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ARCHITECTURAL CONTROL COMMITTEE

The following pages are the Charbonneau Country Club's *Policies, Procedures, Restrictions, and Standards for Architectural Control in Charbonneau*. This architectural control agreement was first adopted and put into writing in early 1995. Since then, different sections of the agreement have been revised by the Architectural Control Committee which has representation from Charbonneau Country Club and all of the individual homeowner associations* in Charbonneau.

In 2008, the Committee reviewed the text of the agreement in its entirety. The purpose of this revision was to create a more comprehensive document for architectural control matters in Charbonneau.

Homeowners need to refer to these architectural standards and restrictions whenever a change to the exterior of a residence is contemplated. **Association Architectural Control representatives must be contacted before painting, roofing, landscaping, fences, or other exterior work commences.** Obtain an architectural change form for approval from the association's architectural committee.

When doing construction or other maintenance work, homeowners and contractors must adhere to the City of Wilsonville Noise Ordinance.

The following is an excerpt of City Code # 6.204 (2)

Noises Prohibited:

(i) Construction or Repair of Buildings, Excavation of Streets and Highways. The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 9:00 p.m., on weekdays, Pacific Daylight Time, and 9:00 am and 7:00 pm on Saturdays, Pacific Daylight Time, and 7:00 am to 8:00 pm, on weekdays, Pacific Standard Time, and 9:00 am to 6:00 pm, on Saturdays, Pacific Standard time. In cases of emergency, construction or repair noises are exempt from this provision.

(j) Blowers, Lawn, Garden, Household Equipment, and Similar Devices. In residential areas, between the hours of 8:00 p.m. and 7:00 a.m., on weekdays, and 8:00 pm and 9:00 am on weekends, the operation of any noise-creating blower, power fan, lawn, garden, or household equipment, or any internal combustion engine, the operation of which causes noise due to electric power or the explosion of operating gases or fluids, provided that the noise is unreasonably Loud or Raucous and can be heard across the property line of the property from which it emanates.

For noise concerns / complaints, call the City of Wilsonville at 503-682-1011

Summary of Wilsonville Code:

In other words, no construction, demolition, alteration, or repair that creates noise is allowed on Sundays. Yard work or landscaping noise is limited from 9am to 8pm on weekends and 7am to 9pm on weekdays.

Special note for Charbonneau: Noise created by maintenance machinery and workers on the Charbonneau golf course is excluded from these noise restrictions.

* *For the purpose of this document, Lakeside, Village Green I, and Village Green II neighborhoods function as independent entities, however these three neighborhoods form one homeowner association.*

AGREEMENT FOR THE ARCHITECTURAL CONTROL OF CHARBONNEAU

THIS AGREEMENT became effective on January 9, 1995, the date it was adopted and signed by the CHARBONNEAU COUNTRY CLUB (the "Club") and all of Charbonneau's homeowners associations. It was revised in August 2006 and minor revisions have continued over the years. Revisions are adopted by the CCAC and approved by the Charbonneau Country Club board of directors. The Agreement is between the Club and all of the Charbonneau homeowners associations, which become a party hereto. It is for the purpose of organizing the cooperative participation of all said associations with and as part of the Architectural Committee of the Club; establishing procedures for the coordinated functions of all Charbonneau architectural committees; and the adoption and enforcement of standards to govern architectural matters in protecting and maintaining the quality of Charbonneau's architectural integrity.

I. ARCHITECTURAL COMMITTEES

- A. Homeowners Associations (HOA):** Each HOA shall appoint an Architectural Committee (HOA-AC) in accordance with their By-laws and CC&R. Each HOA-AC shall also serve as a subdivision of the Country Club Architectural Committee (see III.A.)

- B. Country Club**
 - 1. **Country Club Architectural Committee (CCAC):** Chair of this community-wide committee shall be appointed by the President of the Charbonneau Country Club Board of Directors and shall preferably be a current or past member of the board. Members of the CCAC shall be the chairs from each HOA-AC.

 - 2. **Executive Committee of CCAC:** The day-to-day functions of the CCAC shall be handled by an Executive Committee. The Executive Committee shall consist of three (3) members appointed by the Board of Directors of the "Club" in accordance with CC&R Article VIII, Section 3. Appointments are to be made as vacancies occur.

II. TERMINATION OF AGREEMENT

This Agreement between any homeowner association and the Country Club may be terminated by either party with a 30-day written notice which states "cause." In the event of termination the working relationship between the Country Club and the homeowner association shall revert to the relationship that existed prior to the date of this Agreement under which the HOA standards and procedures must be equal to or exceed those of the Country Club and where the HOA-AC will not be a member of the CCAC.

III. AUTHORITY

- A. Individual HOA-ACs:** The individual HOA-ACs shall act on all matters of architectural control within the area of their jurisdiction and in accordance with the agreed upon standards herein except for the items reserved for CCAC action as later setforth. The areas of responsibility delegated to the HOA-ACs are: 1) non-architectural duties assigned by their HOA; 2) landscaping; 3) painting; 4) remodeling and additions consistent with the architecture of the respective HOA area; 5) detailed standards, specifications, and materials to be used for the repair and replacement of siding, roofing, windows, doors, fences, arbors, walls; and 6) other matters of architectural control not assigned to the CCAC. Actions by individual HOA-ACs in their areas of responsibility and in accordance with agreed upon standards constitute an official action of the Country Club Architectural Committee. HOA failure to comply with the standards and rules specified in this Agreement, including providing written or oral approval to a homeowner for an architectural change that is not allowed or does not follow the standards and rules herein, may require a remedy of the violation if so determined by the Executive Committee of the CCAC or the Charbonneau Country Club board.

- B. Country Club Architectural Committee (CCAC) and/or the Executive Committee of the CCAC** shall have jurisdiction over: 1) construction on vacant lots; 2) general standards for painting, siding, roofing, landscaping, remodeling, and additions; 3) architectural matters concerning commercial buildings, including residential apartments and other businesses; 4) procedures for documenting actions; 5) all matters that are not covered by existing standards; 6) all matters concerning change in architectural appearance that are a departure from existing standards.

IV. MEETINGS

- A.** HOA-ACs shall meet as required with the meeting times and places established by the chairperson or HOA president.
- B.** The Executive Committee of the CCAC shall meet as required with the meeting times and places established by the chairperson. Special meetings can also be called at the request of any Executive Committee member.
- C.** The CCAC shall meet at least twice annually and as otherwise required for the purposes of reviewing and establishing standards and procedures, reporting on HOA activities, and other matters of importance. A special meeting of the CCAC shall be called at the request of any CCAC member if such request is approved by the Executive Committee.

V. RESIDENTIAL STANDARDS

- A.** The HOA-ACs shall adhere to architectural standards that are in keeping with the CC&R and By-laws of their association and that are equal to or more restrictive than the requirements of the Country Club CC&R, By-laws and the standards herein stated.
- B.** The following are the standards for various items followed by the date of adoption indicated if adopted after 1/9/95:

- 1. Roofing (1/15)**

Regardless of material selected below, roof colors must be in shades of gray, brown, or black. Colors such as red, blue, or green are prohibited. The roofs of the home, garage, and any other "out" buildings must be roofed with the same roofing material. Selection of roof material, including color, must be approved in writing by the appropriate HOA-AC.

