

**An analysis of rules governing
the parking
of
Boats, RVs, Commercial Trucks, or Campers
in the Clay Creek Gardens Subdivision and on the adjacent Railroad Berm.

and

The Parking Rules Policy of the
Clay Creek Gardens Home Owner's Association
as adopted on May 4, 2013**

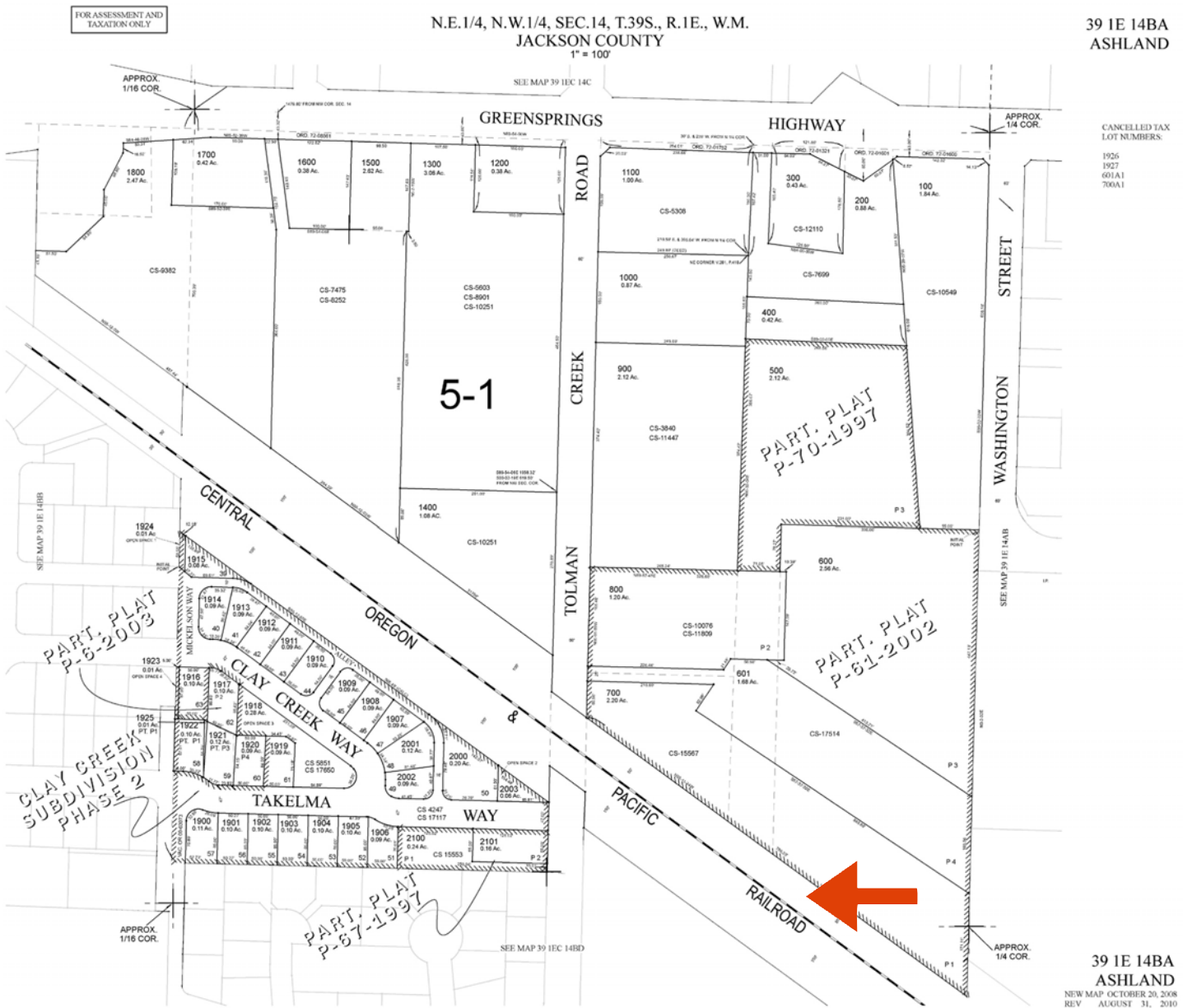
Three separate agencies determine parking restrictions for this area. The Clay Creek Gardens Home Owners Association Bylaws has Covenants, Conditions & Restrictions (CC&Rs), Jackson County and the City of Ashland have Tax and Zoning Maps, and the City of Ashland has Parking Codes and Ordinances.

