

EAGLE POINT GOLF COMMUNITY HOMEOWNER'S ASSOCIATION
Resolution of the Board of Directors

ARCHITECTURAL DESIGN GUIDELINES - FENCES

RECITALS

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 ("ACC 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 ACC Declaration together shall be known as the "Declarations";

Bylaws of Eagle Point Golf Community Homeowners Association (which includes Lakeside Park Subdivision) (the "Bylaws 1") recorded April 4, 2000, as Instrument No. 0013028; and

Bylaws of Eagle Point Golf Community Homeowners Association (which includes Lakeside Park Subdivision) (the "Bylaws 2") recorded November 2, 2000, as Instrument No. 0044548. Bylaws 1 and Bylaws 2 together shall be known as the "Bylaws."

B. Association is the Eagle Point Golf Community Homeowner's Association (the "Association"), 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. As of January 1, 2002, Eagle Point Golf Community Homeowners Association is a Class I Planned Community and subject to the provisions of the Oregon Planned Community Act, ORS 94.550 to 94.783 (the "Act"), as provided in ORS 94.572.

D. Under Section 3.16 of the Bylaws, the Board of Directors has all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties which the Declarations or Bylaws specifically reserve for the owners.

E. Under Section 3.17(f) 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.

F. Under Section 3.17(i) of the Bylaws, the Board of Directors has authority to enforce rules and regulations adopted under the Bylaws and any duty or function required to be done by the Association or owners set forth in the Declarations.

G. 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).

H. 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.

I. Article XI, Section 11.3 of Declaration 1 provides that architectural design and development guidelines and application and review procedures for approval of architectural work subject to the architectural design guidelines shall be developed, adopted, and implemented by the Modifications Committee consistent with the provisions of the ACC Declaration.

J. On March 6, 2012, the Association adopted a Resolution on *Architectural Design Guidelines-Vinyl Fences* ("2012 Resolution"). The 2012 Resolution only provided guidelines on vinyl fences. The Board of Directors desires to adopt this new Resolution covering both vinyl and wood fences. The Board intends that this Resolution supersedes and replaces in its entirety the 2012 Resolution.

K. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to establish architectural design guidelines for use by the Modifications Committee regarding both wood and vinyl fences within the Project.

RESOLUTION

NOW, THEREFORE, IT IS RESOLVED that:

I. The following guidelines are hereby adopted as the architectural design guideline and standard for construction and maintenance of wood and vinyl fences within the Project:

ARTICLE 1 COMMITTEE APPROVAL

1.1 **Approval by Committee.** All fences must be approved prior to starting work on the fence by either the:

- (a) Architectural Review Committee (ARC) if constructed when a new home is built, or
- (b) Modification Committee (MC) if constructed or replaced later

1.2 **Modification Committee.** The role of the MC is to:

- (a) Ensure cohesiveness in design and construction materials
- (b) Maintain the Community Wide Standard
- (c) Preserve the value and unique, beautiful characteristics of the golf community we enjoy.

The MC applies these guidelines while considering the lot topography, lot configuration and the orientation of the home on the property. The MC evaluates proposed changes as they relate to adjoining properties, the general characteristics of the neighborhood and community standards. Each home is unique and the MC works closely with homeowners to achieve the desired result. These guidelines are provided to assist homeowners in planning their project and preparing the required paperwork for approval by the Modification Committee. The guidelines do not constitute prior approval.

ARTICLE 2 GENERAL GUIDELINES

The following guidelines apply to all fences:

- 2.1 **Materials.** The materials allowed for community fencing are wood, vinyl, or wrought iron. Lots bordering the golf course require wrought iron fencing.
- 2.2 **Setback.** There is a setback requirement that applies where the fencing is attached to the structure itself. The fence must be set back two feet behind the corner face of the house. This setback also applies if the fence is supported by a fence or gate post instead of the house itself. There are exceptions due to the unique placement of utility meters, doors, windows, drain spouts, neighboring property etc. However in all cases, attaching the fence flush to the face of the structure is to be avoided.
- 2.3 **Location.** Fences shall not be constructed:
- (a) In the front yard.
 - (b) On the side lot lines within two feet (2') of the front building line (corner of house).
 - (c) On the side lot line within ten feet (10') of the front building line if lot abuts a street.
- 2.4 **Height.** Total height of the fence may not exceed six feet.
- 2.5 **Structural Guidelines.**
- (a) Fences must be securely attached to the structure itself or an adequate fence or gate post. The fencing may not be attached to rainspouts, lattice, etc.
 - (b) Fence tops are to be constructed level with grade changes occurring at the fence post.
- 2.6 **Style and Aesthetic Guidelines.**
- (a) No split rail or "dog eared" post or picket style fences are allowed. Lattice top or decorative top panels are not allowed.
 - (b) Gate design, height, construction materials and stain must match the fencing situated on the property.
 - (c) The use of a decorative arbor as a design or architectural element instead of a matching gate is subject to approval by the MC. A full schematic with construction details is required.
- 2.7 **Walls Prohibited.** Walls are generally not allowed in place of fencing. (This does not apply to retaining walls).

