common areas for use by pet owners.

The City of Lake Oswego also has a pet ordinance. Owners may be cited for dogs running at large, barking continuously, or causing other disturbances in the community. All dogs must be licensed. To obtain a license, dog owners must demonstrate that their pets have had the required shots. Your local veterinarian can tell you what shots are necessary. Call the City of Lake Oswego, 503- 635-0255, for licensing information. Cats are not required to be licensed at this time.

Developed Lots

Declaration Article VI. Section 1.D. states:

“No noxious or offensive activity shall be carried on upon the Properties or any part thereof, nor shall anything be done or maintained thereon which may be or become an annoyance or nuisance to the neighborhood or detract from its value as a high-class residential district.”

Mountain Park Home Owners take great pride in their community and take care to ensure that their homes and yards complement those of their neighbors. You will find many different kinds of homes and landscape designs in Mountain Park. This diversity adds richness and character to our community. The pride individual owners take in their properties combines to give Mountain Park a look and feel that is second to none.

Article VI. Section 2.D. of the Restrictions is an article that prohibits anything that has a negative impact on the community. To clarify the kinds of property-related items that fall under this article, the Mountain Park Board of Directors has developed following guidelines. The guidelines are not inclusive or intended to cover every possible application of this article. These are simply areas where we have had problems of interpretation and application in the past.

- Fallen trees and limbs should not be allowed to remain on the property.
- Debris piles and other dumped items should be removed promptly. (Compost piles are allowed but they should be concealed from street view).

- Owners should be careful not to let creeping vegetation like blackberries and ivy encroach onto neighboring improved lots. If harmful plants such as poison ivy or poison oak are discovered on the property, steps should be taken to remove the hazard.
- Lawns should be kept mowed and gardens properly maintained.
- Fallen leaves and other yard debris should not be allowed to accumulate unnecessarily or blow into streets, storm drains or neighbor's yards.
- Shrubs, bushes and ground covers should not be allowed to grow out of control but should be kept neatly trimmed. Vegetation should not be allowed to encroach into streets, neighbor's yards or Mountain Park Common property.
- Homes should not be allowed to fall into disrepair. Required home maintenance includes, without limitation, painting, repair or replacement of exterior building surfaces, roofs, gutters and downspouts, fences, sheds, walks, glass surfaces and other exterior improvements.
- Lots with newly constructed homes on them should complete landscaping of the property within one year of completion of exterior construction or occupancy, whichever occurs first.
- Wildflowers may be used as part of landscapes but should not be the predominate feature of the landscape. Plans for substantial use of wild flowers must be submitted to the Architectural Committee for approval.
- Vegetable gardens are allowed but should be screened so as not to be visible from the street.
- Firewood piles should be neatly stacked and placed so as not to be obvious from the street.
- If tarps are used to cover the woodpiles, patio furniture, garden equipment, motorcycles, etc., they should be a neutral color such as brown, gray or dark green. Blue or other brightly colored tarps are not permitted.
- Clotheslines are permitted but should be concealed from street view.
- Tree houses, play equipment, and other structures are allowed but require written approval by the Architectural Committee. The Committee reviews such plans for appropriateness and compatibility with neighboring properties. (Note: no private structures such as those mentioned above may be placed on Mountain Park common property).
- Temporary sports apparatus such as moveable basketball hoops are permitted but should be stored where they cannot be viewed from the street when not in use.
- Temporary dumpsters to collect, for example, remodeling debris, are allowed on the private lots for up to 10 days. If more time is needed, approval of the Home Owners Association is necessary.
- Permanent or long-term use of dumpsters at private residences is not allowed. Trash containers of up to 40 gallons may be used at private residences but should be kept in garages or at least out of sight from the street except on pickup day.

Vehicles & Boats

Declaration Article VII. Section 1.B. states:

"No trailer, camper, or pickup coach, tent, boat or truck (except pickup) shall be parked, placed, erected, maintained or constructed on any Building Site for any purpose. However, trailers, campers, pickup coaches, tents or boats which can be and are stored completely within fully enclosed structures and are not used for living purposes will not be in violation of these restrictions."

In order to protect the residential character of our neighborhoods, vehicle parking is restricted. Residents are urged to keep vehicles in their garages when not in use and keep driveways and streets clear for guest parking. Keeping vehicles in garages also reduces the possibility of theft or vandalism.

Article VII, Section 1.B. of the Restrictions identifies the kinds of vehicles that are prohibited from being parked, maintained or constructed outdoors on private lots. Recreation vehicles such as motor homes, travel trailers, 5th wheels, and boats may not be parked, maintained or constructed on private lots. This does not mean that R.V. owners cannot park R.V.s in their driveways for brief periods while they load, unload or perform maintenance chores. As a guideline R.V. owners will not be found in violation of the restrictions if R.V.s are parked in the driveway for a cumulative total of 10 days or less in any calendar year. For the purpose of enforcing this guideline, a “day” will be counted if an R.V. is observed parked outdoors at a residence during any part of a 24 hour period beginning at midnight.

The City of Lake Oswego also has a parking ordinance that prohibits any vehicle for being stored, i.e., not moved, on a public street for more than 72 hours.

Mountain Park does have a recreational vehicle storage area where residents can rent space for their R.V.s. Call the Mountain Park Home Owners Association business office at 503-635-3561, for more information on R.V. Storage.

