



GOOD NEIGHBOR GUIDELINES

POLICIES & PROCEDURES

*Approved by the Board of Directors on May 1, 2024
Effective as of June 1, 2024*

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WELCOME TO MOUNTAIN PARK HOA

Welcome to the thriving community of the Mountain Park Homeowners Association! We are genuinely excited to extend our warmest greetings as you join a dynamic and diverse group of members, residents, and staff dedicated to cultivating a healthy and sustainable living environment.

In Mountain Park, we take pride in our vibrant community, where individuals from various backgrounds come together to create a harmonious and inclusive atmosphere. Your presence adds to the richness of our association, and we are confident that your unique perspectives will contribute to the continued success of our shared vision.

As a member of our community, you are part of a cooperative effort aimed at enhancing the overall quality of life for everyone involved. We believe in open communication, collaboration, and sustainability practices that promote a high standard of living and well-being.

Our dedicated staff is committed to working hand-in-hand with residents and members to ensure a positive and fulfilling experience. Whether you have questions, ideas, or simply want to connect with your fellow community members, we encourage you to reach out and get involved.

Thank you for choosing to be a part of our vibrant Homeowners Association. We look forward to building a healthy, sustainable, and thriving community together. If there's anything you need or if you have any questions, please feel free to reach out to our friendly staff.

The Vision for Mountain Park

Mountain Park will be recognized as a progressive and vibrant Homeowners Association with a diverse population of members, residents and staff working cooperatively in a healthy and sustainable community to provide a high quality of life.

Code of Civility

Mountain Park was founded on the principles of creating a vibrant, diverse social and natural environment that would thrive and serve generations. We honor those values by affirming the expectations core to the heart of our community.

We aspire to be:

- A safe, secure, sustainable community free from adverse living or working conditions
- An environment in which all residents, guests, members and staff are mutually respected, regardless of age, gender, race or religion
- A community built on responsible and healthy attitudes, actions and interactions
- A community that models individual accountability in which every person is responsible for their own behavior, words and actions

Mountain Park Home Owner Association Policies

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Architectural

I. Architectural Application Requirements

In the Mountain Park Homeowner’s Association, an Architectural Application is required for all exterior changes. An Architectural Application must be fully completed and received by the Compliance Department and approved by the Architectural Review Committee prior to starting any work on the project. Please refer to the Architectural Application Guidelines when completing your application.

Types of ARC Violations

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

Please review the following external modification standards to better complete the application process and understand what changes are acceptable.

II. General External Changes

A. Fences, Walls, and Retaining Walls

All fences, walls and retaining walls, new or replacement, require approval by the Architectural Committee. For minor repairs, see Repairs for Maintenance and Upkeep.

1. Fences and Walls

- a. 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 or fence height is limited to 30” within a vision triangle as defined by the City of Lake Oswego ordinance.
- b. Fences may be placed on property lines and a site plan should be included with the application. Front yard fences are typically not allowed.
- c. 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 (picture frame-style fences are an exception). Good neighbor requirements do not apply between yards.

- d. Fencing materials generally approved by the Architectural Committee include:
 - (1) Cedar board
 - (2) Wire mesh up to 3" x 5" with wood posts and rails (also known as pig fencing)
 - (3) Black metal rails, not exceeding 4' in height
 - (4) 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.)

2. Retaining Walls

- a. 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].
- b. 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.
- c. Approved materials for retaining walls are:
 - (1) Stone and rock
 - (2) Recycled stone (such as "The Wall" or fabricated block)
 - (3) Timber

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

B. Decks and Elevated Walkways

1. 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.
2. 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.
3. Approved materials for decks and elevated walkways are:
 - a. Wood decking (pressure treated lumber, redwood, cedar, mahogany, ipe)
 - b. Composite decking (Trex, TimberTech and similar)
 - c. Metal railings
 - d. Wood railings
 - e. Railings with metal or wood posts with steel cables
 - f. Railings with metal posts and glass panels

C. 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.

D. 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:

1. An illustrated product brochure clearly depicting the unit and defining the material used must be submitted.
2. 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.
3. Aluminum trim, if used, must be anodized or otherwise color treated to match the home's roof color (preferably dark).

III. Paint and Siding

A. Paint

1. 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.
2. 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:
 - a. Paint brand
 - b. Color name and number
 - c. Color chip
3. If a home is to be repainted in the same colors, a photo showing the home in its current color is all that homeowners are required to submit.

B. Siding

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

- | | |
|-----------------|-------------------|
| 1. Hardie-plank | 4. Stucco |
| 2. Stone | 5. Cedar |
| 3. Brick | 6. Cedar Shingles |
| 4. Stucco | 7. Redwood |

IV. Roofing

A. General Roofing Information

1. All roofing materials used in Mountain Park must meet the following minimum standards:
2. Minimum weight of 225 lbs. per square (one square equals 100 square feet)
3. Minimum air resistance of at least 110 mph
4. UL certified to meet at least ASTM D3462 and ASTM D3018 Type I
5. Must conform to CSA standard A123.5

B. Pitched-roof Structures

Roofs with a 3/12 pitch or greater should use the following approved roofing materials:

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

Approved Brands and Colors of Architectural Grade Asphalt Shingles

Approved brands and styles of asphalt shingles are listed below. Materials not on this list must be approved by the Architectural Committee, and 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.

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

C. 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.

D. 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.
- A color sample must be submitted. Colors that may be approved are: bronze, gray, and brown. Other colors will be judged on their individual merits. Reflective characteristics will be considered.

V. 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.

a. Windows and sliders

1. Regardless of material, window and slider frames should be a color that complements the house's exterior. Wood frames may be stained or painted.
2. Approved materials for window and sliding glass doors frames are:
 - a. Vinyl-clad
 - b. Composite, including wood-fiber blends such as Fibrex by Andersen Windows and uPVC blends such as Insignia by Apex Energy Solutions
 - c. Wood
 - d. Anodized or powder-coated aluminum

b. Doors

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

c. Security Bars

Security bars on windows and front doors are not permitted. Metal security bars on doors 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.

VI. Accessory Structures

Definition: An accessory structure is any detached structure that is subordinate to the main building. 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. The Architectural Committee may require the installation of screening plants before approving an accessory structure.

A. Setbacks

1. 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:
 - a. Accessory structure is more than 40 feet from any street
 - b. If greater than four feet in height, accessory structure is detached from other buildings by 3 feet or more
 - c. Accessory structure does not exceed 10 feet in height
 - d. Accessory structure is not noise-producing mechanical equipment
2. 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.

B. Enclosed Structures

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.

VII. Swimming Pools

A. In-ground Pools

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.

B. Above Ground Pools

Above ground swimming pools are not permitted.

VIII. Miscellaneous Equipment

A. Definition: Miscellaneous equipment includes, but is not limited to, flag poles, “little libraries,” and permanently affixed canvas awnings.

B. Application Requirements

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 should be a color that complements the residence.

IX. Driveways, Parking Pads and Fire Lanes

A. Application Requirements

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 or wall finishes if applicable.

Approved materials for driveways and parking pads are:

1. Concrete with a broom or sand finish
2. Exposed aggregate concrete
3. Stamped concrete
4. Asphalt
5. Pavers

X. Exterior Lighting

A. 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:

1. Path or driveway lighting fixtures
2. Structure-mounted light fixtures

B. Decorative String Lights

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

1. Lights must be white
2. Lights must not blink
3. Bulbs cannot exceed 2.5 volts per incandescent min-bulb or C3 or C5-sized LED mini lights

4. Total length of light strings cannot exceed 50 feet
5. Cord color should blend with surroundings as much as possible so as to be barely visible during the day.

