

VERCELLO HOMEOWNERS ASSOCIATION
ARCHITECTURAL GUIDELINES

Revised:

March 2018

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1. INTRODUCTION

1.1 About the Architectural Control Committee. *All buildings and structures (including, without limitation, concrete or masonry walls, rockeries, fences, swimming pools, if any, or other structures) to be constructed within the Property, and all exterior alterations and repairs (including, but not limited to, reproofing or repainting) of any buildings or structures on the Property and visible from any public street, common Area or other lot must be approved by the Board of Directors of the Association, or by an Architectural Control Committee (ACC) composed of three (3) or more representatives appointed by the Board. At least two members of the ACC must be board members. Construction, alteration or repair shall not be started until written approval thereof is given by the ACC. Any exterior modifications in accordance with plans and specifications developed by the Declarant and filed with the Board of Directors at the time of transfer will be deemed approved exterior modifications. If, in the event there are no ACC positions filled, the Board of Directors will assume ACC responsibility as described in the following paragraphs.*

1.2 Review Criteria.

- 1.2.1.** *The ACC shall consider the following criteria in approving or rejecting the plans submitted to it: (a) the harmony of the external design, color and appearance of the proposal in relationship to the surrounding neighborhood; (b) the location of the proposed Building on the Lot in regard to the slopes, soil conditions, existing trees and vegetation, roads and services, existing buildings and adjoining lots and buildings thereon; and (c) the compliance of the proposal with the covenants contained in this Declaration and any rules and regulations promulgated pursuant to this Declaration.*
- 1.2.2.** *The maximum height of any building shall be established by the ACC as part of the plan approval and shall be given in writing together with the approval.*
- 1.2.3.** *All buildings or structures shall be erected or constructed, and all exterior alterations or repairs made, shall be approved by the ACC. The ACC shall have the right to refuse to approve any design, plan or color for such improvements, construction, or exterior alteration or repair visible from a public street, Common Area or other Lot which is not suitable or desirable, in the ACC's reasonable opinion, aesthetic or otherwise.*
- 1.2.4.** *In so passing upon such design, the ACC shall have the right to take into consideration the suitability of the proposed building or other structure, and the material of which it is to be build, and the exterior color scheme, to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings, and the effect or impairment that said structures will have on the view or outlook of surrounding building sites, and any and all factors, which, in the ACC's opinion, shall effect the desirability or suitability of such proposed structure, improvements, or exterior alteration or repair.*

1.2.5. *The ACC shall have the right to disapprove the design or installation of a swimming pool or any other recreational structure or equipment visible from a public street, Common Area or other Lot which is not suitable or desirable, in the ACC's reasonable opinion, aesthetic or otherwise. In so passing upon such design or proposed installation, the ACC shall have the right to take into consideration the visual impact of the structure and the noise impact of the related activities upon all of the properties located in the close proximity. Any enclosure or cover used in connection with such a recreational structure or equipment, whether temporary, collapsible, seasonal, or whatever, shall be treated as a permanent structure for the purpose of these covenants, and shall be subject to all the conditions, restrictions, and requirements as set forth herein for all buildings and structures.*

1.3 Application Process.

1.3.1. *At least forty-five (45) days prior to commencement of construction, an application must be submitted. The application must include one complete set of plans and specifications.*

1.3.2. *The ACC may require that said plans or specifications shall be prepared by an architect or a competent house-designer.*

1.3.3. *Delivery of the application may be made to the ACC and/or property management company. (See the Association's website for contact information.) Delivery may be made by personal delivery or by ordinary mail to the property manager or a member of the ACC. In addition, the application may be submitted online as specified on the Association's website.*

1.3.4. *The Committee shall approve or disapprove of such plans within thirty (30) days of said submission. The Committee's decision shall be in writing. If the Committee fails to approve or disapprove a plan within the thirty (30) day period, approval shall not be required. The decisions of the Committee are final.*

2. ARCHITECTURAL STANDARDS

2.1 *Unless otherwise expressed allowed herein, the following requires ACC approval.*

2.2 Pre-Approved Construction. *ACC approval is not required for repairs or replacement of exterior items that use identical materials as were used in the original construction. Examples of this may be repairing a cracked walkway with exposed aggregate, repainting of a home in the original colors (a color that has been previously approved), and replacing a broken light fixture with an identical fixture.*

