

# RESOLUTION

## SILVER LAKE FOREST RESERVE ASSOCIATION

### COMMUNITY ASSETS PRESERVATION – COMMON PLAN

**WHEREAS**, Cowlitz County Code §18.30.480 requires all homeowner associations within the County to maintain the association private streets and other common areas, unless such improvements are dedicated to and accepted by the County to be maintained and repaired as County improvements;

**WHEREAS**, Cowlitz County Code §11.36.050 makes it unlawful for any person or entity to alter an existing private roadway or allow alteration without first obtaining a County permit for such alteration.

**WHEREAS**, Cowlitz County Code §18.30.070, no permit for a private road can be issued unless the road conforms with the standards set forth in Chapter 11.36, and the standards applicable to "Roadway Type A" refer to private roads intended to provide access to 20 or more lots, parcels, or dwelling units, constructed to meet current specifications for county public roadways;

**WHEREAS**, Cowlitz County Code §18.30.070 (O) requires that "all private roads shall be maintained by the owners of the property served by them and kept in good repair at all times." Further, a "private maintenance covenant recorded with the County" is required for all private roads. This covenant must describe distribution of expenses for the road maintenance; establish minimum annual assessments to defray costs of ordinary maintenance; and establish a formula for assessing maintenance and repair costs to property owners served by the private road. This covenant is enforceable by any property owner the road serves and the covenant shall "run with the land for so long as the private road is used to serve one or more of the lots subject to the covenant." The required maintenance includes, at a minimum, road surfacing, shoulders, signage, storm drainage facilities and vegetation control;

**WHEREAS**, the Silver Lake Forest Reserve Association (Association) Declaration establishes, at §4.1, an Access Road Easement for ingress, egress, utilities, drainage and other items beneficial to the community on behalf of all Association owners (except Lot 49), and §4.2 ensures the maintenance, repair and improvement of the Associations Access Roads and related features (the "Roads");

**WHEREAS**, Declaration §§4.4, 4.5 and 4.6, in conjunction with Declaration Exhibits B through F, create easements on behalf of all Association Lots (except Lot 49) for utilities; entry features, including gates, fences, signage, mailboxes and trash collection; and other "Community Areas Easements," including trails, parking, sitting and picnicking area (collectively, and including the Roads, the "Community Property");

**WHEREAS**, Declaration §5.1 requires the Association's maintenance of the Roads to comply with the Cowlitz County Private Road Standards set forth under Chapter 11.36 of the County Code. These requirements include maintaining and replacing the surface of the Roads in "level, smooth and evenly covered condition, and maintenance of the Road corridor conditions and features;

**WHEREAS**, Declaration §5.2 requires that the Association establish and perpetuate a "Maintenance Fund" designated exclusively for maintenance of the Roads and other Community Property;

**WHEREAS**, Declaration §7.2 specifies that the Association's Board of Directors shall each year determine the necessary amount of funds for maintenance of the Roads and Community Property and issue such amounts to all Lot owners to be paid as assessments to fund the Maintenance Fund established pursuant to Declaration §5.2.

**NOW THEREFORE BE IT RESOLVED** that:

Read as a whole, the provisions of the Association's Declaration addressing its Roads and other Community Property, together with the consistent past practices of the Association in preserving those same common areas, demonstrate that it is essential to the Association community purpose and common plan that the Roads and Community Property continue to be maintained, repaired and preserved, in perpetuity, in the same or better condition, with the same or better level of care, and in accordance with the same standards by which they have been maintained and preserved to date.

**Further**, the Association is obligated to continue to assess its Lot Owners, allocate resources and designate funds to an account in sufficient measure to provide the same or better maintenance and repair of the Roads and Community Property as provided in the past, and to satisfy all additional standards contained under Cowlitz County Code, Chapter 18.30. Such funding shall not be reduced or restricted in the future such as to diminish in any significant measure the Association's capacity and ongoing duty to maintain and repair the Roads and other Community Property.

**Further**, consistent with Cowlitz County Code §18.30.070, the Roads servicing the Association qualify as "Roadway Type A" under the Code and must continue to be maintained and serviced as paved roadways accordingly, and that neither the material composition nor the dimensions of the existing Roads shall be altered in any significant manner.

**Further**, the Roads and Community Property are vital assets of the Association and represent a significant part of the value of each Lot in the community.

**Further**, each owner purchasing a Lot in the Association does so in reliance on, and with the expectation of, the continued maintenance of the Roads and Community Property in the same or better condition as they presently exist.

Approved by the Board of Directors at a meeting held on October 13, 2017, as reflected in the approved Minutes of that Meeting.

SILVER LAKE FOREST RESERVE ASSOCIATION

---

Chris Smith, Its President

CERTIFIED TRUE COPY

---

Jude K. Smyth Its Secretary