

CROISAN MOUNTAIN



November 23, 2021

Pursuant to the Bylaws of Croisan Mountain Property Owners Association, the Board is has authorized a vote related to estate/moving sales as follows:

CMPOA allows Estate Sales under the following terms and conditions:

1. Definition – Estate Sale – An estate sale or estate liquidation is a sale or auction to dispose of a substantial portion of the materials owned by a person who is recently deceased or who must dispose of his or her personal property to facilitate a move or relocation by a homeowner. By definition, an “estate sale” means the homeowner is leaving their real property permanently. A yard or garage sale is not an “estate sale.”
2. The party conducting the Estate Sale, may only be the homeowner, an heir to the homeowner, the legal representative of the homeowner or homeowner’s estate or a professional estate sale entity hired by one of the aforesaid authorized parties.
3. An estate sale is limited to no more than two consecutive days starting no earlier than 9:00 a.m. and ending no later than 4:00 p.m.
4. It is the duty of the party or entity conducting the estate sale to make sure the sale is conducted in an orderly fashion and that at all times the terms and conditions of the CMPOA parking policies are followed throughout the duration of the estate sale.
5. The party or entity proposing to conduct an Estate Sale shall present a detailed plan to the Board at least ten (10) days before the sale. The plan shall include the time and dates of the sale, as well as description as to where signs will be placed in the rights of way of Croisan Mountain Drive, Crestmont Circle and Alleys to direct traffic flow to the sale and control parking at the site and any other reasonable information requested by the Board. The Board has the final authority as to requirements for traffic flow and parking and sign placement.
6. To ensure access by emergency vehicles (including vehicles related to any Salem City Workers) to all areas, as a condition for the estate sale, the Board may require the party or entity conducting the Estate Sale to provide traffic control (as specified by the Board) during hours of the Estate Sale to control the flow of traffic control, parking instruction, and one-way traffic flow (where and when necessary) during

CROISAN MOUNTAIN PROPERTY OWNERS ASSOCIATION
P.O. BOX 3134 SALEM, OREGON 97302

the hours. At the Board's discretion, the Board may also require traffic control one hour before and/or one hour after the commencement of the Estate Sale.

7. Access to certain "alleys" (narrower streets in the development including lots 55 to 58 and lots 32 to 43) and access for lots south of the intersection of Croisan Mtn. Dr. and Crestmont Circle at Lots 11 (2466 Crestmont), 21 (2465 Crestmont) and 31 (3973 Croisan), may be limited by the Board to loading purchases only, if the Board determines there is lack of adequate traffic flow, turnaround, and parking.
 8. Violations of the estate sale policies are subject to the enforcement policies of CMPOA.
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Parking Policies on Croisan Mountain

In January 2016, the Board provided members guidance, as to CMPOA policies regarding parking for large parties or events at a Member's residences as follows:

It is the CMPOA Board's position a member may have as many guests at their house as they desire to an event at their house. However, under no circumstances may a member allow their invited guests to:

