

WESTLAKE HOMEOWNERS ASSOCIATION

AMENDED COMMUNITY GUIDELINES

Clackamas Co. recording # 88-48452

AMENDED APRIL 15, 1997; recorded 2010-028327 (satellite dish)***

AMENDED 2003; recorded 2006-020286 (fine statement)***

AMENDED 2010; recorded 2010-028327 (roofs)***

COMMUNITY GUIDELINES

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INTRODUCTION

Building a new community is an exciting and rewarding activity. It is an undertaking requiring the contributions of people with a wide range of skills, goals and

outlooks. These guidelines have been prepared to direct the future development activities of the Westlake development. It is everyone's hope that the original vision of the Westlake development as a community will be realized and maintained.

Excellence is the hallmark of the Westlake development. That excellence is achieved through careful planning, quality construction, and by providing mechanisms to direct community activities. The guidelines contained in this letter will ensure excellence by establishing standards for all residences.

These guidelines are not meant to restrict, but to guide, allowing for creativity and individuality to be expressed. We ask your assistance and cooperation in following these guidelines to make Westlake development a lastingly beautiful community.

The Westlake development has a master plan to include over 400 residential dwelling units, including single family homes and apartments. In addition, land is set aside for nearly 45 acres of open space. Together, these uses provide for a balanced community where people play, live, and work.

In order for the Westlake development to function as an integrated community, both now and in the future, the development established a homeowner's association. The Westlake Homeowners Association (the "Association") was established under the laws of the State of Oregon as a nonprofit corporation on June 23, 1983. The Association was originally called the "Kruse Oaks Homeowners Association." On October 12, 1984, the name was changed to its present version. Responsibility for the administration and management of the Association's affairs was turned over to the members of the Association by the developer on June 1, 1987. Each homeowner and lot owner is a member of the Association.

USE OF COVENANTS AND GUIDELINES

The Westlake development is subject to certain recorded covenants and restrictions (the "Covenants"). The Covenants and these guidelines are intended to establish and maintain a harmonious community image for the Westlake development. Through the Covenants and the design review process created therein, a consensus is achieved between individual aesthetic judgment and the broader interests of community standards. The Covenants are embodied in a legal document accepted by every homeowner when title to the property is taken. The Covenants establish an architectural design review committee (the "Design Review Committee") and require the Design Review Committee's written approval before any change to a site or building exterior is made.

As stated in the Covenants, "No structure, whether residence, accessory building, tennis court, swimming pool, antennae, flagpoles, fences, . . . or other improvements, shall be constructed or maintained upon any lot or unit and no alteration or painting to the exterior of a structure shall be made and no landscaping performed unless complete plans, specifications and lot plans therefore, showing the exterior design, height, building material, and color scheme thereof shall be submitted to and approved by the Architectural Design Review Committee." Simply stated, no new construction or modification to existing construction is to occur on any lot or exterior of any home without the prior approval of the Design Review Committee. The Design Review Committee's responsibility is to ensure that the harmonious, high quality image of the Westlake development is implemented and maintained.

DESIGN REVIEW PROCEDURES

The Design Review Committee's responsibilities are bifurcated in that certain members of the Committee review only plans for construction of homes while certain other members of the Committee are responsible for reviewing improvements made to sites thereafter.

In order to obtain Design Review Committee review of proposed site or building exterior construction, the homeowner or its representative initiates the review process by submitting an application to the Design Review Committee.

The Design Review Committee meets regularly each month and renders a decision on an application within thirty days from the date of submittal.

The applicant starts the formal review process by submitting the following required information:

A. Project Data:

1. Name of applicant (homeowner).
2. Address and phone number of applicant.
3. Description of proposed construction.
4. Construction schedule.
5. Names and phone numbers of all homeowners within properties within 500 feet of the subject property, when those homeowners are able to view the proposed improvements from their properties.

B. A site plan drawn accurately to scale, showing location and extent of:

1. Lot lines.
2. Location of house.
3. Layout of proposed construction, including dimensions as appropriate.
4. Details describing the construction, including (as applicable): color, materials, sizes, etc.

C. Building elevations (as applicable).

D. A landscape plan showing proposed plantings, including sizes, species, numbers, mulch materials, landscape features, description of irrigation system, etc.

