

This webpage revised March 2015 by adding relevant sections of the 1995 CC&Rs (see appendix 1); adding interpretations from 2000/2002 (see appendix 2); improving the structure and cross-referencing of content; and calling attention to owners' responsibility to be familiar with the content of this webpage.

Architectural Control Committee (ACC): Intent, Guidelines, and Process

(Revised May 2012)

Statement of Intent.

The intent of the ACC is to ensure that all lot improvements (a) reflect adequate quality of construction, (b) utilize Northwest-style materials and colors that blend with the natural surroundings, (c) are compatible with existing structures on the applicant's lot and the High Lostine in general, and (d) honor property use restrictions set forth in the High Lostine Covenants, Conditions, and Restrictions (CC&Rs). The sections of the CC&Rs relevant to lot improvements are included in Appendix 1 (below). Additional interpretations of the intent of the CC&Rs are included in Appendix 2 (below). Land owners have a responsibility to review these documents prior to submitting an application to the ACC and prior to making improvements.

General Guidelines for Construction of Improvements.

1. The ACC shall receive an application prior to improvements to a lot, which are defined here as all structures (residence, parking structure, shed, and other outbuildings), fences or other screens, and exterior lighting. The term "improvements" refers to both new construction and modification of existing structures. The term "application" in this document refers to "Application for ACC Approval of Lot Improvements and Building Plans" (see below).
2. The Wallowa County Planning Department (WCPD; phone [541-426-4543](tel:541-426-4543)) should be contacted for the proper permit(s) when construction is being planned. WCPD should be consulted for all improvements, including those that do not require a contractor (e.g, installation of prebuilt sheds, wood storage units, etc). Floor plan and elevations submitted to WCPD can also be used when submitting an application to the ACC. Approval by the County does not imply or guarantee approval by the ACC, as High Lostine regulations and guidelines may be more restrictive.
3. Hookup to the High Lostine water system may occur before or during new construction or the addition of improvements. Owners are reminded that the High Lostine water policies (found on the Water Committee web page) must be adhered to prior to any water hookups.
4. The following restrictions also apply to improvements (see the application and Appendices 1 & 2 for complete details).

- a. All improvements except for lot perimeter fences are to be set back from lot boundaries (measured at right angles) a distance of at least 25 feet and from the high-water mark of streams and rivers a distance of at least 100 feet.
 - b. The majority of the structure must have a roof pitch of 4/12 or greater.
 - c. The height of any structure cannot exceed 32 feet from the highest point of grade (backfill or terrain contacting the foundation).
 - d. Fences should consist of natural materials native to, or consistent with, the natural environment, such as poles, boards, stonework, or a combination thereof.
5. In all cases, owners should be considerate of their neighbors. Any RV's, equipment, tarp-covered wood piles, garbage cans, tanks, and similar items should be placed in the least obstructive point in terms of visibility to neighbors and roadways. Please use restraint in the wattage, number, and utilization of exterior lights, and use reflectors that reflect light downward (see appendix 2).

Process for Submitting an Application to the ACC.

1. Please submit an application as soon as plans are finalized, but no less than 90 days in advance of the intended construction start date. This will greatly reduce the potential for pre-construction delays in approval of the application.
2. Send the application to the chair of the ACC by email. If you do not have access to email, ground mail shall be used to send the application and the ACC response, however 35 day response times will replace the 28 day response times in parts 3 and 4 (Below). After the application has been received by all ACC committee members, the chair will contact you.
3. The ACC chair will provide a response to you within 28 days of when all ACC committee members have received the application. The response will either be approval, a request for additional written information, or a denial stating the points upon which the denial is based.
4. Submission of additional written information or a revision of a denied submittal will start a new 'clock' of 28 days from the time when all ACC committee members have received the new information.
5. Once approval is granted by the ACC:
 - a. Any changes in construction type, siding or roof material, siding or roof color, elevation, or location of the improvement requires a revised application.
 - b. Failure to begin construction within 180 days after approval by the ACC requires that the owner resubmit the application and re-obtain approval from the ACC.

- c. The exterior of any structure must be completed within 1 year, and other improvements (fences or other screens, exterior lighting) must be completed within 1 year.
- d. Should the building process exceed one year, a request for extension of time must be submitted to the ACC (see "Application to ACC for Time Extension for Lot Improvements and Building Plans" in Appendix 3, below), with a copy of the most recent approved application.

