

July 2024

Hello Again Cherry Ridge Owners!

We have a few items to follow up on since our last newsletter. In this newsletter you will find . . .

- ❖ Election Results
- ❖ New Resolutions Passed June 18, 2024
- ❖ Full list of All Resolutions
- ❖ More Bit & Pieces

### **The Election . . . That Wasn't**

We had no nominations for the Board positions. Not a surprise but disappointing none the less. At some point soon, it will be imperative that new owners step forward to take the reins and maintain this neighborhood as one of the best in East County.

To meet this immediate challenge, both Sharon Caminiti and Sally (Sarah) Wright offered to continue their roles on the Board. Sharon was appointed by the Board to serve two years and Sally was appointed to serve three years. Both will remain in their current positions.

This will give this Board an opportunity to follow through on current projects and priorities, and hopefully give us time to move to an electronic communication and voting process thereby making it easier to get owners involved.

The Board greatly appreciates the support it receives from the neighborhood and looks forward to a continued positive working relationship.

### **New Resolutions**

Two new Resolutions were passed at the June 18 Board meeting. Both are included in this newsletter, along with the entire list of Resolutions which we are required to distribute to owners on a yearly basis. The Resolutions go hand-in-hand with the CC&Rs to address concerns within the neighborhood and/or create or define processes for everyone's understanding and benefit.

**#23--Yearly Assessment payment must be RECEIVED AND PROCESSED by 01/31 of Applicable Year at address indicated on Invoice to Avoid Late Fee Charge.** Late fees will not be removed from accounts that do not meet the processing deadline of 01/31 as outlined on invoice and in communication with owners.

#24--CC&R 5.0, Offensive Activity, will be used to address inquiries as to whether homes can be used as short-term rentals such as airbnb.

Short-term rentals such as airbnbs will not be allowed under CC&R 5.07 Offensive Activity. "No noxious or offensive activity shall be carried upon any Lot, nor shall anything be done thereon which may be, or may become an annoyance or a nuisance to the neighborhood."

Both are effective 06/18/24. OWNERS WHO RENT, PLEASE BE SURE TENANTS ARE AWARE OF ALL APPLICABLE CC&Rs AND RESOLUTIONS.

### **Full List of Resolutions**

Please keep these with your CC&Rs for easy reference. CC&Rs, Bylaws and Resolutions are on the website at [www.cherryridgehoa.org](http://www.cherryridgehoa.org)

### **Bits and Pieces**

- PGE will be putting in a new transformer where you see the stakes on the knoll near the Cherry Ridge Rock. They do not expect to cut electricity at any time during this process, but it could happen. It looks like work is starting soon so watch for trucks, etc. when it does. PGE feels this is a better location for the electrical box, hopefully eliminating the instances of vehicles missing that curve and hitting the current box. We are sorry to lose the green space, though 😞.
- Questions have recently come up about Easements. Here is what the CC&Rs say about them.  
**5.04—Easements.** Easements for installation and maintenance of utilities and drainage and irrigation facilities are reserved, as shown on the recorded plat. Within these easements no structure, fence, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of such utilities, or which may change the direction of flow of water through a drainage channel in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each Lot and all improvements in it shall be maintained continuously **by the Owner of the Lot** except for those improvements for which a public authority or utility company is responsible.

If you have questions, please contact the City of Troutdale.

- Remember parking strips and sidewalks are each owner's responsibility to maintain. Lifted sidewalk slabs can be dangerous and owners can bear responsibility if someone is injured. Please consider repairing them.
- Summer projects are in full bloom. Remember to check what needs to be approved and what doesn't (PAINT COLORS ALWAYS NEED APPROVAL!). Updated ACC Form to Include Guidelines at [www.cherryridgehoa.org/forms](http://www.cherryridgehoa.org/forms).

Two Board meetings remain in 2024 . . . Tuesday, September 17<sup>th</sup> and Tuesday, December 10<sup>th</sup>, 6 p.m. Zoom. We invite all owners to join us.

Have a good summer. Be kind, play by the rules, and enjoy time together. Thank you!

