

BURNTWOOD WEST HOME OWNERS ASSOCIATION

# Burntwood-West Architectural Control Committee (ARC) Guidelines

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Version 1.06

**Burntwood West HOA Board of Directors**

**March 6, 2020**

## Contents

1.0	Purpose .....	3
2.0	General Guidelines .....	3
3.0	City of Beaverton Permits and Codes .....	3
4.0	Amendments .....	4
5.0	Definitions .....	4
6.0	ARC Form .....	5
6.1	Approved ARC form .....	7
6.2	Approved, with conditions ARC form.....	7
6.3	Rejected ARC form .....	7
6.4	Abutting Neighbor(s) Notification.....	7
6.5	Neighbor Appeal .....	7
6.6	Homeowner Appeal .....	8
6.7	Audits .....	8
6.8	Typical Step-by-Step process - Refer to CC&R’s article 8.2.....	9
7.0	Projects needing ARC approval .....	10
7.1	Exceptions .....	10
8.0	Specific Guidelines.....	10
8.1	Arbors.....	10
8.2	Concrete slabs / Animal Runs .....	10
8.3	Decks/ Walkways/Stairs/Landings/Deck Covers (CC&R’s article 7.17) .....	10
8.4	Fences .....	12
8.5	Landscaping.....	12
8.6	Other Structures .....	12
8.7	Painting/Staining (CC&R Article 7.17) .....	13
8.8	Retaining Walls .....	13
8.9	Roofs .....	13
8.10	Siding.....	14
8.10.1	Vinyl Siding .....	14
8.11	Solar Installations.....	15
9.0	Non-Compliance .....	16
10.0	Amendment History .....	17

## 1.0 Purpose

The purpose of these guidelines is to assist homeowners in understanding the process involved in submitting an ARC form, the type of information that the ARC is looking for when evaluating a request and when an ARC form is or is not needed. The guidelines are also intended to provide improved clarity and consistency of how the general and specific rules of the CC&R's are interpreted. These guidelines are not intended to impose new conditions or restriction above and beyond those contained in the CC&R's.

The ARC is charged with (CC&R's Article 8.04) review and approval of construction plans and specifications for any work on buildings or structures, swimming pools, animal runs, storage units on any lot within Burntwood West. The ARC reviews and approves or rejects the homeowner's application based on the proposed construction blending in with the natural surroundings, existing structures and landscaping.

## 2.0 General Guidelines

These guidelines have been approved by the Burntwood West HOA Board of Directors. These guidelines apply to all work, construction or repairs on property within the jurisdiction of the Burntwood West Homeowners Association.

The ARC is tasked with insuring all construction blends in with the natural surroundings, existing structures and landscape of Burntwood West. CC&R's articles 7.17 (Exterior Finishes) and 8.04 (Approval of Plans by Architectural Review Committee) of the Burntwood West CC&Rs contain the criteria that must be used to determine whether or not a project will be approved.

**These guidelines do not and cannot override the CC&Rs, Bylaws or amendments of the Burntwood-West HOA or City of Beaverton laws or building codes. In the event of a conflict between these guidelines with either the CC&Rs, Bylaws or amendments or City of Beaverton laws or codes, the CC&Rs, Bylaws or amendments or City of Beaverton Laws or codes control. Also refer to ORS 94.630 and 94.640.**

## 3.0 City of Beaverton Permits and Codes

The homeowner is responsible for obtaining City of Beaverton building permits and compliance with all code restrictions. The Burntwood-West HOA Board and ARC take no responsibility for projects being designed or constructed in accordance with City Building Code. All code violations should be referred to the City of Beaverton.

ARC approval must also be obtained prior to beginning work. The homeowner should submit an amended ARC form for ARC review indicating any changes required by the City of Beaverton to avoid any conflicts during the ARC audit. City of

Beaverton Building Permit number(s) may be requested by the ARC prior to or during final audit (6.7). CC&R and ARC approval requirements may be more stringent than city building code.