Appendix 1. Relevant sections from the High Lostine CC&Rs to landowner lot improvements.

The portion of the CC&Rs excerpted in this appendix is provided to assist land owners in understanding how the various ACC-relevant documents relate to one another. The sole legal source of the HLOA CC&Rs is the County Clerk.

SECTION 9. ARCHITECTURAL AND DESIGN CONTROL

9.2 Architectural and Design Review

9.2.1 Generally. No Improvement of any kind shall be commenced, erected, placed, or altered on any portion of the Property unless such Improvement is in conformance with this Section 9.2 and until plans and specifications showing the nature, kind, shape, height, material, color, and location of such Improvement are submitted to and approved by the Architectural Control Committee pursuant to the provisions of Section 9.3. All such Improvements shall be erected and altered in conformance with all applicable governmental laws, ordinances, rules, and regulations and with the requirements set forth in this Section.

9.2.2 Design Guidelines. The Architectural Control Committee shall have the authority to promulgate and issue, and thereafter to amend from time to time, design guidelines supplementing, interpreting, and not inconsistent with those set forth in this Section 9.2. Such guidelines shall be supplied in writing to all Members, shall be fully binding upon all Members as if set forth in this Declaration, and shall be applied by the Architectural Control Committee in reviewing and approving or denying proposed improvements. Without limiting the generality of the foregoing, the Architectural Control Committee shall have the authority to include in any such guidelines, among such other provisions as the Architectural Control Committee may deem appropriate: height restrictions with respect to Improvements to be constructed on the Property or any portion thereof, requirements and restrictions with respect to exterior lighting in addition to those set forth in this Declaration, requirements regarding parking and landscaping in addition to those set forth in this Declaration, signage restrictions, and requirements to be met in connection with construction activities on the Property or any portion thereof. Any requirements or restrictions set forth in the design guidelines need not relate to all components of High Lostine, if the Architectural Control Committee determines that only certain portions of the Property should be affected. All dwelling structures shall be

affixed to a permanent foundation and shall be of new construction. Mobile homes are prohibited. The Architectural Control Committee shall have full authority to define the term "mobile home", but shall do so consistent with the design criteria contained herein.

9.2.3 Exterior Finish. The exterior of the Improvements on all Lots, including without limitation the roof, materials, and color thereof, shall be subject to the approval or disapproval of the Architectural Control Committee and shall be designed, built, and maintained so as to be compatible with the natural surroundings, existing structures, and landscaping within High Lostine. Exterior trim, doors, railings, decks, eaves, and gutters, and the exterior finish of garages and other accessory buildings shall be designed, built, and maintained so as to be compatible with the exterior of the structure they are part of or adjoin.

9.2.4 Exterior Lighting. Any exterior lighting that is visible from any Lot or street shall be compatible with its surroundings, shall not materially increase the illumination on neighboring properties, and shall be approved by the Architectural Control Committee prior to installation.

9.2.5 Fences. (See Appendix 2 for approved modifications of this section). All fences and all fence finishes shall be approved by the Architectural Control Committee prior to installation. All approved fences shall be well-constructed of suitable fencing materials.

9.2.6 Service Facilities. Clothes lines, waste facilities, storage facilities, and other service facilities shall be screened so as not to be visible from the street or the street level of adjacent property.

9.2.7 Signs. (See Appendix 2 for approved modifications of this section). No sign of any kind shall be posted on any Lot except for one sign advertising the property for sale or rent and one sign each in the front and rear yards of not more than one foot in diameter indicating that the Property is protected by a security service or device.

9.2.8 Landscaping (see Appendix 2 for approved modifications of this section). During new construction, existing trees are encouraged to be retained. Only the trees and shrubbery within the immediate area of the building site and driveway may be removed. Removal of trees and shrubbery other than in the immediate area of the construction site shall be permitted only upon prior approval of the Architectural Control Committee, which approval may be granted without notice to other Members. Provided, however, that no tree six inches or more breast high diameter shall be cut at any time without the prior approval of the Architectural Control Committee after full notice and hearing. Also, provided, however, that pruning, thinning and removal of dead, dying, or hazardous trees are permitted without prior approval.

9.2.9 Concealment of Tanks. To the extent permitted by law, liquid petroleum, gas or oil tanks shall be concealed by housing of similar architectural design to the main structure.

