

Matthew Frank Landscaping Guidelines (Revised March 2018)

Purpose

This document will provide direction for Matthew Frank homeowners and tenants in landscaping and maintaining the general and limited common elements.

Design of Landscaping

The landscape guidelines require that the existing footprint is maintained in all general and limited common areas and that all new plantings blend into and complement the overall style and intention of the Matthew Frank Community. The landscaping is also to be composed of environmentally responsible plant materials as they pertain to the Oregon Willamette Valley.

Issues to consider include

- Existing vegetation
- Preservation of existing mature trees
- Shade/sun/wind/water/soil conditions for the common elements
- Enhancement of the dwelling's architectural features
- Ease and economy of maintenance and repair
- Impact of growth of plantings

Definitions

"Common elements" means the general common elements and the limited common elements.

"General common elements" unless otherwise provided in a declaration means all portions of the condominium that are not part of a unit or a limited common element.

"Limited common elements" means those common elements designated in the declaration, as reserved for the use of a certain unit or number of units, to the exclusion of the other units.

"Patios" means ground level limited common elements appertaining to the Unit which it adjoins. For two and three bedroom units this would be the area directly adjacent to the main entry door and located directly below the unit address house number. For one bedroom units, see the area labeled "patio" on the template at the Web site for Matthew Frank Homeowners Association (<http://www.matthewfrank.org/>).

"Plant Containers" means pots and horizontal deck railing planter boxes (vertical hanging deck railing planter containers are not permitted).

Landscaping Rules

1. Courtyard/Outside Fencing/Parking Strips/General and Limited Common Areas other than Yards/Patios/Decks

- a. All landscaping for these areas will be determined and maintained by the HOA Association in conjunction with recommendations from the HOA Landscaping Committee.

2. 2 and 3 Bedroom Patios and Decks

- a. Plant containers (pots and single level horizontal deck railing planter boxes) may be maintained by a resident on the paved area near the doorway patios (see definition above) and on decks subject to the following restrictions:
 - i. Pots on patios are limited to one per unit, cannot obstruct pedestrian traffic, must allow for ample clearance of trash receptacles, and, where space permits, be no larger than 24 inches in height and 20 inches in diameter.

- ii. Pots on decks of 2 and 3 bedroom units are limited to 2 per unit, no larger than 20 inches in height by 18 inches in diameter and must be placed on non-staining commercially obtained plant caddies, platforms, or risers to prevent deck rot. Nylon, resin and plastic are examples of non-staining materials.
- iii. Single level horizontal deck railing planter boxes must face inward or straddle the deck railing and be affixed in a manner to prevent the possibility that they could fall from the deck. In case of damage caused by planter boxes falling from railings, the homeowner assumes all liability for repair and correction of such damage.
- iv. 2 bedroom unit decks can have up to 4 deck railing planter boxes.
- v. 3 bedroom unit decks can have up to 2 deck railing planter boxes.
- vi. All pots and deck railing planter boxes should be carefully watered to not drip into other homeowner or tenant areas.
- vii. During the growing season pots and deck railing planter boxes should be planted, watered and maintained in an attractive manner.
- viii. After plants die or become dormant they must be immediately removed or cut back to soil level.
- ix. Deviations from these guidelines for plant containers (pots/deck railing planter boxes) will be considered on a case by case basis and approved according to how well they fit into the criteria "Issues to be considered" as listed above.
- x. At no time can signs or banners, birdbaths, statues/sculptures, arbors or fountains be permitted on decks. Decorations (including whirligigs, chimes, birdhouses, bird feeders, art, lights, etc.) on decks will be considered on a case by case basis by the Board.
- xi. To request a deviation from the guidelines, homeowners will need to submit a Landscaping Change Request Form available at <http://www.matthewfrank.org/> and receive HOA Board Approval.
- xii. If a landscaping request is approved, all deviations must be maintained in a clean and attractive manner.