2.3 Major Alterations.

- 2.3.1.** *Major features of the house (such as vertical and horizontal lines, projections, trim details, gutters and downspouts, drainage, and materials to be used) must be reflected in the design of the addition.*
- 2.3.2.** *All alterations must be compatible with the original house and the neighborhood setting in style, materials and color.*
- 2.3.3.** *Attic ventilators, or other mechanical apparatus requiring penetration of the roof, shall be as small as functionally possible, shall be painted to match the roof, shall be located on the rear of the house whenever practical, and shall not extend above the top of the roof line.*
- 2.3.4. Recommended first steps.** *Major alterations represent a substantial cost. The best way to start this process is to contact the City of Renton.*
 - 2.3.4.1.** *Contact the City of Renton to determine any city codes that may affect planned alterations. Do not apply for a building permit until after the ACC approval. Submit an application to the ACC.*
 - 2.3.4.2.** *The application should include as much information as is practical but must include at least a site plan showing location of structures, dimensions, elevations, property lines as well as renderings and/or photographs of the property involved.*
 - 2.3.4.3.** *Once the ACC application is approved, proceed to acquiring building permits through the City of Renton as required.*
- 2.3.5.** *A non-exhaustive list of examples of Major Alterations includes:*
 - 2.3.5.1.** *Accessory structures requiring a building permit*
 - 2.3.5.2.** *Room Additions*
 - 2.3.5.3.** *Second-Story Decks*
 - 2.3.5.4.** *Swimming Pools*
 - 2.3.5.5.** *Attic Ventilators*
 - 2.3.5.6.** *Chimneys & Metal Flues*
 - 2.3.5.7.** *Roof Alterations*
 - 2.3.5.8.** *Garages & Carports*

2.4 Accessory Structures.

- 2.4.1.** *Accessory structures include sheds, workshops and other buildings attached or unattached to your home. The City of Renton has detailed code requirements for accessory structures in Renton so please check with the City. All accessory structures must be located only in the rear yard.*
- 2.4.2.** *Accessory structures are required to blend with the house and maintain continuity of materials and color. If the structure creates an adverse visual effect from the street or from an adjacent home, the ACC may decline the application or require a fence to be built or placement of landscaping to screen the structure. Materials and colors must match or be compatible with the house and fence to which the structure is attached or near. This includes siding, roofing, paint or stain, and construction details such as trim.*

3. Air Conditioning.

- 3.1 Air conditioner installation requires a City of Renton permit.*
- 3.2 Air Conditioners, Heat Pumps, and Generators must be out of sight from the street, and all conduit and/or equipment attached to the house must be painted to match the house color.*
- 3.3 Window air conditioning units must be mounted flush to the window and not allowed to protrude externally.*
- 3.4 Air conditioners must comply with Renton Municipal Code 8-7-2 as it pertains to environmental noise.*
- 3.5 No ACC approval is required if the foregoing conditions are met. However voluntary ACC review may be requested.*

4. Decks.

- 4.1 All decks must be compatible with the house in materials and color (i.e. if natural wood, it must be painted or stained).*
- 4.2 All decks more than 36" in platform height require ACC approval.*
- 4.3 Machinery, equipment, and personal items may be stored under the deck only if the deck is enclosed by lattice or landscaping screening and these items are out of view of the neighbors.*

5. Drainage.

- 5.1 Obstructing or retarding the flow of drainage is prohibited.*
- 5.2 Any alteration to houses or lots, that may change existing drainage patterns onto adjacent lots, is prohibited without the approval of the appropriate governmental agency.*

6. Driveways

- 6.1 Only hard, stabilized surfaces of concrete or masonry will be considered. No other material will be approved.*
- 6.2 Special care must be exercised if changes alter drainage patterns. Runoff must be disposed of within the boundaries of the homeowner's property.*

7. Exterior Lighting

- 7.1** *Lighting that is not part of the original structure must have ACC approval. This shall include all walkway and landscape lighting not installed by the original builder. Changes in original lighting that are compatible in style, do not have to have ACC approval.*
- 7.2** *The application should specify location of lighting on the property, height of light fixtures above the ground, wattage, and detailed descriptions of the fixtures.*
- 7.3** *Lighting shall be designed and positioned to ensure that the light source is not visible from any other house in the development.*