Approved roofing materials and general criteria for application:

- a) Tile that is fired clay, ceramic or concrete. When changing from shakes to tile a careful structural analysis of the roof framing must be done to assure that it is strong enough to carry the heavier load.
- b) Metal roofing material marketed under the name of Interlock Roofing, Ltd. Equivalent metal roofing will be considered but must be approved by CCAC and the architectural control committee for the appropriate homeowners association.
- c) Asphalt roofing material with a minimum 350 pound per square (10'x10' square) weight and limited to shades of black, gray, or brown. Shades of green, blue, red, or similar colors are prohibited. Manufacturer examples of this material are: Certaineed Presidential Shake; Presidential TL Shake or Shangle; Grand Manor, or GAF Grand Sequoia Shingle; IKO Armourshake; Pabco Paramount Shake/Shingle; Pabco Premier Advantage shingle; Owens Corning asphalt shake; or a similar product meeting weight and color specifications above..
- d) Synthetic polymer shake or slate shingles such as DaVinci slate or shingle, or equal or better quality material from similar manufacturers. Approved colors are shades of gray, brown, or black.
- e) Samples of the exact tile, metal, asphalt, or polymer roofing (items c, d, e, & f above) to be used must be submitted to the HOA-AC for approval.
- f) Setting standards that are brand name specific does not constitute an endorsement of the product by the CCAC or the HOA-AC and these organizations do not accept any liability for the performance of the product.
- g) It is highly recommended that individual owners in multi-owner residential structures replace all roofs, including garages, simultaneously with the same material and color. In the event owners decline to replace at the same time as their roofmates, owners in multi-owner residential structures with attached roofs on homes or garages may replace roofs with a material different from the adjacent roof. Roofs on the same plane (no elevation between individually-owned roofs) must have a pressure-treated 4x4 covered with metal flashing, including a cap, installed between two

different roof materials. The flashing and cap must be the same color as the new roof material and the cap must be a single continuous piece. The flashing and 4x4 border must be removed when the older, adjacent roof is replaced. The older roof replacement must match the roof material and color of the newer roof.

- h) When installing asphalt shingles, the City of Wilsonville recommends vents in roof soffits above garages that have been sheet-rocked or otherwise enclosed to allow air flow under roof. Failure to do so may void warranty on asphalt-shingled roofs.

2. Siding (1/15)

Approved house siding materials and general criteria:

- a) Clear, beveled cedar siding
- b) Cedar siding that is molding cut
- c) Finger-joined, clear, beveled cedar siding
- d) Cedar shingles
- e) Stucco and synthetic stucco. Must be installed within strict conformance of the manufacturer's guidelines. Color and texture must be approved by HOA-AC.
- f) Brick with color approval required by HOA-AC
- g) Stone or synthetic stone of a grade equal to or better than the product manufactured by Owens-Corning under the name of Cultured Stone. Must be applied within strict conformance of manufacturer's installation instructions. Samples must be approved by HOA-AC for color.
- h) Cement/Fiber Siding - A composite material of cement and fiber that is shaped and textured to resemble cedar siding, manufactured under the names of Hardiplank, Certainteed or other similar quality sidings of this type. Board style shall be Colonial Roughsawn, Cedar Mill, or Rustic Cedar.
- i) When replacing boards on a house with a different material than that which is on the house, the entire side of the house must be replaced with the new material and must be homogenous in appearance.
- j) Setting standards that are brand name specific does not constitute an endorsement by the CCAC or the HOA-AC and these organizations do not accept any liability for the performance of the product.

3. Painting (1/15)

Written approval from the HOA-AC is required prior to painting any residence location. House and trim colors must be selected from the approved Charbonneau exterior paint color chart. No other colors except those from the approved color chart are acceptable or allowed. The exterior paint color chart is available from the HOA-AC or the CCC office. Individual HOAs may limit the number of colors in their respective neighborhoods to fewer than those on the approved color chart.

- a) Trim and house colors must be selected from the same "scheme" or grouping of two or three complementary colors. Selecting colors from different schemes for the same house is prohibited, however the colors "pearly white," "super white," "snowbound," and "extra white" may be used as a trim color with any of the color schemes
- b) The approved colors called "pearly white," "super white," "snowbound," and "extra white" shall only be used as a trim color on trim and fascia boards and gutters and may not be used as a house color
- c) Garage doors may be painted the house color or trim color at the discretion of the HOA-AC.
- d) Subject to approval and at the discretion of the HOA-AC, natural wood garage doors are allowed; any stain must be complementary to the chosen approved color palette. Garage doors must be regularly maintained
- e) Homeowners may choose any color, including colors not on the approved color chart, for front and side doors (excluding garage or golf cart doors). Individual HOA-AC Committees may be more restrictive on this rule.
- f) Shutters may be painted the house trim color, the house color, black, or white. Shutters and their color must be approved by the individual HOA-AC.

Homeowners may not avoid painting with a color from the approved color chart by painting one or two sides of a house using colors that were approved prior to April 8, 2008. Approximately 25% of the siding boards on one wall may be replaced and painted the same color prior to replacement. When more than 25% replacement occurs, the HOA-AC may require, at its own discretion, that the entire house be painted a color(s) from the approved color chart.

After the adoption of this color standard and rule, any home (trim or body) that is newly-painted with color(s) other than the colors approved by the Charbonneau Country Club Architectural Control Committee will be required to be repainted at the expense of the party responsible for painting the home, either the homeowner or the Homeowners Association. The home must be repainted within 90 days. Failure to repaint the home within the allotted 90 days will result in a fine assessment of \$25/day as described in CCC Resolution 100. (see Appendix to these architectural standards and rules)

This paint color restriction does not constitute an endorsement of any paint manufacturer or product and the CCAC and HOA-ACs do not accept any liability for the performance of any paint product.

4. Garage Doors with Windows (04/13)

Subject to approval and at the discretion of the HOA-AC, garage doors with windows are allowed as long as the style of the door and windows are consistent with the style of the house. Window glass is required to be opaque/obscure and be located in the top panel of the door. Windows in garage doors that do not meet these criteria are prohibited.

