

**“RIDGEVIEW” CONDOMINIUM OWNERS’ ASSOCIATION**  
**Resolution of the Board of Directors**

**ARCHITECTURAL REVIEW**

**RECITALS**

- A. The “**Association**” is “Ridgeview” Condominium Owners’ Association, an Oregon nonprofit corporation. The Association is charged with the operation and management of “Ridgeview” Condominium (“**Condominium**”) located in Multnomah County, Oregon.
- B. The Association was established by the following documents recorded on September 15, 1978 in the records of Multnomah County, Oregon:
  - 1. *Declaration of Unit Ownership for “Ridgeview” Condominium*, recorded in Book 1294, Pages 2309-2346, including any amendments thereto (“**Declaration**”);
  - 2. *By-Laws of “Ridgeview” Condominium*, recorded in Book 1294, Pages 2347-2360 including any amendments thereto (“**Bylaws**”);
  - 3. Plat of “*Ridgeview*” Condominium, recorded in Book 1209, Pages 82-91, plat records, including any amendments thereto (“**Plat**”).
- C. The Oregon Condominium Act, ORS Chapter 100 also governs the Association (the “**Act**”).
- D. ORS100.417(1) and Article IV, Section 3 of the of the Bylaws confer upon the Board of Directors (“**Board**”) the powers and duties necessary for the administration of the affairs of the Association, the enforcement of the Declaration, the Articles of Incorporation, the Bylaws, and any Rules and Regulations adopted thereunder.
- E. ORS 100.405(4)(a), Article III, Section L of the Declaration, and Article IV, Section 11 of the Bylaws confer upon the Board the authority to promulgate rules and regulations to manage the affairs of the Association.
- F. ORS 100.510 and the Declaration at Article III, Section N define common elements within the Association.
- G. ORS 100.540(2), Article III, Section O of the Declaration, and Article IV, Section 3(a) of the Bylaws provide that the Association is responsible for the maintenance, repair, and replacement of the common elements.
- H. ORS 100.535 and the Declaration at Article XIX, Section A govern a unit owner’s responsibility for maintenance, repair, replacement, and improvement of an individual unit.

- I. The Board recognizes the importance of allowing the owners to promote the use and value of their units and improvements, but also recognizes the need to establish architectural restrictions to preserve the integrity of the common elements.

## **RESOLUTION**

- I. This Architectural Review Resolution shall supersede all previous architectural rules, guidelines, and procedures.
- II. The Board shall administer the Architectural Review Process (“Process”).
- III. The procedure set forth below shall now be the procedure for administering the Process.

NOW THEREFORE BE IT RESOLVED THAT, the Board shall implement the following provisions when it is requested to review any proposed new alteration or improvement affecting the Association’s common elements within a unit (collectively referred to hereafter as “Improvement”).

## **ARTICLE 1** **OVERVIEW**

1.1 **Application**: The owner shall submit to the Board any design plans, specifications, and location information (“Application”) for any Improvement that affects the Association’s common elements within a unit. An owner shall not commence work on any such Improvement without prior written approval of the Board. The Board shall deliver to the owner a written, dated receipt for the Application.

1.2 **Board Review**: The Board shall, in good faith, review the Application for conformity with the Act, Declaration, and Bylaws to ensure the integrity of the common elements.

1.3 **Decision Timeline**: The Board shall approve the Application within forty-five (45) days unless it determines the proposed change will impair the structural integrity or mechanical systems of the Condominium or lessen the support of any portion of the Condominium. If the Board fails to render the decision within the forty-five (45) day timeline, the Application shall be deemed approved subject to Section 1.5 below.

1.4 **Architect or Professional Engineer Certification**: The Board may request, at the owner’s expense, the applying owner submit an opinion of a registered architect or registered professional engineer confirming that the proposed change will not impair the structural integrity or mechanical systems of the Condominium or lessen the support of any portion of the Condominium.

1.5 **Affected Owner(s) Consent**: If the Board determines an Application would jeopardize the soundness or safety of the property, reduce the value thereof, impair any easement or hereditament, or increase the common expenses of the Association, then the written consent of all the other unit owners must first be obtained.

1.6 **Recorded License:** Any owner that is granted approval by the Board to make an Improvement to the common elements within their respective unit must sign a license agreeing to the responsibility for maintenance and liability for the Improvement affecting the Association's common elements, which shall be recorded in the Multnomah County, Oregon property records so that it is discoverable in a title search of the unit.