9.3 Design Review Procedure

9.3.1 Submission of Plans. Prior to the commencement, erection, placement, or alteration of any Improvement on any Lot, the Owner desiring to commence, erect, place, or alter such Improvement shall submit plans and specifications to the Architectural Control Committee in accordance with such procedures as the Architectural Control Committee may establish from time to time. All plans and specifications shall conform to any specific requirements set forth in the design guidelines promulgated pursuant to Section 9.2.2 and shall provide sufficient detail to enable the Architectural Control Committee to determine whether the proposed Improvement is in conformance with the applicable requirements set forth in this Section 9 and in such design guidelines. The Owner shall also supply any additional information reasonably requested by any member of the Architectural Control Committee.

9.3.3 Approval. The Architectural Control Committee may approve a proposed Improvement as submitted or may impose specific conditions which must be met before approval will be granted. A decision by a majority of the members of the Architectural Control Committee shall constitute a decision of the Architectural Control Committee.

9.3.4 Commencement of Work. As soon as practicable after the receipt of approval by the Architectural Control Committee, if the Owner elects to proceed with the Improvement, the Owner shall satisfy any and all conditions of such approval, shall secure all necessary governmental permits and approvals, and shall commence construction of the approved Improvement. The Architectural Control Committee's approval of any proposed Improvement shall automatically be deemed revoked one hundred eighty (180) days after issuance unless construction of the Improvement has commenced or the Owner has applied for and received an extension of time from the Architectural Control Committee.

9.3.5 Completion of Work. The exterior of any approved Improvement shall be completed within one year after the date of commencement of construction, provided, however, that if the construction of any approved Improvement is delayed by causes beyond the reasonable control of the Person constructing such Improvement, the period shall be extended by the number of days construction is so delayed. In all cases, landscaping shall be completed to the reasonable satisfaction of the Architectural Control Committee within one year after substantial completion of associated Improvements.

9.3.7 Architectural Control Committee Discretion. The Architectural Control Committee, in its sole discretion, may withhold approval of any proposed Improvement if the Architectural Control Committee finds that the proposed Improvement would be inconsistent with the provisions of Section 10, or would be incompatible with the design standards for High Lotline, as set forth in this Section 9 and in the design guidelines promulgated pursuant to Section 9.2.2. Considerations such as sizing, shape, size, color, design, height, impairment of the view from other parts of the Property, solar access, and other effects on the enjoyment of other parts of the Property, as well as any other factors which the Architectural Control Committee believes to be relevant, may be taken into account by the Architectural Control Committee in determining whether or not to approve any proposed Improvement. The Architectural Control Committee, in its sole discretion, may, upon application, waive any

provision of this Section 9 if it finds that the application of such provision results in unnecessary hardship to the affected Owner and that strict application is not necessary for the furtherance of the objective to create an attractive development. Any action by the Architectural Control Committee shall be in writing and signed by at least two (2) members thereof.

Notwithstanding the foregoing, any Member shall have the right to appeal to the Board any decision of the Architectural Control Committee by giving written notice thereof to the Secretary within seven (7) days of the date of the Architectural Control Committee's written decision (the "Committee Decision"). The Board shall give all parties who appeared before the Architectural Control Committee an opportunity to submit oral or written arguments, as designated by the Board, to the Board. If the Board designates that its decision will be on written argument only, the Board's notice shall give all parties 14 days to submit written arguments. If the Board decides to accept oral argument in addition to written argument, the Board shall set a hearing date within 30 days of the date the Notice of Hearing is given. The Board shall render its written decision within seven days of the Board's meeting to consider the appeal.

9.3.8 No Liability. Neither the Architectural Control Committee, nor any member thereof, nor the Association shall be liable to any Owner, Occupant, Developer, or other Person for damage or loss suffered or claimed as a result of any action or failure to act on the part of the Architectural Control Committee or any member thereof, so long as the Architectural Control Committee or such member has acted in good faith based on actual knowledge.

9.3.9 Non waiver. Approval or disapproval by the Architectural Control Committee of any matter proposed to it or within its jurisdiction shall not constitute a precedent or waiver or impair in any manner whatsoever the right of the Architectural Control Committee to grant or withhold approval as to any similar matter thereafter proposed or submitted to it for approval.

