

TWENTY-ONE IRVINGTON CONDOMINIUMS DESIGN REVIEW APPLICATION

Mail or E-mail the completed form to:
Twenty-One Irvington Condominiums
C/o CENTURY 21 Northstar
7800 SW Barbur BLVD, Suite 1A
Portland, Oregon 97219
HOA.Northstar@Century21.com

Application for Additions, Alterations or Improvements
To Units, General or Limited Common Elements

Applicant			
Address:			
Condominium Address			
Telephone		E-mail	

Brief description of proposed project (Attach relevant site maps, building plans, elevations, and written narrations of such scale and clarity that lay members of the Condominium Board readily understand them):

Contractor:		Phone:	
Address:			
CCB#:		Web/E-mail:	

Contractor:		Phone:	
Address:			
CCB#:		Web/E-mail:	

APPLICANT AGREES TO:

1. Adhere to all laws, ordinances, and building codes; and obtain permits as required.
2. Abide by the provisions of the attached resolution.
3. Make no changes or additions to the project after approval of the submitted plans except with and by the expressed written approval of the Condominium Board.
4. Schedule on-site inspections of the proposed project by the Condominium Board of Directors or their agents at mutually agreeable time.
5. Limit work performed by Owner to the hours of 8:00am to 9:00pm Monday through Friday, and 9:00am to 9:00pm Saturday and Sunday, unless special approval is granted by the Board prior to the commencement of work.
6. Limit work performed by hired contractors to the hours of 8:00am to 6:00pm, Monday - Friday, unless special approval is granted by the Board prior to the commencement of work.
7. Obtain signatures from all directly-adjacent Homeowners (including those above or below the unit) indicating that they're aware of the proposed work (email or written signatures from offsite owners also acceptable). Design Review Applications received by the Board, and given preliminary conditional approval, will be distributed to all directly adjacent Homeowners for a 7-day review and comment period.
8. Recognize the Condominium Board of Directors may impose additional conditions upon granting its approval, as it deems necessary.
9. Recognize the Condominium Board of Directors may request a hearing to discuss the proposed design before rendering a decision.
10. Recognize that, if the Applicant is unsatisfied with the Association's decision regarding their application, they may request a hearing with the Condominium Board of Directors to review the decision.

Applicant's Signature:		Date:	
Neighboring Homeowner's Signature:		Unit:	Date:
Neighboring Homeowner's Signature:		Unit:	Date:
Neighboring Homeowner's Signature:		Unit:	Date:

DO NOT WRITE BELOW THIS LINE

CONDOMINIUM ASSOCIATION

Approved by: Board Member _____ Date _____	
Board Member _____ Date _____	
Board Member _____ Date _____	
Noted in Association Minutes dated:	
With the following changes (if any):	

**TWENTY-ONE IRVINGTON
CONDOMINIUMS OWNERS ASSOCIATION
BOARD OF DIRECTORS**

ALTERATIONS RESOLUTION

RECITALS

A. Twenty-One Irvington Condominiums (the "Condominium") is a condominium located in the City of Portland, Multnomah County, Oregon. The Condominium was established and is governed by the documents set forth below and the Oregon Condominium Act, ORS Chapter 100.

Declaration Submitting Twenty-One Irvington Condominiums to Condominium Ownership, recorded January 12, 2006, as Document No. 2006-006941, Records of Multnomah County, Oregon ("Declaration").

Bylaws of Twenty-One Irvington Condominiums Owners Association, recorded as Exhibit D to the Declaration ("Bylaws").

Plat of Twenty-One Irvington Condominiums, recorded January 12, 2006, in Book 1272, Page 40-45, Plat Records, Multnomah County, Oregon.

B. Twenty-One Irvington Condominiums Owners Association, is an Oregon nonprofit corporation (the "Association") formed pursuant to the Declaration, Bylaws, and Articles of Incorporation, filed January 20, 2006, with the office of the Oregon Secretary of State, Corporation Division, under ORS Chapter 65.

C. Section 3.6 of the Bylaws provides that the Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association. Further, under Article 3.6(n) of the Bylaws and ORS 100.405 and 100.545, the Board of Directors, on behalf of the Association, has the authority to enforce the Declaration, Bylaws, and rules adopted thereunder.

D. Under ORS 100.405(4) and Article 14.3 of the Declaration, the Board of Directors, acting on behalf of the Association, has the authority to adopt rules and regulations that the Board of Directors may deem to be in the best interest of the Association.