5. Landscaping / General Maintenance (10/08)

Homeowners are responsible to properly maintain their residence locations / properties at their own expense. The following are the minimum standards required:

- a) Roofs shall be free of moss and debris
- b) Painted surfaces shall not be faded, cracked or peeling
- c) Gutters shall be clean and in good working order
- d) Broken windows or windows with damaged seals must be repaired or replaced
- e) Deteriorating or damaged driveways must be repaired or replaced
- f) Lawns shall be trimmed and mowed regularly and must be free of weeds
- g) Lawns and landscaping shall be well-maintained
- h) Lawns shall be re-seeded as needed to maintain a consistent bed of grass without bare spots
- i) Shrubbery shall be kept trimmed and dead plants removed or replaced
- j) Planting beds and barkdust areas shall be free of all weeds
- k) Rubbish and debris, including landscaping debris, shall be removed at least weekly
- l) Dead trees shall be removed and replaced (see point #17 for additional info on tree removal)
- m) Landscaping with drought-tolerant plants, otherwise known as xeriscaping, may replace lawn and plant beds; this requires approval of the HOA-AC
- n) Special features such as lighting, fountains, yard “art” or other similar items require approval of the HOA-AC

Major changes to landscaping require a written plan or sketch, which must be approved by the HOA-AC. Any landscaping done that results in a change of value of \$1,000 or more in any one year is a major change. Requests for landscape changes shall have a time frame for completion. If applicant exceeds approved completion dates then the HOA-AC must approve an extension or Resolution 100 may be imposed until completion.

6. Artificial Grass (05/09)

As of May 2009, artificial grass that is **not in public view** from either the street or golf course is allowed in Charbonneau. **Artificial turf in public view is prohibited.** The following are the minimum standards for installation of artificial grass:

- a. Artificial Grass/Turf for use in Charbonneau would be either lawns or putting greens.
- b. Lawns would be allowed in back yards or courtyards, areas not viewed by the public.
- c. Putting greens may only be installed in the backyards or courtyards, areas not viewed by the public.
- d. These installations shall require the approval of the individual HOA-AC. It is not the intent to replace natural grass where the HOA is already providing landscaping and maintenance services. Where the homeowner is responsible for upkeep and maintenance, with the approval of the HOA, artificial grass/turf may only be used in the above locations.
- e. Must have a minimum of 7 year product warranty and one year installation warranty.
- f. A minimum of 4 inches of existing soil, including loose soil, must be removed from the site.
- g. If drainage problems exist, a drain field must be built and connected to the existing rain drains.
- h. If the site has good soil, a minimum of 4 inches of crushed rock foundation to provide for rainwater collection for rain downpours until the water can be naturally absorbed into the ground below the grass.
- i. Base rock must be $\frac{3}{4}$ inch minus crushed quarry rock placed to a depth of 4 inches, graded and compacted with a power compacting device, such as a vibratory plate compactor.
- j. Acceptable grass yarns must be monofilament and be of Polypropylene or Nylon.
- k. Minimum length of lawn tufting is to be 1.75 inches. This will minimize the “fake grass” look as the product ages. Underlying and tertiary support yard will be shorter
- l. Minimum gage of row width must be $\frac{3}{8}$ inches. This is the distance between the rows of tufting.
- m. The denier (how thin or fine the individual yarn shafts are) also affects the realism and natural appearance.
- n. Pile weights are the actual weight of the yarn per finished square yard of turf. Recommended minimum weight of 80 oz/ sq. yd. for products with infill and 56/oz/ sq. yd. for products without infill. Infill provides support for the turf so that the grass (yarn shafts) will stand up. Products without infill provide a fiber support structure to support the turf.
- o. Secondary backing, which helps anchor and support the tufts must be a minimum of 20 oz / sq. yard.
- p. Combined Pile and backing weights must be minimum 80oz/sq yard.
- q. Must be professionally installed to manufacturer’s specifications.
- r. All seams in the artificial grass must be joined with a 6 inch hot seaming tape or a 12 inch strip of backing fabric using an all-weather glue or a 12 inch waterproof membrane with adhesive backing.
- s. The turf must be anchored to the base rock using spikes every 6 inches around the perimeter, along each seam, and throughout the lawn as specified by the manufacturer.
- t. Additional anchoring by spikes or infill is required to meet the manufacturers specifications

Reminder: Artificial turf in public view is prohibited.

7. Fences/Walls/Lattices/Privacy Screens (04/13)

Fences and low walls on the golf course side of lots must be approved by the HOA-AC and no new fences and/or walls may exceed three feet in height. If the fence or low wall is adjacent to a deck or patio on the golf course side, the height of the fence or wall is measured from the deck/patio surface. If the fence or wall is not adjacent to a deck or patio, then the height is measured at the lowest grade adjacent to the fence or wall. Therefore, fences or walls on sloping ground and not adjacent to decks or patios may range in height from 0 to 36 inches. The top of the deck or wall is to be level, not sloping.

If a deck or patio on the golf course side of the house is built on ground that slopes down and away from the house, the deck or patio must be built to current State building codes. Depending on the grade, guardrails may be required by Code around the edges of part or all of the deck or patio. Decks or patios proposed to be constructed above the natural grade on the golf course side of lots must have plans approved by the HOA-AC. Appropriate screening of the structure (i.e. deck framing or patio retaining wall) below the elevation of the deck or patio must be provided.

Walls or fences are to be made from brick, stucco, tile, rock, metal, wrought iron, or wood and must be approved by the HOA-AC. Other materials and colors will be considered pending approval from the HOA-AC and the Executive Committee of the CCAC. Fence height must be within the City of Wilsonville code, which states fences in front yards or on side yards forward of the building line of single family dwellings shall not exceed four feet and fences in rear yards shall not exceed six feet. No fence, wall, or privacy screen in any location may exceed six feet in height from ground level. Existing/original fences/walls may be repaired/replaced at the original height but may not exceed the height of the adjoining fence/wall at the junction. Then the new fence or wall may be evenly stepped to a different height, not to exceed six feet. Sample materials must be submitted along with a written application. Materials other than those listed above must be approved by the CCAC. Wood fences are to have cedar, redwood, or fir as face boards and fir or other durable material for frames. Fences/walls are to be constructed such that both sides have the same appearance. Posts are to be metal set in concrete or pressure treated wood. Wood fences must be maintained in a natural finish and treated with weather sealer or painted the same color as the house. Natural brown wood-tone tinted stain is allowed. Interior side (courtyard side) of fences may be left natural with public-view side painted the same color as the house. If painted, the written consent of the adjacent homeowners is required, unless painting is administrated at the association level. Existing walls built prior to the date above are “grandfathered” in as conforming.

Wooden vertical lattices are allowed on the top of a wood fence. Lattices must have open areas between slats or boards to meet City of Wilsonville code and may have vegetation covering the trellis. Lattices may not extend beyond the length of the fence to which they are attached. The height of any Lattice is limited to 24 inches above the fence. Wilsonville city code limits fence height to six feet. Lattices may be stained natural or painted the color of the fence (the same color as the house).Lattices are allowed only on fences between homes with approval from all line-of-sight neighbors. They are prohibited on any fence along French Prairie Road, Miley Road, and/or the street side or golf course side of any residence. Wood and vegetative materials on lattices must be maintained and have an attractive appearance. Installation of lattices requires the approval of the appropriate HOA-AC. Individual HOAs may further limit or prohibit lattices in their specific areas of jurisdiction.

