

# Proposed Changes from Spring 2013 Inspections

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## **Camper\trailer\boat\tractor\etc. visible**

*12 Citations Affecting 10 Owners*

### **Inspection Analysis**

This generated the most citations and affected the most owners by a wide margin. This affected members both new and old including at least one who had been storing their trailer for over a decade. Due to the financial barrier of building suitable screening or offsite storage on some lots at least one member elected to sell their camper to be compliant.

It's reasonable to consider trailers, RVs, Boats, campers, and vehicles in general are assets if they are kept out of a dilapidated, dysfunctional, or unsightly state according to item E. of CCR 6.1. This applies whether or not they are visible to other lots or the street. Based on the rural location of our community and size of our lots (1+ acres,) owning and showing to prospective buyers in our community storage of such vehicles can raise property values.

The key take away is many members, including past members, have been in violation of this rule. While some have elected to build garages and the like, we can all agree in general, the community wants to have these types of recreational vehicles. Hopefully we can also agree that not everyone in the community can afford to overcome the financial barrier required to own these vehicles while still sheltering them from view or storing them offsite.

In addition everyone should be aware of the vehicle definition of item b in CCR 6.1. The Vehicle definition as pertaining to storing out of sight (highlighted below) includes cars and trucks. This was not enforced, but certainly could be at any point in the future. If this CCR was enforced without the bias shown during the last round of inspections it would have affected a great deal more owners. I'm sure we can all agree that storing our cars and trucks offsite is not a practical solution.

### **Current CCR**

6.1 Exterior Maintenance by Owners - Each Lot and the improvements constructed thereon shall be maintained by the Owner in a neat, clean and attractive condition at all times.

a) Refuse: All Lots shall be kept free of debris. All refuse shall be kept in sanitary containers concealed from the view of other Lots; the containers shall be regularly emptied and the contents disposed of off the Property. No grass cuttings, leaves, limbs, branches, and other debris from vegetation shall be dumped or allowed to accumulate on any Lot, except that a regularly tended compost heap shall be permitted if the compost heap is concealed from the view of other Lots.

b) Storage of Vehicles: Owners may not store goods or equipment or permanently park vehicles (e.g. boats, cars, trucks, trailers, campers, recreational vehicles) in open view on any Lot. When such vehicles, equipment or goods are parked or stored on Lots for a period over thirty (30) days, they shall be adequately screened from the view of adjacent roads and other Lots. The screening of such vehicles, goods equipment must have the approval of the ACC.

c) Improperly Parked Vehicles: Upon forty-eight (48) hours' notice to the Owner of an improperly parked vehicle, the Board has the authority to have towed, at the Owner's expense, any vehicles which are parked in violation of this section.

d) Temporary Parking by Guests: This section does not prevent guests from parking automobiles, trucks or recreational vehicles in driveways for a period of fourteen (14) days or less. However, if the guests either (1) plan to park their vehicles in driveways or (2) stay in their recreational vehicles, for a period in excess of fourteen days, the Owners must obtain prior written permission from the Board.

e) Dilapidated Unsightly Vehicles Neither Owners nor their family members or guests are allowed to park dilapidated, dysfunctional or unsightly vehicles in driveways.

### **Current ACC**

#### **2.23 PARKING (CCR 6.1)**

The parking of any commercial vehicles or vans, mobile homes, motor homes, trailers, campers, boats, RV's and the like is permitted only if parked out of view from the street. An exception, with the prior approval of the Newberg Crest BOD, will be made for temporary periods, not to exceed one week, two (2) times per year. Mobile Home Trailers for new home construction is permissible for a reasonable period of time and must conform to the guidelines in the Newberg Crest CC&R's.

### **Proposed CCR**

*Remove Item B, re-letter, move definition of vehicle to Item D, and broaden Item D to include visibility to Neighbors from CCR 6.1*

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d) Dilapidated Unsightly Vehicles (vehicles defined as boats, cars, trucks, trailers, campers, recreational vehicles, and the like) Neither Owners nor their family members or guests are allowed to park dilapidated, dysfunctional or unsightly vehicles in driveways or in view of adjacent roads or other lots.

### **Proposed ACC**

*Remove ACC 2.23*

## **Play Equipment Visible**

*5 Citations Affecting 5 Owners*

### **Inspection Analysis**

It's important not to create an atmosphere in our community of hiding children from sight. While the intentions of this rule may have been good, it creates a child unfriendly appearance to prospective buyers. The intentions seem to be prevention of clutter which is already covered under ACC 2.12 (Appendix A) or allowing equipment in a dilapidated, dysfunctional, or unsightly condition which can be the focus of this ACC rule.

### **Current CCR**

See Appendix A for Generic 7.10 CCR

### **Current ACC**

2.27 RECREATIONAL, PLAY/SPORTS EQUIPMENT (CCR 7.10)

ACC approval is required. All basketball goals, recreational/playground equipment, swing sets, etc. must be approved in writing by the ACC prior to installation. Play structures, sporting goal nets and alike, that will exceed 8 feet in height requires approval from the ACC.

