

# EAGLE POINT GOLF COMMUNITY HOMEOWNER'S ASSOCIATION

## Resolution of the Board of Directors

### ARCHITECTURAL DESIGN GUIDELINES - MODIFICATION OF GAZEBOS AND PERGOLAS

- A. Eagle Point Golf Community (the "Property") is a planned community located in the Jackson County, Oregon. The planned community was established and is governed by the documents set forth below recorded in the Records of Jackson County, Oregon:

Declaration of Covenants, Conditions, Restrictions and Easements for Eagle Point Golf Course Community ("Declaration 1") recorded July 25, 1995, as Instrument No. 95-20209, and any amendments or supplements thereto;

Declaration of Covenants, Conditions, Restrictions, and Easements for Eagle Point Golf Community and Lakeside Park Subdivision ("Declaration 2") recorded April 4, 2000, as Instrument No. 0012919, and any amendments or supplements thereto;

Architectural Review Committee Declaration of Residential Guidelines and Contractor Standards for Eagle Point Golf Community and Lakeside Park Subdivision ("ARC Declaration") recorded April 4, 2000, as Instrument No. 0012920, and any amendments or supplements thereto;

Declaration of Covenants, Conditions, Restrictions and Easements for Eagle Point Golf Community and Lakeside Park Subdivision ("Declaration 3") recorded November 2, 2000, as Instrument No. 0044545, and any amendments or supplements thereto. Declarations 1, 2 and 3 and the ARC Declaration together shall be known as the "Declarations";

Bylaws of Eagle Point Golf Community Homeowners Association (which includes Lakeside Park Subdivision) (the "Bylaws") recorded November 2, 2000, as Instrument No. 0044548.

- B. The Eagle Point Golf Community Homeowner's Association (the "Association") is an Oregon nonprofit corporation formed by Articles of

Incorporation filed April 18, 2000, with the office of the Oregon Secretary of State, Corporation Division.

- C. The Association is a Class I Planned Community subject to the provisions of the Oregon Planned Community Act.
- D. Pursuant to Section 3.17 of the Bylaws and ORS 94.630(1)(a), the Board of Directors, on behalf of the Association, may adopt, modify or revoke rules and regulations for the Property governing the conduct of persons and the operation and use of lots, the common areas and any other portion of the Property as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property.
- E. Article XI, Section 11.1 of Declaration 1 provides that no structure or improvement shall be placed, erected or installed upon any lot without the prior approval of the appropriate committee in charge of the architectural review (i.e., the Design Review Committee or the Modifications Committee).
- F. Article XI, Section 11.2(b) of Declaration 1 provides that oversight of architectural design guidelines for modifications, additions or alterations made on or to existing structures or lots with existing structures is handled by the Modifications Committee. It further provides that the Board of Directors is in charge of establishing the Modifications Committee and appointing all members to serve on the Modifications Committee at the discretion of the Board of Directors.
- G. Article XI, Section 11.3 of Declaration 1 Authorizes the Modification Committee to promulgate detailed procedures and standards governing modifications, additions or alterations of existing structures on or in the Units.
- H. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to promulgate modification design guidelines for use by the Modifications Committee governing the modification, addition or alteration of Gazebos and Pergolas within the Property.

IT IS THEREFORE RESOLVED:

The following guidelines are hereby adopted as the architectural design guidelines and standards for the modification and maintenance of all Gazebos

and Pergolas within the Property, and to the addition of Gazebos and Pergolas to any Lot by any Owner other than the Declarant. The provisions of this resolution replace and supersede the provisions of any previous Pergola and Gazebo resolutions including the 2018 Resolution entitled Architectural Design Guidelines–Gazebos and Pergolas. A copy of this Resolution shall be sent to all owners at their address as shown in the records of the Association.

## ARTICLE 1

### 1. DEFINITIONS

- 1.1. Gazebo: A roofed structure that is open on all sides (no walls) used for relaxation or entertainment.
- 1.2. Pergola: A garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice, often upon which woody vines are trained.

## ARTICLE 2

### 2. DESIGN STANDARDS AND GUIDELINES

- 2.1. The exterior perimeter (footprint) of a gazebo or pergola is not to exceed 168 square feet.
- 2.2. The maximum height of the gazebo roof at its peak is not to exceed 10.5 feet as measured from the gazebo floor.
- 2.3. A gazebo or pergola must maintain a setback of at least ten (10) feet from the front of the dwelling.
- 2.4. A gazebo or pergola must be located at least four (4) feet from the side and back of the property line. If a four (4)-foot setback cannot reasonably be achieved, the Modification Committee may, at its sole discretion, adjust the setback to a three (3)-foot setback.
- 2.5. A foundation under the gazebo or pergola is required. The foundation must be made of 3/4" minus crushed granite, concrete, cinderblock, cement block, or other suitable material. Gazebos and pergolas must be firmly anchored.

- 2.6. Gazebos and pergolas must be of a neutral or natural color. Fabric, wood and laminated wood must be cleaned and maintained.
- 2.7. Gazebos or pergolas must be effectively concealed from street view and neighbors' views by use of fencing or shrubbery. Gazebos and pergolas must not block a neighbor's view.
- 2.8. No more than one gazebo or pergola is allowed per residence unless otherwise approved by the Modification Committee.
- 2.9. Winter covers and tarps over gazebos or pergolas are not allowed.

### ARTICLE 3

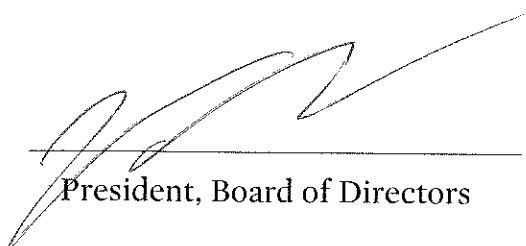
- 3. **OTHER RULES AND GUIDELINES.** The design, construction, and erection of gazebos and pergolas within the Property shall be consistent with any rules, regulations or design guidelines adopted by the Design Review Committee and Modifications Committee, as well as with the ACC Declaration, Declarations 1, 2, and 3, and the Bylaws.

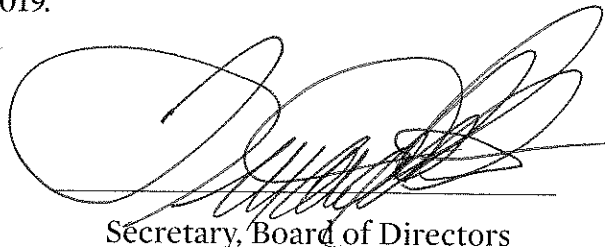
### ARTICLE 4

- 4. **Enforcement.** The Board may issue a fine for violation of these rules in the amount of \$150.00 per week (or any other amount provided for in a fine schedule adopted by the Board) until such time as the violation is corrected. The Board also has authority to exercise any or all of its remedies available in the Declaration and Bylaws and any applicable law, including, without limitation, seeking an injunction to remove any noncompliant gazebos and pergolas.

The undersigned President and Secretary hereby certify that the foregoing Resolution was adopted by the Board of Directors at a duly called meeting held on:

8 / 8, 2019.

  
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President, Board of Directors

  
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Secretary, Board of Directors