8. Exterior Fire Pits and Fire Places. *Submissions for recreational fires will only be approved if they are in professionally manufactured and/or installed natural gas or propane fire pits or fire places.*

9. Fences

- 9.1** *Applications must be submitted prior to fence installation.*
- 9.2** *Fences erected between the front of the street and the front of the house are prohibited.*
- 9.3** *Homeowners must determine the exact location of their property line and make sure that any fence constructed is within that property line prior to construction. The ACC recommends that homeowners who are unsure of their property line location have a survey done to avoid any conflicts. The Association does not involve itself in boundary line disputes between neighbors.*
- 9.4** *Fence frames must face the homeowner's property. This is commonly called a "Good Neighbor Fence."*
- 9.5** *Chain link fences are not allowed except as provided in Section 16 pertaining to pet enclosures. Chain link fences constructed for this purpose may not be taller than the wood fence.*
- 9.6** *Fence applications must meet the following conditions:*
 - 9.6.1.** *General fence requirements:*
 - 9.6.1.1** *Wood fences shall be painted or stained when constructed and repainted/stained as necessary. Approved colors are: Thompson's WaterSeal Autumn Brown, Thompson's WaterSeal Timber Brown, or clear.*
 - 9.6.1.2** *Fences and retaining walls built on slopes greater than 15% and visible from a public space or common area shall contour with the terrain.*
 - 9.6.1.3** *Fence designs shall have a desirable appearance from both sides except when one side is adjacent to a critical area and not visible from a public area.*
 - 9.6.1.4** *Fences shall be constructed using high quality workmanship and high quality construction materials.*
 - 9.6.1.5** *Fences shall not exceed 6' in height.*
 - 9.6.2.** *Front yards:*

9.6.2.1 *Fences are not permitted in front yards.*

9.6.3. Side and Rear Yards:

9.6.3.1 *"Living fences" made up of trees or shrubs on side or back yards must not exceed six (6) feet in height.*

9.6.3.2 *Wood fences in side or back yards may not exceed six feet (6) in height.*

9.6.3.3 *Side yard fences must be set back at least three (3) feet from the front corners of the house or garage unless connected, hedge, wall, or previously constructed prior to the approval of this document.*

9.6.3.4 *Fences also can be located on top of retaining walls. The total height of the wall and fence cannot exceed ten feet with the fence portion not exceeding 6 ft in addition to the height of the retaining wall.*

9.6.3.5 *Side yard fences attached to the house must have an opening or a gate on at least one side of the house to allow for access between front and back yards.*

9.6.4. Gates:

9.6.4.1 *Gates should be constructed of compatible materials.*

9.6.4.2 *Gates may exceed the fence height by no more than 2 feet.*

9.6.5. Fence and Gate Stain/Paint Colors:

9.6.5.1 *A semi-solid color stain (film-forming opaque stain) is a permanent application and will fail by cracking and peeling. They also have a tendency to chalk. When applied correctly, a semi-transparent stain (penetrating, low-hide stain used for changing the color of the wood) will fail by erosion but will not crack or peel. Semi-transparent stains tend to erode rapidly in areas where there is a lot of weathering (like the south and west sections of the house), and not as much in better protected areas (under eaves, awnings, and north side of the house).*

9.6.5.2 *Stain colors should be similar to adjacent lots and need to be preapproved by ACC. Complete ACC application and submit for approval.*

9.6.6. Fence and Gate Styles:

9.6.6.1 *Other fence or gate styles may be used but are subject to ACC review and approval.*

9.6.6.2 *A photograph of style or reference style letter must be included on application.*

10. Flags. *Except to display the flag of the United States, flag poles are not permitted. Banner arm mounted flag poles are permitted for all flags.*

11. Gazebos / Arbors / Pergolas / Patio Covers / Hot Tubs.

11.1 *All arbors pergolas, gazebos, patio covers, and sun control devise require ACC approval prior to installation. Wooden structures should be constructed of a rot-resistant wood and painted or stained.*

11.2 *Metal structures must be powder coated. A sample of the color must accompany the application. Structures constructed of materials other than wood or powder coated metal are rarely approved.*

11.3 All hot tubs/spas must be located in the rear of the property and must incorporate a cover with securing mechanism. Hot tub and gazebo framing structures must be made of wood or similar composite/synthetic material and in a color compatible with the color of the house. Issues taken into consideration are noise, size/location (including gazebo coverings), windows and softening by landscaping.