- 2.8 **Maintenance.** All fences are to be well kept. They should not appear mildewed or leaning. The homeowner constructing the fence is responsible for maintenance unless their neighbor agrees to do so or makes use of the fence to enclose their own property.

ARTICLE 3 WOOD FENCES

The following guidelines apply to wood fences:

- 3.1 **Materials.** Wooden fences shall be well constructed of suitable lumber, either cedar or redwood.
- 3.2 **Structural Guidelines.** Wood fences should conform to the following specifications:
- (a) Fence is to have 2"x4" top plate.
 - (b) Posts should be 4"x4" pressure treated lumber or approved metal posts. Posts should be placed 6'-8' apart and spaced equally apart depending upon total length of fence run.
 - (c) Metal fence posts must be capped with the wood fencing material or powder coated with the color to be approved by the Modification Committee.
 - (d) Gate posts must be set in concrete.
- 3.3 **Style and Aesthetic Guidelines.** Fences must be stained with a clear, transparent, semi-transparent, or solid color wood toned stain, subject to MC approval.
- (a) Owners should note that that clear or transparent stain may not be suitable for older or aged fences that have darkened or grayed.
 - (b) Exterior house paint may not be used on fences as it is not designed for fence use.
 - (c) Fences must be stained on both sides.
 - (d) Gate design, height, construction materials and stain must match the fencing situated on the property. Hinges should not be used as decorative elements. The top plate requirements for wood fences also apply to gates.

ARTICLE 4 VINYL FENCES

The following guidelines apply to vinyl fences:

- 4.1 **Materials.** Only vertical, solid panel fencing is allowed.
- 4.2 **Dimensions.** Panels are to be six feet (6') wide (the distance between posts). If circumstances require a longer panel, it cannot exceed eight feet (8') and requires approval by MC. Panels exceeding six feet (6') require a lower support rail with a steel insert.
- 4.3 **Structural Guidelines.**
- (a) Fence posts are to be set in two feet (2') of concrete or secured to concrete. Posts secured to concrete also need to be supported with an appropriate steel insert.
 - (b) Drip holes or drain ports are required in lateral rails top and bottom.
- 4.4 **Style and Aesthetic Guidelines.** Gate design, height and construction materials and stain must match the fencing situated on the property. Hinges should not be used as decorative elements. Gate post toppers are to be basic flat style caps. Colors are subject to approval by the Modification Committee.
- 4.5 **Maintenance.** Vinyl fences must be cleaned on at least every three (3) years for accumulated dirt, mold or mildew, or more frequently as needed.

ARTICLE 5 GOLF COURSE LOTS

- 5.1 **Required Fences for Golf Course Lots.** Four-foot wrought iron fences are required to run the lot width bordering the golf course and 15 feet up both side lot lines prior to increasing to the allowable six foot (6') elevation.
- 5.2 **Review and Approval.** Both the MC/ARC and golf course management will review and must approve any fencing visible from the golf course to ensure they are in keeping with the aesthetic and community wide standards for these properties.

ARTICLE 6 MISCELLANEOUS FENCING MATERIALS

Chain link fencing is generally not allowed except with approval of the MC and shall only be approved in cases where the fence runs along the back property line, if not visible from street and if abutting property is not designated as part of EPGCHA PUD. In all cases, the MC will require that the chain link fencing be powdered coated and/or utilize vertical slats. Colors are subject to MC approval.

II. This Resolution shall amend and supersede any previous resolution of the Board of Directors or Modifications Committee regarding vinyl fence guidelines, including the Resolution adopted on March 6, 2012, titled *Architectural Design Guidelines-Vinyl Fences*.

III. A copy of this Resolution, including the attached Guidelines, is to be sent to all owners at their address as shown in the records of the Association.

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:

July 7, 2015.

Mary M. Krolak
President
Eagle Point Golf Community
Homeowners Association,
an Oregon nonprofit corporation

R. H. Lybicki
Secretary
Eagle Point Golf Community
Homeowners Association,
an Oregon nonprofit corporation