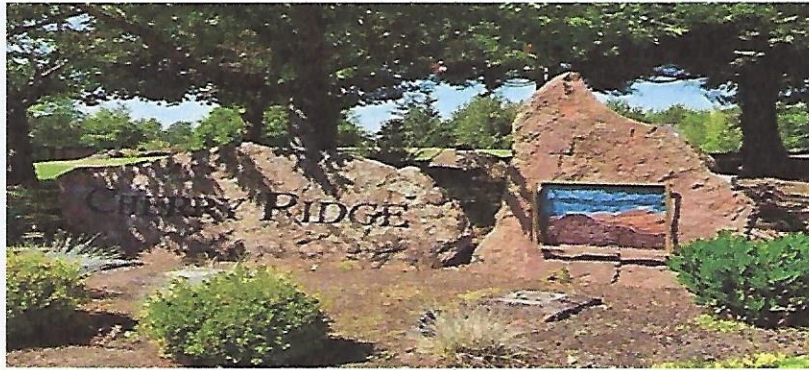
### **Cherry Ridge Owners' Association (CROA) Board**

Sally Wright  
(Sarah W Wright)  
President

Sharon Caminiti  
Secretary

Thomas Schnaars  
Cherry Ridge  
Apartments

Stuart Crandall  
Cherry Park  
Market Center



**#23 Yearly Assessment payment must be RECEIVED AND PROCESSED by 01/31 of Applicable Year at address indicated on Invoice to Avoid Late Fee Charge. Late fees will not be removed from accounts that do not meet the processing deadline of 01/31 as outlined on invoice and in communication with owners.**

**Effective 06/18/24**

Billing statement and all communication to Owners will clearly state payments must be processed by 01/31 of applicable year. Late fees will not be removed from Owner's account if assessment processed after 01/31 of applicable year.

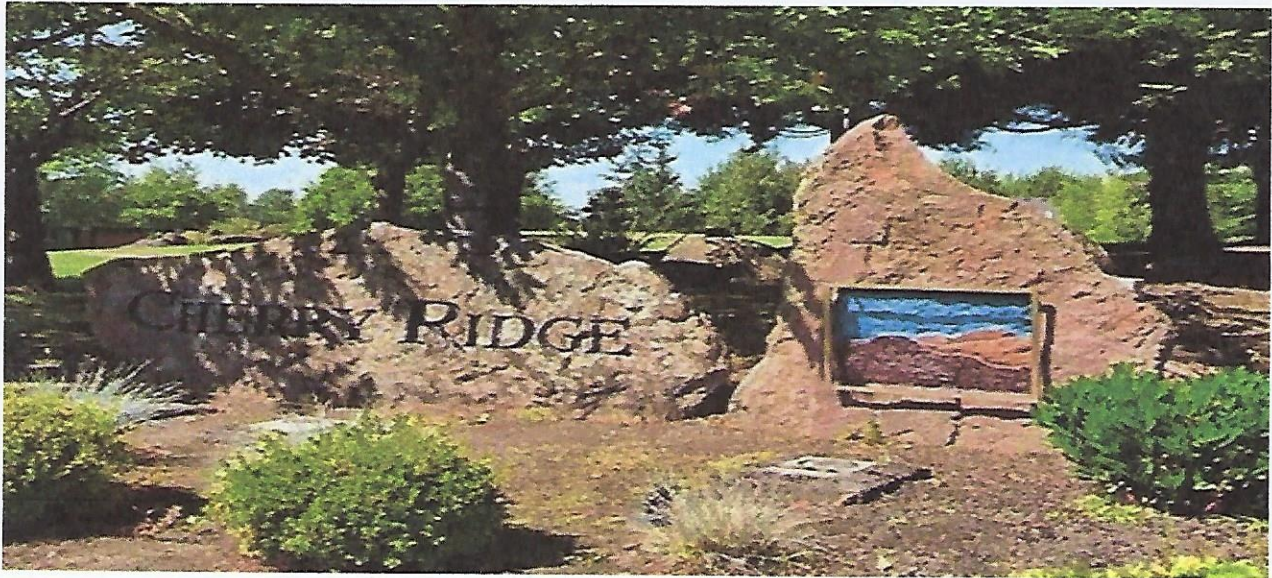
The only exception will be issues with distribution of assessment invoices (mail, electronic) on the part of the Association. Association may adjust late fee in that case.