11.4 All structures are considered accessory structures and must conform to the guidelines in the above section "Accessory Structures."

12. LANDSCAPING.

12.1 Seasonal color added to landscaping does not require ACC review and approval. Minor changes to landscaping do not require an application. However, to insure compliance with ACC Guidelines, an ACC review is encouraged. All other landscaping, including topographical changes, requires ACC approval.

12.2 A reasonable number of seasonal planters or pots does not require ACC approval, however if pots are intended to be permanent, an application is required for approval.

12.3 Landscaping can be effectively used to accent driveways, define space, create "soft" privacy screens, and reduce the visual impact of fences, and sheds. Since landscaping is a design element, consideration should be given to relationship to the applicant's house and the neighborhood setting.

12.4 Homeowners are urged to consider their neighbor's view when landscaping and the size and maturity of trees and plants being considered. Special care must be exercised if changes alter drainage patterns. Runoff must be disposed of within the boundaries of the homeowner's property.

12.5 Applicants are reminded that Washington law requires the owner or their contractor to call the Underground Utility Locator Service at 1-800-424-5555 at least two business days prior to digging 12" or deeper.

13. HOUSE AND GARDEN. Landscaping in the house and garden neighborhood is typically lawn, trees and evergreen groundcover. A front lawn with evergreen foundation shrubs forms the basic landscaping.

13.1 The following is encouraged in ACC applications:

13.1.1 The use of lawns in front yards or well-manicured shrubs.

13.1.2 An uninterrupted flow of landscaping between houses and the sidewalk by placing elements such as gardens and patios close to the front of the house or in a side or rear yard.

13.1.3 Landscaping in all shared space areas.

13.1.4 *Hardy and flowering plants.*

13.1.5 *Plantings to soften house.*

13.1.6 *Trees that provide visual interest and seasonal shade such as deciduous flowering trees and with spreading forms.*

13.1.7 *Fruit and nut trees are not permitted in the front/side yards.*

13.1.8 *Fruit and nut trees in the back yard may not encroach neighboring properties and must be trimmed annually.*

13.2 *The following is discouraged in ACC applications:*

13.2.1 *Large expanses of impervious surfaces.*

13.2.2 *Large expanses of bark or mulch.*

13.3 *ACC applications must adhere to the following requirements:*

13.3.1 *Planting areas should consist of 75% lawn or evergreen groundcover.*

13.3.2 *Low hedges used as screens shall have a maintained maximum height of 42 inches.*

13.3.3 *Trees shall be a variety tolerant of selective pruning without topping.*

13.3.4 *Trees and large shrubs shall be set back from house facades.*

13.3.5 *Trees and large shrubs should be located so as not to block views from interior rooms or adjacent properties.*

14. SYNTHETIC AND ARTIFICIAL TURF. *Synthetic and artificial turf is NOT allowed in the front yard. Nor is it allowed in the side and rear yards that are visible from a public right-of-way.*

15. PAINTING

15.1 *Prior ACC approval is not required when re-painting any part of the house with its original or existing color scheme.*

15.2 *Prior ACC approval is required for new colors or any changes in exterior colors for houses, fences, decks, trim and roofs in advance. Color chips (samples) must be submitted with the application along with a detailed description of where the colors are to be applied (trim, body, and doors, et al.), along with a photo of the home. The ACC will consider the color schemes of surrounding homes in the immediate neighborhood to determine the consistency of the selected colors.*

15.3 *Color blocking (colors ending on an outside corner) is prohibited; all paint colors and materials shall end at inside corners of the structure. Colors must follow the existing architecture.*

15.4 *Color palettes that will be considered are neutral, earth tone, or grey color schemes. Trim, accents, shake, and body should be varying shades of the same color pallet. Trim may also be white or cream color. Garage door must be consistent with the body of the house. Front entry doors must be painted in a contrasting color.*

16. PATIOS.

- 16.1** *Patios in rear yards are heavily favored over other locations.*
- 16.2** *Material shall be brick, stone or concrete.*
- 16.3** *Mitigation of any possible adverse effects of drainage changes must be shown on the application.*