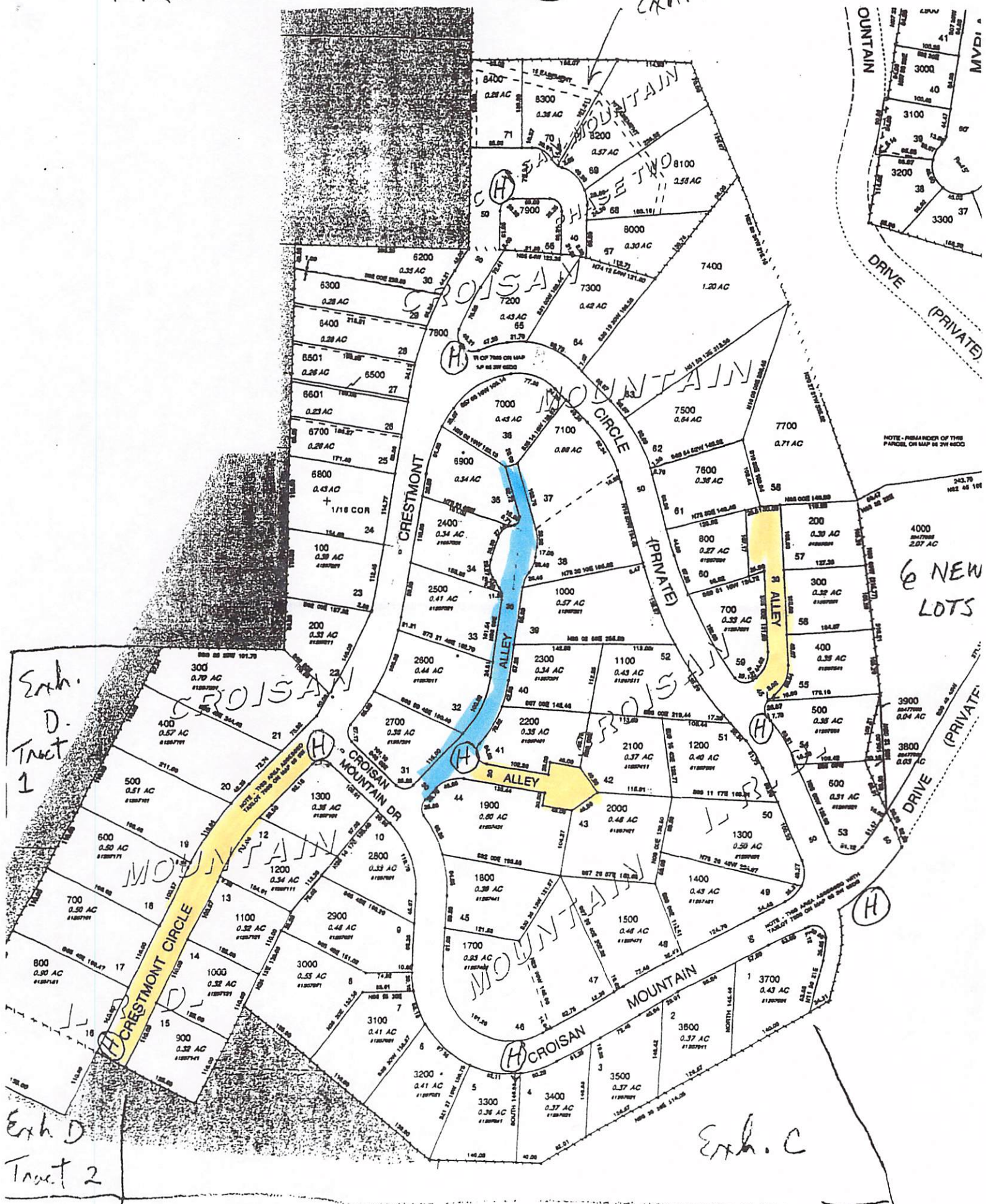
1. Impede another homeowner's access to their real property; or
2. Impede access of emergency vehicles (police, fire truck or ambulance).

If the member/homeowner is going to have a gathering wherein their guests will exceed the available parking spaces (20 to 22 in the entire development), then the homeowner having a gathering has the following choices:

- A. Work with the Board to arrange for a one-way traffic grid, at the homeowner's expense; or
- B. Have your guests park off site and hire a shuttle service to transport your guests to the development, at the homeowner's expense.

This parking information is important, as it relates to another topic that has come up of late, related to yard/garage/estate/moving sales.

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Croisan Mountain Property Owner's Association Fencing Policy

The CMPOA Board of Directors, acting as the Architectural Control Committee, hereby adopts as of July 27, 2023 the following fencing policy. The policy is in furtherance of the Committee's responsibility under Article IX, Section 1 of the CMPOA Declaration of Covenants and Restrictions to oversee the appropriateness of fencing within the CMPOA neighborhood:

All fences, including replacement fences, must comply with Salem City Code and be approved by the Architectural Control Committee prior to placement on any property.

The general criteria are set forth below: These criteria are subject to modification or waiver depending on the circumstances of each request. This policy does not alter or amend the C&Rs.

1. The preferred fencing is to be ornamental iron style, made from either stainless steel or aluminum and black in color.
2. The maximum height of fencing is 84 inches.
3. All fences shall be maintained in good condition and repair at all times.
4. Replacement of pre-existing fences may, in the discretion of the Architectural Control Committee, be permitted using the same type of material. Replacement of cyclone fences must be black or dark green in color.
5. Fencing of material other than the preferred fencing may be sight obscuring, subject to the discretion of the Architectural Control Committee, particularly if such material is replacing pre-existing fencing.
6. All fences damaged by storm, accident or other causes must be repaired to prior condition within six months, subject to the above criteria. If not repaired in a timely manner, the Architectural Control Committee may require the fence(s) to be removed or repairs made at the expense of the Member property owner.