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 the Home Maintenance Committee section.

XI. 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 pages 23-24.

A. Removal of Hedges

This applies only when hedges serve the same screening function as a fence or wall, particularly when screening has been required as part of the approval for an earlier Architectural Committee application.

B. 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.

C. Artificial Turf

Installation of artificial turf is not permitted in Mountain Park.

D. 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.

XII. 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.

XIII. 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.

XIV. 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.

A. Height Limit

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

B. Floor Area

1. One story structures must have a minimum of 1200 square feet on the main level.
2. One and a half to two story structures must have a minimum of 1000 square feet on the main level.

C. Setbacks

Mountain Park restrictions are generally more restrictive than City requirements.

1. Front: minimum of 20 feet from the street curb to garage to ensure ample off-street parking.
2. Side street: minimum of 15 feet from the property line.
3. Architectural Committee may adjust front and side street setbacks to account for individual site characteristics.
4. Side: minimum of seven feet.
5. Rear: minimum of 20 feet.
6. In determining setbacks, all projections from the structure except eaves, uncovered front porches and steps are included.

Please note that the City of Lake Oswego may have adjusted setbacks for some properties. Homeowners are responsible for verifying setback limits at their new property.

D. 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.

E. 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.



Home Maintenance

I. HAZARDOUS AND UNSAFE CONDITIONS

Any violations of these rules by any act or omission that creates or contributes to hazardous or unsafe conditions must be remedied immediately.

II. DWELLINGS, ROOFS, AND STRUCTURES

A. General Maintenance

All external parts of dwellings and ancillary structures, which includes, but is not limited to, roofs, windows, screens, awnings, doors, siding, elevated landings, porches, decks, arbors, sheds, play structures, flag poles, chimneys, railings, mailboxes, and stairs, are subject to the following requirements:

1. Dwellings, roofs, and other structures must not exhibit deterioration, disrepair or damage.
2. Dwellings, roofs, and other structures must be clean and free of moss and algae.
3. Paint, stain, and other external treatments must be uniform in color and without cracking, peeling, or fading.
4. Masonry must be maintained in good condition and damaged masonry must be repaired.
5. Rotten wood, broken or missing boards, and damaged siding, shingles or shakes must be repaired.
6. Gutters and downspouts must be kept clear of blockages and in good repair.

Violation of the above requirements must be remedied within 45 days following the issuance of the Notice of Violation and Opportunity for Hearing (NOV). If a member is unable to complete repairs within 45 days because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

B. Driveways & Sidewalks

Driveways, which include pathways adjacent to the house, parking pads and bays, and other parking areas that are visible from the street, are subject to the following requirements:

1. Driveways must be clean and free of weeds, accumulated leaf debris, and moss and algae.
2. Driveways that are damaged, deteriorated or in disrepair must be repaired.

Sidewalks, including the property lying between the sidewalk and the adjacent and abutting property must be in good repair and the adjoining property must be free of weeds, debris and other obstructions.

Violation of the above requirements must be remedied within 45 days following the issuance of the NOV. If a member is unable to complete repairs within 45 days because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

C. Fences

1. Fences must be clean and upright.
2. Obscuring vegetation must be maintained to screen the back side of the fence if the supporting structures for the fence are visible from the street or common areas.
3. Dilapidated fences must be replaced.
4. Rotten wood and damaged or missing fencing material must be replaced.
5. Fencing material must be uniform in color, without cracking, peeling or fading.

Violation of the above requirements must be remedied within 45 days following the issuance of the NOV. If a member is unable to complete repairs within 45 days because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

D. Exterior Water Amenities

Swimming pools, ponds, hot tubs, spas, rainwater collection systems, other water-related facilities and water features, including waterfalls and fountains, must be properly maintained to avoid nuisance conditions. Nuisance conditions include, for example, improper water storage resulting in uncontrolled runoff and overflow, stagnant water with algae growth or insect breeding, and the presence of odors or debris.

III. LANDSCAPE

A. Planting Areas Generally

Planting areas, which includes all areas in a landscape planted with vegetation or suitable for growing vegetation, are subject to the following requirements:

1. Planting areas must present a neat and well-tended appearance year-round.
2. Planting areas must be free of weeds and debris, including leaf litter, dead plants, and trash.
3. Wildflowers are permitted as part of landscapes but must not be the predominant feature of the landscape.
4. Ground cover must be neatly trimmed and must not encroach on streets, neighbors' properties or common property.
5. Mulch or bark dust is acceptable as ground cover, except when used as the predominant feature in the landscape.
6. Bare ground must be planted to avoid erosion or the incursion of weeds and noxious vegetation.
7. Invasive plant species, identified on page 20, must be removed immediately from the landscape.
8. English ivy must be removed from trees and prevented from invading streets, neighbors' properties and common property.

B. Lawns

1. Lawns must be kept watered, mowed, and weed free.
2. Lawns along sidewalks and other paved areas must be neatly edged.
3. Lawns must be free of debris, including leaf litter, dead plants, and trash.

C. Trees, Shrubs and Bushes

1. Street trees along the adjacent right-of-way are the members' responsibility and must be properly maintained.
2. Shrubs and bushes must be pruned as needed to maintain a neat, well-tended appearance.
3. Dead trees, branches, stumps, and other dead vegetation must be removed without delay.

NOTICE: Lake Oswego's Tree Code, Chapter 55, applies to tree maintenance, trimming, and removal.

D. Yard Debris

1. Yard debris, such as fallen leaves, needles, cones, dead branches, grass and plant clippings, and dead vegetation, must be collected for proper disposal.
2. Yard debris must be prevented from blowing into streets, storm drains, common areas or neighbors' properties.
3. Disposal of yard debris must be in accordance with the Association's Yard Debris Policy.

E. Vegetable and Fruit Gardens

1. Vegetable and fruit gardens must be well-tended and must be devoid of rotting fruits and vegetation, unless the decaying vegetation is being properly composted.
2. Vegetable gardens, if located in the front of the house, are not permitted to be the predominant feature of the landscape.

F. Composting

Compost piles and containers must not be visible from the street or common areas.

G. Exterior Flowerpots and Hanging Planters

Flowerpots and hanging planters containing flowers or other vegetation that are visible from the street or common areas are permitted if they are well-tended and are primarily decorative.

I. Vegetation Affecting Sidewalks and Streets

1. On a corner lot, hedges, bushes and shrubs in close proximity to the street are not permitted to exceed 36 inches in height above the crown of an adjacent street.
2. Plants and trees must be trimmed to avoid impairing or obstructing travel on streets and sidewalks.

NOTICE: Lake Oswego's Tree Code, Chapter 55, applies to tree maintenance, trimming, and removal.

IV. UNDEVELOPED LOTS AND UNTENANTED PROPERTIES

The Association may maintain undeveloped lots and untenanted properties owners are in violation of applicable standards and do not bring the property into compliance. Association maintenance includes; removing debris, weeds, invasive plants, or other waste material; trimming or removing dead or damaged vegetation; and cultivating or maintaining hedges, trees, shrubs, lawns and plants.

The property owners will be charged for the costs incurred by the Association to perform maintenance in addition to the fines for violating standards established for property in Mountain Park.

V. OUTDOOR STORAGE

A. Outdoor Storage Generally

1. Garden supplies, equipment and tools, such as lawn mowers, ladders, landscape tools, hoses, bags of seed, fertilizer and mulch, must not be stored in the driveway or be visible from the street or common areas.
2. Tarps may be used outdoors, but they must not be visible from the street.