The following pages summarize the parking restrictions that residents should follow when parking boats, RVs, commercial trucks or campers for more than 48 or 72 hours in both the residential areas of Clay Creek Gardens and the adjacent railroad berm.

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Jackson County Tax Map: NE1/4. NW 1/4, SEC.14, T 39S
Ashland Map: 39 1E 14BA

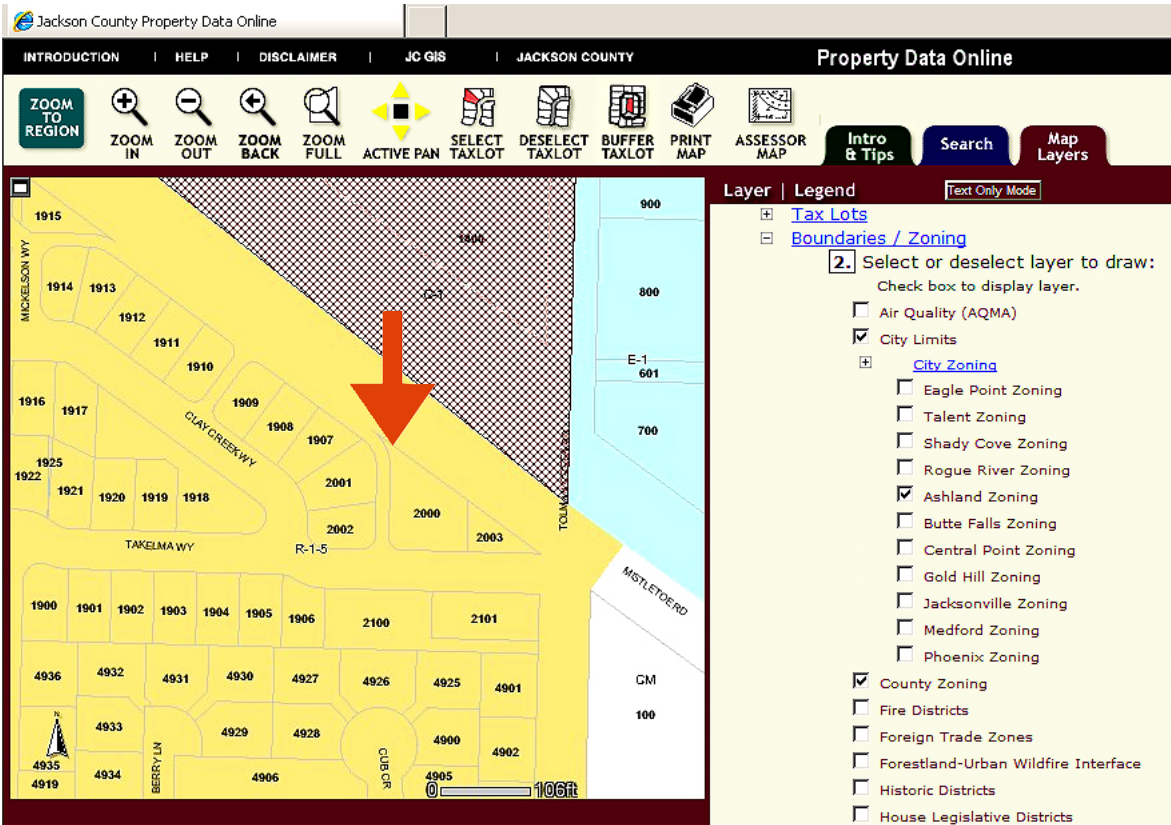


This Jackson County Tax Map shows the Central Oregon Pacific Railroad as the owner of the berm adjacent to the alley in Section A of the Clay Creek Garden Subdivision.

