

EXCEPTIONS, RELIEF, INTERPRETATION
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
for THE HIGHLANDS AT VISTA RIDGE
A PLANNED UNIT DEVELOPMENT

The following are certain standing limited exceptions, relief, and interpretation of the Declaration of Protective Covenants, Conditions and Restriction ('CC&Rs') for The Highlands at Vista Ridge Homeowners Association, Inc., a Planned Unit Development (PUD). These were approved by Board action for the Association, January 2013, and are effective upon recording with the restated CC&Rs. The Association limited relief as to age 55, as to RVs/boats, and as to sewer inspection intervals achieved the required affirmative two-thirds of votes cast as a ballot measure when voting closed in June 2013. For each Lot Owner or resident seeking approval for any exceptional situation or circumstance not meeting the following requirements, application shall be made to the Board as provided for in the CC&Rs.

FROM ARTICLE 5.18 FOR CERTAIN ANTENNA INSTALLATIONS

Pursuant to the exception authority of Article 5.20 of the CC&Rs, the Board, on behalf of and delegated by the Association at Bylaws 3.5 and ORS 94.640 as amended, hereby makes the following standing limited exception from Article 5.18. Antennas are permitted to the extent required by Federal pre-emption. Each Lot Owner with an excepted antenna installation shall make written notification to the Board and receive written acknowledgement, and the installation, on the initiative of the Board, may be further regulated to the extent permitted by law including for safety and aesthetics.

FROM ARTICLE 5.19 FOR TRASH PICKUP

Pursuant to the exception authority of Article 5.20 of the CC&Rs, the Board, on behalf of and delegated by the Association at Bylaws 3.5 and ORS 94.640 as amended, hereby makes the following standing limited exception from Article 5.19 which otherwise requires each Lot Owner to have their trash picked up once a week by the Douglas County franchised local refuse hauler. Use of this standing limited requires that the Lot and Lot Owner comply with the sanitation standards of Douglas County and the State of Oregon as to the management of household solid waste on residential property. Specifically, the accumulation and storage shall not result in conditions conducive to the transmission of diseases to man or animals, hazards to neighbors, workers or the public, air or water pollution, or allow escape of solid wastes or contaminated fluid to public waters, or objectionable odors, dust, unsightliness, aesthetically objectionable conditions or other nuisance.

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PURSUANT TO ARTICLE 6.1.2 FOR CERTAIN SIGNAGE

Consistent with the requirements and provisions of Article 6.1.2 of the CC&Rs, the Board, on behalf of and delegated by the Association at Bylaws 3.5 and ORS 94.640 as amended, hereby makes the following standing limited written exceptions to any Lot and Lot Owner (whether or not a residential unit is located thereon) and can be delegated by the Owner to a resident only to the extent that signage and its purpose meets the following requirements and is for no other purpose and the mounting method/location is not a safety/traffic hazard or make unreasonable noise:

Sign When Lot Is For Sale or Rent: Not more than two signs, each with a surface areas not exceeding three (3) square feet (example: 18" x 24"), may be placed on each Lot together with not more than one small literature holder box displaying flyers for which the explicit purpose is obviously to advertise the availability of the Lot/residential unit for sale/lease/rent.

Sign On Lot While Construction Is In Progress: Not more than one sign, with a face area not exceeding three (3) square feet (example: 18" x 24") may be placed on each Lot (with or without a residential unit) while construction is active and construction permit (if required) is effective. When displaying such a sign, it must be together with any required permit, and is permitted only while any Association approval is effective, and must be displayed for the sole and explicit purpose of identifying the contractor accomplishing the work on the Lot or residential unit.

Sign On Lot During Political Seasons: Not more than one sign, with each face area not exceeding three (3) square feet (example: 18" x 24") for each candidate or each ballot measure or other political issue with not more than two signs on each Lot beginning not more than ninety (90) days preceding a recognized national, state or local election or ballot measure. Signs intended to qualify under the requirements of this exception must be obviously and only for the purpose of declaring the support of the Owner or resident for a political candidate or ballot measure or other political views related to the political season and for no other purpose. The limited exception for this purpose shall cease to be effective 48 hours following the resolution of the candidate contest or measure.

Sign Indicating Property/Dwelling Security: Not more than two signs with the total face area of all signs not exceeding three (3) square feet may be placed on a Lot with a residential unit by the Lot Owner or resident for the obvious and only purpose of notifying any interested observer of the implementation of special security measures and/or service provider.

Celebratory/decorative banner: One artistic, decorative, or celebratory banner not exceeding 10 square feet (example: 30" x 48"), primarily graphical, with no message reasonably construed to be of political, cultural, social, sporting, entertainment or commercial significance is permitted seasonally or continuously provided the aesthetic appearance of the banner (or serially-displayed banner selection) is approved by the Architectural Committee.

Sports banner/flag: One sports banner/flag not exceeding 10 square feet (example: 30" x 48") with the logo or emblem of a nationally-recognized sports team or event is permitted on any Lot only on any one day of each calendar year.

Political flag: One national and one national or state flag is permitted continuously if not exceeding 15 square feet (example: 3' x 5') surface-hung flat against a residential unit, or as part of an installation approved by the Architectural Committee, from a free-standing, ground-mounted flag pole or a wall-type, yardarm-style mounting.