E. Article 7.5(m) of the Bylaws further provides that the powers of the Board of Directors include adopting and modifying, or revoking such rules and regulations governing the conduct of persons and the operation and use of the units and common elements as it may deem necessary or appropriate. Further, Article 7.7(c) provides the Board with the power to levy reasonable fines.

F. Section 4.3 of the Declaration defines the boundaries of each unit.

G. Under Section 7.1(a) of the Bylaws, the responsibility for maintenance and repair of the unit is the responsibility of individual unit owners.

H. Section 7.3 (c) of the Bylaws provides:

If, due to the act or neglect of a unit owner, or of a member of such owner's family or household pet or of a guest or other occupant or visitor of such unit owner, damage shall be caused to the common elements or to a unit owned by others, or maintenance, repairs or replacement shall be required that would otherwise be a common expense, then such unit owner shall pay for such damage and such maintenance, repairs, and replacements as may be determined by the Association, to the extent not fully covered by the Association's insurance.

J. Under Article 7.2 (a) of the Bylaws and ORS 100.535(3), a unit owner may not make any improvement or alteration to such owner's unit without first notifying the Association and obtaining approval by the Board of Directors of the proposed alteration.

K. The Board of Directors has determined that it is in the best interests of the Association and all unit owners to adopt a proactive policy to protect the appearance and integrity of the common elements.

L. The Board of Directors further believes it is in the best interests of the Association and all unit owners to establish a policy for reviewing proposals for improvements and alterations at the Condominium and approving or rejecting such proposals.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the conditions, requirements, and procedures set forth below be adopted.

I. MAINTENANCE, REPAIR, AND REPLACEMENT

1.1 Responsibility for Maintenance, Repair, and Replacement.

(a) Each unit owner is responsible for the maintenance and repair of the owner's unit and for all costs of such maintenance and repair, including replacement of components of the unit.

(b) Each unit owner shall perform promptly all maintenance and repair work that is needed within the owner's unit to prevent any damage to or other negative effects on the common elements of the Condominium or any part thereof belonging to other owners.

1.2 Unit Alteration. No improvement or alteration to, modification of, or installation in a unit shall be commenced until a written application for the improvement, alteration, modification or installation has been submitted to and approved in writing by the Board of Directors as provided in Section II below.

1.3 Emergency Repairs. A Section II application approval is not required for emergency repairs or replacements, including, but not limited to, fixing pipes, glass, windows, doors, or a dangerous condition provided:

(a) The repair or replacement does not alter the appearance of the unit.

(b) The repair or replacement does not damage, impair, or otherwise have an effect on the structural integrity of the common elements or another unit.

(c) The repairs or replacement is completed in compliance with Sections III below whenever possible.

(d) Unit owners must notify the Board of any emergency repairs that alter or require modification of the unit within ten (10) days of the repair. The Board may then review the repair under Section 2.2 similar to an application. Emergency repairs are subject to post-repair Section V remedies and inspection.

II. APPLICATION AND APPROVAL PROCESS FOR UNIT ALTERATIONS

2.1 Application Submission.

(a) Requirement. In accordance with Section 1.2 above, a unit owner shall submit a written application for any proposed improvement or alteration to, modification of or installation in a unit.

(b) Application Form; Indemnification. The application shall be on a form prescribed by the Board of Directors. The application form shall require, as a term or in an addendum, that the owner defend, indemnify and hold harmless the Association against all claims, damages, or costs incurred or suffered by the Association as a result of or incident to the Alteration.

2.2 Board of Directors Review and Decision.

(a) Review. The Board of Directors shall review applications in chronological order based on the date of receipt of the application for a determination that the application complies with the Alteration Standards and Guidelines adopted under Section III below.

(b) Board of Directors Decision. Within thirty (30) days after it has received all material required by it with respect to an application, the Board of Directors shall render a written approval or a written denial of the application, or shall notify the applicant that an additional thirty (30) days is needed for the Board to make a determination with respect to the application.

2.3 Effective Period of Approval. The Board of Directors' approval of any proposal is automatically revoked ninety (90) days after issuance unless work relating to the installation has been commenced or the owner has applied for and received an extension of time from the Board of Directors.

