

Wheatherstone Property Owners Association Architectural Review Policies & Procedures

I. PREAMBLE AND GOVERNING DOCUMENTS:

- 1.1 As conditions set forth in the conveyances to each unit owner of their property that is a part of Wheatherstone Property Owners Association (WPOA or Wheatherstone), each owner has agreed as of the date of their purchase to abide by provisions and rules of the Declaration and Bylaws of WPOA. Pursuant to the Declaration and Bylaws and Oregon law, the board of directors of Wheatherstone (“board”) has the power to enforce these Architectural Review Policies and Procedures.**
- 1.2 In addition, each owner has agreed as of the date of their purchase to abide by the provisions and rules of the Declaration and Bylaws of its master association, Mountain Park Homeowners Association (Mt. Park HOA or Mt. Park).**
- 1.3 All unit owners have been given copies of these governing documents, together with the rules and CC&Rs that control their actions as a part of both associations. Updated copies of all such documents and application forms are available on the websites of each association. Further, each unit owner is subject to the laws of the state of Oregon with respect to condominium ownership and non-profit status.**
- 1.4 The adoption of these *Architectural Review Policies and Procedures* is for convenience of owners in order to better understand the coordination of Mountain Park and Wheatherstone rules and to document current rules.**
- 1.5 The Architectural Committee is a standing committee to assist with evaluating and making recommendations to the Board. If at any time there is no architectural committee, the Board will perform all the duties specified below.**

2 PRIOR APPROVAL REQUIRED FOR EXTERIOR AND INTERIOR STRUCTURAL REPAIRS AND REPLACEMENTS OF LIMITED COMMON ELEMENTS OF WHEATHERSTONE UNITS:

- 2.1 Pursuant to Amended and Restated Declaration of Unit Ownership of Wheatherstone, a Condominium, at Section 9.1: “Owners shall not without first obtaining written consent of the board of directors make, or permit to be made, any **structural alterations *in or to*** his unit (*emphasis added*). Nor shall any owner without first obtaining such consent make any alterations, improvement or additions in and to the exterior of the building in which his unit is located, or other general common elements or limited common elements. Owner shall not paint or change any exterior portion of the structure in which his unit is located or the limited common element assigned to his unit without first obtaining the written consent of the board of directors.” Interior cosmetic improvements that do not involve moving or removing walls or making other structural alterations do not require board review or approval. Kitchen and bathroom remodels are not covered by this provision if they don’t alter the structure of the unit.**
- 2.2 Therefore, all proposed changes by any individual unit owners, including fences, decks,**

vent through roof or sidewall, major interior remodeling involving moving structural walls, etc., will require approval from the WPOA Board.

- 2.3 With some limitations described in this document, WPOA follows Mountain Park guidelines & restrictions (CC&Rs) on exterior construction, improvements, replacements, additions, or changes to the exteriors of existing properties (units). Repairs to fences are considered replacements to the extent the repair involves more than a few damaged slats. Approval for replacements will rarely be given by WPOA or Mt. Park if an application proposes to change the footprint, height, or general design of the original fence (particularly to the extent the design directly affects the design of a neighboring fence).
- 2.4 Plans for exterior changes: The WPOA Board reviews the impact of proposed exterior changes on the WPOA Limited and General Common Elements and on overall uniformity of design of Wheatherstone properties (particularly structures of close neighbors), and code concerns and then determines whether an application complies with the CC&Rs and architectural standards of Mt. Park. Each application will be reviewed on a case-by-cases basis.
- 2.5 Plans for **structural** alterations to the interior of a unit: Any movement of interior walls of a unit, must be submitted to the Architectural Committee and Board for review as provided herein, but with the additional requirement that a report must be prepared and signed by the responsible architect or contractor concerning such major remodeling and when applicable building permit from the City. Even if walls are moved that are not load bearing, the architect or building contractor must certify those walls are non-load bearing.

3. APPLICATION PROCEDURES:

- 3.1 The WPOA Architectural Committee meets periodically to assist the Board on design and code issues and to make recommendations on specific improvement requests. All exterior improvement requests must be submitted to the Chair, Secretary and Maintenance Chair on the Mountain Park Architectural form available at www.mountainparkhoa.com under the Documents category. Following Board approval, and in the week before the regularly-scheduled meeting of the Mt. Park architectural committee, the owner will then submit the application and materials to Mt. Park, indicating WPOA approval by separate letter or on the form. The approval must be signed by the Secretary and/or Chair. The Mountain Park Architectural review and approval meeting is currently held on the third Tuesday of each month.
- 3.2 Unless it is a life safety situation or an emergency (for example, a fallen tree on an owner's unit, or major exterior water damage or soil erosion) the approval process for an application for improvement plans will take three to six weeks, subject to longer time if the application is returned to the owner for changes by either WPOA or Mt. Park HOA.
- 3.3 The Secretary will be responsible for maintaining a record of all requests, their disposition and any notes. This record will be part of the WPOA formal records and preserved for future reference.