17. PET HOUSES/RUNS/ENCLOSURES

- 17.1** *Pet houses must be compatible with the homeowner's house in color, material and size, and must be located where they will be visually unobtrusive and will have the least impact on neighbors for visibility, noise, and smell. Generally, this means away from shared property lines.*
- 17.2** *Chain link fences for dog runs must be approved by the ACC and be inside solid privacy fencing, softened by supplemental landscaping, and well screened.*
- 17.3** *Enclosures to confine pet(s) in an area less than the entire back yard must be placed in a location where minimum nuisance and inconvenience is caused to neighbors, and away from shared property lines and living areas of neighborhood residences.*

18. PROHIBITED ITEMS/CONSTRUCTION. *The following are expressly prohibited in all areas of Vercello:*

- 18.1 Clotheslines.** *Clotheslines of any type or style are not allowed.*
- 18.2 Businesses.** *Businesses that require more than one employee, including business owner, must be approved by the Association's board of directors.*
- 18.3 Temporary Residences.** *Outbuildings, basement, tent, shack, garage, trailer or shed or temporary building of any kind shall be used as a residence either temporarily or permanently.*
- 18.4 Building Setback Requirements.** *All buildings and other Lot improvements shall comply with all applicable governmental requirements, including without limitation minimum setback requirements.*
- 18.5 Oil and Mining Operations.** *No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot; nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot.*
- 18.6 Sewage Disposal.** *No individual sewage disposal system shall be permitted on any.*

18.7 Lot Size. *No residential structure shall be erected or placed on any Residential Lot which has a lot area of less than that required by the City of Renton.*

18.8 Restriction on Further Subdivision. *No Lot or portion of a Lot in this plat shall be divided and sold or resold, or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use district in which located; provided, the foregoing shall not prohibit deeds of correction, deeds to resolve boundary disputes and similar corrective instruments.*

18.9 Nuisances. *No nuisance shall be permitted to exist or operate upon any Lot or improvement thereon so as to be detrimental to any other Lot or Property in the vicinity thereof or to its occupants.*

19. RECREATION, SPORTS, AND PLAY EQUIPMENT.

19.1 *Recreational structures or equipment visible from any street, common area, or lot requires ACC approval.*

19.2 *Portable basketball hoops must NOT be stored on public sidewalks.*

19.3 *Recreational play equipment shall be placed in rear yards whenever possible. Consideration should be given to lot size, equipment size and design, and visual screening.*

19.4 *Considerations as to location, size, impact and noise will be reviewed with each application*

19.5 *Basketball backboards may not be attached to the house or garage.*

20. RETAINING WALLS. *Retaining walls must be used in combination with appropriate landscaping with aesthetic impact being considered. Retaining walls that alter existing landforms must provide adequate drainage. Concrete retaining walls exceeding 36 inches in height shall incorporate a special pattern, texture, or treatment to visually reduce the overall scale.*

20.1 *Font Yards.*

20.1.1 *Rockeries and retaining walls located to separate a front yard from an adjacent public space or common area shall not exceed 42 inches in height.*

20.1.2 *Walls located in a front yard shall be constructed of stone, masonry, brick, or concrete with shadow lines and reveals and complement the house style.*

20.2 *Side and Rear Yards.*

20.2.1 *Retaining walls or rockeries exceeding 48 inches in height and located in side or rear yards shall be terraced or stepped in sections if they are:*

20.2.1.1. *Visible from a public space or common area; and*

- 20.2.1.2.** 15 feet or greater in length; and
- 20.2.1.3.** c. Located within 10 feet of a sidewalk or other pedestrian walk.

- 20.3** These requirements do not apply to walls or rockeries in alleys.
- 20.4** When used in combination with walls or rockeries, plant materials shall be a minimum of 80% evergreen varieties.
- 20.5** Please submit drawings along with a photo or material sample to the ACC for approval prior to construction.