3. Firewood must not be stored where it is visible from the street.
4. Household goods and equipment must not be stored in the driveway or be visible from the street or common property. This provision does not prohibit storage of outdoor furniture on decks and patios.

B. Portable Outdoor Storage Units

Portable outdoor storage units must not be placed on a property for more than 30 days within a 12-month period. If a member violates this requirement, the fine may be mitigated if the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

C. Exterior Sports Equipment

Free-standing, exterior sports equipment must be stored in a location that reduces, as much as possible, its visibility from the street when not in use. Storage in or near the street or on the sidewalk is prohibited. If visible from the street, sports equipment must be in good repair, clean and free of moss and algae.

VI. CONSTRUCTION AND DEMOLITION

A. Building Materials, Equipment and Debris

1. During construction or demolition, materials, debris, equipment and vehicles must not interfere with the use of streets and sidewalks by pedestrians or other vehicles.
2. Construction or demolition equipment, materials and debris must not be stored on the property longer than 24 hours if left in an area visible from the street or common property, except construction debris may be stored in a dumpster. The fine for this violation may be mitigated if the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

B. Dumpsters

Dumpsters are not permitted on private property for more than 30 days within a 12-month period. If a member does not remove the dumpster within 30 days, the fine for this violation may be mitigated if the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule

C. Chemical Toilets

1. Chemical toilets are permitted and must be located to avoid, as much as possible, their visibility from the street.
2. Chemical toilets must be removed as soon as possible from the site when no longer necessary.

VII. GARBAGE, YARD DEBRIS AND RECYCLING DISPOSAL

1. Storage of Containers

1. Garbage, yard debris and recycling containers must be stored in the garage or, if necessary, containers must be stored behind the building's front perimeter; and
2. If containers cannot be stored in the garage, they must be screened from public view by shrubbery, foliage, or an approved structure.⁷

See also the requirements for yard debris services in the Homeowner Portal.

2. Curbside Collection

1. Recycling, yard debris and garbage containers are not permitted to be placed curbside more than 24 hours prior to the scheduled collection day.
2. Containers must be returned to their proper storage area within 24 hours after the day of collection.

See also the requirements for yard debris services in the Homeowner Portal.

3. **Proper Disposal**

1. No property may be used or maintained as a dumping ground for rubbish, garbage, trash, or waste. This prohibition includes, but is not limited to, discarded, abandoned, non-functional objects, and unused objects or equipment, such as automobiles, tires, furniture, stoves, refrigerators, freezers, containers, and cans.
2. Garbage and other waste must be properly disposed of in sanitary containers in accordance with these rules and applicable government regulations.

VIII. HOME-BASED BUSINESSES

- A. A home-based business is not permitted if the business creates noxious, offensive, or unlawful activity or creates excessive traffic or noise.
- B. A separate entrance, path, stairway, walkway, or other access created specifically for the use of the business, or its customers is prohibited and must be removed.
- C. A home-based business is prohibited from using garage or yard sales from the home as a means of selling merchandise.

NOTICE: Lake Oswego Code 50.03.004.1.b.ii applies to home-based businesses.

IX. VEHICLES

A. Vehicle Parking and Storage Generally

1. Vehicles must only be parked in the garage or on driveways, parking bays, parking pads, or on the street.
2. Detached truck canopies and trailers used for hauling must not be stored where they are visible from the street or common areas.

B. Recreational Vehicles

Recreation vehicles are not permitted to be parked on driveways or in the street for a period in excess of 24 hours. Recreational vehicles include, but are not limited to, motor homes, travel trailers, Fifth wheels, ATVs, jet skis, and boats.

C. Inoperable and Unsightly Vehicles

Inoperable vehicles and vehicles having an unsightly appearance because they are dilapidated, damaged, or in disrepair must be parked in garages or in approved parking areas that are not within public view.

X. SIGNAGE AND ADVERTISEMENTS

A. Signage in General

1. Commercial and personal signs, advertisements and display materials, political signs, general notices and other signs are not permitted.
2. Property owners must remove any prohibited signs.
3. No signs are permitted on a house, apartment or any ancillary structure or in the windows of these structures.

B. Apartment Property Signs

1. Each apartment complex may have a maximum of two a-board advertisement signs, but only one a-board is permitted per entrance to the apartment complex.
2. A-boards must not be larger than 32 inches wide and 44 inches high and may provide boxes for brochures and marketing material that do not project beyond the perimeter of the a-board.
3. Balloons are not permitted; except they may be attached to a-boards on Saturdays and Sundays between the hours of 7:00am and 7:00pm. Any balloons used or displayed outside these permitted hours must be removed promptly.
4. No flags or bunting are permitted.
5. No signs are permitted on the apartments or on any ancillary structures or in the windows of the apartments or ancillary structures.

C. Real Estate Marketing Signs

1. Real estate marketing signs must be oval, 18 inches wide and 24 inches high, and include the Mountain Park logo. A sign provided by a listing agent is allowed if the agent is acting for the owner and the sign complies with these requirements.
2. Real estate signs must have their own stakes or supporting devices.
3. Real Estate signs are limited to one sign per private property being offered for sale or rent.
4. No real estate marketing signs are permitted on houses or structures or in their windows, except real estate marketing signs for condominium units that are for sale or rent.
5. All signs must be removed when the sale is closed or the property is rented.

D. Garage and Moving Sale Signs

1. Garage and moving sale signs must be oval, 18 inches wide and 24 inches high, and include the Mountain Park logo. The Association provides signs for garage sales and moving sales. Signs must have their own stakes or support devices.
2. Garage and moving sale signs are permitted to be displayed no more than 24 hours before a sale begins and must be removed as soon as the sale is over.
3. No garage or moving sale signs are permitted to be displayed for more than four consecutive days.
4. No garage or moving sale signs are permitted on the house or on any ancillary structures or in their windows.
5. Garage and moving sale signs obtained from the Association may be placed on common property to provide directions to the sale and are also subject to the limitations in this rule.

E. Open House and Estate Sale Signs

1. Open house and estate sale signs, including directional signs and a-boards, are permitted, but the signs must be displayed only during the hours of the open house or estate sale.
2. Except for a-boards, signs must be oval, 18 inches wide and 24 inches high, include the Mountain Park logo and have their own stakes or supporting devices.
3. A-boards must not be larger than 32 inches wide and 44 inches high.

F. Security, Safety and Hazard Signs

1. Security, safety and hazard signs that are less than 120 square inches in size are permitted on private property.
2. Security, safety and hazard signs must be placed within 25 feet of the dwelling.

XI. MISCELLANEOUS ISSUES

A. Flags

1. Flags, including U.S., national, seasonal and decorative varieties, suspended from an attachment fixed to the house are permitted. Flags must be no larger than four (4) feet by six (6) feet. Strings of flags are prohibited.
2. Flags that would alarm, threaten, or offend a reasonable person are prohibited, including flags that:
 - Refer to intimate body parts or to sexual or excretory acts or functions;
 - Refer in an alarming or offensive manner to a person or class of persons on the basis of race, color, gender, ethnic heritage, national origin, or other characteristic;
 - Refer to illegal acts.
3. Flags must be in good condition. Faded, tattered, and torn flags must be removed.

B. Pets

1. Pets are limited to dogs and cats unless they are confined to the inside of the dwelling at all times.
2. Pets that exhibit aggressive, menacing or threatening behavior to neighbors or the

Association's staff must be confined to areas that protect the neighbors and staff from being subjected to offensive behavior.