## 4.0 Amendments

Amendments to these guidelines may be proposed at anytime by the ARC, the HOA Board, or a homeowner. Proposed amendments must be presented at a HOA Board meeting for comment and posted for 30 days at <http://www.burntwoodwest.com> or mailed out in full to all homeowners. A mail notification will be sent to all homeowners announcing that amendments have been proposed and posted. Paper copies of proposed amendments will be made available to individual homeowners upon request.

At the subsequent Board meeting any homeowner will be allowed to comment on the proposed changes. Any changes to the amendment resulting from the homeowner feedback may be immediately adopted into the amendment and adopted without waiting a further 30 days if there are no objections. If there is no homeowner feedback the amendment may only be adopted without change. If the Board votes to adopt the amendment, it goes into effect immediately.

## 5.0 Definitions

As used in this document, the following words shall mean:

- **ARC** - Architectural Review Committee (CC&R Article 8)
- **Architectural Review Committee (ARC) Form** – A form that describes a proposed change in enough detail that the ARC can make a decision on whether or not to allow the change. An ARC form may be obtained at <http://burntwoodwest.com/ARCform.pdf>.
- **Approved ARC Form** – An ARC Form that has been approved by the ARC.
- **Approved with Conditions ARC Form** – An ARC Form that has been approved by the ARC committee, with one or more required changes specified.
- **Audit** - the inspection or examination of a project to evaluate work was completed in accordance with approved ARC form and any associated conditions.
- **Construction** - to build an entirely new structure or change an existing structure
- **Covenants, Conditions & Restrictions (CC&Rs)** – A set of regulations designed to protect the integrity and value of the neighborhood and that every homeowner in the Burntwood-West has agreed to abide by. A copy of the current CC&R may be obtained at: [http://burntwoodwest.com/BW\\_CCRs\\_Mar07.pdf](http://burntwoodwest.com/BW_CCRs_Mar07.pdf).

- **Rejected ARC Form** – An ARC Form that is either incomplete or is considered non-conforming based on the proposed construction not blending in with the natural surroundings, existing structures and landscaping or is in violation of the CC&R's.
- **Repairs** - To restore an item or structure to its original state by fixing or replacing one or more broken or worn parts. Work does not modify existing architecture and replaces less than 30% of the item or structure.
- **Structure** – Any building, construction, or improvement on a lot including but not limited to the dwelling, fences, decks, storage sheds, outbuildings, retaining walls, roofs, gazebos, arbors, concrete slabs and screening fences.
- **Temporary** – lasting, existing, serving, or effective for a limited time; not permanent.
- **Work** – Any preparation of the site for construction or changes to a new or existing structure or improvement.

## 6.0 ARC Form

A complete ARC Form must to be delivered in writing and received at the address on the ARC form as required by CC&Rs article 8.04. A completed ARC Form must include all information required by the ARC, including but not limited to, materials, color, size (height, width, and length), scope, schedule, and placement on the lot of the proposed changes.

An incomplete ARC form will be returned as rejected for more information within the 15 day timeline. A list of the information required to complete the ARC form will be provided to the homeowner by the ARC.

Once a completed ARC form has been received a response will be provided to the homeowner by the ARC within the 15 day timeframe outlined in CC&Rs article 8.02. The response will be either “Approved”, “Approved, with Conditions”, or “Rejected”. In the event the ARC fails to approve or reject an ARC form within fifteen (15) days after submission approval will not be required and the related covenants shall be deemed to have been fully complied with.

The homeowner is responsible for obtaining City of Beaverton building permits and compliance with all code restrictions. City of Beaverton Building Permit number(s) may be requested by the ARC prior to or during final audit (Section 6.7). The homeowner should submit an amended ARC form for ARC review indicating any changes required by the City of Beaverton to avoid any conflicts during the ARC audit.

The ARC Form is considered public material (except personal information as required by state statute ORS 192) once it is received and may be shared or posted in any way deemed acceptable to the Board.

The most current version of the ARC Form is available at:  
<http://burntwoodwest.com>

### 6.1 Approved ARC form

Approved work may start immediately upon notification from the ARC that the project described in the ARC form has been “Approved” and any required City of Beaverton permits have been obtained (section 3.0).