21. SATELLITE DISHES.

- 21.1** Satellite dishes shall be 1 meter (approximately 39") or less in diameter ("Satellite Dish"). Any satellite dishes and antennas over one meter are not covered by the Telecommunications Act of 1996 and FCC Rules and are therefore prohibited.
- 21.2** In order to not (a) unreasonably delay or prevent installation, maintenance or use, (b) unreasonably increase cost, or (c) prevent an acceptable quality signal, any one of the following is an acceptable location for a Satellite Dish:
 - 21.2.1** Entirely within and entirely below the height of approved privacy fencing which fully encloses the rear yard, or;
 - 21.2.2** Located at low level in gardens where it cannot be seen by other residents, or;
 - 21.2.3** Mounted on the roof of the house, where it is least visible from a road, public open space or common area, with its highest point below the peak of the roof line, and preferably as close to the chimney as possible; or,
 - 21.2.4** Mounted on the rear of the house, where it is least visible from a road, public open space or common area.
- 21.3** Satellite Dishes and accompanying equipment may not be affixed to the exterior walls or roof of any structure in such a way as to be visible from any public street, common area, or other lot unless such installation would (a) unreasonably delay or prevent installation, (b) unreasonably increase cost, or (c) prevent an acceptable quality signal.
- 21.4** The device is of a color, which is reasonably compatible with the color and materials of the home.
- 21.5** All wires for dishes must be buried or hidden from view and/or painted to match surface to which are applied.
- 21.6** The device does not adversely affect the safety of others.
- 21.7** Homeowners are requested to be sensitive to their neighbors and work with the installers to choose a location for their satellite dish so that neighbors are not adversely affected. If the

ACC finds that the above guidelines for the placement of the satellite dish have not been met, the ACC may require the relocation of the satellite dish at the homeowner's expense.

- 21.8** *All residents must file a Notice of Installation of Satellite Dish form prior to installation.*
- 22. SIDING.** *Siding of single-family homes within Vercello Homeowners Association must be of a wood, simulated wood, or cementitious product. Vinyl and aluminum siding are prohibited on single-family homes.*
- 23. SIGNS.** *No sign of any kind shall be displayed to the public view on any Lot without the prior written approval of the Board, except (a) customary name and address sign, (b) "For Sale" or "For Rent" signs of no more than six (6) square feet in size advertising the Lot for sale or rent, which signs must be removed promptly after sale or lease of the residence; (c) signs required by legal proceedings (and then the sign shall be no larger than eighteen (18) inches by twenty-four (24) inches, unless mandated by statute or court order; (d) temporary signs for political advertising, garage sales, etc (and then the sign shall be no larger than four (4) square feet and shall be in place no longer than sixty (60) days); and (e) permanent monuments (entry signage) and Common Area identification rights.*
- 24. SOLAR PANELS.** *For purposes of these rules, "solar energy panel" means a panel device or system or combination of panel device or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in the heating or cooling of a Unit, the heating or pumping of water, or the generation of electricity.*
- 24.1** *Owners may not install solar energy panels in the common area without the prior written consent of the ACC.*
- 24.2** *Solar energy panels must meet applicable health and safety standards and requirements imposed by state and local permitting authorities.*
- 24.3** *If used to heat water, is certified by the solar rating certification corporation or another nationally recognized certification agency. Certification must be for the solar energy panel and for the installation.*
- 24.4** *If used to produce electricity, meets all applicable safety and performance standards established by the national electric code, the institute of electric and electronics engineers, accredited testing laboratories, such as underwriters laboratories, and where applicable, rules of the utilities and transportation commission regarding safety and reliability.*
- 24.5** *Owners must submit detailed, written plans for installation of the solar energy panel to the ACC. The written plans must include an illustration of the system that depicts the materials to be used, shows the locations and attachment to the roof including the visibility from surrounding properties and the street, and the manufacturer's brochure.*

24.6 While the ACC reserves the right to decline any proposal, an Owner who makes a proposal is encouraged to meet the following guidelines:

24.6.1 The panels should be mounted as close to flat on the roof as possible.

24.6.2 No part of the installation should be visible above the peak of the roof on which it is mounted nor shall any part of the installation overhang from the roof or otherwise be installed within three feet of the perimeter boundary of the roof directly above the Owner's Unit.

24.6.3 All non-absorbing parts must be painted to match the roof or in certain circumstances, be enclosed and painted to match the background.

24.6.4 There should be minimal space between the panels.

24.6.5 Piping, wiring and any other equipment must be hidden or minimally visible.

24.6.6 Subject to paragraph 24.6.7, to allow space for maintenance, panels must not be installed within three feet of chimneys, roof vent pipes, the edge of the roofs and the vertical boundary of adjoining units.

