

FSHOA ARCHITECTURAL COMMITTEE RULES AND REGULATIONS

Revised as of 3/2008

I. Purpose and Responsibilities of the Architectural Committee

The value of our neighborhood is enhanced by the consistency in character and high quality appearance of homeowner properties. Maintaining these standards of quality and character is the concern of your Architectural Committee. The Architectural Committee has two major responsibilities towards this end:

1. Review homeowner requests to change the appearance of their properties and document the decision to approve or deny.
2. Periodically review neighborhood properties for appearance problems that violate HOA regulations, identify those properties most needing improvement, and work with the owner to correct the problem(s).

The committee is committed to treat all homeowners fairly and with respect.

II. Homeowner Requirements of Concern to the Architectural Committee

The Protective Covenants of FOUR SEASONS (CC&Rs), signed and agreed to by each owner when purchasing property within FSHOA, are “protective” in that they were created and are enforced to insure continuing neighborhood quality and homeowner value. Several important Homeowner Requirements of concern to the Architectural Committee are summarized from the CC&Rs below:

1. No building, fence, wall, hedge, structure, improvement, obstruction, ornament, landscaping or planting shall be placed or permitted to remain upon any property unless a written request for approval containing the plans and specifications has been approved by the Architectural Committee. (Article XIII.1)
2. Each owner is obligated to keep and maintain his/her lot and buildings in proper condition, including the area between the property line and the street, including sidewalks. (Article X.7)
3. Parking of boats, trailers, motorcycles, trucks, campers and like equipment, or junk cars or other unsightly vehicles, shall not be allowed on any part of said property nor on public ways, excepting within an enclosed garage. (Article X.6)
4. Conditions that are offensive or unsightly or that may become an annoyance or nuisance to the neighborhood are not permitted. (Article X.4)
5. Unless written approval is first obtained from the Architectural Committee, no sign of any kind shall be displayed on any building or building site except one professional sign of not more than five square feet advertising the property for sale or rent. (Article X.1)
6. If any owner should fail to keep and maintain properly the exterior of any building or lot in good condition, then the Association, after giving the owner reasonable written notice may enter upon the property and perform needed maintenance and assess the cost to the owner. (Article VI.3.d)

Homeowners, of course, must also comply with City of Beaverton code. It is the owner’s responsibility to determine and secure necessary approvals and permits. It is always a good idea for homeowners to discuss intended changes with their neighbors before starting the project.

III. The Request Process

Requests for all planned improvements/changes to property appearance (roofing, painting, external remodeling, landscaping, fencing, tree removal, etc.) or for exceptions to HOA regulations (such as over-night parking of an RV) are to be made in writing to the Architectural Committee and approved before implementation is begun.

Because some requested changes are denied or are allowed only after agreed upon modifications of the request, it is important to gain approval before starting work. Please submit requests three weeks before work is to begin so that Architectural Committee members can receive, review and respond to the request.

Requests may be submitted by email to fourseasonsarch@msn.com or they may be mailed to the HOA post office box (please allow several additional days).

Responses from the Committee are communicated to the homeowner and published in the HOA Newsletter. If no response is received within 30 days of receipt of written request, the request can be considered approved. Approvals expire after six months and projects not completed within that time are to be resubmitted for approval.

If a request is denied, the homeowner may appeal to and be heard by the Board of Directors. The BoD also reviews and votes at board meetings on accepting Architectural Committee decisions.

Sub-HOAs: Please note that Crystal Brook, The Heights, and The Villas have their own Architectural Committees. Homes in these sub-HOAs have their own (very similar) CC&Rs and are bound by FSHOA regulations, but submit their requests to their own Architectural Committee. Summerville Square uses the FSHOA Architectural Committee.

IV. GUIDELINES FOR ARCHITECTURAL COMMITTEE APPROVAL

Standards for Quality and Consistency

To facilitate consistency in actions and decisions on homeowner requests, the committee has endeavored to articulate some of these “standards” as Guidelines. These Guidelines can be useful to HOA members in that they provide information as to what kind of requests are likely to be approved. The Guidelines are what the name implies and the Committee will exercise judgment and reason in evaluating requests (as was encouraged by the Homeowners in the 2006 survey). They were first published in 2006 and updated in 2007-2008 and 2010 by the Architectural Committee — with the approval of the Board of Directors.

These Guidelines will be applied when considering homeowner requests, but will be only infrequently employed to require that homeowners change what is in place. On the other hand, neither having a certain style currently in place nor finding an existing example of a given style in the neighborhood (“a precedent”) is sufficient reason to approve repetition of the same style or make the same decision in a new request—if the committee determines it made a mistake, it is not required to repeat the mistake.