9.3.10 Estoppel Certificate. Within twenty (20) days after receipt of a written request from any Owner, and the payment by such Owner of such reasonable fee as may be fixed by the Board from time to time to cover costs, the Architectural Control Committee shall provide such Owner with an estoppel certificate executed by a member thereof, certifying with respect to the Lot(s) owned by such Owner that, as of the date of the certificate, either (i) all Improvements on such Lot(s) comply with this Declaration, or (ii) such improvements do not so comply, in which event the certificate shall also identify the noncomplying Improvements and state with reasonable particularity the nature of such noncompliance. Any purchaser from an Owner, and any mortgagee or other encumbrancer, shall be entitled to rely upon any such certificate as to the matters set forth therein, such matters being conclusive among Declarant, the Architectural Control Committee, the Association, all Owners, and such purchaser, mortgagee, or other encumbrancer.

SECTION 10. PROPERTY USE AND RESTRICTIONS

10.1 Improvements Permitted. No Improvement shall be erected or permitted to remain on any Lot except Improvements consisting of or containing one Residential Unit and Improvements normally accessory thereto, including but not limited to additional structures incidental to use of primary residence. The provisions of this Section 10.1 shall not be construed to prohibit construction of a private greenhouse, storage unit, private swimming pool, or structure for the storage of the boat, camping trailer, and/or recreational vehicle, so long as any such Improvement has been approved by the Architectural Control Committee and is otherwise in conformance with this Declaration and applicable governmental requirements.

10.2 Residential Use. Except as provided in this Section 10.2, Lots shall be used solely for residential purposes. Without limiting the generality of the foregoing, no trade, craft, business, profession, commercial, or similar activity of any kind shall be conducted on any Lot, unless only normal residential activities would be observable outside the Residential Unit in question and the activity would not violate applicable law. Nothing in this Section 10.2 shall be deemed to prohibit or limit (i) activities relating to the sale or rental of Residential Units, or (ii) the right of Declarant or any Developer to construct a Residential Unit on any Lot or to store construction materials and equipment on any such Lot in the normal course of construction.

10.3 Landscaping and Maintenance. Each Owner and Occupant shall maintain such Owner's or Occupant's Lot and the Improvements thereon, at such Owner's or Occupant's expense, with a goal of keeping the area aesthetically pleasing, consistent with natural surroundings, and, after initial construction, reducing the risk of wildfire. Required maintenance and repair shall include without limitation (i) maintenance of all parking areas, private drives, curbs, and walkways in a clean and safe condition, including cleaning and repairing as often as necessary, and (ii) maintenance of exteriors of buildings in an attractive and neat condition at all times. In addition, each Owner and Occupant shall maintain in good condition and repair the sidewalks, street trees, and grass and other landscaping, if any, between the sidewalks and curbs bordering on such Owner's or Occupant's Lot. If the Board determines that maintenance and repairs are not conducted as required pursuant to this Declaration and the Occupant fails to perform such maintenance and repairs within thirty (30) days of the effective date of a notice from the Association setting forth the deficiencies in reasonable detail, the Association may conduct the necessary repairs or maintenance as provided in Section 11.

10.5.6 Temporary Structures. No structure of a temporary character, trailer, camper, motor home, tent, shack, garage, barn, or other outbuilding shall be permitted or used in High Lostine at any time as a residence, except as a temporary dwelling up to one year during construction only.

Appendix 2. ACC Interpretations of the CC&Rs.

(The following document was approved at a 4-28-00 meeting of the HLOA Board of Directors; reviewed with general membership at 4-27-02 annual meeting. Participating members of the ACC: Fred Brockman, Ed Shaul, and Dick Bull)

The Architectural Control guidelines in the CC&Rs for the High Lostine Owner's Association (Appendix 1 above) provide general language related to maintenance of the appearance of lots that is open to interpretation by the ACC. The decisions described below were made 1) in light of the perceived intent of guidelines, 2) to extend these guidelines with some specificity where it appeared warranted, and 3) to modify the guidelines where their intent appeared contradictory to the safety and best interests of the subdivision and the surrounding forest.

The following items have been drafted by the ACC for discussion and, if appropriate, ratification by the landowners and Board at the annual meeting. In its action, the HLOA will be setting precedent for actions to be taken in the future. We believe this process will help the ACC to understand the will of the homeowners, and also assist in making fair and effective decisions in the future.

1. Trailers, fifth wheels, campers, tractors, and non-routinely used vehicles. Every attempt is to be made to keep trailers, fifth wheels, campers, tractors, and non-routinely used vehicles as inconspicuous as possible so as not to negatively impact the natural beauty of the forest surroundings and the residential atmosphere of the neighborhood. Whenever possible, some form of visual screening is to be created by either evergreen natural plantings or by manufactured materials of matching or harmonizing color to the natural surroundings.

