



Architectural Policies & Procedures

Adopted by the Board of Directors on April 8, 2019

Revisions made effective by the Board of Directors on April 1, 2021

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, addition and renovation that affect a property’s exterior appearance, both dwelling and yard, 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 such projects. 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 an 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 P: 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 will 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

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. Please note that [approval of the aesthetics of an application does not connote approval of the structural or engineering design](#). Owner is responsible for acquiring all required permits.

Approval of this application will expire twelve calendar months from the date of the approval letter. [If work cannot be completed within twelve months, reapplication is required. Exceptions to the twelve month window of approval are](#) applications that result from the issuance of a Notice of Violation and Opportunity for a Hearing under the Home Maintenance Standards, Section B1-B4: *Dwellings and Structures, Roofs, Driveways, and Fences*. The issuance of a Notice of Violation 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 [by the Home Maintenance Committee](#) if the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Applicants dissatisfied with the Architectural 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 Application Procedures

1. Failure to submit an application and receive formal approval prior to commencement of work is a Category 2 violation. See Appendix A.
2. Commencement or completion of previously approved projects with non-approved alterations is a Category 2 violation. See Appendix A.
3. Commencement or completion of projects after denial by the Architectural Committee will result in a Category 3 violation. See Appendix A.
4. Commencement or completion of projects after a committee decision is upheld by the Board is a Category 3 violation. See Appendix A.

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 the assessment of fines for architectural standards violations.

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, 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 for up to 30 days. If more time is needed, approval of the Association is required.
- Chemical toilets used during construction are permitted and must be removed as soon as possible.
- Tarps are required to be a neutral color such as brown, gray, or dark green. Blue or other brightly colored tarps are not permitted. [Add for 2021: For tarps used for outdoor storage, see HMC E.1.b.]

Construction Times

- The erection, excavation, demolition, alteration, or repair of any building, structure or landscape and deliveries of materials is 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.

Repairs for Maintenance and Upkeep

- An application is *not* required for insubstantial repairs or maintenance that require minimal time and effort to complete and use the same colors and materials that have previously been approved and which are currently allowed by Association rules and standards. The equivalent cost for any work must be less than \$250 in materials and labor. Examples include minor touchup painting or simple repairs to fencing, roofing, decking and siding that are accomplished quickly without using any significant skill or professional know-how.
- **NOTICE:** If in any doubt that a project would be characterized as “insubstantial,” the HOA recommends that an application be filed before engaging in any repairs or maintenance. Failure to file an application and receive approval for any external work that the HOA deems to have needed an approved application may result in fines and

require the correction of any unapproved work at the owner's expense.

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 and may require modification or removal of the completed work.
- Please inform your contractor that NO SIGNS are permitted anywhere in Mountain Park, including on your property.

Violation of Expectations of the Association is a Category 1 violation. See Appendix A.

B. General External Changes

1. Fences, Walls and Retaining Walls

All fences, walls and retaining walls, new or replacement, require approval by the Architectural Committee.

Fences and Walls

City code limits fence and wall heights to six feet above the ground in backyards and four feet above the ground in front yards. 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.

Fences with sides facing the street or Common Property must be erected with the "good neighbor" side facing the public area. With wood fencing, this means that the posts and stretchers are on the inside of the yard and only the fence boards are seen from the public side. Good neighbor requirements do not apply between yards.

Fencing materials generally approved by the Architectural Committee include:

- Cedar board
- Wire mesh up to 3" x 5" with wood posts and rails (also known as pig fencing)
- Black metal rails, not exceeding 4' in height
- 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.)

Retaining Walls

A building permit is required from the City of Lake Oswego for retaining walls greater than 4 feet in height, and any retaining wall over 2 feet in height that supports a surcharge (i.e., has a slope behind it). [LOC 45.15.020].

Retaining walls 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]. Owners with retaining walls that drop off near the street may be required to install fencing, rocks, or plantings to alleviate possible safety concerns.

Approved materials for retaining walls are:

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

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

Violation of Fencing, Wall and Retaining Wall Standards is a Category 2 violation. See Appendix A.

2. Decks and Elevated Walkways

Decks over 30 inches above ground level are subject to the same setback requirements as the residence to which they are appurtenant. This is a minimum of seven feet from the side property lines, 20 feet from the front and rear property lines, and 15 feet from the side property line if abutting a street. Decks up to 30 inches above the ground may extend within three feet of the property line.

Materials and colors (if applicable) must be indicated for both decking and rails. Include site plan with deck, elevated walkway, and any stairs clearly indicated.

Approved materials for decks and elevated walkways are:

- Wood decking (pressure treated lumber, redwood, cedar, mahogany, ipe)
- Composite decking (Trex, TimberTech and similar)
- Metal railings
- Wood railings
- Railings with metal or wood posts with steel cables
- Railings with metal posts and glass panels

Violation of Deck and Elevated Walkway Standards is a Category 2 violation. See Appendix A.