3. 1 Bedroom Patios and Yards

- a. Each individual 1 (one) bedroom unit yard is designed to blend into the community as a whole and is maintained by the landscaping contractor. General guidance for yards is defined by the existing community landscape.
- b. At no time can signs or banners, birdbaths, statues/sculptures/yard art, arbors or fountains be added to the yard areas. Birdhouses, bird feeders, pots, and seating (a bench, or two small chairs and a table) will be considered on a case by case basis and then only in Area '1'.
 - i. To request a birdhouse, bird feeder, pots, or seating in this Area 1, homeowner will need to submit a Landscaping Change Request Form available at <http://www.matthewfrank.org/> and receive HOA Board Approval.
 - ii. If landscaping request is approved for birdhouse, bird feeder, pots, or seating in Area 1, all must be maintained in a clean and attractive manner.
- c. Plant containers/pots on doorway patios (see template) are limited to two per unit, cannot be larger than 20 inches in diameter and 24 inches in height, cannot obstruct walkway, front entrance; storage closet, fire sprinkler closet doors or protrude into the non-paved area.
 - i. Deviations from these guidelines for pots/plant containers will be considered on a case by case basis and approved according to how well they fit into the criteria "Issues to be considered" as listed above.
 - ii. To request a deviation, from the guidelines, homeowner will need to submit a Landscaping Change Request Form available at (<http://www.matthewfrank.org/>) and receive HOA Board Approval.
 - iii. If a landscaping request is approved, all deviations for plants and containers must be maintained in a clean and attractive manner.
- d. Tenants with yards who wish to garden are required to follow the Matthew Frank garden template (Appendix A) and defined planting categories from the Approved Plant List (Appendix B).

i. Any deviation from the garden template must be submitted as a formal request to the Landscape Committee using the Landscaping Change Request Form. HOA Board approved landscape requests will be required before planting can begin.

4. At no time can homeowners/tenants plant vegetables in the ground. However, homeowners/tenants may grow tomato and pepper plants in pots, subject to the same limitations listed under Section 2 and Section 3 regarding number of pots allowed in a given area
5. At no time can a homeowner/tenant create raised beds or plant invasive species (such as ivy, vines and invasive types of bamboo, mint or climbing roses).
6. At no time can a general or limited common area, including patios, decks and yards, be used as temporary or long-term storage.
7. Individual landscaping items or materials purchased are done so at the homeowner's own cost and risk. If the items or materials are stolen, vandalized or damaged (including by any HOA contractor such as the landscaping company), they must be replaced by the resident at their own cost.
8. In keeping with the overall St. Johns Development Plan, existing trees cannot be removed.
9. The HOA Board reserves the right to trim, relocate or remove any plantings that it finds do not present a neat and attractive appearance after following the written notification process to homeowners to correct such violations.
10. The HOA Board reserves the right to modify the landscaping guidelines at any time.

Landscaping Requests

All landscaping requests should keep the following principles in mind:

- Changes should be consistent with the existing landscaping.
- The original footprint of the yard cannot be altered.
- Homeowner requesting permission to garden is responsible for maintaining a neat and attractive appearance of the plantings added. Dead or dormant plants will be trimmed or removed as appropriate, spent flower heads will be dead-headed and plants that fail to thrive will be removed. Shrubs or plants that extend over fences or into other yards or common areas must be trimmed and properly maintained.

Landscaping request must include the following:

- Landscape Change Request Form
 - a. Homeowner name(s) and street address
 - b. Contact phone/e-mail information
 - c. Existing landscape features and vegetation
- Proposed landscape features and vegetation
- Plant list

Landscape Change Requests should be submitted to HOA Management Company representative. The Landscape Committee will review the Landscape Change Request and make a recommendation to the HOA Board within two weeks of receipt of the Landscape Change Request. The HOA Board will review the Landscape Change Request and respond to the requesting homeowner no later than one

week after the monthly HOA Board meeting subsequent to their receipt of the request and Landscape Committee recommendation.

Violations of Landscaping Rules

Compliance with the landscaping rules is mandatory with each homeowner bearing ultimate responsibility for compliance with those rules. If the HOA Board determines that there is reasonable cause to believe that the homeowner or occupant is in violation of such rules, the HOA Board will follow the notification process as stated in the CCRs. After notification and an opportunity to be heard, if the HOA Board still finds the homeowner in violation they can levy a fine of \$25 per day.

Provisions for Amendment

The Landscape Committee Chairperson will submit to the Matthew Frank HOA Board of Directors any recommendations for amending these guidelines.