3. Pet feces must not remain within view of the street and must be collected and disposed of properly.
4. Pets must not be allowed to damage or destroy a neighbor's property.

C. Yard Decorations

1. Yard decorations that are visible from the street must be in good repair and well maintained. Yard decorations include, for example, statues, fountains, gnomes, wind chimes, flowerpots and planters, and other decorative appurtenances.
2. Yard decorations that are visible from the street must not be so excessive that they create a cluttered impression or diminish the curb appeal of houses in a high-class neighborhood.

D. Exterior Holiday Decorations and Lighting

1. Exterior displays of winter holiday decorations, including decorative lights, are permitted to begin on Thanksgiving and must be removed by January 31 of the following year.
2. All other exterior holiday displays and lighting are permitted two weeks prior to the holiday and must be removed seven days after the holiday.



Common Property

I. What is Common Property?

Members and residents of Mountain Park Homeowners Association (MPHOA) share *as common property* the rare beauty and benefits of 185 acres of natural woodlands, parks, trails, open spaces, playgrounds, monuments and urban forest. *All common property is owned by MPHOA.*

Term Glossary:

- | | |
|--|---|
| CP: Common Property | CPWR: Common Property Work Request |
| CPC: Common Property Committee | NRE: Notice to Remove Encroachment |
| LSD: Landscape Stewardship Department | NOV: Notice of Violation |
| MPBOD: Mountain Park Board of Directors | CC&Rs: Codes, Covenants & Restrictions |

II. Common Property Work Request (CPWR) Procedures

When a property owner needs to request the LSD to consider landscape-related care in any situation involving CP or notices repair work is needed for MPHOA structures and wish to report it, submission of a Homeowner Portal request with an attached CPWR form is required. Forms may be downloaded from the website portal or physical forms may be obtained at the Clubhouse.

The CPWR is a request. LSD may approve or deny the request based on criteria in these rules, MPHOA policies and procedures, and legal requirements applicable to the request. Should there be any questions, LSD will schedule a site visit with the homeowner.

The CPC will review all LSD referred CPWR requests for landscape modifications and may approve or deny a request based on information provided.

A. How to Submit a CPWR

Option 1: Homeowner Portal

1. Homeowners submit CPWRs through the Homeowner Portal (Vantaca)
2. CPWRs are answered and logged within the Vantaca system
3. CPWRs can be viewed within the system by the CPC, if necessary

Option 2: Complete and submit a [CPWR form](#) to the Landscape Stewardship Department

General CPWR protocol:

1. Assessing whether there is a safety hazard of urgent concern
2. Establishing property lines – determination of property ownership
3. Requesting additional information from the homeowner if needed
4. Establishing financial responsibility for the request
5. Determining if the current year’s budget supports the request and the related urgency of the request

B. Failure to Obtain or Follow HOA Approval

Failure to submit a CPWR and obtain MPHOA approval in writing regarding any cutting, trimming, pruning or removal of trees or vegetation on CP, or failure to act in accordance with any terms of an approved CPWR for CP trees or vegetation is a violation.

Each member, either directly or through an agent, who engages in, approves of, or benefits from, any unauthorized act on CP is subject to sanctions when the MPHOA determines responsibility for the violation.

Violation of this provision is a Category 1 violation, unless the violation involves CP trees, which is a Category 3 Violation.

C. Boulevard Trees

In accordance with Article X, Section 2 of MP CC&R’s, boulevard trees are the property of MPHOA and yet are the physical and financial responsibility of the adjacent property owner. A boulevard tree is on CP and is defined as located between the curb and bordering private property. The following streets are boulevard streets:

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

1. Work Requested by Adjacent Homeowner

- An adjacent homeowner must seek authorization by the LSD for ALL work the homeowner desires on boulevard trees by filing a CPWR.
- To be approved, the CPWR must comply with all requirements, restrictions and procedures regarding CPWR’s and CP trees provided below.
- All bids and work must be from an ISA certified arborist and tree company approved by LSD.
- In accordance with the MPHOA CC&Rs, costs for pruning, maintenance, or removal of boulevard trees are the responsibility of the Requester.
- No governing laws are allowed to be violated while tree work occurs on CP.
- The Requester must coordinate tree work with LSD, so a landscape steward is present when the work is performed.
- MPHOA is not responsible for damage to private property when the homeowner selects the tree company that will complete the work and the chosen tree company is required to carry appropriate insurance.

NOTICE: Requesters may also need to comply with the requirements of the City of LO in addition to MPHOA's requirements.

2. Work Requested by MPHOA to Adjacent Homeowner

Upon notification by MPHOA that boulevard tree work is required, the homeowner must follow these requirements:

- The property owner will have 30 days to find an LSD approved ISA certified arborist and tree company to schedule recommended action(s). Homeowner will coordinate tree work with LSD, so a landscape steward is present when the work is performed.
- In accordance with MPHOA CC&Rs, costs for pruning, maintenance, or removal of boulevard trees are the responsibility of the adjacent homeowner.
- After 30 days, if the property owner has not complied, LSD will notify homeowner that a landscape steward will schedule recommended boulevard tree work, and homeowner will be charged for these services.
- If access to private property is necessary for efficient and safe operation of tree work, the property owner is required to grant unobstructed access.
- MPHOA is not responsible for damage to private property when the homeowner selects the tree company that will complete the work and the chosen tree company is required to carry appropriate insurance.
- No governing laws are allowed to be violated while doing tree work on CP.

Failure to complete boulevard tree care in accordance with these rules and/or failure to reimburse MPHOA for arboricultural work performed on boulevard trees is a violation.

D. VIEW PRUNING, SOLAR ACCESS, AND CLEARANCE PRUNING

MPHOA supports the installation of solar panels, however, the HOA will not remove CP trees for view or solar access. A CPWR including map and photos, must be submitted to the LSD.

- If view, solar access or building clearance pruning is approved by LSD, LSD will obtain a bid for the proposed work from an ISA certified arborist and tree company. The proposal will follow the City of LO tree permitting requirements and will be added to the original CPWR.
- Precise property boundaries must be identified by the property owner.
- If approved, property owner must pay in advance of LSD scheduling work.
- If not approved, a hearing with the CPC can be requested.
- A landscape steward will monitor tree work performed by an arborist.

1. VIEWS

- a. MPHOA does not guarantee preservation of an EXISTING or PREVIOUS view.
- b. MPHOA does not permit establishment of a vista view where none existed at the time of house purchase by the Requester.
- c. In conjunction with the City of Lake Oswego (LOC 55.02.030), no person shall top a tree for any reason including establishing or maintaining a view. Trees that have been previously topped will be evaluated on a case-by-case basis. Topping means the severe cutting back of a tree's limbs to stubs three inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Topping and topped shall have corresponding meanings.

2. SOLAR ACCESS

Appropriate pruning for solar access is permitted at the discretion of LSD, on a case-by-case basis, in accordance with applicable rules and laws.

- a. For solar access requests, a CPWR shall be accompanied by a report from a solar power professional identifying the tree(s) involved and recommended actions.
- b. Solar panel installation must also receive approval from the Architectural Committee before installation.

3. CLEARANCE PRUNING

Clearance pruning of a CP tree may be permitted within the following guidelines:

- Vertical roof clearance of no more than ten (10) feet if pruning does not remove more than 15% of the live crown.
- Lateral building clearance of no more than ten (10) feet, utilizing directional pruning where possible.
- The homeowner is financially responsible for any costs associated with clearance pruning.

a. Pruning CP Trees Extending Over Private Property

CP tree branches extending over fences onto private property can require maintenance pruning under certain conditions. Residents requesting pruning of any CP tree branch(s) onto their property must submit a CPWR with a photo.

