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**SECOND AMENDMENT
TO
SUPPLEMENTAL DECLARATION OF
CONDITIONS AND RESTRICTIONS RELATING TO
CHARBONNEAU VII
THE VILLAGE AT WILSONVILLE**

This Second Amendment to Supplemental Declaration of Conditions and Restrictions Relating to Charbonneau VII The Village at Wilsonville ("Second Declaration Amendment") is made by Garden Homes at Charbonneau Green Townhome Association, an Oregon nonprofit corporation ("Townhome Association").

RECITALS

A. Garden Homes at Charbonneau Green Townhome Association ("Townhome Association") is a planned community located in Clackamas County, Oregon. Townhome Association was created by the following documents recorded in the Records of Clackamas County, Oregon:

Supplemental Declaration of Conditions and Restrictions Relating to Charbonneau VII The Village at Wilsonville recorded September 29, 1978, as Document No. 78-42269 ("Declaration").

Bylaws of Garden Homes at Charbonneau Green Townhome Association, an Oregon nonprofit corporation recorded September 28, 1978, as Document No. 78-41514 ("Initial Bylaws").

Plat of Charbonneau VII The Village at Wilsonville recorded May 3, 1978, in Book 75, Page 8 (Plat No. 2316), Plat Records.

B. Townhome Association is the association of owners formed pursuant to the Declaration and Initial Bylaws and incorporated under the Oregon Nonprofit Corporation Act by Articles of Incorporation filed September 26, 1978, as Registry No. 131442-17 in the office of the Oregon Secretary of State, Corporation Division.

C. The Declaration and Initial Bylaws were amended by the following documents recorded in the Records of Clackamas County Oregon:

Amendment to Declaration of Conditions and Restrictions Relating to Charbonneau VII The Village at Wilsonville recorded February 8, 2011, as Document No. 2011-009203 ("First Declaration Amendment").

Amended and Restated Bylaws of Garden Homes at Charbonneau Green Townhome Association recorded February 8, 2011, as Document No. 2011-009204 ("Amended and Restated Bylaws").

D. The property currently subject to the Declaration, as amended by First Declaration Amendment, and the jurisdiction of Townhome Association is described as:

Charbonneau VII The Village at Wilsonville recorded May 3, 1978, in Book 75, Page 8 (Plat No. 2316), Plat Records of Clackamas County, Oregon.

E. By document 78-14485, Second Addendum to CC&Rs for Charbonneau Country Club, recorded April 10, 1978, Townhome Association is subject to:

Covenants, Conditions, and Restrictions for Charbonneau Country Club, recorded April 6, 1997, as Document No. 77-12613, Records of Clackamas County, Oregon as amended and supplemented from time to time including, without limitation, the provisions of the document imposing certain architectural restrictions and other requirements on the Residential Units.

Bylaws of Charbonneau Country Club (unrecorded) as amended from time to time.

Articles of Incorporation of Charbonneau Country Club, an Oregon nonprofit corporation filed September 26, 1978, as Registry No. 120742-17 in the office of the Oregon Secretary of State, Corporation Division.

F. As of January 1, 2002, Townhome Association became a Class I Planned Community subject to the provisions of the Oregon Planned Community Act (ORS 94.550 to 94.783) as provided in ORS 94.572. By Amended and Restated Bylaws Townhome Association was further subjected to provisions of the Oregon Planned Community Act.

G. Townhome Association and its owners desire to amend the Declaration, as amended by First Declaration Amendment, to establish a leasing and rental policy for Residential Units that prohibits short-term rentals.

NOW, THEREFORE, pursuant to Section 3 of Article X of the Declaration, as amended by First Declaration Amendment, and ORS 94.590, with the approval of owners of at least seventy-five percent (75%) of the Residential Units, the Townhome Association and owners hereby further amend the Declaration in the manner set forth below.

ARTICLE XI AS SET FORTH BELOW IS ADDED TO THE DECLARATION AS AMENDED BY FIRST DECLARATION AMENDMENT.

ARTICLE XI
Short-Term Rentals and Occupancies

Section 1. Subjection. Rentals of Residential Units within the Townhome Association by any owner shall be governed by this Article and subject to the terms and conditions set forth herein.