Jackson County Property Data Online>Zoning

<http://web.jacksoncounty.org/pdo/>

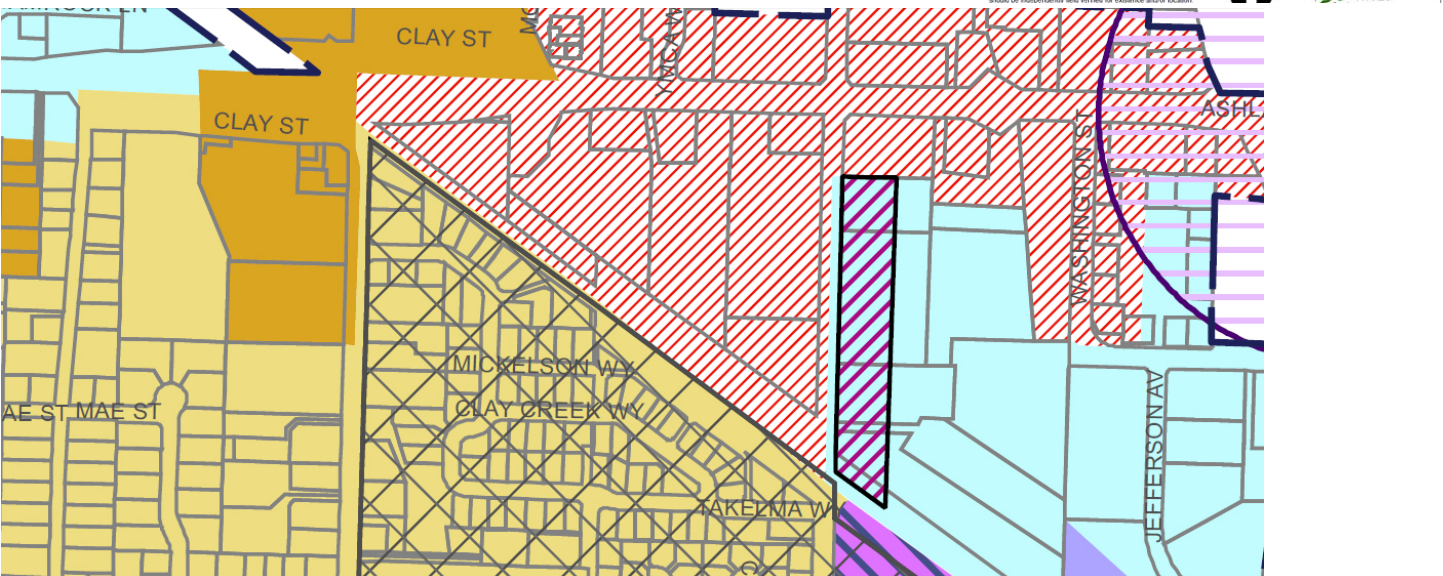
The Jackson County Zone Map shows that the berm along the alley shares the zoning designation of the Clay Creek Garden Subdivision and is zoned as Ashland Residential.