- Play Structures shall be located directly behind the home and between the imaginary lines extending back from the dwelling sides commonly known as the "backyard". Such equipment must be exclusively in earth-toned colors (brown, tan, forest green, gray or black) or other color as may be approved in writing by the Newberg Crest ACC.
- Permanent basketball structures are permitted but must have posts of brown, tan, forest green, gray or black and transparent, earth-toned or neutral colored backboards. Portable/roll-a-way basketball goals must be stored out of site when not in use and may not be placed in the street at any time.

### **Proposed CCR**

No change

### **Proposed ACC**

*Modify ACC 2.27 to allow play equipment that isn't unsightly*

2.27 RECREATIONAL, PLAY/SPORTS EQUIPMENT (CCR 7.10)

All basketball goals, recreational/playground equipment, swing sets, etc. are allowed so long as they are not in a dilapidated, dysfunctional, or unsightly condition.

## **Heat pump\AC\Propane Tank Visible**

*5 Citations Affecting 4 Owners*

### **Inspection Analysis**

Heat pumps and ACs provide the basic need of shelter by heating\cooling and should have some special consideration. These items tend not to be very large, but can create difficulties when screening because of their need for easy service access and at least 2-3 feet of clearance for effective air flow. There's also the consideration that these devices can match the color and style of the house and hence make screening irrelevant.

Propane tanks provide the basic need of shelter by fueling furnaces and should have some special consideration. These items can create difficulties when screening because of their need for easy service access and special needs to prevent creating fire hazards with plants too close or pooling of exhausted propane. Location of the tanks is not easily controlled by the owner as they need to be accessed and filled by a truck on a regular basis. There also isn't always much that can be done with colors due to dangers of heat buildup. While propane tanks can be considered an eye sore by some they are a part of life in the rural area we live in and safety should be considered over aesthetics.

### **Current CCR**

See Appendix A for Generic 7.10 CCR

### **Current ACCs**

#### **2.5 AIR CONDITIONING/MECHANICAL EQUIPMENT UTILITIES (CCR 7.10)**

ACC approval is required. Mechanical equipment such as air conditioners, heat pumps, etc., shall be installed as an integral part of the homes architecture. All utilities shall be installed below the ground. Under no circumstances shall these items be installed via roof mounting or external window mounting in such a way that they are visible from the street. Care should be taken to hide all units including ground mounted units from the neighboring view(s). Units are to be concealed where possible and shall be screened using approved fencing means. The color and style must complement the existing house. Appropriate required permits must be obtained prior to the installation of any equipment.

#### **2.26 PROPANE TANKS (CCR 7.10)**

ACC approval is required. Propane Tanks require the advance approval of the ACC. Propane tanks must be installed in such a way that it is not immediately visible to nor does it adversely impact adjacent property owners. Care should be taken to hide all units including ground mounted units from the neighboring view(s). Units are to be concealed where possible. Appropriate required permits must be obtained prior to the installation of any equipment.

### **Proposed CCR**

No Change

## **Proposed ACCs**

*Modify ACC 2.5 to remove reference to screening and instead focus on matching house color\style if possible.*

### **2.5 AIR CONDITIONING/MECHANICAL EQUIPMENT UTILITIES (CCR 7.10)**

ACC approval is required. Mechanical equipment such as air conditioners, heat pumps, etc., shall be installed as an integral part of the homes architecture. All utilities shall be installed below the ground. Under no circumstances shall these items be installed via roof mounting or external window mounting in such a way that they are visible from the street (this does not apply to ground mounted units). The color and style should complement the existing house if available from manufacturer. Appropriate required permits must be obtained prior to the installation of any equipment.

*Modify ACC 2.26 to focus on safety above appearance*

### **2.26 PROPANE TANKS (CCR 7.10)**

ACC approval is required. Propane Tanks require the advance approval of the ACC. Propane tank safety should be considered above aesthetics. Concealment from neighboring views and roads is desirable, but not above safety. Appropriate required permits must be obtained prior to the installation of any equipment.

## **Appendix A**

### **Generic CCR 7.1**

7.10 Evaluating Development or Modification Proposals - The ACC shall have the authority to establish aesthetic standards for evaluating development or modification proposals. In addition to such standards, in evaluating these development proposals, the ACC shall determine whether the external design, color, building materials, appearance, height, configuration, and landscaping of the proposed structure harmonizes with (1) the various features of the natural and built environment, (2) the aesthetic character of the other homes located near to where the Lot is located, and (3) any other factors which affect the desirability or suitability of a proposed structure or alteration. The ACC shall decline to approve any design which fails to meet the above, and any other aesthetic standards promulgated by the ACC. The ACC will not approve any temporary or non-permanent structures. ACC determinations may be amended by a majority vote of the ACC members.

### **Clutter ACC 2.12**

#### **2.12 CLUTTER (CCR 6.1)**

Excessive personal effects in the front of the house and yard shall be avoided.