LSD will review the CPWR and has the right to approve or deny the request based on whether the tree work is necessary for the safety or tree health. If the work is performed LSD will coordinate and monitor the work performed. The homeowner has the right to request a hearing or appeal to the Board if dissatisfied with the decision.

Verification of private property lines must be established. Any question or dispute concerning property lines that cannot be resolved using the City of LO GIS Map will require the owner to pay for a licensed land surveyor to determine precise location of property boundaries.

If a property owner chooses to prune branches extending onto their property with incorrect pruning methods that result in a negative effect to the overall health of CP tree(s), the resident will be held liable for tree mitigation and damages and other prescribed penalties.

b. Tree Removals on CP (Dead, Diseased, Or Hazardous Trees)

Under certain limited circumstances, CP trees can be considered for removal if the tree is dead, diseased, in declining health or is an invasive species. Requests for the removal of a tree on CP requires the submittal of a CPWR. Please see page 16.

LSD will review the CPWR and has the right to approve or deny the request based on a certified ISA arborist's basic tree risk assessment. If the removal is approved the LSD will coordinate and monitor the tree work performed. The homeowner has the right to request a hearing or appeal to the Board if dissatisfied with the decision.

c. Responsibility For Fallen Trees

The property upon which a tree or associated debris falls determines the responsibility for its removal when caused by natural occurrences. Therefore, CP trees naturally falling on to private property are the responsibility of the private property owner, including all costs for removal; MPhOA is responsible for the removal, including all costs, for private property trees naturally falling on CP.

d. Interfering With MPHOA Staff or Agents

Interfering with, directing, or attempting to influence work on CP by an MP employee or MP approved arborist or tree company is prohibited. This is a Category 2 violation.

e. Encroaching of Non-Native Plants onto CP From Private Property

MPHOA does not generally restrict the planting of any species on private property, but does adhere to local, state, and federal regulations and plans to prevent and control the spread of invasive plants. Consequently, private property owners are responsible to assure that no invasive plants currently on their property spreads onto CP.

- If an invasive plant spreads from private property onto CP, the property owner will be notified by the LSD and held responsible for removal and restoration within a six-month period, under the guidance of the LSD.
- If the property owner does not remove the invasive plant in the prescribed time, LSD may take corrective measures to remove the species and, in addition to a fine, charge the homeowner for associated costs for the removal of the invasive plants.

III. ENCROACHMENT ON COMMON PROPERTY

Overview

This policy clarifies MPHOA’s approach to limiting harmful encroachments onto CP. It does not create the right for any owner to maintain any type of encroachment, nor does it constitute a waiver of MPHOA’s right to require the removal of any encroachment at any time and to exercise all legally available remedies for encroachments. This policy further intends to affirm each owner’s duty to be familiar with the property lines of their lot and confirms the unavailability of adverse possession of CP by an owner. Accordingly, by this policy any encroachment by an owner onto CP shall be deemed permissive, and such permission shall be revocable by the BOD at any time unless otherwise agreed to in writing.

An encroachment is an action that violates the property ownership rights of MPHOA. Encroachments deny all Mountain Park members equal access to CP, in violation of the CC&Rs. Accordingly, the placement of any structure or other hardscape on CP is prohibited.

MPHOA treats encroachments on CP that are hardscape encroachments differently than encroachments that are plantings on CP within five feet of an adjacent owner’s property line. The provisions applicable to these types of encroachments are found on pages 21-22.

Upon adoption of these provisions and in accordance with the Mountain Park CC&Rs, all encroachments are subject to a Notice to Remove the Encroachment (NRE). The notice will require removal of the encroaching structure(s) and any other hardscape and restoration of the CP to a condition acceptable to MPHOA at the homeowner’s sole expense. The timeline for removal and restoration will be determined by MPHOA.

If there is uncertainty over boundaries of private property adjacent to CP, it is the homeowner’s responsibility to provide evidence of his/her legal property boundaries. Please see pages 24-25 for city and county resources and records regarding property lines. If there are questions or disputes, homeowners are responsible for obtaining a legal survey of their private property at the homeowner’s sole expense and sharing this information with MPHOA.

A. Landscaping that Encroaches on CP

Any modification of CP without prior approval by MPHOA is a violation subject to the penalties provided in the penalty schedule.

1. No CP trees or vegetation may be planted, altered, or removed.
2. Any landscaping encroachment by an adjacent property owner onto CP is limited to bulbs, annuals, perennials, and shrubs beyond the adjacent private property owner's property line. No trees may be planted, altered, or removed. Hardscape of any type is not permitted; this includes, but is not limited to, fences and other structures.
3. Hardscape of any type is not permitted; this includes but is not limited to fences and other structures.
4. Landscaping encroachments may be permitted on CP located between the homeowner's property and the street adjacent to the CP and are subject to the same requirements and limitations on plantings and hardscape as provided in these rules.
5. Any modification of CP without prior approval is a violation subject to the penalties provided in the penalty schedule.
6. A homeowner who desires to landscape CP must submit a CPWR. CPC will review all LSD referred CPWR requests for landscape modifications and may approve or deny based on the information provided.
7. If the request is allowed, LSD will require a written agreement from the homeowner to maintain the property as specified by LSD and any other MPHOA requirements.
8. Approval to modify or maintain CP may be rescinded at any time. The approval is not transferable upon sale or title transfer of the homeowner's property. New homeowners may apply with a written request to the LSD.

NOTICE: In no case will the granting of permission for limited modification of CP constitute in any way the relinquishment of MPHOA's ownership of the CP. Homeowners will be required to acknowledge MPHOA's ownership of the affected property to obtain permission to modify CP. Homeowners cannot claim ownership of CP through adverse possession.

B. Previously Approved Landscaping on CP

1. Homeowners who have previously received approval from MPHOA to maintain landscaping on CP are required to follow the requirements provided in these documents and maintain the CP in accordance with and under supervision and guidelines established by the LSD and the CPC.
2. The approval by MPHOA to maintain CP is not transferable upon the homeowner's property sale or title transfer.
3. Previously approved permission for modification of CP does not constitute relinquishment of MPHOA's ownership of the subject CP. Homeowners will be required to acknowledge MPHOA's ownership in writing.

C. Encroachment of Hardscape on Common Property

Encroachment of any structure or other hardscape, such as fences, walls, structurally contained flower beds, porches, decks, buildings, pet Invisible Fences, pools, stairs, or water features must be removed from CP. Such hardscape encroachments, except as provided in these rules, are violations subject to the penalties provided in the penalty schedule. Upon the determination of the CPC that there is an encroachment, the Compliance Manager will issue a Notice to Remove Encroachment (NRE) that identifies the encroachment and requirements for its removal.

The owner may request a hearing to dispute the determination that there is an encroachment and

requirements for its removal. The hearing will be held by the CPC according to procedures provided for hearings and appeals regarding Notices of Violations (NOV).

D. Removal of Encroachments

An encroachment must be removed within 60 calendar days of the NRE, but time for removal may be extended by MPHOA. If the property owner agrees to the following requirements and the terms of any time extension allowed by MPHOA. Notice: Hazardous encroachments must be removed immediately at the homeowner's sole expense.

1. The owner acknowledges MPHOA ownership of the subject CP.
2. The owner signs documentation of insurance indemnification confirming that MPHOA is released from any legal liability regarding the property until the encroachment is removed. Such indemnification will require third-party insurance and must be specifically approved by the Executive Director.
3. Time extension to remove encroachments will not be granted if the encroachment impedes MPHOA staff's access to CP, unless an agreement acceptable to MPHOA is reached to accommodate access.