Effective with 2025 Assessment.

**#24 CC&R 5.07, Offensive Activity, will be used to address inquiries as to whether homes can be used as short-term rentals such as Airbnb.**

**Effective 06/18/24**

Short-term rentals such as Airbnbs will not be allowed under CC&R 5.07 Offensive Activity. "No noxious or offensive activity shall be carried upon any Lot, nor shall anything be done thereon which may be, or may become an annoyance or a nuisance to the neighborhood."



### **#1 Board Emails**

1/12/11 Have separate Cherry Ridge owned email address for board members.

### **#2 Checks**

1/12/11 The President and one other board member sign Cherry Ridge Owners' Association checks.

### **#3 ACC Check Off List**

(A copy of the check off list can be found on the association website on the forms page)

2/9/11 ACC is to use check off list when reviewing a project request, and that the check off list be posted with the request form on the association website.

### **#4 Dues Payment Plan**

3/9/11 Association President or Secretary have authority to help owners having a hard time with HOA dues to setup a payment plan.

### **#5 Fence and Hedges** (Owners notified on 5/21/2011)

4/13/11 CCR Article 5.06 Hedge(s) inside of owners fence is not considered a lot line barrier. The Board views whichever is closest to your lot line is considered your lot line barrier. If you own a fence on or inside your lot and have a hedge or solid group planting on the side of your fence farther away from your lot line than your fence, than the hedges or solid planting are not considered a lot line barrier and the planting has no height restriction in the eyes of the Association board. If you have a hedge or solid planting and have a fence on the side of the planting farther away from your lot line than your hedge or solid planting, than the hedge or group planting is considered your lot line barrier and has a height restriction of six feet. Because you cannot have a fence beyond the front of your house any hedge or solid planting beyond the front of your house has a six-foot height restriction. The Association fence is not considered to be an owners' fence, if a hedge or solid planting is behind an Association fence, there is a six-foot restriction on their height. If there is an owners fence between the hedges or solid planting and the Association fence, the owners fence is the lot line barrier and, there is no height restriction on the hedge or solid planting.

#### **#6 Due Process Form** ([Click here](#) to be taken to the Forms Page)

8/24/11 A request for Due Process Hearing Form be used: that an owner must use to request a hearing at least five days before a scheduled board meeting in order to be heard at a board meeting for a violation of the HOA rules and regulations. If no request is made before 36 days after the violation first notice the owner relinquishes their right for a hearing on that violation. If a request is sent to the association five days before a scheduled meeting that owner is on the agenda for the upcoming board meeting and their hearing is okayed. (sent to owners Nov, 2011)

#### **#7 Notice of Resolutions**

8/24/11 The board will send out a notice copy of all new resolutions quarterly to the owners and a copy of current resolutions yearly to keep owners informed. They will also be posted on CROA website.

#### **#8 Conflict of Interest**

8/24/11 No Board member or committee member can approve their own request, citing it may be a conflict of interest.

#### **#9 Election Process for Board Members**

8/24/11 Election process for Cherry Ridge Owners Association Board members must be at a minimum: send out nomination forms to every owner and give ten days from sent date for nominations (request of why nominee would make a good board member). The Association will give ten days to receive and prepare ballots with biography of each candidate that came with nomination. The Board will send out ballots and give ten days for owners to return ballots to the Board from the date the ballots are sent. The results of the election will be announced at an owners' meeting set by the board and then posted on the Cherry Ridge Owners' Association website following the meeting.

#### **#10 Facebook**

(Please see Cherry Ridge Owners' Association Internet Policy at the end of resolutions list)

8/24/11 Cherry Ridge Owners' Association open a Facebook account, that will be controlled by one of the current board members in an effort to effect communications with owners.