E. Miscellaneous.

1. Complete working drawings and specifications for all proposed construction.
2. A sample of the proposed house siding not less than one square foot in size with the
3. proposed stain or paint color applied.
4. A sample of the proposed trim material not less than twelve inches long with the proposed stain or paint color applied.
5. A written statement of the type of color of roofing to be used.
6. A detailed site and grading plans showing finished contours, building elevations, spot elevations on pavements, retaining walls, drainage swales/structures, curb/gutter/sidewalk locations, etc.

The Design Review Committee will meet to consider the application and will render a decision by voting. An affirmative vote of the majority of the Design Review Committee where a quorum is present constitutes approval.

DESIGN GUIDELINES - - GENERAL PRINCIPLES

The purpose for the Design Review Committee is to ensure consistent application of these guidelines and those set forth in the Covenants. The guidelines contained in the Covenants are designed to promote those qualities in the Westlake development which bring value to individual properties and will promote the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the community.

The guidelines in the Covenants set forth very specific criteria related to building construction and site development. These criteria are directed toward ensuring that the following general principles are adhered to.

Validity of Concept. The basic idea of the proposed construction must be sound and appropriate to the surroundings.

Environment. The proposed construction must not unnecessarily destroy or blight the natural or man-made environment of the Westlake development. Treatment of the site must relate harmoniously to adjacent sites and structures that have a visual relationship to the proposed construction.

Your Neighbors. The interests of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water, drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have a substantial effect on neighboring properties.

Design Compatibility. The proposed construction must be compatible with the design characteristics of the property, adjoining properties and the neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color, and construction details.

Workmanship. The quality of workmanship evidenced in construction must be equal to or better than that of the surrounding properties. In addition to being visually objectionable and making an unflattering statement about you as the homeowner, poor construction practices can cause functional problems and even create safety hazards. Neither the Association nor the Design Review Committee, however, assumes any responsibility for the safety of new construction by virtue of design or workmanship.

Timing. Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for neighbors in the community. All applications must include a proposed maximum time from start to completion of construction. If the proposed time period is considered unreasonable, the Design Review Committee may disapprove the application. If projects are not completed within the approved time schedule, The Design Review Committee has the authority to require the applicant to complete the unfinished construction within 45 days or be subject to action by the Design Review Committee to remove the incomplete construction.

*****Fines.** The Board, by a majority vote, may assign fines between \$25 and \$500. These fines will be assessed based on the severity of the violation. In the case of continuing or uncorrected violations, the Board, by majority vote, may repeat the fines at

the rate of up to \$15 per day or \$500 per month until the violation is corrected. The following process will be used by the Board:

1. The homeowner in violation will be contacted by the Board and asked to
correct the problem.
2. If the homeowner fails to correct the problem to the Board's satisfaction, the
Board may, by majority vote, assess a fine.
3. The homeowner will be notified in writing of the Board's decision to fine. In
addition, the homeowner will be provided an opportunity to address
the
Board if they feel the fine is inappropriate.
4. If the homeowner does not address the Board, or if, following the discussion
with the homeowner, the Board votes to move forward with the fine, a
final
letter confirming the fine will be sent to the homeowner.

RESOURCES

Proposed construction may involve various governmental agencies in addition to the Design Review Committee. The applicant should check with the City of Lake Oswego to determine if their review/input is needed. All construction and/or improvements are subject to the City of Lake Oswego Ordinances, as are currently in effect, or as may be amended from time to time.

It is the applicant's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by these and other local, state, and federal government agencies. The Design Review Committee and the Association assume no responsibility for obtaining these reviews and approvals.

ACCEPTABLE IMPROVEMENT PRACTICES

The balance of this document outlines the design and construction practices required for changes and improvements to building exteriors and sites. Some of these practices are mandatory and are preceded by the word "shall." Others are recommendations, preceded by the word "should." In addition, certain design and construction methods that are not acceptable are illustrated for the applicant's information.

Applications conforming with the design and construction practices and principles outlined in these guidelines will most likely be approved by the Design Review Committee. Applications proposing deviation from these guidelines will be considered

on their individual merits. In any event, all applications are considered on a case-by-case basis.

DESIGN GUIDELINES - - EXEMPTIONS

The following types of changes, additions, or alterations do not require the approval of the Design Review Committee. Although exempted, all work must proceed in accordance with all state and local building codes and other construction requirements.