## **ARTICLE 2** **SCOPE AND PURPOSE**

2.1 **Scope:** All owners in the Association shall be bound by this Resolution. No owner shall make any Improvement affecting the Association's common elements within a unit until that owner receives an approval letter from the Board. The Application shall be deemed approved if the Board fails to render a decision within the forty-five (45) day timeline, subject to Section 1.5 above. The Board shall approve or deny a new Improvement affecting the Association's common elements according to this Architectural Review Process.

2.2 **Purpose:** The Board intends this Resolution to assist owners with understanding the rules and guidelines of the Process. The Board wants to ensure that it administers the Process fairly and effectively for the benefit of all "Ridgeview" owners. Nothing in this Resolution is intended to limit the rights of the Board to take such other action as is available to it under the Declaration, Bylaws, or Oregon law.

## **ARTICLE 3** **APPLICATION**

3.1 **Government Compliance:** It is the applying owner's responsibility to obtain approval from the local building authorities. This includes, but is not limited to, securing city, county, and/or State of Oregon permits and ensuring compliance with building codes. Failure to comply with local or state building regulations shall be grounds for denying an application. If an approved Improvement affecting the Association's common elements is later discovered to be in noncompliance with any applicable law or regulation, the Board reserves the right to rescind approval, commence a court action, or take any other action available to the Association under the Declaration, Bylaws, Rules and Regulations, or Oregon law.

3.2 **Required Documents:** An application shall not be deemed complete or "received" by the Board until all required documents have been submitted. To the extent they are applicable to a proposed Improvement affecting the Association's common elements, the applying owner shall submit all the following non-exhaustive list of documents:

- (a) **Plans:** plans and specifications for any proposed Improvement(s) affecting the Association's common elements.
- (b) **Permits:** any required city, county, and/or State of Oregon permits.

- (c) **Architect or Professional Engineer Certification:** an architect or registered professional engineer's report, if required by the Board.

3.3 **Application Fee:** The applying owner shall also pay a nominal submittal fee, as the Board shall establish from time to time. This fee shall be used solely to cover the costs of the Process.

#### **ARTICLE 4** **BOARD REVIEW**

4.1 **Standard:** The Board shall review the submitting owner's Application in good faith, in determining whether an Improvement impairs the structural integrity or mechanical systems of the Condominium or lessens the support of any portion of the Condominium.

4.2 **Unit Visit:** If a majority of the Board deems it necessary to visit the unit of the proposed Improvement affecting the Association's common elements, the Board may visit the unit at such a time and in such a manner as is agreeable to the owner, but in no event to exceed twenty-one (21) days after the Board receives all the owner's required documents.

4.3. **Decision:** Within forty-five (45) days of the owner submitting the Application, the Board shall issue a written decision either approving or denying the proposed Improvement affecting the Association's common elements. Upon request, the submitting owner may inspect the written decision. If no Board decision is issued prior to the expiration of the forty-five (45) day timeline, then the Application shall be deemed approved subject to Section 1.5 above.

4.4 **Appeal:** Within twenty (20) days of receipt of a written denial, an owner may make a written request for appeal to the Board. In the event of an appeal, the Board shall give the appealing owner written notice of the appeal, including a date and time to appear for a hearing.

- (a) **Conduct of Hearing:** Where an owner requests an appeal, the appealing owner shall have an opportunity to have a hearing.
- (i) **Testimony:** The Board shall hear testimony from the appealing owner as well as any interested city officials, design professionals, or other interested owners. The Board shall have discretion to limit such testimony as it determines is reasonable and necessary. The testimony of an appealing owner shall not exceed twenty (20) minutes.
- (ii) **Evidence and Witnesses:** The appealing owner may present evidence and witnesses at the hearing. The Board may limit testimony and evidence as it determines is reasonable and necessary.
- (b) **Final Determination:** Following testimony and any evidence presented by the parties, the Board has the discretion to re-evaluate its prior denial.
- (i) The discussions must be in an open session as directed by ORS 100.420(1)(a)

- (ii) The Board shall either give its decision at the conclusion of the hearing, or take the matter under advisement and give the decision at a later Board meeting.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to each unit owner at the address shown in the records of the Association.

The undersigned Chairperson and Secretary certify that this Resolution was approved by the Board of Directors at a meeting held on August 11th, 2020.

DATED: 8/26/2020  
\_\_\_\_\_, 2020

ATTEST:

DocuSigned by:  
*David Parks*  
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Chairperson, Board of Directors  
"Ridgeview" Condominium Owners'  
Association

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Secretary, Board of Directors  
"Ridgeview" Condominium Owners'  
Association