E. Time Extension for Removal of an Encroachment

If requested by the owner, the time for removal of an encroachment may be extended for the following reasons:

Good cause means the owner has failed to remove the encroachment because of unavoidable or excusable circumstances that were reasonably beyond the owner's control. Examples of good cause include:

- Delays that were not caused by the owner and were due to requirements of government entities or other MPHOA committees.
- Existing integral parts are of the primary residence structure.

F. Costs For Removal of Hardscape Encroachments

The owner of property adjacent to the encroachment must bear all liability and costs for the maintenance of the encroachment until it is removed, as well as all costs for removal and restoration of the CP to standards approved by LSD, under the direction of the CPC.

IV. EASEMENTS

There are existing easements, which include rights of way, that have been established by the CC&Rs, statutes and other laws, and plats officially filed with the counties. Easements allow use by designated entities for specific purposes, but do not change MPHOA ownership of the underlying CP and MPHOA's authority over it. It shall be the duty of the property owner to improve and maintain in proper condition the area between the property line and the nearest curb or improved street.

V. WILDLIFE MANAGEMENT RULES

The following policies define the role of MPHOA in dealing with wildlife issues. Respect for all flora and fauna within Mountain Park is expected. Educational materials are available for residents at the Clubhouse or on the Mountain Park website that illustrate how to minimize conflict between humans and animals. As part of 'Nature's Neighborhood', LSD will not poison, trap, or otherwise eliminate these animals on CP.

- Private extermination efforts cannot extend onto CP.

- MPHOA prohibits any person from trapping, poisoning, injuring, or molesting wildlife on CP.
- It is prohibited for any person to leave, place, or distribute foodstuff of any nature on CP.

VI. COMMON PROPERTY USAGE RULES (Parks, Trails, and Open Spaces)

MPHOA's Common Property consists of 185 acres of natural woodlands that include nine parks and more than eight miles of trails. The following requirements keep these areas enjoyable for all.

A. Homeowners Needing to Use a Trail as An Access Point

Access must be coordinated with LSD to ensure staff is able to monitor compliance with HOA requirements.

1. Homeowners, or their authorized agents, wanting to use CP as access for a project on private property, such as landscaping, construction, or tree work, must apply to the LSD for approval a minimum of 30 days prior to the project start date by submitting a CPWR.
2. The CPWR must clearly indicate the parameters of the requested access, date of access and duration of project.
3. The CPWR will not be granted unless access via CP is necessary, and any alternative access is not feasible.

When determining whether to grant a CPWR, LSD will also consider:

- Safety concerns for HOA Members and workers
- Proof of adequate liability insurance provided by the Requester.
- Ability to adequately restore any damage to the CP and costs for repair or restoration.
- Impact to other HOA members if the CPWR is granted for private purposes.

Proceeding without MPHOA approval or failing to comply with the terms of the approval is a violation. The homeowner is also responsible for damage caused to CP assets including costs of repair or restoration.

B. Trails

1. Trails are not for multipurpose use. Bicycles, scooters, dirt bikes, or all motorized vehicles are not allowed on trails or CP. Exceptions: Young children — under ten years of age — riding a balance bike or riding a bike with training wheels and under supervision of a responsible adult. Motorized wheelchairs and scooters utilized by disabled persons.
2. Building or creating new trails is prohibited.

C. Use of Alcohol or Smoking in Any Form

Consumption of alcoholic beverages or smoking in any form, including vaping, is prohibited on MPHOA common property.

D. Noisy, Disturbing, Dangerous, or Illegal Behavior

The following behaviors on CP are prohibited.

- Littering or dumping trash
- Disturbing or degrading riparian areas
- Camping
- Creating loud or disturbing noise, such as igniting fireworks
- Use of pesticides or dumping of toxic chemicals

- Engaging in criminal behavior
- Lighting fires of any kind
- Discharging firearms, pellet guns, or BB guns
- Hunting with firearms or bows

All violations of these prohibitions may also include the assessment of costs to repair any damage or replace any loss as additional sanctions, as well as referral to law enforcement.

E. Commercial Activity

No commercial activity, such as soliciting, is permitted on CP without written permission and approval of MPHOA.

F. Pets on Common Property

The rules for domestic animals on CP follow the City of LO's rules and regulations. There are no off-leash areas on CP. All pets on CP must be leashed and controlled by the owner or keeper. See also City of LO Code 31.02.120.

1. Pet owners must promptly remove and properly dispose of pet excrement or other solid waste.
2. Pet owners must prevent their pets from annoying, molesting, attacking, or injuring any person or other animal, wild or domestic, and are responsible for all damages associated with failing to do so.
3. Pet owners are prohibited from tying up or leaving any animal unattended on CP.
4. Invisible or hidden fences cannot extend beyond private property on CP.

G. Hours and Closures of Parks and Trails

This applies to all CP parks. Any part of any park or trail may be closed at the discretion of LSD for the safety, or best interest, of Mountain Park at any time. All parks are open between 6 A. M. – 10 P.M. daily. Use of the parks after hours or when closed by LSD is prohibited.

H. Vandalism on CP

No interference with any CP structure, improvements, machinery, or hardscape is permitted. This prohibition includes, but is not limited to, defacing, damaging, destroying, or removing HOA structures, machinery, trails, signs, notices, and hardscape. Hardscape includes any landscape feature that is not natural vegetation.

Each member, either directly or through an agent, who engages in, approves of, pays for, or benefits from any unauthorized act on CP is subject to sanctions when the MPHOA determines responsibility for the violation, and will be referred to local law enforcement.

The penalty includes costs for repairing or replacing any damage or loss.

VII. RESOURCES FOR PROPERTY BOUNDARIES

The following are resources for property owners to verify property boundaries.

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 LO'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 a reasonable effort has been made

to ensure the accuracy of the information shown on this page, the City of LO 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 ensure 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>

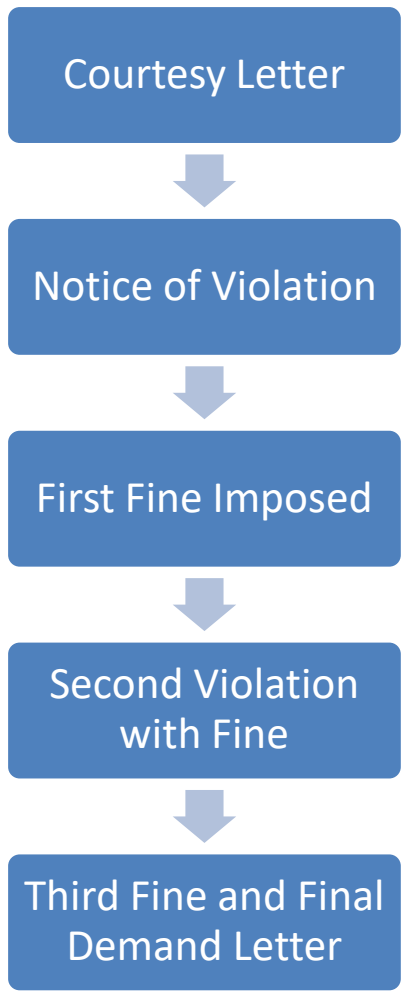
The state of Oregon requires each county to have a County Surveyor. We provide several services required by the state, as well as support for county programs and the public.