#### **#11 Collection**

(Please see Cherry Ridge Owners' Association "Collection of Unpaid Charges" and "Turning over Collection files with Fines" policies at the end of resolution list)

10/19/11 The Board of Directors "COLLECTION OF UNPAID CHARGES" Vial Fotheringham resolution signed and adopted. The Vial Fotheringham addendum to CFE (Cash Flow Enhancement) representation agreement "TURNING OVER COLLECTION FILES WITH FINES" also signed and adopted as Cherry Ridge Owners' Association policy

If you can't access the internet or association website at [cherryridgehoa.org](http://cherryridgehoa.org) and need a copy of the form(s) and or rule(s) please contact a current board member for assistance obtaining a copy. [Click here](#) to go to the Contact Information page.

(There may be a small cost involved for cost of copies)

#### **#12 Emergency Repair Authorization**

07/20/15

**WHEREAS**, the Board of Directors of Cherry Ridge Owners' Association deems it to be in the best interests of the Association that the following actions be taken by the Board

of Directors

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to applicable law, the undersigned, being all of the Directors of this Association hereby consent to, approve, and adopt the following:

**RESOLUTION:**

**BE IT FURTHER RESOLVED**, that Article IV, Section 4.07, Special Assessments for Capital Improvements of the Bylaws should add the following:

Section 4.07: Emergency repairs of \$500 maximum related to capital assets, may be authorized by two (2) Board members without seeking full board approval when failure to act may result in irreparable damage and/or significant cost of future repairs as determined by appropriate professional consultation.

**BE IT FURTHER RESOLVED** that all other provisions of the Bylaws as adopted shall remain in effect and the foregoing resolution shall be incorporated into the standing Bylaws of the Cherry Ridge Owners' Association.

**PASSED AND ADOPTED** the 20th of July, 2015 by a unanimous vote of the Board of Directors of the Cherry Ridge Owners' Association

- **Sally J Savidge, President**
- **Ken Cook, Secretary**
- **Nichole Kelly, Cherry Ridge Apartments**
- **Roger Shirley, Cherry Park Market Center**

Signed and dated by the President of the Board of Directors of Cherry Ridge Owners' Association on this the 20th day of July, 2015.

### **#13 Late fee**

#### **Approved by Board 04/11/22**

Late fee on unpaid Cherry Ridge Owners' Association Assessments (CROA) and Cherry Ridge Owners' Association (CROA) CC&R violations is \$25 per month effective June 1, 2022 (06/01/2022).

### **#14 Traffic & Parking**

#### **CC&R 5.10**

#### **Approved by Board 03/15/22**

Cherry Ridge Owners' Association (CROA) follows City of Troutdale Traffic & Parking Ordinances as written and posted on the City's website. Also on CROA website.

Title 10 - Vehicles and Traffic

Title 8 8.28.070 - Specific nuisances prohibited.

8.28.075 - Vehicle storage and repair.

### **#15 Graffiti and/or Tagging**

#### **CC&R 5.18**

#### **Approved by Board 04/11/22**

Graffiti and tagging of owner's property must be removed within 30 days of discovery. Violation policy/procedure will apply. This applies to structures and fences.

### **#16 Solar Panels**

#### **Approved by Board 04/11/22**

Updated Legislative Reference ORS (Oregon Revised Statutes) 94.778, June 26, 2021 (Attached)

Cherry Ridge Owners' Association (CROA) will follow ORS 94.778, effective 06/01/22. The need for approval of solar panels will be added to the Architectural Control Committee (ACC) Request Form for review of Point 3.

### **#17 Zoom Meetings**

#### **Approved by Board 04/11/22**

Updated Legislative Reference SB 329, May 19, 2021

Senate Bill 329 allows homeowners and condominium associations to conduct meetings electronically, provided that participants can communicate simultaneously and access meeting materials. The measure also permits boards to issue meeting notice electronically, if the notice includes information on how owners may attend and participate electronically.