4. DESIGN GUIDELINES & RESTRICTIONS

4.1 Openings in walls or roof. If any unit owner wishes to make an opening in the exterior of a unit, the owner must submit an application to the Maintenance Chair pursuant to the above procedures. In addition, and in consideration of approval by the WPOA Board, the unit owner must provide a signed and notarized hold-harmless agreement in favor of WPOA, stating that the unit owner(s) assume liability for any current or future water leak or damage to the unit at the site of the opening. The hold-harmless agreement must be in a form provided or approved by WPOA and its attorneys (Note, this will be a very short, one- or two- paragraph contract, but the notarization allows the agreement to be recorded to become a lien on the property/). Examples of openings covered by this Section 4.1 include but are not limited to:

- (A) A new opening in a general common element such as an outside wall or roof (for example: for a window, door, vent, or for a roof skylight).
- (B) Any attachment, such as a canopy, fixed window planter box, a trellis, exterior shading or screening device, equipment, a satellite dish, an antenna.

4.2 Painting.

- (A) Generally on an annual basis, WPOA paints outside walls, trims, outside doors, overhangs, gutters, and garage walls and doors of certain units, as shown on the WPOA website schedule.
- (B) The WPOA Board or Architectural or Maintenance Committee must notify owners of units that are to be painted at least four weeks in advance of the yearly painting schedule. Owners can select paint colors for each of these structural elements from the architectural pallet available. Color pallet is "Pacific Northwest."

4.3 Approved Materials, Doors and Windows. WPOA generally approves the materials listed in the architectural rules of Mt. Park. Clear glass and light tinted glass may be used for windows and patio doors. Reflecting glass is not permitted.

4.4 Fences & Decks.

- (A) When building a fence that is shared with a side neighbor, the owner building the fence is obligated to coordinate and cooperate with the neighbor at all stages of the construction. The owner is not to remove the neighbor's fence without written permission. As part of the application process, the owner building a fence must provide written assurance that it meets with the approval of the sharing neighbor.
- (B) Lake Oswego ordinances apply for fence heights, with the exception that to the extent it is more restrictive, Mt. Park's rules and regulations apply. Further,

subject to the provisions of Paragraph (G) of this section, no fence shall be more than six feet high from the original ground level (not including any new berm or soil/structure build-up added by an owner

(C) New fences shall be neighbor friendly, meaning either a “good neighbor” style, either: (1) in which each slat is offset forward and back with the structural posts in between the two sections of slats, or (2) all of the structural posts are on the inside of the fence facing the property of the owner building the new fence; provided, however, the fence from the neighbor’s side is not to be changed without permission of the neighbor.

(D) New fences must allow the flow of light and air and it have a pleasant visual appearance that complements the setting and adds value to the property without detracting from the value of other property.

(E) A plan that shows fence locations as they relate to property lines and adjacent neighbors, height, list of materials and finishes must be submitted with the application. Visual images are helpful for individualize styles.

(F) WPOA generally approves the materials listed in the architectural rules of Mt. Park, with the exception of wire mesh fences.

(G) Notwithstanding the above, fences that were built prior to the date of these Architectural Review Policies and Procedures that exceed the height restrictions established in this section 4.4 (herein “non-compliant fence”) will not be affected by these policies and procedures and the Board will not require them to be replaced or modified. But if an owner intends to replace a non-compliant fence in the future, it will be governed by this document, subject to the Board’s waiver of the height restrictions in the event the height is necessitated or desirable because of existing conditions, such as ground variations and neighboring fences.

(H) Because of the legal responsibility to keep a utility easement clear, safety issues and governing documents, WPOA will not approve construction of any fence that extends beyond its current footprint in the utility easement area on the south side of WPOA. Owners may not extend their fence into the easement beyond its current placement.

6. MISCELLANEOUS PROVISIONS:

6.1 Satellite dishes and antennas should be located in an inconspicuous location, to the extent possible. An application to the Architectural Committee is required for a satellite dish with a diameter in excess of three feet.

6.2 The following list of added elements requires detailed plans to be submitted to the Maintenance Chair for approval by the Board, even if the added element is removable. Plans must include structural calculations for the attached support system, water-leak control measures, a description of materials and finishes, ventilation plans (if relevant),

and name and qualifications of contractor:

- (i) New canopies above entries and windows.
- (ii) Fixed window planter boxes.
- (iii) Exterior shading devices.

- (iv) Trellis, arbor, gateway or other functional or decorative element, even if it is removable.
- (v) Patio and Porch Covers.

7. MAINTENANCE:

Outdoor elements such as decks, fences, trellises, windows, and attachments, are the responsibility of unit owners. The Maintenance Chair has the power to identify any element that is in need of maintenance or replacement and to notify the board of directors, which then has the power, with adequate notice, to demand improvement, repair, or replacement of the damaged element.

8. REMEDY FOR PRIOR VIOLATIONS; ENFORCEMENT:

- 8.1 Except as provided in Section 4.4, Prior violations of the rules established in this document can be remedied by meeting these requirements when the board demands, in the timeline given by the board, even to the extent of requiring a structure to be substantially modified to protect the structural integrity of the unit that is a part of WPOA limited common elements.

- 8.2 The board has the power under Oregon law, and with notice and hearing, to demand penalties for failure to remedy a violation within the reasonable time requirement issued by the board. The Board hereby adopts Mt. Park's "Policy on Enforcement Control of the CC&R's and Other Issues" in regards to Architectural Standards.