3. Mailboxes

Metal mailboxes, either black or painted to complement the house, are preferred although other materials will be considered. Mailboxes must either be secured firmly in the ground with a metal or pressure-treated wood post or enclosed within a mailbox structure. Mailbox structures in brick, stone, and wood have been previously approved.

Violation of Mailbox Standards is a Category 2 violation. See Appendix A.

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).

Violation of Solar Panel Standards is a Category 2 violation. See Appendix A.

C. Paint and Siding

1. **Paint:** Because color trends shift over time, the Architectural Committee does not have an approved color list. Colors that were approved in the 1970s may be discouraged today and colors that were unthinkable then are commonly requested. It is recommended that structures be painted in “earth tones,” which includes various shades of brown, grey, blue, green and white. Whatever color is selected for the body, it should complement its surroundings and contribute to the aesthetic harmony of neighboring structures. Trim colors should coordinate with the siding color. Homeowners may apply for an accent color for their front door.

Applications must indicate which areas will be painted and clearly note the specific color information for all painting areas, including main body, trim, shutters, garage door, front door, gutters and fascia:

- Paint brand
- Color name and number
- Color chip

If a home is to be repainted in the same colors, a standard application is not required. Please use the Express Application.

Violation of Paint Standards is a Category 2 violation. See Appendix A.

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 Siding Standards is a Category 2 violation. See Appendix A.

D. Roofing

All roofing materials used in Mountain Park must meet the following minimum standards:

- 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

Approved roofing materials are listed below. Materials not on this list must be approved by the

Architectural Committee. A sample of the material must be submitted along with a product specification sheet. Materials must meet the minimum standards listed above and will be judged on their aesthetic harmony with surrounding structures. Special attention must be given to the roof's appearance from neighboring residences that may look down on it.

Exposed metals on roofs such as flashings, plumbing stacks, flue pipes, etc. must be painted to blend in with the roofing material.

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, Shadowwood, Charcoal, Coffee Brown and Granite.

Violation of Pitched-roof Standards is a Category 2 violation. See Appendix A.

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.

Violation of Flat Roof Standards is a Category 2 violation. See Appendix A.

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 Standing-seam Metal Roofing Standards is a Category 2 violation. See Appendix A.

E. Windows and Doors

The addition or relocation of windows or doors requires elevation drawings or a photo clearly showing the proposed placement of the new doors or windows.

1. Windows and sliders

Regardless of material, window and slider frames should be a color that complements the house's exterior. Wood frames may be stained or painted.

Approved materials for window and sliding glass doors frames are:

- Vinyl-clad
- Composite, including wood-fiber blends such as Fibrex by Andersen Windows and uPVC blends such as Insignia by Apex Energy Solutions
- Wood
- Anodized or powder-coated aluminum

2. Doors

All applications for doors, whether front, garage, or other access, should include a photo and/or specification sheet for the requested product. Applications should indicate the selected finish type and color.

3. Security Bars

Metal security bars on doors (other access and sliders) have been approved on a case-by-case basis when they are out of view. A photo of the proposed design and finish color should be included with the application. Security bars on windows and front doors are not permitted.

Violation of Windows and Doors Standards is a Category 2 violation. See Appendix A.

F. Accessory Structures

An accessory structure is any detached structure that is subordinate to the main building and may be approved upon application to the Architectural Review Committee. Examples include (but are not limited to) sheds, gazebos, outdoor fireplaces, above ground spas, pool equipment, AC units, heat pumps, play structures and playhouses. They must be sited to minimize any negative impact on surrounding residences. On occasion, the Architectural Committee may require the installation of screening plants before approving an accessory structure.

Accessory structures are subject to the same setback requirements as dwellings. On non-flag lots, these may be reduced to five feet for the side yard and three feet for the rear yard if the following conditions are met:

- Accessory structure is more than 40 feet from any street
- If greater than four feet in height, accessory structure is detached from other buildings by 3 feet or more
- Accessory structure does not exceed 10 feet in height
- Accessory structure is not noise-producing mechanical equipment

For noise-producing mechanical equipment, setbacks are as follows: interior side yards, five feet; street side yard, 10 feet; rear, 10 feet; front, 20 feet.

Enclosed structures like sheds and playhouses may not exceed 200 square feet in size and may not exceed 10 feet in height. Depending on their amenities, owners may be required to obtain electrical, plumbing, or mechanical permits from the city.

Violation of Accessory Structure Standards is a Category 2 violation. See Appendix A.

G. Swimming Pools

Swimming pools may be placed on the property with the approval of the Architectural Committee.

Applications for in-ground swimming pools must include a site map with proposed placement of the

pool, product brochure, decking material, design and materials for pump house enclosure, and an explanation of how the pool will be enclosed to meet state safety standards. This could include, but is not limited to, an existing locking fence around the property, installation of a new fence, or use of a locking pool cover.