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RELIEF FROM AGE 55+ REQUIREMENT OF ARTICLE 7.2 FOR CERTAIN SURVIVING/REMAINING CO-RESIDENTS

The Board has been delegated certain authority under Article 10.4 of CC&Rs to grant an exception to Article 7.2 with the required assent of the Association membership. This standing limited exception is only for the continued occupancy by any individual adult(s) over age 21 but under the age of 55 to continue as resident(s) of a residential unit on a Lot within The Highlands when a co-resident of the same residential unit has died or been confined for medical necessity to a facility licensed for that purpose. This standing limited exception is not available if at any time the number of residential units within this PUD which are each occupied by a resident over the age of 55 is less than 85% of the total number of units.

Otherwise, a surviving/remaining adult resident may individually claim and have, for the duration of their residency, and without further action, an exception to Article 7.2 if all the following conditions are met. (1) The surviving/remaining adult resident seeking the exception must have lived as a co-resident in this PUD with the deceased/confined patient for 24 months prior to the death of the deceased or confinement of the patient. (2) The deceased while living and competent, or confined patient prior to confinement and while competent, (2.1) had furnished the Association with satisfactory evidence of meeting the age requirements of Article 7.2 by a biennial survey or equivalent, and (2.2) claimed, in advance, the prospective provisions of this limited exception by naming each individual (over age 21) adult co-resident with them that did not meet the age 55 requirements of Article 7.

Each resident of a residential unit not meeting the age 55 requirement but residing under the relief provision (and without a co-resident that meets the age 55 requirement) shall not permit another individual to become a co-resident of the same residential unit if that prospective co-resident does not (1) meet the age 55 requirements, or (2) qualify for this relief.

RELIEF FROM ARTICLE 6.1.6 FOR CERTAIN STORAGE OF RECREATIONAL VEHICLES AND BOATS

The Board has been delegated certain authority under Article 10.4 of the CC&Rs to grant an exception to Article 6.1.6 with the required assent of the Association membership. This standing limited exception is only for the storage of recreational vehicles and boats on the private property of a Lot within this PUD subject to the following conditions.

A recreational vehicle or boat may be temporarily located on the paved private property of any Lot for not more than 72 hours within any 30 day period for the temporary cleaning, preparation for travel or storage, preventative maintenance by the owner, or other limited use provided the location does not, in the sole judgment of the Board, create a nuisance or hazard to community safety, or is not otherwise inconsistent with the CC&Rs.

A recreational vehicle or boat may be permanently stored on the private property of a Lot within this PUD while entirely enclosed within the structure of a garage that meets the definition of Article 5.12 of these CC&Rs provided such use is not contrary to the code requirements of the Douglas County Planning department.

BOARD DECLARATION OF INTERPRETATION REGARDING 'COMMERCIAL VEHICLES' IN ARTICLE 6.1.6

The Board hereby declares its considered interpretation, and the Association assents to such interpretation, regarding the term 'commercial vehicles' as applying to only each motor vehicle (1) which by its use is required by law to be registered as a commercial vehicle, or (2) which requires the operator to hold a commercial driver license while operating such vehicle.

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ASSOCIATION DETERMINATION AND BOARD POLICY

REGARDING LIMITED RELIEF FROM ANNUAL SEWER INSPECTIONS REQUIREMENT OF ARTICLE 12.11

The Board has been delegated certain authority under Article 10.4 of the Declaration of CC&Rs to grant limited relief from Article 12.11 with the required assent of the Association membership. This standing limited relief is only to permit the Association to make septic tank inspections on an interval recommended in writing as being appropriate by a person the Board reasonably determines to be reliable and competent in such a matter, and only to the extent for any specific Lot that the Owner of such Lot on which a septic tank affected by such a recommended interval does not request in writing an annual inspection for the septic tank for good cause, as determined solely in the discretion of the Board.

INTERPRETATION AND COMPLIANCE

The Board shall retain the sole discretion to reasonably interpret and ascertain compliance with these exceptions. For any Lot Owner/resident failing to comply with the relief provisions, the Board can make notice of non-compliance. The terms used in this document shall have the same meaning to the extent they are defined in the CC&Rs.

[Editorial notes: At the time of this action, regarding trash pickup, OAR 340-093-0210 may be a relevant rule; regarding antennas, a qualifying installation must be for the purpose identified in 47CFR 1.4000 (for dish-style TV or other qualifying antennas of less than 40 inches across) or 47CFR 97.15 (for amateur radio); and, regarding flags, PL 109-243 may be a relevant Federal statute.]

Prepared and recorded at the direction of and by resolution adopted by the Board of Directors, and executed, acknowledged, and certified on behalf of The Highlands at Vista Ridge Homeowner's Association, Inc., and

IN WITNESS WHEREOF, we have hereunto set our official signatures this

_____ 19 _____ day of February, 2014

s/ Jane Hunt _____ President

s/ Patricia Beckey _____ Secretary

STATE OF OREGON)

County of Douglas)

Personally appearing and subscribed and sworn before me

Ma L Hoopes
Notary Public for the State of Oregon

