General Rules Regarding Improvements, Alterations, Modifications, or Other Changes to Original Condition of Exterior of Building or Owner’s Premises Outside of Building

Homeowners must obtain the approval of the Architectural Review Committee (hereinafter, “ARC”) for any proposed improvements, alterations, modifications, or other changes to the exterior of the owner’s building or outside premises. In many cases, and in most cases involving improvements or changes to decks, roofs, or building exteriors, the City of West Linn and/or other governmental authorities require permits. Homeowners, and not the ARC, are responsible for ascertaining whether permits are required and, if permits are required, securing the same.

With respect to backyard landscaping or construction, new owners (other than initial buyers) must submit a proposed plan describing the proposed improvements, alterations, modifications, or other changes within 90 days of occupancy. Then, the owner must complete basic landscaping of the backyard within 6 months, and complete the proposal entirely within 6 months thereafter. (Please note initial buyers have 30 days from the date of conveyance within which to submit a backyard landscaping plan – please see Declaration of Covenants Regarding Back Yards).

Homeowners must abide by the CC & R’s and rules set forth by the ARC. The ARC’s rules are designed to supplement the CC & R’s. The ARC encourages homeowners, therefore, to review the CC & R’s.

Guidelines for Landscaping and Yards

1.1 General Requirements

The ARC requires that homeowners apply the following principles and practices in connection with installation of landscaping, landscaping materials, and grading of yards and gardens.

1. Provide accurate topographic information and elevations showing existing and proposed final grades when submitting plans for landscaping and/or grading on any lot to the ARC for review and approval.
2. Ensure that any change of existing lot grades will transition to the natural or existing grade on adjoining properties.
3. Install an approved retaining wall or structure if it is impossible or impractical to transition new grades to the natural or existing grade on adjoining properties.
4. Avoid changes in grade that will increase surface run off to adjoining properties.
5. Slope finished grades away from the foundations and sides of any buildings.
6. Harmonize landscaping adjacent to medians and common areas with the landscaping located in those areas.
7. Ensure vegetation, such as grass, plants, trees, or evergreen ground cover, decking, rockery, or water feature(s) cover at least 30% of the backyard.

1.2 Recommendations

1. Use landscaping to add color, variety, and interest to the immediate neighborhood.
2. Consider the matured size and canopy area of trees and large shrubs in relation to (a) the size of the home and related improvements on the lot; (b) location of property lines and/or existing or future boundary fences; or (c) impairment of views of other property owners.

1.3 Landscaping Features, Elements and Grading Activities Which Will Not Be Approved

1. Bark chips only in the backyard. If bark chips only had been used as ground cover in the backyard at the time of implementation of these rules, owner must, within 90 days after bark chips deteriorate, fade, or are otherwise exhausted, submit a new landscaping plan in conformity with the ARC rules. See 1.1.7, above.
2. Artificial turf; crushed gravel, concrete, or asphalt as ground cover.
3. Concrete retaining walls which are not capped and sacked with stucco or concrete slurry.
4. Retaining walls which are constructed with, or which include, railroad ties.
5. Any water feature or other structure or improvement which poses a hazard to children or pedestrians.

1.4 Design, Locations, Features, Materials and Other Elements Which Will Not Be Approved

1. Any fence that does not meet the requirements of the CCNR’s.
2. Any fence, wall, or other barrier that encroaches on an adjoining lot or common property.
3. Trellises located on or immediately adjacent to the exterior walls of a building.
4. Any fence, wall, or other structural barrier more than 6 feet tall.
5. Any fence or similar barrier on the top of a retaining wall or structure where the combined height exceeds 6 feet.
6. Any wall constructed of cinder blocks or concrete in plain view from any street, sidewalk, public walkway, or from the ground level on any adjoining lot, which is not capped and sacked with stucco or concrete slurry on the surfaces exposed to such view.
7. Boundary fences with stringers exposed to view from abutting streets, sidewalks, walkway or an adjoining lot unless the design of the fence entails use of stringers on both sides.

8. Wood, used as a design or architectural element, that is not painted or stained to blend with the color scheme of the exterior of the living unit.

9. Fencing, walls, or other barriers which are inconsistent in design or appearance with the architectural elements or style incorporated in the exterior of the living unit located on the lot.

10. Fences, walls, or other barriers that require removal or alteration of fencing installed, or to be installed, which is, or will become, the responsibility of the Homeowner's Association to maintain (i.e., common area fences and other enclosures).

11. Double fencing or the location of any fence, wall, or other improvement which significantly interferes with access to any other fence, wall, or other improvements not owned by the party constructing or installing such fence, wall, or other barrier.

12. Installation of any fence, wall, or other barrier which cannot be taken down or removed and replaced at a reasonable cost and/or without significant damage to the premises upon which they are located or any adjoining property for purposes of gaining access to or use of easements or the installation, maintenance, repair, replacement, or removal of underground utility lines, sewer lines, water lines, or similar installations serving premises other than the lot on which such fence, wall, or other barrier is installed.

13. Any fence or barrier of any kind which obstructs the use of an easement.

Guidelines for Exterior Lighting

2.1 Recommendations

The ARC recommends that the homeowner apply the following principles and practices in connection with the location, design, and use of exterior lighting sources.

1. Use of the minimum amount of lighting necessary to accomplish the intended purpose.

2. Use of lighting fixtures that are architecturally compatible with the appearance of the living unit constructed on the lot.

3. Use of motion sensor activated exterior light sources intended for other than decorative effects (e.g., security, safety, etc).