These services 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



A VISUAL GUIDE TO ENFORCEMENT



The initial step in the violation resolution process. Recipients have 15 days to address the issue voluntarily, avoiding formal violations and fines. This encourages compliance and maintains community standards through proactive communication.

The formal alert sent to homeowners who have not addressed violations mentioned in the Courtesy Letter within 15 days. Homeowners have 30-45 days to correct the issue. Failure to act prompts the Compliance Manager to propose imposing the initial fine to the Board. Fines vary depending on the violation.

Once the Board approves the fine, the initial fine is sent to the homeowner, along with a demand for corrective action and payment of the fine. This step emphasizes the homeowner's responsibility to rectify the issue promptly.

If the homeowner fails to comply with the demand for corrective action and payment of the first fine, a second fine and Notice of Violation are issued.

Once the third fine, and final demand letter have been sent, the Board has three options:

1. Demand payment and corrective action.
2. Schedule the necessary work with the homeowner's consent.
3. Pursue injunctive relief.

Failure to comply within 30 days of this decision will result in the file being sent to collections.



SCHEDULE OF FINES

The aim of the Mountain Park Homeowners Association is not to penalize its homeowners. The goal is to work together with our homeowners to reach compromises and solutions to maintain the high standards of appearance for the association. It is encouraged to work with the Compliance Manager and the Committees to achieve results.

All fines are per occurrence. In the event a violation is continuing in nature, the fine will be renewed monthly until the violation is remedied or ceased. Unit owners are responsible for violations of their tenants and guests.

CATEGORY 1 VIOLATIONS	FINE OF \$100
Driveways & Sidewalks: Must be clean and undamaged	
Exterior Water Amenities: not properly maintained	
Planting Areas Generally: Not well-tended and free of invasive species	
Lawns: Not watered, mowed, weed-free, or free of debris	
Trees, Shrubs, and Bushes: Must be well-tended	
Yard Debris: Must be disposed of properly	
Vegetable and Fruit Gardens: Must be Well-Tended and not Predominant Feature of Landscape	
Composting: Must not be visible from the street or common areas	
Exterior Flowerpots & Hanging Planters: Must be well-tended	
Vegetation Affecting Sidewalks & Streets: Cannot exceed 36" and must be well-maintained	
Outdoor Storage: Must not be visible from the street or common areas	
Portable Outdoor Storage: Not allowed for more than 30 days	
Exterior Sports Equipment: Stored properly and clean	
Construction & Demolition: Vehicles and materials must not be stored longer than 24 hours or interfere with streets and sidewalks	
Dumpsters: Not permitted more than 30 days	
Chemical Toilets: Removed as soon as possible	
Garbage & Recycling: Must be screened from view when stored	
Vehicles: Must only be parked in garage or driveway.	
Recreational Vehicles: Not permitted on driveways or street	
Signage & Advertisements: Must follow guidelines	
Flags: Must follow content and size restrictions	
Yard Decorations, Exterior Holiday Decorations, and Lighting	
Invasive Plants Encroaching onto CP from Private Property	

Use of Alcohol or Smoking in Any Form on CP	
Commercial Activity on CP	
Pets on Private Property	
Pets on CP: Must be on a leash and not impact other people or animals	
Hours and Closures of Parks and Trails	
CATEGORY 2 VIOLATIONS	FINE OF \$200
Failure to submit an application and receive formal approval prior to commencement of work	
Commencement/Completion of Project with Unapproved Alterations	
Violation of any external modification standard listed within the policy document is subject to a Category 2 fine.	
General Maintenance: Dwellings, Roofs, & Structures in poor condition	
Fences: clean, upright, and not dilapidated	
Inoperable and Unightly Vehicles: Cannot be within public view	
Boulevard Trees: Work Requested by MPHOA to Adjacent Homeowner	
Interfering with MPHOA Staff or Agents	
Trails – Vehicles	
Home-based Businesses	
CATEGORY 3 VIOLATIONS	FINE OF \$300
Hazardous and Unsafe Conditions	
Commencement/Completion of project after denial by the ARC	
Failure to Submit CPWR and obtain approval	
Boulevard Trees: Work Requested by Adjacent Homeowner	
Trails: Creating a New Trail	
Vandalism on CP	
Undeveloped Lots and Untenanted Properties	
Noisy, Disturbing, Dangerous, or Illegal Behavior	
CATEGORY 4 VIOLATIONS	FINE OF \$400
Commencement/Completion of project after denial is upheld by BOD	
View Pruning, Solar Access, and Clearance Pruning (fine in addition to costs associated with CP Tree Violations)	

CP TREE VIOLATIONS:

If a property owner chooses to prune branches that result in a negative effect to the overall health of CP tree(s) or to remove a tree without approval, the resident will be held liable for tree mitigation, damages, and other prescribed penalties enforced by the Common Property Committee and Board of Directors.

Each tree that is damaged or altered will be considered an individual offense. There are four major elements assessing the value of a CP tree ([Department of Forestry, Purdue University](#)):

- size
- species
- condition
- location

LSD, in consultation with a certified ISA arborist, will use the following formula to determine the value of a CP tree: Tree Value = Basic Tree Cost (base price x adjusted trunk size) x Species Rating (comparative rating of a given species based on its individual characteristics) x Condition Rating (overall health of the tree) x Location Rating (determined by the tree’s placement in the landscape)

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



MOUNTAIN PARK HOME OWNERS ASSOCIATION

Resolution of the Board of Directors

ENFORCEMENT RESOLUTION

RECITALS

A. "Association" is the Mountain Park Homeowners Association ("Association") formed pursuant to documents recorded in the Records of Multnomah County and Clackamas County, Oregon, set forth below and incorporated as an Oregon nonprofit corporation under ORS Chapter 65:

B. ORS 94.630 and Article VII of the Bylaws vest the Board of Directors with all of the powers and duties necessary for the administration of the affairs of the Association.

C. ORS 94.630(1)(a) and Article VII of the Bylaws empower the Board of Directors to adopt Rules and Regulations.

D. ORS 94.630(1)(n) provides that the Board of Directors may levy reasonable fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association after notice and an opportunity to be heard, if the fine is based on a Schedule of Fines adopted by a resolution of the Board.

E. ORS 94.709 provides that fees, late charges, fines, and interest imposed, pursuant to ORS 94.630(1)(n), are enforceable as assessments.

F. From time to time the Board of Directors receives complaints from owners regarding alleged nuisances; improper, offensive, or unlawful activities or use of the premises; or other alleged violations of the Declaration, Bylaws, or Rules and Regulations.

G. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws and rules and regulations to ensure that owners receive notice and an opportunity to be heard in cases involving alleged violations of the Declaration, Bylaws, or Rules and Regulations.

H. The Board deems it necessary and desirable to adopt a *Schedule of Fines* to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

RESOLUTION

NOW, THEREFORE, IT IS RESOLVED that:

I. All prior Enforcement Resolutions or Financial Penalties Resolutions, if any, are rescinded and are no longer of any force.

II. The procedure set forth below shall now be the process for handling complaints and enforcement of violations of the Declaration, Bylaws, and Rules and Regulations.