General: As a general principal, our neighborhood will maintain a consistent character by using materials and styles that may be characterized as Contemporary or as “Pacific Northwest Natural” and reflect the concept and aesthetics originally created for the Four Seasons development. Additionally, features that are distinctly Early American, Colonial, French Provincial, Southwestern and or Southern by nature appear out of place and if believed to be primary or particularly conspicuous, the Committee will likely deny these requests.

Roofs: Cedar shakes are to be “above average quality medium to heavy”. (See also *Painting, Stains or Treatments* section below). Fiberglass based composition shingles with no less than 350 pounds/square weight with an appearance, style, and color that represents a cedar roof from new to aged shakes and meets the aesthetic value of the Four Seasons neighborhood will be approved for installation.

Composition material manufacturers and colors approved for use in Four Seasons include the brown and gray tones of a Northwest Natural palette. Selections are to be made from the following choices:

CERTAINTED Presidential: *Autumn Blend, Shadow Gray, Country Gray*

PABCO Paramount: *Oakwood, Weathered Wood*

The Architecture Committee is responsible for the annual review and selection of any new manufacturer(s) and new or discontinued colors. The Committee’s updated and approved selection will be communicated prior to each Spring/Summer season to residents through the FSHOA Newsletter and website.

The Heights and Village Place neighborhood areas may continue with the type of 3-tab composition material they currently use, but are encouraged to use a Northwest Natural palette of brown and/or gray tones.

All Four Seasons homeowners shall allow the standard three week approval process for roofing requests. Homes that share a common wall should be re-roofed at the same time for best protection and appearance (check with your neighbor and with your Sub-HOA Architectural Committee).

Painting: All color schemes for the painting or staining of a house are required to have the approval of the Architectural Committee—even when planning to stay with the same colors. Garage doors are to be the same color as the house siding (effective May 4, 2003); this will be a requirement for new house painting requests. If desired, the Architectural Committee can provide a professionally selected, broad spectrum of coordinated color schemes that work well. In keeping with the “Pacific Northwest Natural” guideline, the committee is likely to deny requests to paint houses an “Easter egg” pastel color. Likewise, white and bright colors are discouraged. Color choices for front, side and back doors have more flexibility.

Grass and Plants: The appearance of the land around the buildings has a major visual and value impact on property. Front yards benefit from having some grass and plants that provide all-season color—every property should contribute at least some green. Annual flowers look nice when growing, but are probably best used as borders or accents. Many perennial flowers tend to be messy in winter—bare stakes should be removed and dead growth should be cleared. Artificial plants are not acceptable in landscaping.

Trees: Our trees add value to our neighborhood, and removal (or topping) of any tree requires review and approval by the Architectural Committee. City of Beaverton approval is also required to remove trees between the curb and sidewalk. Approval for tree removal will be conditional on removing or grinding the stump and covering so the stump is not visible. It may be required to replace the removed tree with an approved tree. Approval for removing a sick or “problem” tree is more likely when supported by an arborist’s report. Homeowners with a tree at risk of falling should submit a removal request and have the tree removed after receiving approval to avoid damaging property. Trees and shrubs must not interfere with vehicular or pedestrian traffic on sidewalks and streets. Beaverton and Four Seasons require that they be trimmed to provide 8 feet of clearance over the full width of the sidewalk and 12 feet over the street.

Ground Covering: Bare ground is not acceptable—it quickly becomes overgrown with weeds and the clay often develops large cracks when it dries. A weed-stopping fabric or covering can help, but this is ugly and unacceptable if uncovered and visible. A thick layer (3 inches minimum) of bark or other mulch (with germination inhibitor) is an attractive solution to cover ground around plants and between grass and walkways. The use of river rock can be effective, if not overdone (a leaf blower is helpful to keep it free of leaves, needles, etc.). These areas are to be kept free of volunteer grasses and weeds.

Accumulation of Debris: Debris (pine needles, leaves, twigs, branches, litter, etc.) accumulates after time, after storms, and sometimes during construction projects. It is to be promptly cleared and removed from the property.

Sidewalks and Driveways: Homeowners are responsible for maintaining the concrete and blacktop on their property. For safety, sidewalks and driveways must be clear of moss and debris and free of dangerous uneven sections (e.g., raised by tree roots, broken surface, etc.). Landscaping must be maintained so that the full width of sidewalks is clear for pedestrians to a height of 8 feet. Eliminate potential injury and liability situations.

Parking Strips: Homeowners are responsible for landscaping and maintaining this area in front of their home between the sidewalk and the street. When submitting your plan to the Committee, please consider possible impact on curbside parking. Especially consider the requirement to maintain sidewalks clear to 8 feet vertically and curbs to be clear for 12 feet vertically. Junipers, for example, are often difficult to control and keep attractive. Water meters, fire hydrants, mail boxes, etc., need to remain accessible. Building up the curb is not allowed, but a sloped parking strip may accommodate a step/terrace at least two

feet behind the curb. Owners are responsible for maintaining their mailboxes; Post Office and Architectural Committee approval is required for changes. Newspaper tubes are preferred to be black and are to be clustered with mailboxes to preserve parking space.