8. Gates and Entry Arches / Arbors (4/26/11)

This section pertains to gates in fences or walls and any attached arches or arbors above or surrounding the gate plus free-standing arches or arbors. Height restrictions for the attached arches or arbors may not exceed nine feet from the ground at the highest point. Gates should be the same height as the adjacent fence or wall, unless they are contoured at the top, with a maximum height of eight feet allowed. Gate and arch or arbor materials must be metal or wood or similar materials to be approved by the HOA-AC. Wood must be preserved and maintained if unpainted. Bright colors are not allowed and color must be approved by the HOA-AC. All new gates, arches or arbors require approval by HOA-AC.

9. Golf Ball Protective Screens

Golf course protective screens must have written approval of the HOA-AC. Homeowners must submit sketches or diagrams showing installation relative to both home and golf course. No vegetation or slats are allowed on protective screens. The goal is to allow adjacent homeowners a view of the golf course.

10. Patio Covers/Arbors/Pergolas

Patio covers must be one of the following:

- a) A design that is consistent with existing covers that are covered with alternate boards and open spaces to provide a sun shade effect. Materials are to be cedar, redwood, pressure treated fir, aluminum or vinyl that is textured to simulate wood boards, Trex, or similar material approved by the HOA-AC. The cover is to be painted consistent with the house color or trim or left natural. Wood must be preserved and maintained if left natural. The design is to be approved by the HOA-AC before installation.
- b) A patio cover with a roof must be consistent with the house design and have a roof that matches the house roof line and roof materials. If painted, the paint color and trim is to match the house. Natural color stained cedar roofing is also acceptable. Approval by the HOA-AC is to be based upon prepared plans that give full details.
- c) Polycarbonate material, commonly known as Lucite or Plexiglass, conditioned upon the installation of a compatible roofing structure that is framed and trimmed. Color is limited to clear or slightly tinted. Design approval by the HOA-AC is required.

11. Patio Decks

The design of all new or re-built patio decks that are visible to public view, including streets, sidewalks, golf course, and adjacent residents, must be approved by the HOA-AC. Patio decks may be surrounded by a low wall or railing not to exceed 36 inches above deck level. The wall or railing must be included in the design plans. Fences or walls that exceed 3 feet as of June 2006 shall be “grand-fathered in” until such time that replacement is necessary. Such fences or walls must then be compliant with the stated restrictions. A property line survey, to be paid by the property owner or person requesting approval, is required for any deck, patio, or other structure or building added on the golf course side of a lot or adjacent to any HOA common areas or to identify any recorded easements or right-of-way.

12. Over-the-Air-Reception and Dish Antennas (4/4/12)

Compliance with this section is critical to protecting Charbonneau’s architectural aesthetics and market values. In order to maintain good visual appeal, dish antennas shall be located so as to not be visible from the street, neighbors, or golf course to the maximum extent possible. It is recommended that homeowners meet with their HOA-AC to determine the most desirable location prior to installation. To the extent possible at reasonable costs and without preventing an acceptable quality of signal, all dish antennas shall comply with the following:

- a) The dish antenna shall be located in a position out of public view to the maximum extent possible while providing an acceptable signal. Location and installation of the dish antenna is best facilitated by professional installers qualified in determining satisfactory reception.
- b) Top priority should be given to the following locations: in courtyards, below tops of fences; and ground level in areas such that the dish antenna is hidden by landscape plantings; and other areas which create a minimum of public view.
- c) The dish antenna shall be painted the primary paint color on the structure it serves. Application of paint shall be to the specification of the dish antenna manufacturer.
- d) In the event that a dish antenna has been installed in violation of these regulations, the CCC-AC has the authority to require that the dish antenna be moved to another location that will provide an acceptable signal.
- e) Satellite dish antennas and their supporting hardware no longer receiving service or non-functional satellite dish antennas and hardware must be promptly removed from all structures and/or properties.

Exterior antennas and satellite receivers and transmission dishes are prohibited in Charbonneau except to the extent expressly mandated by rules adopted by the Federal Communications Commission pursuant to the Telecommunications Act of 1996. Specifically, ham radio antennas, satellite dishes one meter or larger, television antennas on masts 12 feet or higher and multi-point distribution antennas more than one meter or on masts 12 feet or higher are all prohibited. For more information on the Telecommunications Act visit www.fcc.gov/telecom.html.

13. Storage Sheds (10/08)

All storage sheds must be approved by the HOA-AC prior to installation. Approval of homeowners or property owners with line-of-sight views of the shed is also required.

- a) Detailed plans and specifications must be submitted to the HOA-AC for approval. Plans must also have City of Wilsonville approval if the shed is over 120 sq. feet in area or over 10 feet high or if it is attached to the residence.
- b) Sheds must be located in a rear or side yard and be surrounded by a privacy fence or privacy screening of landscape materials 6 feet high and be hidden from public view from the street, sidewalk, common area or golf course.
- c) Pre-fabricated sheds made of metal, rubber, vinyl, or similar material are prohibited.
- d) Siding materials of sheds must match the house. Any new materials that may have a wood-like appearance resembling the siding of the residence shall be approved by the HOA-AC and CCC-AC Executive Committee.
- e) Roofing materials of sheds must match the roof materials of the house.
- f) Paint and trim colors must match the house.
- g) Maximum height at gable is limited to 12 feet above the adjoining ground level except as noted.
- h) Maximum size is limited to 225 square feet. Designs that meet these basic standards may be approved by the HOA-AC. Any departure to a lesser standard must be approved by the CCAC. A representative of the HOA-AC shall verify completion in accordance with the approved design. A record of this inspection is to be kept by the HOA-AC.
- i) Existing sheds installed prior to October 2008 are “grandfathered in” until such time as replacement is required. At such time, the above rules shall apply to the replacement shed.
- j) Greenhouses must comply with all rules set forth for sheds.

14. Awnings / Canopies / Exterior Window Shades (04/14)

Awnings designed to provide shade during daytime hours may be installed in courtyards and backyards and may only cover patios and/or decks. Awnings shall be made of high quality, woven fabric. Awnings must be mounted to vertical surfaces and not on the roof. The extended height of the leading edge above the patio or deck must be a minimum of 74 inches. The extended edge should be finished or capped with a straight hemmed valance or metal or high impact plastic housing. Exterior solar shades are used for sun control. Solar shades must be made of non-woven screen-like material. Both awnings and solar shades must be attached to the house, retractable, and professionally installed. Awnings and solar shades must be retracted after dusk. All components must be solid neutral colors and must be compatible with house colors. Installation of awnings and exterior solar shades must be approved by the HOA-AC. Exterior manual roll-up shades or roll-up shades made of bamboo, vinyl, or similar-looking material are **prohibited**. (see **L. in Prohibited section**) Canopies or temporary shade tents are not permitted except for short-term, special events and must have HOA-AC approval.

15. Window Policy (04/14)

Charbonneau was planned and designed to provide “open space” such as the golf course and green belt (common areas), with landscaped areas in front of, beside and behind townhouse and single homes, while maintaining individual privacy for each homeowner. It is for this reason that the Charbonneau Country Club has established the following window policy to protect the design, privacy, and security of our community.