1. Addition of plants to a property in accordance with a previously-approved landscape plan.
2. Modifications to the interior of a residence when those modifications do not materially affect the outside appearance of the structure.
3. Repainting and/or re-staining in original colors.
4. Repairs to a structure in accordance with previously-approved plans and specifications.
5. Re-roofing with blue label medium grade (or better) cedar shakes.
6. Seasonal decorations if removed promptly (within 15 days following the holiday).
7. Real estate "for sale" signs which are not larger than five square feet and where no more than one sign is placed in any given lot.

DESIGN GUIDELINES - - PROHIBITED USES

Certain uses are prohibited within residential neighborhoods at the Westlake development. Among those prohibited uses are the following (refer to the Covenants for further guidance): Uses or activities that constitute an annoyance or a nuisance to the neighborhood are prohibited, including those which detract from residential value, and from the overall enjoyment and quality of the neighborhood.

Offensive Activities. Uses or activities that are defined as noxious or offensive include, for example, parking vehicles on lawns, exterior sound systems that create noise beyond the property lines, etc.

Outdoor Storage. Storage of trash, building materials, equipment, garden supplies, etc., in unscreened areas is prohibited. Refer to the section on screening for further detail.

Vegetable Gardens. Vegetable gardens are prohibited except in screened backyard areas.

Livestock. The size of lots in the Westlake development make it an inappropriate setting for raising animals other than domesticated dogs, cats and other common household pets. Raising livestock, such as horses, goats, sheep, chickens, etc., is therefore prohibited. The size and location of a lot may also affect its suitability for accessory structures.

Commercial Uses. Most business activities are prohibited within residential neighborhoods in Westlake. Prohibited activities include in-house businesses that attract clients or customers, such as beauty salons, accounting businesses, etc. Such in-home businesses as machine shops, car repair or other similar commercial/industrial businesses are also prohibited.

Watering Dogs. Homeowners may not allow their dogs to water on other homeowners yards. The City of Lake Oswego has a leash law which must be obeyed.

DESIGN GUIDELINES - - BUILDING ARCHITECTURE

General. Any exterior addition or alteration to an existing residence shall be approved by the Design Review Committee and shall be compatible with the design character of the original structure.

Colors. All exterior painting or staining shall be of colors in harmony with the other existing homes in the neighborhood or of colors similar to those originally employed in the neighborhood. Unpainted surfaces and unstained areas, such as brick or stone, shall not be painted or stained.

Windows. All windows shall have painted or stained wood or non-reflective metal frames and dividers. No reflective glass is permitted.

Window Coverings. Window coverings visible from the exterior shall be compatible with the architectural character of the residence. Reflective shades or film-type window coverings are specifically prohibited.

Masonry. Use of masonry as an exterior building material is encouraged. New masonry construction should match original construction. The selection of masonry type, color, grout color, etc., must be approved by the Design Review Committee.

*****Antennae.** Only satellite dish antennae less than one meter in diameter shall be erected on the exterior of any structure, or placed on any lot. See ARTICLE VII, Paragraph 7.4 of the BYLAWS for details.

DESIGN GUIDELINES - - ROOFING***

General. Any alteration of roofing type or color shall be approved in advance by the Architectural Design Review Committee (ADRC). Any roofing installed shall be consistent with the existing character of the neighborhood. Neither the Association nor the ADRC make any claims or warranties as to the performance of any roofing material selected, approved, and installed.

Appearance. Any roofing materials selected shall be compatible with roofs on surrounding Westlake Homeowners Association (WHA) homes and specifically consistent with the architecture of the home for which the application is being made and meet the following criteria:

E.a. Uniform tones of dark brown, dark grey or charcoal

E.b. Appearance of cedar shakes unless the architecture of the home for which application is being made is consistent with slate, or is consistent with manmade composite shingles as described under General Characteristics below.

- E.c. Thickness for materials other than natural slate shall be no less than $\frac{1}{4}$ inch on average over the bottom exposed edge of a shingle, shake, or tile.

Roofing Materials. Installation of blue label cedar medium grade (or better) cedar shake or cedar shingle does not require the prior approval of the ADRC, as noted in the “DESIGN GUIDELINES – EXEMPTIONS” section.

In addition, the following roofing products are allowable; however, installations which change existing roofing material shall be approved in advance by the ADRC.