### 6.2 Approved, with conditions ARC form

Approved work may start immediately upon notification from the ARC that the project described in the ARC form has been “Approved, with Conditions” if the homeowner agrees with the required changes specified. Conditions may be appealed by the homeowner (section 6.6).

### 6.3 Rejected ARC form

An ARC Form that is rejected is either incomplete or is considered non-conforming based on the proposed construction not blending in with the natural surroundings, existing structures or landscaping or is in violation of the CC&R's. An incomplete ARC form will be returned as rejected within the 15 day timeline. A list of the information required to complete the ARC form will be provided to the homeowner by the ARC. No work is allowed. Rejection of an ARC form may be appealed by the homeowner (section 6.6).

### 6.4 Abutting Neighbor(s) Notification

Homeowners are recommended to obtain signatures of the abutting neighbors on the submitted form indicating that they have been notified of the proposed changes. Supporting material, such as plans, also should be signed or initialed by the neighbors. Abutting neighbor notification and/or approval is not required for approval of the proposed change, but this step will help to expedite the ARC review process. The ARC may gather information from abutting neighbors if this information is not provided upon submittal. Abutting neighbors are encouraged to communicate in writing to the ARC or the Board with any concerns or objections to a proposed project immediately upon notification and prior to ARC form approval.

### 6.5 Neighbor Appeal

Neighbors should communicate concerns regarding work described in an ARC Form to the homeowner proposing the work. These concerns should also be provided to the ARC prior to ARC approval in the form of an appeal. Appeals by a neighbor must be delivered in writing and should be received at the address on the ARC Form before a project is approved by the ARC. Appeals must be supported by written reasons and evidence describing the concerns and objections to the proposed project.

Construction that is already reflected in at least 20% of the neighborhood lots may be considered as precedent when considering if the proposed construction blends in with the natural surroundings, existing structures and landscaping. Examples of precedent should consider lots with similar topography and dwelling orientation.

Appeals received up to 10 days after public notification will be referred to the Board.

### **6.6 Homeowner Appeal**

Any conditions or rejection may be appealed by the homeowner in writing to the ARC and/or HOA Board; however work cannot begin until appeals by the homeowner are resolved. Appeals will be considered at the next applicable Board meeting.

Appeals by the homeowner in response to a rejected ARC form or one or more conditions must be received within one month of receipt of the ARC decision. Appeals must be supported by written reasons and evidence describing the homeowner's concerns and objections to the ARC decision. The ARC may provide its written findings to the Board prior to the hearing.

The appeal process involves notification of all affected parties and a hearing before the HOA Board. The ARC and all affected parties will each be allowed a set amount of time to present evidence in person or in writing at which time the Board will discuss the case and render a decision. The Board's decision is binding.

Construction that is already reflected in at least 20% of the neighborhood lots may be considered as precedent when considering if the proposed construction blends in with the natural surroundings, existing structures and landscaping. Examples of precedent should consider lots with similar topography and dwelling orientation.

### **6.7 Audits**

By submitting an ARC Form the homeowner grants permission for designated auditor/auditors (typically ARC members or Board members) to visit the property to survey the work covered by the ARC form submission. Any discrepancies between the actual work performed and the proposed work on the ARC form will be noted and the homeowner notified of the corrections needed. If the corrections are not made within six weeks, the ARC approval may, at the discretion of the ARC, be considered void and the work deemed non-compliant.

If the homeowner does not make the changes required by the ARC, then a new ARC form reflecting the work actually done can be submitted. This ARC Form will void the existing ARC Form and be considered independently. The timeline to submit a revised ARC Form is four weeks from notification of a failed audit.

Projects with ARC Forms that have been "Approved", but have yet to pass audit will be audited as-is. If a new ARC Form needs to be filed because of problems found during an audit, these guidelines will apply to the new ARC Form.

## 6.8 Typical Step-by-Step process - Refer to CC&R's article 8.2

Homeowners should keep in mind that the process described below is for ARC approval only. Homeowners are responsible for obtaining the proper building permits and maintaining compliance with all current building codes and regulations.