- a) The CCC will not approve windows to be added to an existing structure (home or garage) or a new structure (home or garage) that will look into another homeowner’s private space (home or courtyard).
- b) Sliding glass doors, French doors, and storm doors are subject to the CCC Window Policy.
- c) Any windows that are added to an existing structure (home or garage), or are part of a new structure (home or garage), must be compatible with existing architectural design.
- d) Any windows in a garage that look out into a public space (golf course, road, green belt, etc.) must be equipped with window coverings to reduce security problems. Window coverings can be drapes, blinds, shades, etc.

- e) Replacement or new windows may be of either vinyl (i.e., Milguard) or Wood (i.e., Andersen). Other materials will be considered upon request.
- f) Exterior colors of vinyl or wood windows can be white, off white, tan or brownstone/bronze (the dark brown color of the original anodized aluminum windows). If they are wood and left natural they must be maintained and in good repair.
- g) Sliding vinyl doors can be white, off white, tan, brownstone/bronze (the dark brown color of the original anodized aluminum windows), the base color of the house, or natural wood. If they are wood and left natural they must be maintained and in good repair.
- h) French doors can be white, off white, tan, the base color of the house, or natural wood. If they are wood and left natural they must be maintained and in good repair.

If your window or doors meet the above criteria, no approval by CCC is necessary. Please contact your HOA/AC if approval is necessary. If you are not sure, or your proposed new windows or doors do not meet the criteria, please contact your HOA/AC.

16. Driveways (04/14)

Replacement driveways or private sidewalks require approval of the HOA-AC. Also, see Section 26 in these Architectural Control rules and standards for permit requirements for the City of Wilsonville. The City of Wilsonville may have a right-of-way and may require a portion of a driveway be in a neutral or natural (Portland Cement) color, with a smooth brushed finish.

Driveways may have an aggregate finish, be of stamped concrete, smooth brushed finish, or consist of concrete pavers. Driveways may also be trimmed with bricks. Stamped concrete and concrete pavers must be in shades of gray and brown earth tones. No driveways of any material may be in colors such as red, yellow, blue, green, etc., except red brick trim is permitted for aggregate, smooth brushed, or stamped driveways if approved in writing by the HOA-AC. The HOA-AC must approve, in writing, all materials and any pattern design. HOA-AC Committees may prohibit certain materials or design patterns in their jurisdictions.

Special Note: Homeowners installing pavers or brick are required to make certain installation is done to manufacturer/industry standards. Settling, shifting, uneven levels, or any visible failure of the driveway must be remedied immediately upon written notice from the HOA-AC. All repair costs to be paid by the homeowner.

When driveways are replaced, it is required that a 3-inch or larger ABS sleeve be placed under the driveway to facilitate future replacement of irrigations system lines. Sleeves of this type shall be installed at least six feet from the street, beyond the City’s right-of-way, and capped to prevent clogging.

Pre-existing asphalt driveways are allowed.

17. Tree Planting, Pruning, Removal and Replacement (10/08)

Trees species that grow over 30 feet high and have a drip line of over 20 feet in diameter are to be avoided. Trees must be maintained to have a healthy appearance. The property owner of any tree is responsible for the healthy appearance and pruning as necessary to keep from being overgrown and interfering with pedestrian or vehicular traffic and adjacent neighbors’ property. Street trees shall be trimmed to allow easy free passage along the sidewalk or roadway. Dead trees that may be a hazard to adjacent property or a danger to any person shall be removed. Hazardous or property-damaging trees not removed in a reasonable amount of time as determined by the HOA-AC, may be removed by the HOA at the property owner’s expense with proper notice and right of appeal to the CCC Board. Arbor vitae and other similar hedge type vegetation shall be maintained to a height that is manageable without specialized lift equipment. The property owner of the hedge type vegetation is responsible for its healthy appearance and pruning as necessary on all sides to keep from being overgrown and encroaching over the adjacent property lines.

- a) The removal of any tree that is 6 inches in diameter (e.g., 18 ¾ inches in circumference at a height of 4½ feet above ground level shall require the advanced permission of the HOA and CCC.
- b) An application shall be submitted which specifies the tree location species, size, reason for removal, and replacement plan. The application shall be submitted to the Chair of the HOA with jurisdiction for inspection. Following approval of the HOA, the application shall be submitted to the CCC for final approval. The original application will be retained by the CCC.
- c) Trees that are smaller than those specified above are exempt from these rules and are to be managed under general landscape procedures.
- d) The purpose of this standard is to make tree removal and replacement in Charbonneau consistent with City of Wilsonville Ordinance #464.

18. Solar Energy Systems (10/08)

Oregon Law prevents homeowner associations from prohibiting solar energy systems, but does allow reasonable architectural restrictions on such devices. Solar tiles are preferred over solar panels, especially when roof replacement is occurring simultaneously. Charbonneau architectural standards require the following:

- a) Top surface of the roof panel shall not be more than six inches above the roof
- b) Panels must be at least one foot inside the edges of the roof
- c) Panels must be at least one foot below the ridgeline
- d) Trees may not be removed or significantly cut to aid in solar energy system installation (recommendation from the Energy Trust of Oregon)

Installation of solar panels, tiles, or other visible solar energy system requires submission of an Architectural Change Request form and communication with adjacent line-of-sight neighbors.

19. Sunrooms (10/08)

Sunrooms must match the existing house. No prefabricated sunrooms are allowed. All roofing material must be the same as the house and must be the same pitch (hip or gable). Any skylights must be trimmed in a color to match the roofing material. Windows must be the same color as the house windows. Any siding must be painted the house color. All trim must match the house trim color.

Design approval by the HOA-AC is required and must meet all city, county and state building codes and permits required.

20. Storage PODS (10/08)

Use of storage PODS has become common in our community. When moving or remodeling a home the storage POD is helpful. The POD can also create a nuisance for your neighbors. The Property Manager or HOA-AC shall be contacted before you bring in storage POD. It shall only be used for short-term, temporary storage, defined as one to fourteen days. For longer-term storage, (fifteen or more days) the POD provider shall return and take the POD and store it for you until you are ready to unload it. Absolutely no long-term storage will be allowed.

21. Motor home and Travel trailer Parking (04/13)

City of Wilsonville Code allows the parking of motor homes, 5th wheels, and travel trailers for one night only on city streets. Owners may receive parking tickets for consecutive nights. Recreational vehicle owners may park such vehicles, including boats, trailers, and like equipment on private property for up to 48 hours for the purpose of loading, unloading, and cleaning. Sleeping in such vehicles is prohibited. Vehicles other than passenger cars must be parked out of public view in Charbonneau after 48 hours.

22. Trucks (3/01)

The following Clarifying Rule defines the word “truck” as it is used in Article X, Section 6 of the CCC CC&R:

“A truck is defined as a motor vehicle that is primarily designed or used for carrying loads other than passengers, and/or a motor vehicle with any type of commercial signage specifically meant to promote or identify a business or service, and/or a motor vehicle that has any work-related equipment attached either on the top, sides, back or front of the vehicle.”