2.4 Fees. The Board of Directors may charge a reasonable application fee and charge applicants additional costs incurred or expected to be incurred by the Board of Directors to retain architects, attorneys, engineers, and other consultants to advise the Board of Directors concerning any aspect of the application or compliance with any appropriate criteria or standards required under Sections III below.

2.5 Nonwaiver, Precedent, and Estoppel. Approval or disapproval by the Board of Directors of an application under this Section, or any decision made under Section V below, may not be deemed to constitute precedent, waiver, or estoppel impairing the right of the Board of Directors to withhold approval or grant approval or take action as to any similar matter thereafter subject to this resolution.

III. GUIDELINES FOR DESIGN AND INTEGRATION OF ALTERATION WITH BUILDING

3.1 Adoption. Any improvement or alteration to, modification of, or installation in a unit shall comply with the standards and guidelines set forth in the Door Specifications, Guidelines for Design and Integration, Window Specifications, or any other architectural guidelines adopted and amended from time to time by resolution of the Board of Directors at its sole discretion.

3.2 Provisions. The Guidelines for Design and Integration shall prescribe style, specifications, characteristics, and other related elements.

IV. IMPROVEMENTS, ALTERATIONS, MODIFICATIONS, & INSTALLATIONS

4.1 All improvements or alterations to, modifications of, or installations in a unit must be made by contractors licensed, bonded, and insured in accordance with the requirements of the Oregon Construction Contractors Board and the Bylaws.

4.2 All improvements or alterations to, modifications of, or installations in must be in accordance with Guidelines for Design and Integration, adopted by the Board of Directors under Section III above.

4.3 Once approval is granted under Section 2.2 above, the unit owner must notify the Board of Directors in writing of the construction dates prior to commencing any construction for the improvement, alteration, modification, or installation.

4.4 The improvement, alteration, modification or installation, and all other related construction and finishing work, must be completed within seven (7) business days of commencement of the work. Owners may petition the Board of Directors, in writing, for additional time to complete the work.

4.5 Owners shall instruct all workers to park only in the owner's parking space or on the street. Owners who obtain permission from other owners of parking spaces for use by construction workers must provide written proof of such permission in the application adopted under Section 2.1 above.

4.6 All improvements or alterations to, modifications of, or installations in a unit must be made in accordance with all requirements of the municipal and other governing bodies and authorities. Owners shall be responsible for obtaining all required permits from the applicable governmental authority, including building permits, and securing all required inspections of the unit. Owners shall provide the Association with a copy of all permits and inspection reports.

V. INSPECTION AND ENFORCEMENT

5.1 Inspection. The Board of Directors, or its authorized representative, may enter a unit to determine whether the improvement, alteration, modification or installation complies with the written approval of the Board of Directors, as provided under Section 2.2, above, and the guidelines referenced in Section 4.1, above. Except in the case of an emergency, a request for entry must be made in advance and the entry must be at a time convenient to the owner.

5.2 Remedies for Noncompliance.

If a unit owner fails to comply with (1) this Resolution, (2) the Board of Director's written determination of an application (approval or denial), or (3) the applicable architectural guidelines for the application as referenced in Section 4.1, above, the Board of Directors may, after the unit owner is given notice and an opportunity for a hearing:

(a) Assess fines against the unit owner and unit owner's unit in an amount to be determined by the Board of Directors pursuant to a schedule of fines adopted by the Board of Directors in accordance with ORS 100.405.

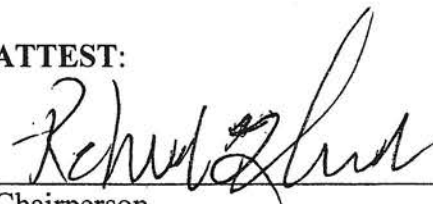
(b) Regardless of whether any fines have been imposed, proceed with any other available legal remedies, including, without limitation, an action to require the owner to remove the Alteration in violation of the Guidelines for Design and Integration, adopted under Section III above.

VI. COSTS AND ATTORNEY FEES

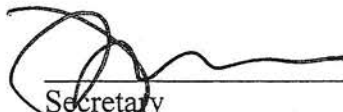
Fines, charges, and expenses incurred in enforcing this Resolution and for any costs incurred by the Association in connection with any action under Section V above, including reasonable attorney fees, are assessments against the unit owner and unit owner's unit that may be collected and foreclosed by the Association as provided under ORS 100.450.

ADOPTED this 18 day of September, 2008.

ATTEST:



Chairperson



Secretary