**Croisan Mountain Property Owners Association
Policy on Asphalt Roof Shingle Selection
Article VIII, Section 1 (g), of the Declaration (CC&Rs)
July 15, 2020**

The Board at its meeting of July 15, 2020 adopted the following policy on asphalt composition shingle roofing materials:

1. On November 16, 2004, a special meeting was called to vote on amending the Covenants and Restrictions of the Croisan Mountain Property Owners Association in regard to allowed roofing materials. The amendment related to Article VIII (Building Restrictions, roofing materials), Section 1, (b)(iv) of the 1990 Covenants and Restrictions of the Croisan Mountain Property Owners Association.
2. The special meeting passed a Declaration and amendment of the Covenants and Restrictions of the Croisan Mountain Property Owners Association dated May 17, 1990 and recorded, REEL 773 PAGE 4741.
3. The Declaration adopted at the special meeting was recorded November 16, 2004, REEL 2402 PAGE 240. A copy of the recorded Declaration is attached hereto.
4. This Amendment allowed the CMPOA Board discretion to approve asphalt composition shingles. After the passage of this amendment, generally, the interpretation of an approved asphalt composition shingle was limited only to asphalt composition shingles with a manufacturer "lifetime" designation in a darker color, without reference to the "pounds per square" of the asphalt shingle.
5. For a number of years following the approval of the amendment to allowed roofing materials, lifetime asphalt composition shingles meant the shingles had a "pounds per square" rating of 300 pounds per square or greater.
6. Since the passage of the amendment to allow asphalt composition shingles, the roofing industry has adopted new industry references and designations. The designation of "lifetime" in the roofing industry no longer equates to an asphalt composition shingle of over 300 pounds per square.
7. The Board finds the original intent of the 2004 amendment to roofing materials was to only allow asphalt composition shingles of the highest quality available from a roofing material manufacturer. The Board finds this original intent and application can only be achieved by adopting a new standard other than a requirement of a "lifetime" asphalt composition roofing shingle.
8. The Board adopts the following policy regarding asphalt composition shingles:
 - 8.1 ONLY ASPHALT and/or FIBERGLASS COMPOSITION SHINGLES WITH A MINIMUM POUND PER SQUARE FOOT OF 300 POUNDS OR GREATER PER SQUARE SHALL BE ALLOWED.
 - 8.2 ONLY ASPHALT and/or FIBERGLASS COMPOSITION SHINGLES BLACK OR DARKER GREY IN COLOR SHALL BE ALLOWED.

9. The intent of this new guideline and policy is to apply to any requests for asphalt and/or fiberglass composition shingle installations from the date of this policy statement document.

10. If a Member has an installed asphalt composition shingle of less than 300 pounds per square foot, the Member will not be required to replace the existing roof. However, if a Member replaces an existing asphalt shingle roof subsequent to the date of this policy statement document, the Member shall be required to install asphalt and/or fiberglass composition shingles consistent with the standard being adopted in this policy statement for the Croisan Mountain Property Owners Association Board.

**DECLARATION OF AMENDMENT TO COVENANTS AND
RESTRICTIONS FOR CROISAN MOUNTAIN SUBDIVISION
DATED MAY 17, 1990, REEL 773 PAGE 474**

THIS DECLARATION OF AMENDMENT is made this 16th day of November, 2004, by the Croisan Mountain Property Owners Association, an Oregon Corporation, hereinafter called "the Declarant."

WITNESSETH:

- A: Declarant is duly incorporated in the State of Oregon and operates under the name of Croisan Mountain Property Owners Association.
- B: Declarant gave notice of a Special Meeting, under the terms of the By Laws of the Croisan Mountain Property Owners Association, and the duly called Special Meeting was held at 7 PM, on November 15, 2004, in Salem, Marion County, State of Oregon. Lot Owners appeared at the Special Meeting in person or by proxy.
- C: The President of the Croisan Mountain Property Owners Association, called the Special Meeting to order. The Board of Directors was present. Lot Owners actually present or appearing by proxy constituted more than 75% of the total Lot Owners of the Croisan Mountain Property Owners Association.
- D: Lot Owners, appearing in person or by proxy voted by more that 75 % of the total Lot Owners to Amend the Covenants and Restrictions for the Croisan Mountain Subdivision.
- E: NOW THEREFORE, BE IT KNOWN TO ALL PERSONS; the following AMENDS THE COVENANTS AND RESTRICTIONS FOR THE CROISAN MOUNTAIN SUBDIVISION on the following page:

MAIL TAX STATEMENTS TO:
No Change

AFTER RECORDING RETURN TO:
Robert C. Cannon, Secretary Treasurer
CMPOA
P.O. Box 3134
Salem, OR 97302

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Declaration of Amendment to Covenants and Restrictions

NOV 16 2004

DECLARATION

Article VIII, Section 1, (b) (iv) is Amended to read as follows:

(iv) Acceptable roofing materials include cedar, sawn or split; slate; concrete; tile; or standing rib metal (provided the pitch is 8:12 or greater). Built-up roofs which are visible from the street or from another lot, must have a natural gravel or other textured surface and built-up roofs must have prior approval from the Committee. Asphalt composition shingles, or other roofing material not specifically mentioned above are prohibited unless approved by the Board of Directors.