Vehicles that fit any or all of the above definition are prohibited and must be parked within the confines of an enclosed garage or fully screened from public view. Police and fire emergency vehicles are exempt from this restriction.

23. Temporary Allowances for Construction Vehicles/Equipment/Materials (10/08)

In order to minimize the impact of one homeowner’s project on his/her neighbors and the enjoyment of their homes, the following rules shall guide the work performed during residential remodels or major repairs:

Construction vehicles, tool trailers, debris dumpsters, portable restrooms, and like equipment must be parked or placed in driveways, guest parking, or if allowed by the City, on the street directly adjacent to the home under remodel or repair. Approval for parking in guest parking areas or overnight parking of trailers, work vehicles, or other equipment must be obtained by the homeowner from the appropriate association architectural control committee. Vehicles and/or equipment must not obstruct traffic or emergency vehicles.

Application for approval must be in writing and include:

- a) a list of the equipment (trailers, dumpsters, number of trucks, etc.)
- b) description and date of materials to be delivered
- c) final completion date for all work
- d) dates for removal of equipment (dumpster, trailers, etc.)

Homeowners must communicate with association architectural control committees if there are delays, extensions, or other extenuating circumstances. It is recommended that a copy of this section be given to the contractor performing the work.

24. Recreation and Play Equipment

Recreation and play equipment at residence locations is not allowed in front (street side) yards and shall not be visible from the golf course. Equipment such as swing sets, slides, climbing structures, etc. are permitted in rear yards or side yards behind fences.

Equipment measuring more than 12 feet on any side or in height requires HOA-AC approval and notification of line-of-sight neighbors. Equipment with any portion visible from the street requires HOA-AC approval.

Trampolines with a diameter greater than six feet must be built in-ground and the height of the net is not to exceed nine feet. Trampolines greater than six feet in diameter require written HOA-AC approval with line-of-sight neighbor notification.

Free-standing basketball hoops are allowed in driveways and in the street or sidewalk during play only.

Free-standing basketball hoops must be moved to side yards and within one foot of the house after sunset every night. Basketball hoops attached to garages or houses are prohibited.

Outdoor play with bouncing balls or noise, including voices, is limited to 9am to sunset.

25. Yard or Garden Art (07/10)

The definition of yard art is broad and presents difficulty when attempting to define standards for acceptability. Yard Art cannot be something that would be reasonably expected to offend other homeowners or residents in terms of size, color, materials, or content.

However, in an effort to allow homeowners the ability to enhance their property with outdoor artwork, otherwise known as “yard art” or “garden art,” while still maintaining architectural control authority to preserve and protect the property values of all homeowners in Charbonneau, yard art shall conform to the following specifications:

- a) Movable or stationary yard art or garden art placed within public view or within line-of-sight of any neighbor(s) must have written approval by the Charbonneau Architectural Control Committee or the applicable Homeowner Association Architectural Control Committee (HOA-AC) prior to installation or placement.
- b) Yard Art includes, but is not limited to such items as statues, fountains, trellises, animal replicas, sculptures, etc.
- c) Approved items must be properly maintained and may not exceed six feet in height or three feet in diameter.
- d) Yard Art will be limited to 6 items within public view. A single “piece of art” may be a single physical element or a cluster of related physical elements having the visual appearance of a single piece of art.
- e) Yard Art must be neutral or earth tone in color. Brightly colored or oversized art is not permitted.
- f) Yard Art consisting of trolls, gnomes, pink flamingos, plastic flowers, plastic trees, spinning wheels, plastic figures, or similar items shall be placed in fully enclosed courtyards and out of public view.
- g) All yard art shall be kept in sound condition and good repair at all times.
- h) If complaints are received, the HOA reserves the right to direct a homeowner to remove the yard art in question.
- i) Items exempt from the yard art definition and therefore are permitted include: US flags; door wreaths; holiday decorations from Thanksgiving through January 15; and other holiday decorations as long as they are removed within one week after the holiday.

26. City Permit Requirements (10/08)

Prior to initiating any construction related project, it is important to contact the City of Wilsonville Community Development Department to discuss the project specifics and to understand what, if any planning, building or engineering permits may be required. The Community Development Department can be reached at 503-682-4960.

The list below includes **examples** of projects associated with one and two family dwellings that **do not** require a building permit or planning approval from the City of Wilsonville:

- a) Non-habitable one-story detached accessory structures (storage structures, playhouses, etc.) provided the floor area does not exceed 120 square feet or a height of ten feet measured from the finished floor to the average height of the roof surface but must meet front yard setbacks and a setback of three feet from side and rear property lines. Anything larger than 120 square feet requires approval from the City’s Planning and Building Division’s.
- b) Fences not over six feet high unless required for barriers around swimming pools, hot tubs, spas or similar structure intended for swimming or recreational bathing that contains water over 24 inches in depth. Fences in front yard setback areas are generally required to be shorter than 6’ and should be coordinated with the City’s Planning Division prior to installation.
- c) Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge.
- d) Private concrete sidewalks, slabs, and driveways not more than 30 inches above adjacent grade and not located in the Public Right-of-Way.
- e) Painting, papering, tiling, carpeting, cabinets, countertops, interior wall, floor or ceiling covering, and similar finish work.
- f) Prefabricated swimming pools where the pool walls are entirely above the adjacent grade. Barrier requirements are not exempt.
- g) Swings and other playground equipment accessory to a one- or two-family dwelling.
- h) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

- i) Nonbearing partitions (walls) except when such partitions create habitable rooms, (habitable rooms are those used for living sleeping, eating or cooking).
- j) Replacement or repair of siding not required to be fire resistant.
- k) Retrofitted insulation
- l) Masonry repair
- m) Porches and decks where the floor or deck is not more than 30 inches above the adjacent grade at any point and where in the case of a covered porch, the covered portion of the porch does not come closer than three feet to the property lines and are 120 square feet or less.
- n) Gutters and downspouts
- o) Door and window replacements (where no structural member is changed)
- p) Reroofing
- q) Storm windows and doors

27. Other Items

The design or installation of items not covered by the above standards must be approved by the HOA-AC and by the Executive Committee of the CCAC.

V. COMMERCIAL STANDARDS

The following are the architectural and landscaping standards and rules for commercial or single-owner multi-residential buildings in Charbonneau. Written approval from the Executive Committee of the CACC is required prior to roofing, painting, re-siding, or any other exterior architectural or major landscape change for these types of properties.

1. Painting (04/12)

Commercial or single-owner multi-residential buildings shall be allowed to have more than one color on a single building at the discretion and approval of the CACC Executive Committee. Commercial or single-owner multi-residential buildings may expand to the other colors within the approved color schemes and be allowed to use colors from different schemes of the approved colors at the discretion and approval of the CACC Executive Committee. All other existing residential standards and rules apply.