City of Ashland, Oregon - Map Center - Zoning Map

www.ashland.or.us <http://www.ashland.or.us/Page.asp?NavID=8769>

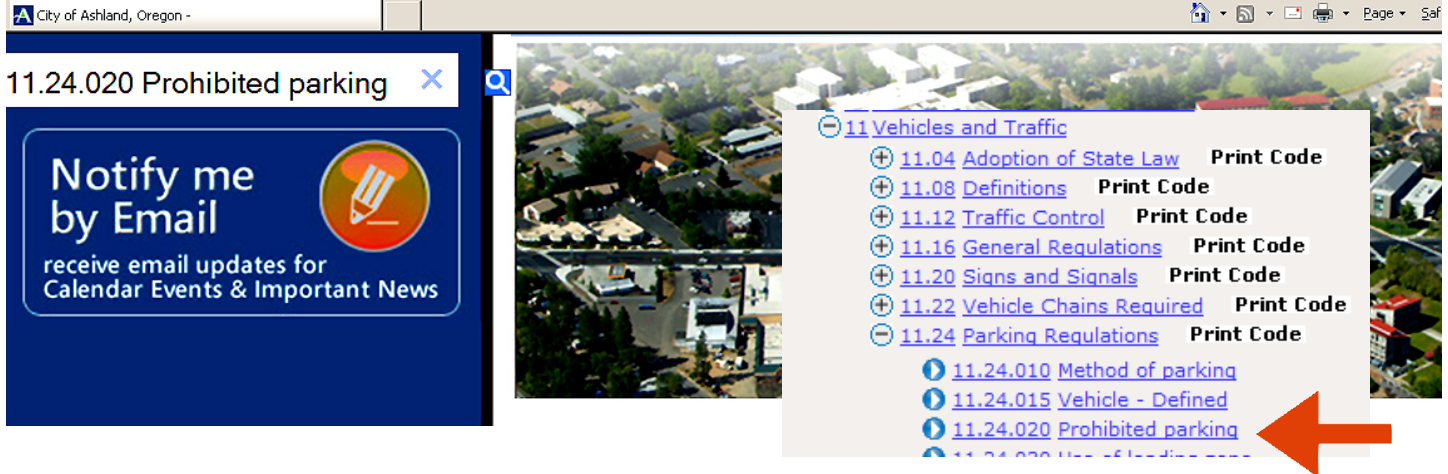
The City of Ashland Zoning Map below and the map's key on the right show that both the CCG subdivision and the berm are in a residential zone while the railroad is in a commercial zone.



City of Ashland Parking Codes and Ordinances

<http://www.ashland.or.us/Code.asp?CodeID=2648>

<http://www.ashland.or.us/gsearch.asp?q=11.24.020%20Prohibited%20parking>



11.24.020 Prohibited parking ordinance

In addition to the provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park:

- A. A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel in this City, unless marked or indicated otherwise;
- B. A vehicle in an alley except to load and unload persons or materials not to exceed twenty (20) consecutive minutes in any two (2) hour period;
- C. A vehicle upon a street for the principal purpose of:
 - 1. Displaying the vehicle for sale;
 - 2. Washing, greasing, or repairing the vehicle except repairs necessitated by an emergency; or
 - 3. Selling merchandise from the vehicle except in an established marked place or when so authorized or licensed under the ordinance of this City;
- D. A vehicle upon any parkway except where specifically authorized;
- E. A vehicle upon private property without the consent of the owner or person in charge of the private property;**
- F. A vehicle within any area marked off by yellow paint upon the street or upon the curb, except where specifically authorized by a traffic sign, (Ord. 1557 S13, 1968)
- G. A vehicle or any part thereof upon a sidewalk or bicycle path. (Ord. 1971 S1, 1978)**
- H. Or stand or stop a truck or bus on a public street or in a public parking area with its engine running, if such engine emits exhaust fumes into the air. Vehicle engines shall be turned off when loading and unloading passengers or merchandise. This subsection H shall not apply to:
 - 1. An engine running for less than five minutes.
 - 2. A vehicle in the moving traffic lane waiting to move with the normal flow of traffic.
 - 3. An engine needed to operate equipment used to load or unload merchandise,
 - 4. Trucks under 12,000 GVW and buses with a carrying capacity of fifteen passengers or less, or
 - 5. Emergency vehicles, utility company, construction and maintenance vehicles, the engines of which must run to perform needed work.

(Ord 1971 S1, 1978; ORD 2882, 2002; Ord 3032, 2010)

Parking enforcement is complaint driven.

Bylaws of Clay Creek Gardens Home Owners Association

The following quote is posted on the HOA Website at <http://www.claycreekgardens.org/>

"Covenants, Conditions & Restrictions (CC&Rs)

The document that governs rules that apply to individual homeowners for the benefit of the community. CC&Rs outline things like limitations of storing RVs and boats, making significant architectural changes and landscaping guidelines. Every homeowner should be familiar with the Association CC&Rs."

Restrictions on the Use, Maintenance, or Occupancy of Lots: Page 2, Item 5 of the CC&Rs on the Clay Creek Gardens website

Restrictions on Use, Maintenance, or Occupancy of Lots:

- (h) 1.) No residential lot shall be used except for residential purposes or other uses permitted by applicable zoning ordinances. No building shall be erected, altered, placed, or permitted to remain on any lot other than single-family living units, not to exceed two stories in height and a private, enclosed, garage of such size and dimension so as to accommodate automobiles for each living unit.
- 2.) No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently. The foregoing covenants and restrictions shall not apply to or prohibit the erection or maintenance of a sales office or other buildings utilized during construction by the Declarant or the various home builders on the plat or parcels herein above described.
- 3.) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- 4.) No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.
- 5.) No boats, RV's, commercial trucks or campers may be parked on a lot without being screened from view behind a solid wood 6' tall fence or in the garage. No boats, RV's, commercial trucks or campers may be parked on the street within the subdivision for longer than 48 hrs. No lot shall be used or maintained as a dumping ground for rubbish.