If unable to effectively provide such screening, trailers, fifth wheels, campers, and non-routinely used vehicles are to be parked behind or beside the main structure on the lot so as to lessen the visual impact from the public way. Any constructed protective structure for such vehicle(s) is also to be located adjacent to the main structure on the lot to lessen the visual impact from the public way, and must be approved by the ACC.

It is understood that such vehicles often require level ground or creation of a pad. Owners are therefore encouraged to submit pad or footprint plans with their main dwelling building plans to the ACC prior to construction. Owners of existing dwellings must also submit plans of vehicle storage structures for ACC review. Please feel free to consult a member of the ACC in advance should you have any questions or concerns.

2. Wood and metal signs. The CC&Rs indicates that signs are to be small and unobtrusive and the language might be interpreted to limit the type of material used in such construction. The CC&Rs do state that there should be no more than one sign per lot. The ACC has interpreted this prohibition as pertaining to the posting of commercial signs as no business is to be established within the development. In the survey, several homeowners identified that their signs might be in violation of this rule. These were signs identifying the owners and the address and signs indicating that there should be no trespassing or similar warnings (e.g. beware of the dog). In the opinion of ACC such signs are deemed acceptable as long as they are of a size deemed reasonable for these purposes and they are not lighted in any way.

Generally, signs identifying the owners would be posted at or near the entrance to the lot and may be constructed of wood or metal. The ACC would rather not be proscriptive on size, but

would be happy to consult with any homeowner that has a question. Having placed a sign to identify the owners will still allow the posting of an additional signs for purposes of warning (e.g. no trespassing, beware of the dog). However, these additional signs should be confined to a single post or tree near the entrance to the lot.

3. Stand-alone metal gates. The CC&Rs make provisions related to fencing, but are not specific with respect to gates. Several homeowners have placed gates, most frequently made of metal, in the absence of fencing. Our records do not show that the ACC had been approached about the gates. The ACC has determined that the gates present as of April 1, 2002 were of a type and style similar to that used by the U.S. Forest Service and would be considered acceptable in the future. That is, a gate must be unobtrusive, simple, and be of natural (green, brown, earth tone) color if painted. Gates must be maintained in good repair and appearance.

The ACC does, however, note that the CC&Rs are specific about fencing. Since gates are usually integral parts of fences, it is believed that the nature and construction of the gate should be specified in applications to the ACC in the future. In the future (i.e., post May 1, 2002) an application should be submitted to the ACC for the installation of gates, even when they stand alone.

4. Removal of trees and brush for fire protection. The CC&Rs allow for removal of trees and shrubbery within the immediate area of the building site and limit removal, except with prior approval of the ACC, on other portions of the lot. The ACC desires that lots be managed to reduce the hazard from wildfire, and will therefore support the judicious removal of ladder fuels and thinning of trees consistent with guidance provided by the Oregon Department of Forestry (ODF). The removal of trees and brush is to be done judiciously, and is not an endorsement for over-thinning of trees or a requirement for removal of all brush. The intent of the CC&Rs is to maintain indigenous vegetation and a woodland quality on the High Lostine lots. A mixture of large and small trees should be retained when thinning trees. To assist in retaining natural grouping of vegetation, owners may elect to retain patches of more dense trees or brush provided they are well separated from other patches. Owners that over-thin their lots, based on the ACC's interpretation of the ODF guidance, will be heavily fined. Therefore, the ACC encourages owners to meet but not exceed ODF guidance. If you have questions, consult with a member of the ACC prior to your thinning activities.

Appendix 3. Application to ACC for Time Extension for Lot Improvements and Building Plans.

(Revised May 2012)

Please "cut and paste" this application to a new page, then complete the application and email to the chair of the ACC.

Name _____

Tax Lot Number _____

Date of Application _____

1. Please attach a copy of your previously approved ACC application (to insure that there is no confusion with the application that the ACC has on file).
2. Reason improvements have not been completed.
 - a. Could not make appropriate contractual arrangements for construction
 - b. Insufficient time to complete
 - c. Other (short explanation requested)
3. Have your plans changed in a way that will substantially modify the appearance of the planned improvement?
 - a. Yes (please describe planned change in attachment)
 - b. No
4. New completion date _____