## ORS 94.778<sup>1</sup>

# Prohibition against installation of solar panels void and unenforceable

[Text](#)[News](#)[Annotations](#)[Related Statutes](#)

- (1) Except as provided in subsection (3) of this section, a provision in a declaration or bylaws of a planned community that prohibits an owner of the roof or other exterior portion of a building or improvement on which solar panels may be installed from installing or using solar panels for obtaining solar access, as described in ORS **215.044 (Solar access ordinances)** and **227.190 (Solar access ordinances)**, is void and unenforceable as a violation of the public policy to protect the public health, safety and welfare of the people of Oregon.
- (2) An owner of record of real property subject to an instrument that contains a provision described in subsection (1) of this section may file a petition to remove the provision in the manner provided in ORS **93.272 (Procedure for removal of certain restrictions)** for removal of a provision from an instrument conveying or contracting to convey real property.
- (3) A homeowners association may adopt and enforce a provision that imposes reasonable size, placement or aesthetic requirements for the installation or use of solar panels described in subsection (1) of this section. [2017 c.282 §2]

**#18 Lawn maintenance will be addressed under CC&R 5.07, Offensive Activity**, as related to City of Troutdale Code Enforcement (TMC 8.28.070 [19] and potential rodent and vector activity.

**Approved by Board 10/03/23**

Offensive Activity. "No noxious or offensive activity shall be carried upon any Lot, nor shall anything be done thereon which may be, or may become an annoyance or a nuisance to the neighborhood."

*Troutdale Municipal Codes*

8.28.070 – *"Specific nuisances prohibited.*

*6--Any property, whether vacant or improved building, residence, structure or accumulation of any materials which may attract or harbor vectors or rodents."*

As tall grass and unkempt yards have an immediate impact on the neighborhood both aesthetically and as a sanitation issue, Owner will have (only) **20 days** from date initial *Courtesy Violation* letter is mailed to correct the issue. This includes cutting and/or removal of tall grass, weeds, nuts, seeds, and other items (pet food, grains, etc.), that attract rodents and vectors. *Courtesy follow up letter* will be sent at 10 days and *Intent to Fine* at 21 days.

Request for City of Troutdale citation of property will be made at same time *Intent to Fine* letter mailed (21 days from original mailing).

**#19**

**Add Lots 71-77 to requirement(s) as outlined below, CC&R 3.03 and 5.06.**

**Cherry Ridge Common Area Fence** (white, aluminum fence along north and south side of Cherry Park Road), currently designated as Lots 15-39.

**Approved by Board 10/03/23**

CC&R 3.03, Duties and Powers of Association (f), "maintain and repair the Common Areas and any improvements thereon, including the street facing sides of fences along Cherry Park Road" and 5.06, Fences, "fences along Cherry Park Road that have been installed by Declarant must be keep [sic] in good repair . . . no building, wall, fence, paving, landscaping or construction of any type shall be erected or maintained by any Owner of a Lot so as to trespass or encroach upon the Common Areas."

**#20**

**Architectural Control Committee (ACC) violations** (examples: approval not obtained for projects, project/outcome not as described on application; other issues that may arise), will be enforced using the established Cherry Ridge Enforcement Procedure. The Architectural Control Committee has the authority to require the owner to remedy the project at the owner's expense.

**Approved by Board 10/03/23**

## #21

Any **remaining Operating Fund** balance at the end of (each) calendar year, will be retained in the Operating Fund as *Equity*, and used as needed to meet any budget shortfall for any calendar year.

**Approved by Board 10/03/23**

This has been the practice of the Cherry Ridge Owners' Association (CROA) and will continue as same.

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## #22

**(Change) length of time to resolve owner violation(s)** of Cherry Ridge Owners' Association (CROA) Covenants, Conditions and Restrictions (CC&Rs), to maximum of **20 days**. Notification/enforcement would be as follows.

**Approved by Board 10/03/23**

Extension of the established time to address (a) violation may be considered on an individual basis.

### The Cherry Ridge Enforcement Procedure is as follows:

- Friendly Reminder/Courtesy letter sent to owner  
Owner has **20 days** to resolve violation
  - Second Notice  
Sent **10 days** after initial courtesy notice as reminder
  - Intent to Fine Notice  
Sent **21 days** after initial courtesy notice with intent to fine

Fine structure per the following categories imposed on the 21<sup>st</sup> day after the initial letter is post-marked.

Months 1-4 of violation - \$250.00 each month

Months 5-6 - \$500.00 each month

Months 7-12 - \$600 each month or unpaid fees sent to collections

*Declaration of Protective Covenants and Restrictions Affecting  
Cherry Ridge Development  
Enforcement Procedures  
Board Approved October 3, 2023*