Fences: Fences may be approved for back and side yards. Fences are to be of wood with maximum height of six feet. Fences visible from the curb are usually best painted the same color as the house siding. A small section of wrought iron railing may be approved for use as a handrail or to enclose a courtyard.

Post Lamps: Our exterior post lamps provide auxiliary lighting to the streetlights, and they are an important unifying characteristic of our neighborhood. Residents are required to keep them operable and lighted when dark for safety and security. Exterior post lamps are to have a single head (preferably with two bulbs) and be painted a non-glossy black.

House Numbers: Every home is to have house numbers that can be easily found and clearly read from the street—make them large and of contrasting color to the background.

Waste Disposal Containers: Containers from Waste Management for garbage, recycling, and yard debris are to be at the curb only on the day of pickup. They are otherwise to be kept out of view from the street. Most owners keep them in the garage or alongside the garage behind a wooden screen or gate or tall shrubs.

Signs: The CC&Rs prohibit display of signs in the neighborhood except for one professionally made sign up to five square feet in area that may be posted on a private property to indicate the property is for sale, lease, or rent. In addition, a maximum of three movable A-frame style or staked signs (four square feet maximum per sign) may be displayed within Four Seasons to direct potential buyers to property, but only during the hours the home is open to public viewing. Signs may not be placed in the public right of way. Non-conforming signs may be removed and discarded.

Parking: The CC&Rs give the Architectural Committee authority to grant exceptions to the parking restriction for trailers, etc. cited above. The committee has determined that the likely intention of this provision is to allow homeowners to load and unload recreational vehicles in preparation for a trip and on return. The committee will consider approval for infrequent requests to park an RV short term (typically overnight). Exceptions to the no-parking rules are also likely to be approved when they support property improvement projects (e.g., for a dumpster or a utility trailer) with the expectation that work will be quickly completed. Other requests are likely to be denied consistent with the CC&R restriction.

Antenna: One small dish antenna for satellite video is allowed per home after approval of the Committee for location and size. Any other antenna must be within the house or garage.

Private Swimming Pools: Owners are required to keep the water in good condition. Stagnant water can breed mosquitoes and is a health concern to the neighborhood and to the City of Beaverton.

Questions: Please contact the Architectural Committee.

V. Non-compliance problems:

When the Architectural Committee is aware of situations of non-compliance with the requirements noted in section II above, homeowners are contacted about the problem. Most non-compliance problems are quickly resolved with a brief, informal communication with the homeowners.

Infrequently, it may be difficult to communicate with a homeowner (lack of response to phone calls, email, letters) or the homeowner may not follow through on required corrections. If the Architectural Committee determines that the problem merits more aggressive action, the homeowner will be formally notified of the problem and required correction by mail and the matter may be taken to the BoD.

The BoD may vote to assess a fine (information in the following section) and, in some situations, may vote to hire a maintenance person to correct the problem and bill the homeowner. As noted below, the homeowner has the right to appeal to the BoD.

VI. Resolution for Enforcement of Regulations (fines):

The following resolution, developed with the FSHOA attorney, was approved by the BoD on May 4, 2008, mailed to all homeowners on May 7, and is effective as of June 6, 2008.

I. RECITALS

1. "Association" is the Four Seasons Homeowners Association, an Oregon nonprofit corporation established by Articles of Incorporation filed October 10, 1969, in the office of the Secretary of State.

2. The Association is governed by the following:

A. The Amended Declaration of Protective Covenants, Conditions, Declarations and Restrictions for The Four Seasons, recorded in Book 769, page 258 in the records of Washington County, Oregon on January 19, 1970; the Declaration of Protective Covenants, Conditions, Declarations and Restrictions for The Four Seasons No. 7, recorded in Book 799, page 253 in the records of Washington County, Oregon on November 18, 1970; and the Declaration of Protective Covenants, Conditions, Declarations and Restrictions for The Four Seasons No. 8, recorded in Book 822, page 904 in the records of Washington County, Oregon on June 2, 1971 (collectively, "Declaration").

B. The Bylaws of Four Seasons Homeowners Association ("Bylaws").

C. The Oregon Planned Community Act, ORS Chapter 94.550-94.785.

3. ORS 94.640 and Article X, Section 1(b) 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.

4. ORS 94.630(1)(a) and Article X, Section 1(c) of the Bylaws empower the Board of Directors to Adopt Rules and Regulations.