ARTICLE 1
OVERVIEW OF PROCESS

- 1.1. **Complaint.** An owner may file a written complaint with the Board of Directors regarding a violation of the Declaration, Bylaws, or Rules and Regulations by another owner, tenant or guest. The Board of Directors may also initiate a complaint (See Article 2).
- 1.2. **Investigation.** The Board of Directors has the discretion to investigate the complaint and decide if it is valid (See Article 3).
- 1.3. **Violation and Notice.** If the Board of Directors finds there is a violation, the Board must send notice to the Alleged Offending Owner. The notice must contain certain provisions. The Alleged Offending Owner must be given the opportunity for a hearing (See Article 4).
- 1.4. **Hearing.** If requested, the Alleged Offending Owner may present testimony or evidence regarding the violation at the next board meeting (See Article 5).
- 1.5. **Fines.** The Board may impose fines pursuant to the *Schedule of Fines* if the violation is not remedied or ceased within the time specified in the notice, provided the owner has the opportunity for a hearing (See Articles 3, 6 and 7).

ARTICLE 2
ORIGINATION/ INITIATION OF COMPLAINT

- 2.1. **Board of Directors.** A complaint may be initiated by the Board of Directors based on information from a management agent, owner, or other information the Board deems reliable.
- 2.2. **Owners.** An owner ("Complaining Owner") who desires the Board of Directors to take corrective action against another owner or tenant ("Alleged Offending Owner") must submit a complaint to the Board of Directors. The complaint must be in writing and must include:
- (a) The name, if known, and address of the Alleged Offending Owner;
 - (b) A description of the offending behavior or activity, including the date(s) and approximate time(s); and
 - (c) Whether or not the Complaining Owner attempted contact, with the Alleged Offending Owner regarding the alleged violation.

ARTICLE 3
INVESTIGATION OF COMPLAINT

- 3.1. **Investigation.** Upon receipt of a written complaint, the Board, or a person authorized by the Board, has the discretion to conduct an investigation to confirm the nature and existence of the allegations contained in the complaint.
- 3.2. **Determination of Violation.** If, after review of a complaint, the Board of Directors determines that there is a violation of the Declaration, Bylaws, or Rules and Regulations, and the Board determines that it is in the best interest of the Association and owners to address the violation with the Alleged Offending Owner, the Board shall proceed to give notice to the Alleged Offending Owner as described below.

ARTICLE 4
NOTICE PROCEDURE

4.1 **Notice of Violation.** The Board shall give the Alleged Offending Owner written notice of the violation.

(a) **Notice of Violation and Right to a Hearing.** The notice required under this section must:

(1) Describe the violation;

(2) Contain a statement that the Alleged Offending Owner has the opportunity to request a hearing to be held at the next scheduled Board Meeting or at another mutually agreeable time before the compliance deadline, and the manner by which to request a hearing;

(3) Contain a statement advising the Alleged Offending Owner that if no hearing is requested, and if the alleged violation is not remedied or ceased by a specified compliance deadline, fines will be assessed, beginning on the day following the specified compliance deadline, pursuant to the *Schedule of Fines* adopted by the Board of Directors as "Exhibit A" to this resolution.

(b) **Optional Notice Provisions.** The notice may also provide or specify any or all the following:

(1) Specific action the Board is requiring remedying the violation;

(2) The particular language or section from the Declaration, Bylaws or Rules and Regulations which have been violated; and

(3) Any other information as directed by the Board of Directors

(c) **Mailing of the Notice.**

The notice shall also be mailed to the addresses on record; with the Association and, in the case of non-owner residents, to both the address on record with the association for the owner, and to the unit address.

(1) The mailing shall be by:

(I) Certified mail, return receipt requested; or

(ii) First class mail with delivery confirmation.

4.2 **Repeat Violations.** Owners who repeat any violation within a 12-month period of receiving a Notice of Violation are not entitled to an additional notice or hearing, regardless of whether or not the owner participated in a hearing as a result of the first violation. For such repeat violations, the Board may automatically begin fines as outlined in the attached fine schedule.

4.3 **Informal Action.** Nothing in this article precludes the Chairperson, a designated Board member, or other person authorized by the Board from first attempting to resolve the matter either by an informal meeting, telephone call, or a courtesy letter to the Alleged Offending Owner.

ARTICLE 5
HEARING PROCEDURE

5.1 **Hearings Procedure.** In the event an owner requests a hearing, the Board shall utilize the following procedure for violation hearings:

(a) **Appearances at the Hearing.** If the Alleged Offending Owner fails to appear within *fifteen minutes* (15) of the time set for the hearing, the Board may, at its sole discretion:

- (1) Conduct the hearing without the presence of the Alleged Offending Owner;
- (2) Reset the hearing to another date and time;
- (3) Dismiss the complaint.

(b) **Dismissal.** In the case of dismissal, the Board shall notify the Alleged Offending Owner, in writing, that the Complaint has been dismissed.

(c) **Conduct of Hearing.**

(1) **Testimony from Parties.** If the Complaining Owner chooses to appear and the Alleged Offending Owner appears, the Board shall proceed to hear from the Complaining Owner and then from the Alleged Offending Owner.

(2) **Evidence and Witnesses.** The Complaining Owner and the Alleged Offending Owner may present evidence and witnesses at the hearing. The Board may limit testimony and evidence as it determines is reasonable and necessary. An owner's testimony shall not exceed 15 minutes.

(d) **Board Determination.** Following the Testimony and any evidence presented by the parties, the Board has the discretion to re-evaluate its prior determination of violation under Section 3.1 and 3.2 above. The Board also has the discretion to reevaluate the fine, any required or appropriate resolution for the violation, and any other matter which may result in the resolution of the violation.

(1) The discussions must be in open session as directed by ORS 94.640.

(2) The Board shall either give its decision at the conclusion of the hearing or take the matter under advisement and give the decision at a later date, not to exceed 10 days after the hearing.

(3) If after a hearing, the Board decides against a homeowner, the homeowner will be granted an additional 10 days from the date of the hearing in which to correct or permanently abate the violation before the fines begin.

ARTICLE 6
OTHER LEGAL ACTION

6.1 **Board Actions.** In addition to levying fines, action by the Board may include, but need not be limited to:

(a) Seeking junctive or declaratory relief action against any Alleged Offending Owner and tenants, guest, or other occupants of the Alleged Offending Owner; and/or

may take additional corrective action without prior notice to the Offending Owner or opportunity for a hearing.

(b) Notice of Additional Action. The Board shall give an Alleged Offending Owner written notice of any additional action taken under Subsection (a) of this section.

ARTICLE 7
MISCELLANEOUS

7.1 **Renters and Other Non-Owner Occupied Lots and Guests.** The owner who owns any Lot shall be responsible for the violations of any renter, tenant, guest, or family owner who violates any portion of the Declaration, Bylaws, or Rules and Regulations. That includes notifying the tenant of any violations and forwarding all notices sent pursuant to Section 4.1(c), herein.

7.2 **No Fines Pending Resolution of a Hearing.** Pending resolution of a requested hearing, no fines may be charged against the account of an Alleged Offending Owner.

7.2 **Mediation.** ORS 94.630(4)(a) provides for dispute resolution prior to any litigation being initiated between the Association and any member of the Association. For purposes of this Enforcement Resolution, the dispute resolution requirements of the Condominium Act and the Bylaws do not apply to the actions of the Association in its enforcement responsibilities, as long as no litigation has been filed.

BE IT FURTHER RESOLVED that:

III. The *Schedule of Fines* attached as **Exhibit A** is adopted by the Board of Directors to determine the fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association.

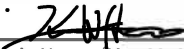
IV. A copy of this Resolution, and amendments, will be sent to each owner at the address shown in the records of the Association.

Date: 17/05/24

ATTEST:



Shirley Cyr (May 17, 2024 13:46 PDT)
President, Board of Directors,
Mountain Park Homeowners
Association



Kevin House (May 22, 2024 09:37 PDT)
Secretary, Board of Directors,
Mountain Park Homeowners
Association