2. Trucks (04/12)

Due to the open-area parking and limited areas with enclosed garages on commercial properties, vehicles with commercial signage or work-related equipment attached may be parked on these properties in designated parking spaces in areas where no part of the vehicle is visible from French Prairie Road.

3. Roofing (04/12)

All existing residential standards and rules apply.

4. Siding (04/12)

All existing residential standards and rules apply.

For all other standards and rules, commercial or single-owner multi-residential buildings must adhere to and meet the requirements for residential properties.

VI. SPECIAL CASES

- A. All departures from these established standards shall be referred to the Executive Committee of the CCAC for approval.
- B. All departures from established standards on the golf course side of lots must be acted upon by the full CCAC.

VII. PROHIBITIONS

- A. The following are prohibited as of the date of this agreement.
- B. Hot tubs and similar devices on the golf course side of lots or in other areas such that they are visible from the street, golf course, sidewalk or common areas. Landscape screening, walls, or fences installed to hide hot tubs require written approval of the HOA-AC.
- C. Fiberglass, plastic, and metal roofing on patio covers other than specified in the Section on Patio Covers.
- D. Fences of any kind on the golf course side of lots except for patio deck walls as defined in Section 7; Fences/Walls/Lattices/Privacy Screens.
- E. Any sign not specifically permitted by the CC&Rs of the HOA or CCC, and Charbonneau's published sign policy.
- F. Animal kennels or houses visible from the street, golf course, neighbors' homes, or other public view.
- G. Yard debris recycling cans, trashcans, or other recycling/trash containers and gardening tools, and ladders, or other items stored in view of the street, golf course, neighbors' view, or other public view.
- H. Garage doors with windows except as allowed in Section 4. Existing garage doors with windows pre-dating 9/29/04 are "grandfathered."
- I. Outdoor "canopies" or temporary shade tents; with or without walls (except for short-term, special events.)
- J. Clothes lines or similar apparatuses in public view
- K. Tarps or similar coverings on vehicles parked in public view
- L. Exterior manual roll-up shades made of bamboo, vinyl, or similar-looking material
- M. Pre-fabricated solariums, sunrooms, or greenhouses.
- N. Artificial grass or turf in public view
- O. Numbers or letters painted on or attached to street curbs (excludes fire lane, no parking, handicap markings, guest parking, loading zone, and similar items on curbs)
- P. Other prohibitions or restrictions and conditions as may hereafter be established by the CCAC.

VIII. CONFLICT RESOLUTION

- A. Appeals by homeowners concerning a decision of a HOA-AC will be acted upon by the board of directors of the HOA with jurisdiction.
- B. Appeals of homeowners concerning a decision of the CCAC or its Executive Committee will be referred to the board of Charbonneau Country Club.
- C. In the event that conflicts of opinion arise between the HOA-AC and the Executive Committee over established standards and procedures such conflicts shall be referred to the CCAC at its annual meeting or at a special meeting called for resolution of the conflict.
- D. If appeals indicated under C. above cannot be resolved by the CCAC they will be referred to the Country Club Board of Directors for resolution.
- E. HOAs may enforce these standards and restrictions via monetary fines when noted violations are disregarded and/or persistent.

IX. REPORTS AND RECORDS

- A. Each HOA-AC shall keep a file of its actions for no less than thirty years.
- B. Records of all actions listed in VIII. B. above and those of the CCAC will be maintained by the Country Club.
- C. The chairperson of the CCAC will report to the membership at the Annual Meeting of the Country Club.

WHEREFORE, THIS AGREEMENT for the Architectural Control of Charbonneau, has been signed for and on behalf of the Charbonneau Country Club and the Charbonneau Area Homeowners Associations by the persons indicated below. Original signatures and the date of signing are on file at the Charbonneau Country Club office.

Organization

Architectural Control Chairs

Charbonneau Country Club, by	Larry Turner
Arbor Lake HOA, by	Ken Ernst
Charbonneau HOA, by	William R. Steele
Charbonneau Greens HOA, by	Carole Burnside
Charbonneau Village Condominiums HOA, by	Lee Anderson
Country Club Estates, by	Larry Turner
Edgewater HOA, by	Paul Schwindt
Fairway Village HOA, by	Debbie Alexander Davilla
French Prairie Village Condominiums, by	Ginger Robbins
Fountain Lakes/Fairway Estates HOA, by	Kathy Fuller
Lakeside HOA, by	Candyce Senner
Louvonne HOA, by	Gary Tomas
Village Green I HOA, by	Jim Waddell
Village Green II HOA, by	Ron Taylor
Villas on the Green HOA, by	Mike Lucich

DATE OF ADOPTION - JANUARY 9, 1995

DATE OF ADOPTION OF REVISED AGREEMENT – AUGUST 2006

REVISIONS APPROVED – OCTOBER 14, 2008

REVISIONS APPROVED – APRIL 2010

REVISIONS APPROVED – APRIL 2012

REVISIONS APPROVED – APRIL 2013

REVISIONS APPROVED – APRIL 2014

Charbonneau Country Club - Resolution #100

WHEREAS, the Covenants, Conditions, and Restrictions (CC&Rs) for the Charbonneau Country Club (CCC) state that the CC&Rs are set forth for the purpose of "enhancing and protecting the value, desirability and attractiveness" of the properties in Charbonneau and,

WHEREAS, it is the intention of the CCC Board of Directors to support this basic purpose of the CC&Rs and,

WHEREAS, the CCC Board of Directors recognizes that violations of the CC&Rs by homeowners may directly affect property values and the attractiveness of the Charbonneau community undermining the purpose of the CC&Rs and,

WHEREAS, the sole purpose of this resolution is to encourage homeowners to abide by the CC&Rs and,

WHEREAS, the CCC Board of Directors recognizes that other homeowner associations in Charbonneau serve as primary authorities of CC&Rs enforcement for residence locations within each respective association, and

WHEREAS, the CCC Board of Directors shall contact the Board of Directors of the appropriate association to determine the action taken to resolve any violation, and

WHEREAS, the CCC Board of Directors shall execute the procedures of this resolution only when such action is not undertaken by the appropriate homeowners association Board of Directors, and

WHEREAS, legal counsel was sought and it was determined that the CCC Board of Directors, pursuant to Oregon Revised Statutes sections 94.630(n)(B) and 94.709(1), has the authority to levy fines for violations of CC&Rs and Rules and Regulations,

NOW THEREFORE, BE IT RESOLVED, that the following procedures and schedule of fines for violations of CC&Rs and Rules and Regulations will be implemented beginning September 1, 2005:

1. When the CCC Board of Directors determines there is a violation of the CC&Rs or Rules and Regulations, which has gone unresolved by the appropriate homeowner association, a letter will be mailed to the homeowner stating:
 - the violation of a specific restriction noting the appropriate section of the CC&Rs or applicable Rule or Regulation and a date by which the violation must be remedied
 - the homeowner's right to appeal in writing within ten (10) business days from the date of letter
 - the homeowners right to a hearing at the next regularly-scheduled board meeting or the homeowner waives the right to appeal.
2. Fines shall be imposed retroactive to the date of the letter from CCC regarding the violation if no written appeal is received or the violation is not corrected by the specified date in the letter. A notice shall be mailed to the homeowner stating the amount due.