Above ground swimming pools are not permitted.

Violation of Swimming Pools Standards is a Category 2 violation. See Appendix A.

H. Miscellaneous Equipment

Miscellaneous equipment, including (but not limited to) flag poles, “little libraries,” canvas awnings or tents, and trampolines, may be placed on the property with the approval of the Architectural Committee.

Applications for miscellaneous equipment must include a site map with the proposed placement. Little libraries should be finished in a manner that complements the residence. Retractable canvas awnings and canvas tents should be a color that complements the residence. Trampolines must be sited to minimize any negative impact on surrounding residences. On occasion, the Architectural Committee may require the installation of screening plants before approving trampolines.

Violation of Miscellaneous Equipment Standards is a Category 2 violation. See Appendix A.

I. Driveways, Parking Pads and Fire Lanes

Applications for driveways, parking pads and fire lanes must provide a sample photo of the planned design, finish and color. Include a site map if there are any changes to the existing footprint and show setbacks from lot lines. If the driveway is elevated, include materials and design for railings and engineering plans if applicable.

Approved materials for driveways and parking pads are:

- Concrete with a broom or sand finish
- Exposed aggregate concrete
- Stamped concrete
- Asphalt
- Pavers

Violation of Driveways and Parking Pad Standards is a Category 2 violation. See Appendix A.

J. 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 fixture and its 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 light fixtures

Violation of Permanent Lighting Standards is a Category 2 violation. See Appendix A.

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 Impermanent Lighting Standards is a Category 2 violation. See Appendix A.

3. **Decorative String Lights**

Unburied exterior strings of decorative lights are permitted year-round [without an application](#) 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, [for example](#), 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 Decorative String Lights Standards is a Category 1 violation. See Appendix A.

K. 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 Removal of Hedges Standards is a Category 2 violation. See Appendix A.

2. **Hardscaping**

Hardscaping is any permanent landscape feature that is not natural vegetation. Examples include but are not limited to patios, steps, walkways, water features, large boulders, river rock beds and sport courts. Applications for the addition or alteration of hardscape features must include a [site plan showing the proposed location\(s\)](#). Materials should be clearly detailed in the application and will be judged on overall aesthetic harmony with the house and surrounding properties.

Violation of Hardscaping Standards is a Category 2 violation. See Appendix A.

3. **Artificial Turf**

Installation of artificial turf is not permitted in Mountain Park.

Violation of Artificial Turf Standards is a Category 2 violation. See Appendix A.

4. **Landscape Plans for New Construction**

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 Landscape Plans for New Construction Standards is a Category 2 violation. See Appendix A.

L. **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 Multi-family and Commercial Standards is a Category 2 violation. See Appendix A.

M. **Satellite Dishes and Other Antennas**

Satellite dishes with a diameter of one meter or larger require the approval of the [Architectural Committee](#). 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 Satellite Dishes and Other Antennas Standards is a Category 2 violation. See Appendix A.

N. **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 Other Restrictions and Guidelines Standards is a Category 2 violation. See Appendix A.

O. **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 Height Limit Standards is a Category 2 violation. See Appendix A.

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.

Violation of Floor Area Standards is a Category 2 violation. See Appendix A.

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 Setback Standards is a Category 2 violation. See Appendix A.

4. Paint, Siding, Roofing, Windows and Doors

Applications for paint color, siding material, [roofing material](#), [windows and doors](#) on new construction are subject to the same procedures noted earlier in this document.

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 Landscaping Standards is a Category 2 violation. See Appendix A.

P. 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 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 Notice of Violation, 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 ([usually in the form of a courtesy letter](#)) 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 Notice of Violation. The Committee will decide whether or not there is a violation and the appropriate amount of the fine or sanction, if any, regarding all Notice of Violations that have been issued regarding its rules. If a hearing has been requested to contest the allegations in the Notice of Violation, the Committee will conduct the hearing before making its decision.

3. 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, unless staff reasonably needs more time to accommodate processing requirements and Board or Committee schedules. Related hearing requests may be consolidated for hearing. Members may designate a representative in writing to attend the hearing if they prefer not to appear in person.](#)

[The member may request a hearing be rescheduled only for good cause due to circumstances reasonably beyond the member's control.](#)

4. 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.

5. Contested Notice of Violations

Conduct of the hearing

If a hearing is requested to contest the allegations in the Notice of Violation, the Committee will conduct the hearing. At the hearing, the Member may explain the Member's position concerning the Notice of Violation. 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.

6. Uncontested Notice of Violations

If no hearing was requested, the Committee will consider the allegations in the Notice of Violation 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.

7. Reporting Committee Actions

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

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

III. Reasons for Mitigating the Standard Fine

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

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. Additional penalties may be assessed monthly, with notice and opportunity for hearing, until the on-going 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