

EAGLE POINT GOLF COMMUNITY HOMEOWNERS ASSOCIATION
Resolution of the Board of Directors

ARCHITECTURAL DESIGN GUIDELINES-GAZEBOS AND PERGOLAS

RECITALS

- A. The Association is the Eagle Point Golf Community Homeowners Association, an Oregon nonprofit corporation (“Association”) organized under the Oregon Planned Community Act, ORS Chapter 94.
- B. Eagle Point Golf Community (the “Community”) is a planned community located in 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;

Architectural Review Committee Supplementary Declaration of Residential Guidelines and Contractor Standards for *Eagle Point Golf Community*, Phase I (“ARC Supplemental Declaration”) recorded November 2, 2000, as Instrument No. 0044546, 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 and the ARC Supplemental 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.”

- C. ORS 94.630(1)(r) and Article 3.16 of the Bylaws vest the Board of Directors (the “Board”) with all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties which the Declaration or Bylaws specifically reserve for the owners.
- D. ORS 94.630(1)(a) and Section 3.17(f) of the Bylaws empower the Board to adopt rules and regulations for the Association and enforce compliance with the Declaration, Bylaws and administrative rules and regulations.
- E. 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.
- F. 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 (“DRC”) or the Modifications Committee).
- G. Article XI, Section 11.2(a) of Declaration 1 provides that oversight of architectural design guidelines for original construction made on or to a lot is handled by the Design Review Committee. It further provides that the Declarant, or its successor, is in charge of establishing the Design Review Committee and appointing all members to serve on the Design Review 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 Design Review Committee and the Modifications Committee consistent with the provisions of the ACC Declaration.
- J. For the benefit and protection of the Association and of the individual owners, the Board of Directors, in conjunction with the Design Review Committee and the Modifications Committee, deems it necessary and desirable to establish architectural design guidelines for use by the Design Review Committee and the Modifications Committee regarding gazebos and pergolas within the Community.

NOW, THEREFORE, IT IS RESOLVED, that pursuant to the authority granted in ORS 94.630, the Declaration, and the Bylaws, the following rules be adopted to establish design, modification and community guidelines pertaining to gazebos and pergolas in the Community:

1. **Definitions.**

- (a) **Gazebo:** A roofed structure that is open on all sides (no walls) used for relaxation or entertainment.
- (b) **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.

2. **Design Standards and Guidelines.**

- (a) The exterior perimeter (footprint) of a gazebo or pergola is not to exceed 168 square feet.
- (b) The maximum height of the gazebo roof at its peak is not to exceed 10.5 feet as measured from the gazebo floor.
- (c) A gazebo or pergola must maintain a setback of at least ten (10) feet from the front of the dwelling.
- (d) 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 Design Review or Modification Committee will have the option to adjust the setback to a three (3)-foot setback.
- (e) A foundation under the gazebo or pergola is required. The foundation must be made of ¾" minus crushed granite, concrete, cinderblock, cement block, or other suitable material. Gazebos and pergolas must be firmly anchored.
- (f) Gazebos and pergolas must be of a neutral or natural color. Fabric, wood and laminated wood must be cleaned and maintained.
- (g) 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.
- (h) No more than one gazebo or pergola is allowed per residence unless otherwise approved by the Modification Committee.
- (i) Winter covers and tarps over gazebos or pergolas are not allowed.

3. **Other Rules and Guidelines.** The design, construction, and erection of gazebos and pergolas within the Community 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.

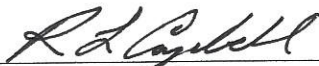
4. **Enforcement.** The Board may issue a fine for violation of these rules in the amount of \$150.00 per week (or any other amount provided for in a fine schedule adopted by the Board) until such time as the violation is corrected. The Board also has authority to exercise any or all of its remedies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

NOW, BE IT FURTHER RESOLVED that:

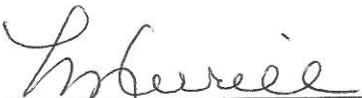
1. The Guidelines for Gazebos and Pergolas contained herein are hereby adopted as the architectural design guideline and standard for construction and maintenance of all gazebos and pergolas within the Community.
2. This Resolution shall amend and supersede any previous resolution of the Board of Directors, Design Review Committee, or Modifications Committee regarding architectural design guidelines and standards for construction and maintenance of gazebos and pergolas in the Community.
3. A copy of this Resolution shall be sent to all owners at their last known address.

Adopted this 4TH of SEPTEMBER, 2018

ATTEST:



President, Board of Directors
Eagle Point Golf Community Homeowners Association



Secretary, Board of Directors
Eagle Point Golf Community Homeowners Association