Schedule of Fines:

1. No fine shall be assessed for any violation that is remedied by the specified date as noted in section 1 above.
2. A fine of \$25.00 per day for each day a violation persists if the violation noted in the letter is not remedied by the specified date.
3. Violations that occur and are temporarily remedied but re-occur at a later time shall result in a fine of \$25 per day for each day the violation occurs or persists. CCC is not required to send homeowners subsequent letters for the same violation.

Violations of the CC&Rs include, but are not limited to:

- parking of prohibited vehicles in public view (Article X, Section 6)
- posting prohibited signs (Article X, Section 1)
- painting, changing, or adding any building, garage, wall, or fence without written approval from the Architectural Committee (Article X, Section 10)
- failure to maintain in good order and repair the exterior of residence locations (Article IX)

3. In accordance with Article VI, Section 8, liens shall be filed with Clackamas County Deed of Records against homeowners' property for failure to pay fines levied for CC&Rs violations.

Vote on Resolution #100 Recorded in the CCC Book of Minutes dated August 9, 2005 and amended October 14, 2008.

ATTEST: Rick Sawyer, President, CCC Board of Directors

Article VIII of Charbonneau Country Club
Covenants, Conditions, and Restrictions
Architectural Control

Section 1. APPROVAL. No building, fence, wall, hedge, structure, improvement, common area, refurbishing, painting, staining, decorating, obstruction, ornament, landscaping or planting shall be placed or permitted to remain upon or be removed from any part of a residence location or the exterior of the residence unless a written request for approval thereof has been approved in writing by a majority of the Architectural Committee or by its representative designated by a majority of the Committee.

Section 2. ENFORCEMENT. Notwithstanding a prior approval, if a condition exists or changes have come about which may be caused by any event, time or effect which in the opinion of the majority of the Architectural Committee must be remedied, corrected, altered, modified or eliminated, then said Committee shall so notify the owner thereof, and the owner shall forthwith comply with said notice. If the owner refuses or delays in so complying with said notice, then the Club shall have the right to perform said work specified in the Committee's notice to the owner and the cost of same shall be payable by the owner.

Section 3. ARCHITECTURAL COMMITTEE. The Architectural Committee referred to herein shall be composed of three members appointed by the Board of Directors of the Club. The decision of any two members of the Architectural Committee shall be final and binding; however, applications may be resubmitted. Upon failure of the Committee or its designated representative to approve or disapprove any application for a period of thirty (30) days after it has been submitted in writing to the Chairman of the Committee or his designated representative, said application will be deemed to have been approved. Members shall be elected for a term of three (3) years by the majority vote of the Board of Directors of the Club. If any member of the Committee is unable or unwilling to act, the remaining members shall elect a successor to serve out the unexpired term.

Section 4. NO COMPENSATION. No member of the Architectural Committee, however created or constituted, shall receive any compensation from the Club or make any charge for his services.

Section 5. CONSTRUCTION BY DECLARANT. This article shall not govern the original construction upon portions of said property owned by the Declarant or its successors or assigns. However, Declarant shall approve in writing all plans for original construction prior to the commencement of such construction.

Article IX of Charbonneau Country Club
Covenants, Conditions, and Restrictions
Exterior Maintenance

Each owner, and/or homeowner association shall be responsible for maintaining and keeping in good order and repair the exterior of all residence locations.

If an owner and/or the homeowner association fails to maintain and keep in good order and repair the exterior of any such residence location, the Club, after reasonable notice, may do so and file a lien for such expense pursuant to Article VI, Section 8.

Article X of Charbonneau Country Club
Covenants, Conditions, and Restrictions
Use Restrictions

The following restrictions shall be applicable to the real property described on Exhibit "A" and shall be for the benefit of and limitations upon all present and future owners and authorized users thereof of said property or of any interest therein.

Section 1. Unless written approval is first obtained from the Architectural Committee, no sign of any kind shall be displayed to the public view on any residence location except for one professional sign of not more than five (5) square feet advertising the residence for sale or rent, or signs used by the developer to advertise the residence location or residence during the construction and sales period.

Section 2. No animals, livestock or poultry of any kind shall be raised, bred, or kept on any part of said property, except dogs, cats or other tame, domestic household pets, provided such household pets are not kept, bred or maintained for any commercial purpose. The number of pets kept at each residence may be limited and the control thereof shall be by rules prescribed by the Directors.

Section 3. No part of said property shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. No garbage, trash or other waste shall be kept or maintained on any part of said property except in a sanitary container. All incinerators or other equipment for the storage of or disposal of such material shall be kept in a clean and sanitary condition.

Section 4. No noxious or offensive condition or anything which may be or become an annoyance or nuisance to the neighborhood shall be permitted.

Section 5. No trailer, camper-truck, tent, garage, barn, shack or other out-building shall be at any time used as a residence temporarily or permanently on any part of said property.

Section 6. Parking of boats, trailers, motorcycles, trucks, truck-campers and like equipment shall not be allowed on any part of said property nor on public ways adjacent thereto excepting only within the confines of an enclosed garage, and no portion of same may project beyond the enclosed area except under such circumstances, if any, as may be prescribed by written permit approved by the Architectural Committee. All other parking of equipment shall be prohibited except in such areas, fully screened from public view, as may be approved in writing by the Architectural Committee.

If any of the provisions of this Section are violated, the Board of Directors of the Club may employ a tow truck to remove the vehicle after prior written notice to the owner and the owner of the vehicle shall be responsible for any charges arising therefrom.

Section 7. All owners are entitled to an equal share in the rights, interests, privileges, and obligations of the Club. The owners shall have the right to use all common areas subject to the rules, regulations and restrictions applicable thereto.

Section 8. All common areas are to be maintained by the Club and no changes in the equipment, design, decor, landscaping, removal or trimming of trees, lawns or shrubs will be permitted without written authorization by the Architectural Committee.

Section 9. All walks, streets, bike paths and electric cart paths located on the common areas are for the use of Club members on an equal basis, subject to reasonable rules and regulations promulgated in writing by the Directors. It shall be the responsibility of each member to allow maximum ease of pedestrians, bike and vehicular ingress and egress over walks, streets, and driveways by prohibiting automobile parking in front of garages or in driveways, paths, or alleyways and allowing no obstruction or barrier on, across or adjacent to sidewalks or paths which would interfere with any other member's use of the common areas or access to his residence location.

Section 10. Owners are expressly prohibited from painting or changing the exterior of any building, garage, fence or wall without the written permission of the Architectural Committee.

Section 11. All antennae are prohibited outside any building without permission from the Architectural Committee.

Section 12. Club Directors will have jurisdiction over activities permitted in the common areas. All disputes, complaints or matters of change in existing or future use restrictions will be submitted to the Club Directors for arbitration.