2.2 Design, Location, and Other Lighting Elements Which Will Not Be Approved

1. Sodium or mercury vapor light sources.

2. Neon tube sources (including insect traps).
3. Spot lights, floodlights, or security lights that shine directly into an adjoining lot or residence.
4. Bare or unenclosed light sources.
5. Light sources located more than 8 feet above ground level (except holiday decorative lighting and lighting on decks).
6. Lighting installations or arrangements that are unreasonably intrusive and offensive to occupants of adjoining properties.
7. Decorative holiday lighting cannot be installed continuously for more than two weeks at a time, except between the period of Thanksgiving through January 20. Outside this period, at least a month must elapse between the removal of one set of holiday lights, and the installation of a new set.

**Mandatory Guidelines and Rules**

The following guidelines and rules address conditions and improvements which the ARC has determined must be complied with in all cases in connection with the design, construction, and use of improvements located on homeowners’ premises.

1. **Asphalt, Concrete, Crushed Gravel, and Artificial Turf**: Use of asphalt or artificial turf will not be permitted for the purpose of surfacing driveways, sidewalks, or as ground cover on any lot.
2. **Bark Chips**: Faded or spent bark chips in backyards used as ground cover must be replaced and must be weed-free.
3. **Building Permits**: No improvement requiring a permit or approval of any kind from any state or local governmental agency, department, bureau or officer, may be constructed, installed, or used anywhere unless the required permit(s) or approval(s) are obtained and copies of approved permits provided to the ARC. It is the homeowner’s responsibility to ascertain whether permits are required and to secure the same. Homeowners should call the City of West Linn building department, at a minimum, before undertaking plans for improvements. Generally, most exterior modifications to the building and construction in the backyard require permits.
4. **Clothes’ Lines**: No permanent clothes’ lines are to be installed unless the clothes’ line is screened from view from neighboring lots and from any streets or public sidewalks and walkways.
5. **Flag Poles and Antennas**: No flag pole may be installed on the roof and no flag pole in excess of 12 feet in height may be installed anywhere outside a living unit. Flag poles may be installed on decks or on the front or rear sides of buildings, regardless of the height of the flag from the ground. Flagpoles in existence prior to adoption of this rule do not have to be removed. Flags must be maintained in good condition. Antennas and satellite discs or dishes must be installed in conformity with the CC & R’s.
6. **Front Yard Landscaping Improvements**: If a homeowner installs plants, garden boxes, or other improvements in the front yard, the homeowner is responsible for maintenance of the improved portions and for any costs...
associated with restoration of the improvement(s) to its original condition. [Note: any subsequent owner of the property will also be similarly responsible for maintenance and costs associated with restoration of the improvement(s) to the original condition].

7. **Landscaping: Time to Complete:** New owners must submit a backyard landscaping proposal to the ARC within 90 days from the date of occupancy. Basic landscaping of back yards must be completed within 6 months following occupancy of a lot and the remainder of the lot must be completed within 6 months thereafter.

8. **Landscaping: Dead Plants:** Unsightly or dying plants, trees, shrubs, and/or lawns must be removed unless measures are undertaken to correct their appearance or restore them to a healthy and attractive condition. Dead plants, trees, shrubs, and/or lawns must be removed and replaced.

9. **Outbuildings:** No free standing building, such as a greenhouse, tool shed, storage shed, or playhouse may be constructed or located on any part of the lot. Doghouses are an exception to this rule.

10. **Parking on Grass:** Parking on grass of cars, trucks, other heavy motorized vehicles, or boats, trailers, or tractors, is not permitted.

11. **Poisonous Plants:** Noxious or poisonous plants of any description will be generally disfavored and carefully scrutinized prior to approval.

12. **Ponds, etc:** Ponds and/or other areas which contain or accumulate standing water which results in the presence of mosquitoes or other disease-carrying insects and/or which may constitute an attractive nuisance will not be permitted. An “attractive nuisance” is a feature which may cause a person, particularly a child, to go to it in a spirit of inquisitiveness or playfulness, but which is dangerous. A decorative 5-foot high Santa statue, for example, on a concrete surface, which a child might want to climb, but from which the child would likely fall onto concrete, might constitute an attractive nuisance. A pool of water may also be an attractive nuisance.

13. **Pools and Hot Tubs:** Pools and hot tubs may be located in backyards. Pools must be fenced. Hot tubs may be located on the deck or in the backyard. If in a backyard, hot tubs must be enclosed. If on a deck, the hot tub must be covered and locked when not in use. Associated equipment, such as a filter system, heaters, pumps, etc., must be similarly screened from view and sound insulated. Pools and hot tubs must be maintained in a sanitary condition. Permanently or semi-permanently installed above-ground swimming or wading pools are not permitted.

14. **Tarps and Awnings:** Except in emergency situations or for use in connection with exterior repairs, construction or painting activities, no tarps, colored plastic, cloth, or fabric material may be hung, draped, or otherwise used to cover all or part of the outside of any building surface, or any wall, porch, deck, patio, fence, play area, or structure or yard area. Materials employed for the purposes of providing shade over or cover for windows or doors which are installed on the exterior of any living unit (e.g., storm shutters, awnings) must be manufactured specifically for that
purpose, be consistent with the CC & R's, and be approved by the ARC prior to installation.

15. **Trash and Waste Containers**: Containers for trash, garbage, yard waste or other debris awaiting removal or collection, must be kept inside a garage or in another location entirely out of view from adjoining streets and walkways except on the evening before and the day on which they are to be made available for collection or disposal.

16. **Weeds**: Excessive infestation by weeds in landscaped areas and/or lawns will not be permitted.

17. **Yard Waste**: Excessive or unsightly accumulations of yard waste, grass clippings, leaves, twigs and/or branches are not permitted.

18. **Improvements or Modifications, Alterations, or Changes to Exterior of Buildings**: Any proposed changes to the exterior of the building, including the roof, exterior walls, the exterior of the garage door, exposed foundations, and exterior siding and trim, must have ARC approval.