- a. Clay tile
- b. Concrete or cement based composite tile
- c. Manmade composite shingles or tiles as defined under General Characteristics
- d. Slate

General Characteristics. All roofing materials proposed shall meet or exceed the roofing specifications for untreated blue label medium grade cedar shake. Manmade composite shingles or tiles shall, in addition, meet each of the following specifications:

- a. Fire rating- UL Class A
- b. Wind rating Class F, 110 mph warranty
- c. Expected lifespan- 50 year warranty
- d. Asphalt Composite- 3 layer or 465 pounds per 100 square feet

Examples of Acceptable Composite Shingle/Tile Materials. Product names are listed as examples only, not recommendations of specific manufacturers. Any product submitted for approval shall be equal to or better than the following as determined by the ADRC:

- a. CERTAINTEED PRESIDENTIAL TL
- b. PABCO PARAMOUNT ADVANTAGE
- c. OWENS CORNING WOODMOOR
- d. DECRA STONE COATED STEEL ROOFING SYSTEMS SHAKE
- e. ECO STAR

Submission/Application. The application to the ADRC shall include a picture of an existing installation of the product.

The application shall include the nearest known address of a property with the desired product installed.

The application submitted for the ADRC approval shall include, if requested, a sample panel of the material demonstrating how the product will look with more than a single tile/shingle installed on the panel. Size need not exceed 3'X3'. Such sample will be required for all materials not previously installed in the WHA.

DESIGN GUIDELINES - - FENCING

All perimeter (lot line) fencing constructed in the Westlake development shall be of the approved fencing types only. All other fences, such as interior fencing to enclose patios, screen trash receptacles, support arbors, etc., shall be of a type, finish, color, etc., compatible with the approved perimeter fencing type and the building architecture. No fences shall be constructed in front yards. No fencing shall be installed in such a way that it blocks established drainage waste.

Fence designs are approved by the Design Review Committee. All fences shall be "Good Neighbor Fences" in that each side of the fence appears the same.

Fence Pickets. Fence pickets shall be constructed from 1" x 6" Western Red Cedar and shall meet the following specifications:

- uniform rough (S1S2E is not permitted)
- minimum thickness is 11/16"
- minimum width is 5 ¼"
- maximum width is 6"
- maximum height is 6'
- minimum grade of "No. 2 or better with no holes" (#1 2 Face uniform rough or clear uniform rough preferred)

Dog ears on pickets, if any, shall be uniform on both sides. Pickets shall be level across top of fence. Pickets may be painted with prior Design Review Committee approval.

Fence Rails. Rails shall be cedar or redwood, preferably Western Red Cedar. Douglas Fir, Spruce, Hemlock and Pine are inferior products. Grade for rails shall be STUD GRADE minimum quality, but preferably #1 grade.

Fence Posts. Posts shall be 4" x 4" No. 2 or better quality cedar or redwood. No. 2 and better pressure treated Hem/Fir or Douglas/Fir posts are allowed, but are discouraged since these posts are treated with copper chromated arsenic and are potentially harmful to the environment.

The Parke at Westlake. Fences in the Parke at Westlake shall be of the same quality except that there shall be 1 foot high diagonal cedar lattice panel cap.

DESIGN GUIDELINES - - SCREENING

General. Approved fencing or other approved means shall be used to screen unsightly objects. The purpose of the screening requirements is to ensure that

residential neighborhoods have a neat and orderly appearance free from the visual clutter that detracts from property values and community character.

Garbage. All trash, refuse, garbage and other waste shall be kept in enclosed containers such as garbage cans, waterproof boxes, etc. These containers shall be kept within the garage, or if placed outside shall be screened from the view of any public or private property using approved means. An enclosure shall be kept neat, clean, and weed-free.

Vehicles. Only automobiles with four wheels shall be parked in the street or in visible areas within Westlake. All other vehicles such as commercial and/or recreation vehicles (RVs), motorcycles, boats, campers, hauling trucks, trailers, etc., shall be kept in the garage. No vehicles of any kind shall be repaired, rebuilt, etc., except in the garage or on the driveway. If conducted on the driveway, this kind of activity shall continue for no longer than a 24-hour period.

Firewood. Firewood shall be stacked neatly and shall be stored in such a way so that it is not unsightly or objectionable.

Pools/Hot Tubs. Any swimming pools, spas, hot tubs, Jacuzzis, etc., shall be screened from view with approved means.

Dog Houses/Runs. Dog houses, shelters, and runs shall be screened from the view of adjacent public or private properties and streets and shall be built from materials compatible with the house.