No vehicle in an extreme state of disrepair may be parked in the open on any lot or Building Site, for more than 48 hours. An “extreme state of disrepair” exists when the Home Owners Association reasonably determines that the presence of such a vehicle offends other residents of the neighborhood. Article VI. Section 1.D. of the Restrictions covers this situation. Hobbyists who enjoy rebuilding and repairing old cars should confine such work to garages.

Signs & Flags

Declaration Article VIII. Section 2.G. states:

“No sign or other advertising device of any character shall be erected on any Lot or Building Site or maintained upon any part of the Properties except one sign not larger than 18” by 24” advertising the Lot or Building Site for sale or rent by the Builder of the improvements on such property or the Owner. Signs advertising the property for sale or rent by a real estate broker shall not be permitted.”

Nothing can clutter up a community faster than temporary signs, advertising signs, political signs, garage sale signs, etc. Lake Oswego City Ordinance states signs may not be placed in the street right-of-way and that no signs may be attached to trees, street signs, lamp poles, mail boxes, etc. The city can cite violators of this ordinance. No signs may be placed on the common properties without the permission of the Home Owners Association. Signs that are allowed as outlined below must have their own stakes or supporting devices.

Real Estate Signs

The Restrictions, Article VIII, Section 2.G. limits signs on private property to one sign advertising the property for sale or rent. A sign provided by a listing agent is allowed because the agent is acting for the owner. The sign must be of the approved type, oval 18 x 24 inches, with the Mountain Park logo. Most Realtors purchase signs from the Home Owners Association. Owners who want to sell or rent their property themselves may also purchase signs from the Home Owners Association.

Realtors often hold open houses on weekends. Open house signs, directional signs, including A-boards, are permitted as long as such signs are displayed only during hours of the open house. Estate sale signs are treated as open house signs and may be displayed only during the time of sale.

Garage Sale Signs

Garage sale signs are prohibited by the Restrictions and may not be placed on common property or street right-of-way by residents except as outlined below.

Garage sales, moving sales, and estate sales are so popular that the Home Owners Association has devised a way to allow garage sale signs to be placed on the common properties. The Home Owners Association can put signs on its common property. Therefore, if the Home Owners Association provides the garage sale signs to residents, those signs are legal. Residents may obtain approved garage sale signs from the Association. Approved signs may

be placed not more than 24 hours before a sale begins and must be removed as soon as the sale is over. More than one sign may be obtained and placed on common property to provide directions to the sale. Call the Home Owners Association business office, 503-635-3561, a week in advance of the sale to order signs.

A cautionary note: Occasionally a Mountain Park resident will decide to go into business offering merchandise for sale out of the home under the guise of a garage sale. This is a violation of the residential use restriction. Frequent garage sales at the same home would trigger an inquiry by the Home Owners Association, particularly if neighbors complained. Seasonal craft sales are also prohibited if they disturb the residential character of the neighborhood.

Other Directional Signs

A distinctive feature of Mountain Park is the secluded nature of many of our homes. Winding, hilly streets and heavy tree canopies often make it difficult for newcomers to our community to find the residence they are looking for.

Recognizing this problem, the Home Owners Association will provide directional signs in the same manner as garage sale signs to residents who may be having a party or other event and need signs to help give directions to their residence. The same restrictions apply to these signs as to garage sale signs.

Flags

Flags, including U.S., seasonal and decorative varieties, hung from an attachment to the home are generally permitted. However, flags that are out scale to the property and/or displaying suggestive themes that neighbors find offensive, i.e. skull and crossbones, are not permitted under the restriction that prohibits anything that is an annoyance or nuisance to the neighborhood.

Flagpoles are considered structures and require approval of the Architectural Committee. The Committee will review pole placement and size to ensure that it complements surrounding properties. Flags flown from flagpoles should be kept in scale to the property. As a general guideline, flags flown on residential properties should be no larger than 4 ft. by 6 ft.

Vacant Lots

Declaration Article X. Section 1. states:

“It is the intent of these restrictions that vacant lots be maintained in reasonably presentable condition. Therefore, the Association shall have the right at all times to enter upon any Lot or Building Site that is vacant and unplanted or untenanted by the Owner after reasonable notice to the Owner, to remove debris, weed or other waste material and trim, cut back, remove if damaged or dead, cultivate and/or maintain hedges, trees, shrubs, plants or lawns, and charge the expense thereof to the Owner as an assessment.”

Owners of vacant lots in Mountain Park have a responsibility to keep the lots in a condition that does not have a negative impact on surrounding properties. For that reason, vacant lot owners should check their property periodically to ensure that no restrictions are being violated. Hazardous situations should be addressed promptly. For example, if the Fire Marshall determines that vegetation on the lot creates a fire hazard, he will cite the owner who then must clean up the lot to the Fire Marshall’s satisfaction.

Owners of vacant lots should be careful not to let creeping vegetation like blackberries and ivy encroach onto neighboring improved lots. If harmful plants such as poison ivy or poison oak are discovered on the property, steps should be taken to remove the hazard.

Fallen trees and limbs should not be left on the lot nor should landscape debris piles or other dumped items be allowed to remain.

Article X, Section 1. of the Restrictions gives the Home Owners Association the right, after reasonable notice (defined as 10 days from the date of mailing of a certified notification), to clean up vacant lots if the owners do not do so and charge the owners for doing the work. Such charges become an assessment against the owner’s property.