~~CROISAN MOUNTAIN~~ PROPERTY OWNERS ASSOCIATION

By: Richard L. Beninati

Richard L. Beninati, President

By: Robert C. Cannon

Robert C. Cannon, Secretary and Treasurer

State of Oregon)

) ss.

County of Marion)

The foregoing instrument was acknowledged before me this 16th day of November, 2004, by Richard L. Beninati, President of Croisan Mountain Property Owners Association.

Before me:

Gail Balzer

Notary Public for Oregon

My Commission Expires: 12/18/05



State of Oregon)

) ss.

County of Marion)

The foregoing instrument was acknowledged before me this 16th day of November, 2004, by Robert C. Cannon, Secretary Treasurer of Croisan Mountain Property Owners Association.

Before me:

Gail Balzer

Notary Public for Oregon

My Commission Expires: 12/18/05



CMPOA Policy Regarding Solar Panel Installations

Oregon Revised Statute 94.778(1) prohibits homeowners associations from preventing owners from installing or using roof-top solar panels for obtaining solar power access. But ORS 94.778(3) allows associations to adopt and enforce provisions that impose reasonable size, placement or aesthetic requirements for the installation or use of such solar panels. Consistent with these provisions, and in accordance with Article IX Section 1 of the CMPOA Declaration of Conditions and Covenants (C&Rs) regarding oversight of all structures, the following policy is hereby adopted July 27, 2023 by the Croisan Mountain Property Association's Board of Directors, acting as the Architectural Control Committee.

1. Owners may install and affix solar panels to their roofs subject to Architectural Control Committee (ACC) approval and compliance with this policy. (At the time of adoption of this policy the ACC is comprised of the members of CMPOA Board of Directors.) Solar panels may not be erected anywhere on a Lot other than a roof.

2. Application to install solar panels must be made to the ACC which, in accordance with Article IX Section 3 of the C&Rs, is required to act on the application within 30 days of a fully completed application. A fully completed application must include the following:

2.1 Two sets of professional construction drawings to scale for the proposed installation that include the exact location, number of collectors, the means of attachment to the roof structure, and the location of all other exterior components.

2.2 Proposed panel information and color (including panel frame), product specification data sheets, manufacturer's instructions and guidelines.

2.3 A color schematic or simulated image of the finished installation.

2.4 A sample or illustrated brochure of the proposed solar panels that clearly depicts the panels and defines the materials to be used.

3. The proposed design and subsequent installation must also adhere to the following requirements:

3.1 The solar panels to be placed on the roof must be black in color or match the roof color. Any visible conduit running on the roof must be painted the color of the panels or match the roof color; conduit passing over other exterior surfaces – such as gutters or sidewalls – must be painted the color of the surface over which they are passing. Solar panels must be visually integrated with the architecture of the home with respect to style, location, and size and should be installed in contiguous units without gaps.

3.2 The panels must be professionally installed in accordance with all applicable building codes and governmental health and safety standards and requirements.

3.3 The solar panels must match the slope of the roof. No tracking platforms or devices that allow panels to tilt seasonally, permanently or by time of day are allowed.

3.4 The Owner must maintain their installation in a good and attractive condition. Broken or inoperable panels must be replaced within a reasonable time. If the owner ceases to operate the solar panels and collector systems or if they become irreparably inoperable the owner must remove and dispose of the entire system at their sole expense.

4. The ACC will review applications on a case-by-case basis, with an emphasis on aesthetic considerations. The ACC will share all or a portion of the application information with neighboring homeowners to assist in its evaluation but may not delegate any portion of its decision to such neighbors.

5. Panels are to have a non-reflective surface and should be installed to avoid glare into neighboring property. If, after installation, reflection from the solar panels creates a tortious-level nuisance to a neighboring owner's property, the panel owner is required to eliminate or substantially reduce the glare to mitigate the nuisance.