**STEP 1:** Initial submission of ARC Form – 30 days

- It is recommended to plan to submit at least **30 days prior to beginning of work** due to the possibility it may be returned for more detail. If the ARC Form is approved during STEP 1, go directly to STEP 3.

**STEP 2:** Final Submission of ARC Form – 15 days

- A complete and subsequently approved ARC form should be submitted at least **15 days prior to beginning of work** because the CC&R's grant the ARC this time for review.

**STEP 3:** ARC Form Returned - 1-2 days

- ARC returns ARC Form with decision to the applicant 1-2 days before beginning of work

**STEP 4:** Begin work

**STEP 5:** HOA Board Meeting

- Decision is reported at next meeting after ARC decision to the Board.

**STEP 6:** Changes or Additions after ARC approval – 15 days

- A complete ARC form with amendments or revisions should be submitted at least **15 days prior to beginning of work** on the new items because the CC&R's grant the ARC this time for review.

**STEP 7:** Complete Work

**STEP 8:** ARC performs Audit

- If project was completed in accordance with approved ARC form, board is notified at next meeting.
- If any non-compliant items are found, they are reported to the homeowner.

**STEP 9:** Non-Compliant Audit Results - 4 weeks

- A new ARC Form must be submitted within 4 weeks of notification from the ARC with details of work identified by the audit.

**STEP 10:** Corrections Completed – 6 weeks

- All corrections specified by audit must be completed within 6 weeks of notification.

- **NOTE:** Appeals can be accepted up to 10 days after public notification.

## 7.0 Projects needing ARC approval

Any new structure or external changes (including painting) to an existing structure require ARC approval except as specifically exempted below. The homeowner is responsible for obtaining City of Beaverton building permits and compliance with all code restrictions.

### 7.1 Exceptions

The following work does not require the homeowner to submit an ARC form or obtain ARC approval as long as the structure is in compliance with the CC&R's:

- Repairs to a structure using the same materials (unless notified by the board of violations)
- Painting or staining using the same color and finish (unless notified by the board of violations)
- Repair of roof materials with same materials and color (unless materials are not on the pre-approved list in Section 8.9)
- Addition of vents or chimneys for air conditioning or furnace units
- Emergency repairs do not require an ARC form be submitted prior to beginning work, but ARC approval will still be required if work does not satisfy exceptions described in Section 7.1.
- Exceptions listed in Section 8.0 of these guidelines.

## 8.0 Specific Guidelines

### 8.1 Arbors

The list below presents architectural characteristics that if present on the proposal will expedite review and approval of an ARC form. An application for proposed structures which varies from these guidelines may require more information to be submitted or may require more time to review.

- Arbor is 9 ft or less above grade at any point.
- Arbor is founded in and stands above bare ground (no planking).

### 8.2 Concrete slabs / Animal Runs

The list below (CC&R's article 8.04) presents architectural characteristics that if present require an ARC form.

- Concrete covering greater than 10 square feet (e.g. one 2'x5' slab or ten 1'x1' slabs).