Section 2. Definitions. For purposes of this Article:

“**Rental**” means to grant a right to use or occupy a residential unit (and the Lot on which it is located) by an Owner(s) to a person or persons having no ownership interest therein (“Tenant”) for consideration in money or money’s worth for a period(s) of time, such periods of time either specified or at the will of the parties; subject however, to Section 3 of this Article.

“**Short-Term Occupancy**” means any occupancy by specified individual persons intended to be for less than one (1) year.

Under this Article, a Tenant does not include any family member(s) who occupies the Residential Unit. By way of example only, a spouse, domestic partner, child, grandchild, parent, niece or nephew of a non-occupant Owner will not be considered a Tenant under this Article.

Any person who occupies the Residential Unit on a shared or roommate basis with the full-time occupant Owner, including joint owners by way of joint tenancy, tenancy-in-common, or roommate basis with the full-time occupant Owner, including joint owners by way of joint tenancy, tenancy-in-common, or other forms of co-ownership, will not be considered a Tenant under this Article.

“**Manager**” means any professional rental agent of an Owner with whom the Owner has an established agency relationship for renting the Owner’s Residential Unit.

“**Board of Directors**” or “**Board**” means the Board of Directors of the Charbonneau Green Townhome Association.

Any capitalized terms in this Amendment not otherwise defined have the meaning given them in the Declaration.

Section 3. No Short-Term Rentals or Occupancies. No Rental or Occupancy, whether for a specified period or not, shall be for a period of less than one (1) year, except that a Residential Unit may be rented or leased for a term shorter than one (1) year or on a month-to-month basis, if and only if

- (1) such Residential Unit is being held for sale at fair and reasonable market value as evidenced by an active “For Sale by Owner” listing or a listing with a licensed real estate professional under an early occupancy or post-closing occupancy agreement, or
- (2) such Residential Unit has sold and is being temporarily rented back to the seller.

Such exemption does not automatically apply to any other Residential Unit owned by the same Owner, and the one-year minimum Rental term requirement applies to the Owner's successors and assigns, including, but not limited to persons who acquire the Residential Unit through inheritance or gift. A Residential Unit may not be rented or otherwise used for short-term occupancy, transient or hotel purposes.

Section 4. Governance Information for Tenants. Owners shall provide all Tenants and adult occupants with copies of all Townhome Association governance documents relating to a Rental Unit, including By-Laws, Declaration of Conditions, Covenants and Restrictions ("CC&Rs"), Charbonneau Country Club Architectural Control Standards and the Owners Handbook, informing the Tenant or Occupant that Tenant and Occupant is subject to and governed by such governance documents.

Section 5. Administrative Rules. The Board of Directors may promulgate such reasonable rules and regulations regarding Rentals required to carry out the provisions of this Article XI; provided, however, no such rules or regulations shall be inconsistent with the specific provisions of this Article XI.

Section 6. Assessments. Any Rental which commences after the effective date of this Article XI which is not in conformity with the provisions of this Article XI, shall be subject to an additional assessment upon the Owners of such Residential Unit of One Hundred Dollars (\$100), or some other amount adjusted annually for inflation as is determined by the Board of Directors, for each month that such nonconforming or disapproved Rental continues.

This additional assessment shall become a lien against such rented Residential Unit until paid. However, the Board of Directors may, in its discretion and for good cause shown, waive or reduce the amount of such additional assessment. In addition, an Owner may be assessed personally for any expenses incurred by the Townhome Association resulting from damage to the common areas or amenities caused by such Owner's Tenant.

Section 7. Enforcement. The Board shall have the authority to enforce the provisions of this Amendment, the Declaration and Bylaws, and any rules and regulations adopted by the Board relating to the renting and leasing of Residential Units. All costs, including reasonable attorney fees, incurred in taking any enforcement action under this section shall be assessed against the Owner and collected in accordance with the Declaration and Bylaws, and applicable statutes.

Section 8. Foreclosure Exemption. The provisions of this Article XI will not apply to the Association when it obtains title to a Residential Unit via foreclosure, or a holder of a first mortgage on a Residential Unit, for a period of twelve (12) months following the date the lender obtains possession of the Residential Unit following a default under the first mortgage, a foreclosure proceeding, or any deed or other arrangement in lieu of foreclosure.