Croisan Mountain Property Owners Association

Policy on Policies

To promote clear communication among our membership regarding the need for and basis of any new or amended CMPOA policies, the CMPOA Board of Directors at its meeting of July 27, 2023 adopted the following general policy for each specific policy statement it may subsequently adopt.

1. The Board should limit each policy statement to a single subject matter, liberally construed, and include the date of adoption by the Board
2. The Board should in its policy statement cross-reference the appropriate Association Declaration or Bylaw article or section numbers where appropriate.
3. Where feasible, the Board should explicitly state the rationale for its policy statement.
4. Once the Board has adopted a new policy or amended a prior policy, it should promptly communicate that policy to Association members by email communication or by U.S. Mail for those not wishing to voluntarily allow the Board to communicate with them via email communication, such as by newsletter, email, letter, or prior meeting agenda sent to members.
5. For the first Association membership meeting following the Board's adoption of a new or amended policy, the Board shall include the text of such policy with the required meeting notice and present the policy statement to those Association members present or represented by proxy. The policy will thereafter remain in effect, subject to adoption by the members present and represented by proxy of a motion to reject the policy, amend the policy or return it to the Board for further consideration.

Croisan Mountain Property Owners Association

Policy on Trees and Shrubs Violating Height Restrictions Article VIII, Section 1 (g), of the Declaration (CC&Rs) June 1, 2005

The Board at its meeting of June 1, 2005 adopted the following policy on complaints about trees and shrubs violating height restrictions:

1. Association lots with height restrictions are 16 through 30, 42, 43, and 47 through 71. Article VIII of the Declaration refers to lots 66 to 71 as Exhibit B.
2. A lot owner should informally communicate with his or her neighbor who owns a restricted lot about trees or shrubs that may violate height limits to attempt to resolve the matter satisfactorily.
3. A lot owner should send a written complaint to the Board indicating the member wishes to seek the Board's investigation of a tree or shrub height violation under Article VIII, Section 1 (g) of the Declaration. No particular written form is necessary. The written complaint should state the lots involved and the particular trees or shrubs involved. A drawing or photograph may be helpful.
4. The Board's reading of subsection (g) as it relates to trees and shrubs includes the following findings that the Board will use as guidelines in investigating, mediating, and enforcing the height restriction.
 - a. The principal purpose of the height restriction is to protect distant views.
 - b. The subsection excludes coverage of any tree that was taller than 20 feet at the time of the lot's original sale by Croisan Mountain Limited Partnership (the original developer). The complaining lot owner has the burden of proof that such a tree was shorter than 20 feet at the time of the lot's original sale.
 - c. In general, the Board will not take action if a tree or shrub, although exceeding 20 feet tall, does not interfere with the complainant's reasonable view.
 - d. To determine whether a tree or shrub interferes with the complainant's view, a baseline (natural slope) will be established along the restricted lot's uphill property line between that lot and the complainant's lot. A vertical distance of 20 feet will be added to that baseline's natural slope to create a height that will be used to determine whether a tree or shrub is interfering with the complainant's reasonable view. That height will be a constant elevation even though the restricted lot slopes downward.
 - e. Any tree or shrub directly along the restricted lot's baseline that exceeds 20 feet in height may violate subsection (g). If the tree or shrub grows at a lower elevation on the restricted lot, it will only violate subsection (g) if it is taller than the constant elevation described in subparagraph d.
 - f. In addition, for lots 54 to 58, a second baseline will be established along the restricted lot's southern border in favor of a downhill (southern) lot to protect

#54 Gordon
#55 Denning
#56 Hoppe
#57 McCabe
#58 Chen

that lot's reasonable northern view, if any. A vertical distance of 20 feet will be added to that baseline's natural slope to create a height that will be used to determine whether a tree or shrub is interfering with the complainant's reasonable view. The restricted lot may maintain any tree or shrub that conforms to the lot's natural slope whose height does not exceed 20 feet.

5. If the Board decides that there is a possible violation of the height restriction, one or more Board members may meet with the affected lot owners to discuss the trees or shrubs.
6. The Board will establish a reasonable time frame to make a decision based upon the complaint and the circumstances of the situation. The Board should aim to respond within approximately 60 days of the written complaint. The Board will communicate its decision in writing to the complainant and other affected lot owners.
7. The Board retains its enforcement powers set out in Article X of the Declaration.
8. The Scenic Easement, dated 21 June 1990, that benefits lots 16 to 21 and 53 to 71 and restricts property currently outside the Association is not subject to this Policy.