### 8.3 Decks/ Walkways/Stairs/Landings/Deck Covers (CC&R's article 7.17)

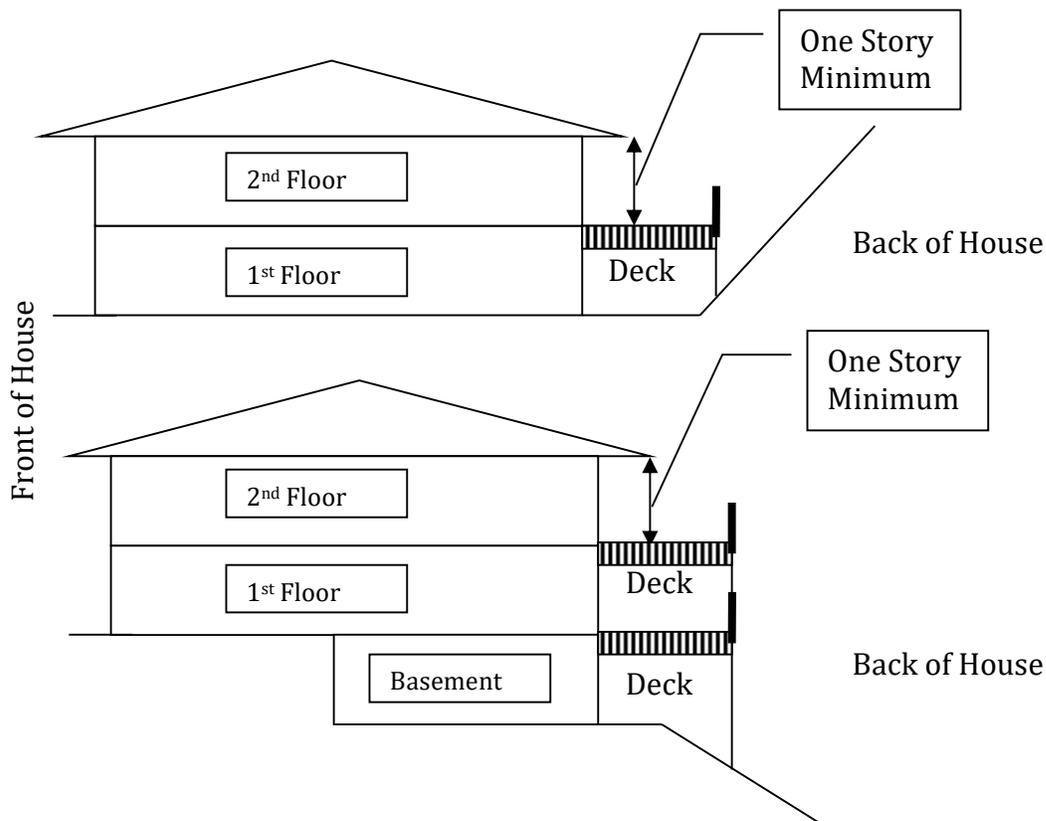
The list below presents architectural characteristics that if present on the proposal will expedite review and approval of an ARC form. An application for proposed structures which varies from these guidelines may require more information to be submitted or may require more time to review.

- Deck is located entirely behind the house to which they are attached.
- Deck has a minimum separation of one story below the directly overhanging roof (as illustrated in Figure 1: Minimum Deck separation from directly overhanging roof).
- Deck is constructed of wood or wood substitutes.
- Railings are constructed of wood, wood substitute, metal or glass. Other materials may also be considered by the ARC.
- The construction and railings is consistent between decks, if more than one deck is present on a property

Each lot has unique topography, safety requirements, and orientation to other homes so every walkway, deck, landings, stairway, or deck cover will be evaluated on a case-by-case basis.

Deck covers will be reviewed as a component of a deck or will be reviewed as a roof (Section 8.9) as determined by the ARC.

Set-back requirements will be determined by the current City of Beaverton building



**Figure 1: Minimum Deck separation from directly overhanging roof**

code.

#### 8.4 Fences

Fences are specifically covered in the CC&Rs article 7.06. They must not exceed 6'ft in height above grade and not extend beyond the front walls of any dwelling or garage except as allowed by the ARC.

Fences should be constructed of rot-resistant wood. Other materials will be considered by the ARC.

Fence and retaining wall combinations should use the combined height as the height of the fence.

As per CC&Rs solid-screen plantings are generally considered fences and will be treated as such (height restrictions, not in front of house, etc). A general guideline is that if you cannot see or walk through the line of plants, it is a solid-screen planting. The Board reserves the right to make the final determination on whether or not a given planting is a solid-screen planting.

#### Materials:

- Wood: The preferred material for the Burntwood West neighborhood Fences is rot-resistant wood.
- Chain Link: In general, chain link fencing is discouraged. Prior to construction, all chain link fencing designs must be approved in writing by the Board of Directors.
- Other Materials: Will be considered by the ARC.

#### 8.5 Landscaping

Landscaping changes, except in the specific instances noted below, do not need ARC approval, however they must meet the standard reflected in the neighborhood as required by CC&Rs Article 7.17.

Any landscaping that represents a fence per CC&Rs article 7.06 needs prior ARC approval.