DESIGN GUIDELINES - - LANDSCAPING

General. All portions of private home site not covered by house, driveway, patios, sidewalks, etc., shall be landscaped within 12 months of occupancy. The front yard landscaping shall be completed upon occupancy. Landscaping shall be done in accordance with the landscape plan approved by the Design Review Committee. The plan shall show all proposed landscape improvements including trees, shrubs, turf, mulches (bark dust, gravel, etc.), patios, fences, arbors, swimming pools, rock work, retaining walls, vegetable gardens, etc.

Landscaping additions including walls, decks, patios, etc., that were not part of the initial approved plan must receive separate Design Review Committee approval.

Tree Cutting. Design Review Committee approval is required before trees may be removed. The Covenants state that no tree shall be cut unless it is diseased or poses a hazard, or unless a permit is issued by the City of Lake Oswego. The Design Review Committee requires written confirmation from a certified arborist, or an equivalent professional, before it will approve a request to cut a tree.

Gravel. The use of gravel as a mulch material is permitted but it shall not be used to cover large areas. No more than 10 percent of the total area of any lot shall be covered by non-living ground covers such as gravel, lava rock, bark dust, etc.

Ornamentation. The utilization of non-living objects as ornaments in the landscape is generally discouraged, particularly in front or side yards visible from adjacent properties and roads. Such ornamentation includes driftwood, wagons, animal skulls, wagon wheels, sculpture (flamingos, deer, cherub, etc.). The goal of any landscape improvement is to promote a pleasing and harmonious neighborhood character. Individual expression is permissible so long as it does not detract from this goal.

Maintenance. All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include fertilizing, watering, mowing, hedging, pruning, removal and replacement of dead or dying plants, removal and/or killing of weeds and noxious grasses, and removal of trash.

DESIGN GUIDELINES - - MISCELLANEOUS

Signs. No signs of any type shall be displayed after initial occupancy, except for a single sign advertising the home for sale or rent. This single sign shall not exceed five square feet in size. No sign shall be posted in the windows of a home except those specifically approved by the Design Review Committee.

Mailboxes. Mail boxes shall be constructed of either brick or wood. Single wood or metal posts supporting a mail box are not acceptable.

Lighting. Exterior lighting shall not be directed in such a manner as to create an annoyance to adjoining properties. High-wattage area lighting (yard lights) are prohibited. Illumination of roofs or features on roofs is prohibited. Street lighting is provided by the City of Lake Oswego. If you notice a problem with any street light, please contact the City directly for any required maintenance and/or upkeep.

Play Equipment. Play equipment may be erected within a fenced or screened area, but shall have the approval of the committee. Play equipment shall be in appropriate scale and of approved materials and color. Equipment utilizing natural materials, wood versus metal, is preferred. Homeowners are asked to regulate the use of all play equipment so that it does not become a problem for surrounding neighbors.

Accessory Structures. All accessory structures such as greenhouses, storage sheds, patio covers, arbors, cabanas, spa covers, pool covers, etc., shall be approved by the Design Review Committee. Any such structures shall be sited and designed to be compatible with the house and all adjacent houses, fences, etc. In no case shall accessory structures be located within the setbacks required by the City of Lake Oswego or Clackamas County. Additionally, all accessory structures must comply with governmental authorities.

Driveways. Any modification of a driveway shall be approved by the Design Review Committee. In no case shall the width of the driveway at the curb be widened. Any widening inbound of the curb shall be smoothly transitioned back to the curb.

Retaining Walls. Any retaining wall shall be approved by the Design Review Committee. The applicant is encouraged to use materials that are compatible with the building construction. (Wood painted or stained to match the house, brick or stone to match the house, etc.). Retaining walls which divert water onto other properties or otherwise substantially alter existing drainage patterns are prohibited.

Site Grading. Any change to site grading shall be approved by the Design Review Committee. No new grading shall divert water onto other properties or otherwise substantially alter existing drainage patterns. Care shall be taken to keep water away from foundations. Spouts shall discharge onto splash blocks or other devices to prevent saturation of soils or of soils at foundations. Irrigation of plant material shall be kept well away from the foundation. Patios, lawn areas, shrubs, shrub beds, etc., shall be sloped positively away from foundations to prevent puddling of water.

PROTECTIVE COVENANTS

Attached to these guidelines are the Covenants, as amended. The Covenants are accepted by every homeowner in the Westlake development when title to property is taken.

The Covenants establish the Design Review Committee and give the Board of Directors for the Association the authority to establish the additional guidelines and procedures set forth herein. Where the Covenants and these guidelines differ in requirement to procedure, the more restrictive shall apply. Where the two are contradictory, the Covenants shall prevail.