5. ORS 94.630(2)(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 of Directors.

6. ORS 94.709(5) provides that fees, late charges, fines, and interest imposed, are enforceable as assessments.

7. From time to time, the Architectural Committee observes (or 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.

8. The purpose of the Declaration, Bylaws, and Policies of our homeowner association is to maintain the quality and property values of our Four Seasons neighborhood. The purpose of this resolution is to establish a schedule of fines so that the HOA may more effectively support the enforcement of the regulations, or more specifically, to motivate cooperation from the few members who knowingly choose to violate the Association regulations that each owner accepts when buying a Four Seasons property.

II. RESOLUTION

NOW, THEREFORE, IT IS RESOLVED that:

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

2. 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.

3. The Schedule of Fines set forth below is adopted to determine the fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association.

III. process

1. Because the purpose of this resolution is to maintain quality in our neighborhood and not to collect fines, the Homeowner Association will first try to correct problems without the need for fines. Homeowners will be contacted (typically by the Architectural Committee) to explain the complaint and the violation and to discuss the need and plans for remedy. With communication and cooperation from the homeowner, this is typically adequate to eliminate or sufficiently reduce the concern and resolve the complaint. If not, the complaint may be taken to the Board.

2. A complaint may be taken to the Board by the Architectural Committee regarding a violation of the Declaration, Bylaws or Rules and Regulations by an owner, tenant, or guest based on a majority vote of Committee members. Also, an owner may submit a complaint to the Board; it must be in writing, identifying the name and address (if known) of the offending owner and a description of the alleged offending behavior or activity (including date(s) and approximate time(s)).

3. The Board of Directors based on information from an owner, a management agent, or other information the Board deems reliable may initiate a complaint against a homeowner.

4. Before issuing a fine, homeowners will receive written notice mailed to their address of record with the following information:

1. A description of the alleged violation.
2. The improvements and timeline required to avoid being assessed a fine.
3. The possible consequences (including fines) for not correcting the problem as required.
4. The owners' right to be heard by the Board, how this may be accomplished, and a deadline for requesting and attending this hearing.

5. A fine may be assessed only after deliberation at an open meeting of the Board. The owner will be given reasonable notice of date, time and place of this meeting. The owner may attend to tell their side of the story and present evidence, but attendance is not necessary for the Board to make its decision. The Board decision is to be made at the meeting or may be taken under advisement. The decision of the Board and notice of any fines imposed and required payment schedule are to be promptly communicated to the owner.

IV. schedule of violations and fines

- For neglecting property maintenance or permitting unsightly/offensive/unsafe conditions to exist after notified by the Board:
- The initial fine is \$75 if correction is not completed per required schedule.
- Additional delay in correction increases the fine by \$10 per week. The homeowner will notify the Board when corrective action is complete, and the Board will determine acceptability and notify the owner of the total fine due.
- These fines double for a repeat occurrence by the same owner.

- In addition to assessing a fine, the Board may arrange for correction of the problem and then bill the homeowner for incurred and related expenses.

2. For prohibited parking without an approved exception:

- The initial fine, after notification, is \$75.
- Continued parking of the problem vehicle adds \$10/day.
- These fines double for a repeat occurrence by the same owner.

3. For display of un-allowed sign or signs after notification:

- The initial fine, after notification, is \$75.
- Continued display of the sign adds \$10/day.
- These fines double for a repeat occurrence by the same owner.
- In addition to assessing a fine, the Board may take action to remove the sign.

4. For making significant and potentially irreversible landscape or other property modifications without prior Board approval:

- Fine is \$50 if the modification is acceptable to the Board.
- Fine is \$100 if the modification is not acceptable to the Board, but can be reasonably restored or acceptably corrected. The owner will also be required to restore or correct as acceptable to the Board within a specified time. The fine accrues an additional \$20 per week if an acceptable correction is delayed beyond the specified time.
- If modification is not acceptable to the Board or if it cannot be reasonably restored or acceptably corrected or if the owner does not restore/correct as required above, the fine is \$1000.
- If the unapproved modification involves Common Area, an additional fine of \$700 is assessed.
- These fines double for a repeat occurrence by the same owner.

5. Assessment and collection of fines

Fines not paid when due will accrue an accumulating penalty of \$10/week.

Before pursuing legal measures for collection, the Board will offer to use mediation services from either city or county for dispute resolution. This offer will be made in writing and delivered by certified mail with return receipt requested.

A lien may be filed against property for the collection of unpaid fines/penalties and for related expenses incurred (e.g., contracted labor to correct a maintenance deficiency).

The Board may seek reimbursement of any legal expenses incurred. Further legal action including initiation of foreclosure may be taken for unpaid fines and related expenses

6. implementation and future Changes to this resolution

This resolution and the schedule of fines, if passed by the Board, will be effective 30 days after a copy has been mailed to each homeowner.

Changes and revisions may be made to this resolution with an affirmative vote of at least three directors at a regularly scheduled Board meeting. Before calling for this vote, the proposed changes will be published in the Newsletter and Homeowners given the opportunity to make input.