Any landscaping change that fundamentally changes the nature of the lot (removal of all grass, large changes to topography, etc) requires prior ARC approval. An ARC member may be consulted to determine if an ARC from is required.

#### 8.6 Other Structures

Other structures include (CC&R's article 7.17 and 8.04) , but are not limited to an outbuilding, shed, storage unit, hot tub, pool, greenhouse, and shelter. All outbuildings will be constructed similarly to the existing dwelling with like materials, colors, and style. Roofs on outbuildings must either be cedar shake, or match the roofing material of the main house.

### 8.7 Painting/Staining (CC&R Article 7.17)

Houses must be painted using a minimum of two distinct colors, one for the main sections of the house, and one for trim (edging, windows, eaves, porches, etc).

The main house color should be a neutral/natural color and blend in well with the neighborhood. Bright/garish colors or harshly dark colors will not be approved.

The trim color should contrast with the main color, but also complement it. The main trim color should also be neutral/natural. Other accent colors must simply complement the two main colors.

Any outbuildings should be painted with the same paint used on the main house.

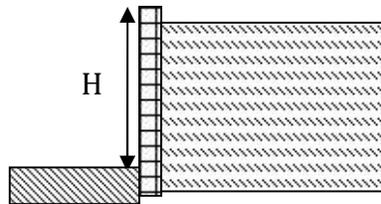
Staining of fences, decks and other natural wood structures must be done with a neutral or natural color that compliments the main house.

Paint chips and color samples must be submitted with the ARC form. The ARC may request that a sample of the proposed paint or stain be applied to an area of the structure before approval.

### 8.8 Retaining Walls

The list below presents architectural characteristics that if present require an ARC form.

- Retaining wall with exposed height (H) of more than 2 ft (as illustrated in Figure 2: Exposed Height of Retaining Wall)
- Retaining wall is part of a multi-tiered wall system



**Figure 2: Exposed Height of Retaining Wall**

### 8.9 Roofs

The CC&Rs, in articles 7.17, 7.17.1, and 7.18, specifically approve cedar shake and tile roofs. In addition, the ARC has pre-approved the following other roofing materials:

- Certain Teed Presidential TL (Triple Laminated) 50-year Architectural Shingles
- GAF Grand Canyon Lifetime Designer Shingles
- Owens Corning Woodmoor Shingles

When changing materials, using pre-approved materials will expedite approval but a proper ARC form must still be submitted and ARC approval still must be obtained.

Repair of roofs with the same materials and color does not require the submission of an ARC form or ARC approval as long as the materials are currently on the pre-approved list.

The roof color should complement the house colors. Changes to the roof color, beyond temporary changes due to cleaning, treatment or replacement require the submission of an ARC form and ARC approval.

Outbuildings roofs are discussed in Section 8.6.

Deck covers will be reviewed as a roof or will be reviewed as a component of a deck (Section 8.3) as determined by the ARC.

### 8.10 Siding

Siding materials are specifically covered in the CC&Rs article 7.17.1. All exterior walls must be finished with cedar siding, or other materials such as brick that has been approved in writing in advance by the ARC. In no case may grooved plywood siding be used on any dwelling.

The CC&Rs, in articles 7.17.1 specifically approves cedar siding. In addition, the ARC has pre-approved the following other roofing materials:

- Fiber-Cement (hardi-plank)
- Stucco
- Brick

When changing materials, using pre-approved materials will expedite approval but a proper ARC form must still be submitted and ARC approval still must be obtained.

Repair of siding with the same materials and color does not require the submission of an ARC form or ARC approval as long as the materials are currently on the pre-approved list.

Information on the siding material including manufacturer, color, texture, and sample must be provided to the ARC for consideration with the application.

#### 8.10.1 Vinyl Siding

Vinyl Siding requires approval from the HOA Board.