Property Identification : Page 16 of the CC&Rs on the Clay Creek Gardens website

ASHLAND, JACKSON COUNTY, OREGON

This amendment is made this 21st of Dec, 2001 by the below parties.

It is the intent of the Clay Creek Gardens Homeowners Association and the declarants of Clay Creek Gardens Subdivision Phase II to combine the two phases into one homeowners association. The CC&R's and By-laws of the existing association shall be the operating document. All property owners within both phases shall have equal voting rights, responsibility and access to all opens space within both phases. The operating CC &R's and By-laws of phase I shall continue in effect except with the following additions.



Property Identification: shall now also include all that area as identified in the recorded plat of Clay Creek Gardens Phase II, recorded in Jackson County, see exhibit "A". The common property added shall be those indicated as "Open Space" (tax lots 1918 & 2003) as well as the pedestrian easements for the new pathways.

It will be the declarants responsibility to install all landscaping and pathways in all such areas and at turnover it shall be the association responsibility to maintain all such areas, including park strips. Turn over of the open space, maintenance and collection of dues shall occur at transfer of 50% of the phase II lots to new owners. It should be noted that as long as there is reasonable access to that area, owned by the railroad, between the alley and the bicycle path to the North, the association shall keep this area in a neat and orderly fashion. However, there is no intention to create a fully landscaped open space in this area.



Summary of the rules governing the parking of boats, RV's, commercial trucks or campers in both the Clay Creek Garden Subdivision and on the Railroad Berm.

Summary of Clay Creek Gardens bylaws (page 5)

Clay Creek Garden residents wishing to be compliant with parking rules for boats, RVs, etc. will note that the initial CC&Rs (in March, 2000) specifies that "No boats, RV's, commercial trucks or campers may be parked on a lot without being screened from view behind a solid wood 6' tall fence or in a garage." Nearly two years later, in December 2001, when the CC&Rs was amended to include Phase 2 of the development, which included property adjacent to the residentially zoned berm, it specified that "the association shall keep this area [the berm] in a neat and orderly fashion."

Both specifications prohibit parking of unscreened unsightly vehicles in order to keep the residential zone neat and attractive and to preserve property values.

City of Ashland Prohibited parking Code 11.24.020 (page 4)

Prohibited Parking item E. A vehicle upon private property without the consent of the owner or person in charge of the private property;

City of Ashland Parking Code Ordinance 11.24.020 provides a firm rule that parking a vehicle is prohibited upon private property without the consent of the owner or person in charge of the private property. This rule can be interpreted to apply to both residential lots and the railroad's berm. The HOA is in charge of keeping the adjacent berm neat and orderly, so the HOA rule permitting parking of private vehicles while prohibiting parking of Boats & RVs, etc. would apply to both the subdivision lots and the adjacent berm.

City of Ashland Parking Enforcement is Complaint Driven (page 4)

An internet search shows that, parking enforcement is currently complaint driven.

Policy for Parking of Boats, RVs, Commercial Trucks, or Campers in the Clay Creek Gardens Subdivision and on the adjacent Railroad Berm. Motion passed unanimously at the May 4, 2013 Meeting of the CCG HOA.

Because Ashland City Ordinance 11.24.020 prohibits parking "upon private property without the consent of the owner or person in charge of the private property" and because page 13 of the HOA CC&Rs (12/21/01) states that "the association shall keep this area (the berm owned by the railroad) in a neat and orderly fashion, " the HOA Restriction of parking "boats, RV's, etc...." on page 2 of the CC&Rs (3/06/00) will apply equally to all lots in the CCG Subdivision and to the adjacent berm owned by the railroad and maintained by the HOA.