- a) Vinyl siding must be high grade vinyl siding with a “wood grain” appearance of cedar siding applied during the manufacturing process.
- b) Siding color must be solid and penetrate entire siding surface, Top only color application will not be permitted.
- c) All vinyl siding shall have a minimum thickness of 0.050 inches

d) Installation

- a. When installing siding, in any clear run measuring twelve feet or less (between corners, openings, projections, etc.) only single length panels shall be used. NO vertical joints are permitted.
- b. When installing siding with over twelve feet of clear run, joints shall be provided in a random pattern in the wall. Stair stepped joints patterns are not allowed. In clear runs greater than twelve feet and less than eighteen feet in length, there will be a maximum of one vertical joint. For clear runs over eighteen feet in length, one additional vertical joint is allowed for every nine feet of length above eighteen feet.

e) Repair

- a. If the vinyl siding originally installed is no longer available: The Board will work with the homeowner(s) via an application for modification to approve new vinyl siding.
- b. It is recognized that the existing siding will likely be difficult to match. When small areas need to be replaced or repaired it may be possible to “harvest” siding from less visible areas to use in more visible areas. Replacing the harvested siding with matching new siding or trim requires ARC approval.

### 8.11 Solar Installations

Solar Installations include, but are not limited to, Photovoltaic (PV) panels/modules, Solar Water Heating (SWH) panels/modules, and Integrated Photovoltaic Systems (IPS) (i.e. PV shingles, tile, or siding of thin-film laminates).

Solar installations must be visually integrated with the architecture of the house. The installation should eliminate or minimize visibility from the street. Devices should be owned by the homeowner; leased products will be allowed for installation only if it is guaranteed in the lease agreement by all parties that they will obtain ARC/Board pre-approval in writing prior to removal. Tracking platforms or mechanisms that allow devices to tilt seasonally, permanently or by time of day are not allowed.

Aesthetically, all solar installations must meet the following requirements:

- Solar Panels must have a non-reflective surfaces
- A maximum of distance of 8 inches from the roof surface to the top of the panel
- A maximum of 2 roof planes used for a single type of installation
- Panels must be installed on the plane of roof material and may not extend above the ridge line of the roof.
- Panels (collectors) must be a continuous unit without gaps

- All conduit or pipe runs should be internal/concealed (non-visible from the outside), or if external be painted to match the background color
- PV systems require that the inverter should be placed either inside or within 3 feet of the existing utility meter, preferably on the same plane as the existing meter.
- Inverters and additional utility meters should be installed to minimize visibility from the street.

The Board highly recommends that all solar installations meet the Energy Trust of Oregon installation requirements at: <http://www.energytrust.org/residential>. The Board further recommends that the roof installation site should be verified to have a minimum life of 10 years.

## 9.0 Non-Compliance

Starting any work before receiving an “Approved” or “Approved, with Conditions” ARC Form may result in a \$100 per day fine for each infraction.

Starting any work before resolution of an appeal of stipulated conditions on an “Approved, with Conditions” ARC Form may result in a \$100 per day fine for each infraction.

Any work not covered by an existing “Approved” ARC Form or in conflict with conditions stipulated on an “Approved, with Conditions” ARC Form is considered non-compliant and may incur a \$100 per day fine. This includes work started after filing a completed ARC form, but before approval, as well as work done with an approved ARC Form that fails the audit process.

CC&R’s article 8.05 (Nonwaiver) and Article IX (Enforcement) of the Burntwood West CC&Rs gives the Board the authority to remove and bring into compliance any non-compliant work at the owner’s expense.

## 10.0 Amendment History

1.02	Added Section 8.11 Solar Guidelines
1.03	Added Section 10 Amendment History Added GAF Grand Canyon Lifetime Shingles to roofing materials pre-approved list in Section 8.9 Changed amendment process in Section 4.0 Modified Solar Panel leasing restriction for Solar Installations in Section 8.11
1.04	Modified Section 8.10 Siding and added guidelines for Vinyl Siding installations
1.05	Modified notification requirements in Section 4.0 Updated Fences in section 8.4 Added Malarkey Windsor XL Designer Shingles and Owens Corning Woodmoor Shingles to roofing materials pre-approved list in Section 8.9
1.06	Removed Malarkey Windsor XL Designer Shingles from roofing materials pre-approved list in Section 8.9