24.6.7 Where roof edges do not have gutters affixed, panels may be installed to the edge of the roofs but must not overhang the edge of the roof.

24.7 Only commercially or professionally made solar energy panels will be allowed. "Home-made" solar energy panels are prohibited.

25. SWIMMING POOLS.

25.1 All swimming pools (above ground, below ground, and prefabricated) must be located in rear yards. Alternate locations will be considered only for property with an unusual configuration or topographical features.

25.2 The pool and any mechanical equipment must be completely enclosed by a six-foot high wood fence. Pool pump equipment should be located away from adjacent neighbors or enclosed to minimize the impact of noise. Fences and gates must conform to the specifications in the King County Architectural Standards. The fence application must be submitted with the pool application.

25.3 As the installation of a swimming pool is a major undertaking, an application for preliminary approval is recommended. The preliminary application should include a site plan showing dimensions of the pool, deck, fenced area, and relationship to the house, adjacent houses, and property lines.

26. TRASH, RECYCLE AND YARD WASTE RECEPTACLS.

26.1 Any trash, recycling, or yard waste containers and/or bags must be stored out of view from the street during non-pickup hours.

26.2 Containers and/or bags may only be placed at the curb/street for pickup 12 hours prior to and 12 hours after pickup time.

- 26.3** *Garbage and trash containers shall be buried or shall be located abutting rear or sides of house and shall be contained within an enclosure. The design and material of said enclosure shall be in keeping with the general appearance of the house and its design must receive prior approval by the Association.*

27. TREES ON LOTS.

- 27.1** *Homeowners wishing to remove trees, top trees or install trees on their own lots must follow the procedures outlined by the ACC and submit an application prior to doing any work with the following exceptions:*

- 27.1.1** *Homeowners may prune trees on their own lots to a reasonable extent without application to the ACC.*
- 27.1.2** *Homeowners may replace dead or dying trees on their own lots with the same type and size of tree in the same location without application to the ACC.*
- 27.1.3** *Trees overhanging sidewalks must be pruned to at least 7'6" above the sidewalk per city code.*

- 28. WINDOWS.** *The written approval of the ACC is required for the alternation or modification of windows in the existing structure. Replacement windows must be of the style and design consistent with existing windows in the community.*

- 29. WIRES AND PIPES.** *All utilities, wires and pipes except for control or monitoring housings must be underground. This includes, but is not limited to, such additions as external light wires, satellite dish wires, sprinkler systems or any other electronic devices wires.*

2. ENFORCEMENT PROCEDURES & FINE SCHEDULE

2.1 Authority

The Board of Directors is authorized and empowered to investigate, hear and determine all complaints concerning violations by any Owner, tenant or occupant of the Declaration, Bylaws, rules, regulations or enforcement procedures ("Governing Documents") or of any decision of the Board made as provided in the Governing Documents. The Board is further authorized and empowered to impose a fine as may be allowed herein in an amount not to exceed the maximum rate established by resolution of the Board on any person whom it finds to have violated the Governing Documents.

2.2 Informal Dispute Resolution Preferred

It is the intent of the Association that an informal process be encouraged prior to the initiation of a formal complaint against an owner, tenant or other occupant of a Unit. To that end, any owner, tenant, occupant or employee or agent of the Association has the authority to request that an owner, tenant or occupant of any Unit cease or correct any act or perform any omission which appears to be in violation of the Governing Documents or of any decision of the Board made as provided in the Governing Documents. The informal request should be made, either verbally or in writing, prior to initiation of the formal complaint process. Nothing in this paragraph should be construed as a requirement or condition to making a complaint.

2.3 Complaint

If the dispute or violation is not being resolved informally then a complaint may be filed by any Unit owner, tenant or occupant, including a member of the Board, or may be filed by an employee or agent of the Association (referred to as the "complainant"). The complaint shall contain a statement of the problem necessitating the complaint setting out in simple and concise language the acts or omissions with which the alleged violator (referred to as the "respondent") is charged. The complaint should identify the specific provisions of the Governing Documents or decision of the Board which the respondent is alleged to have violated. The complaint shall state as many of the specifics as are available regarding time, date, location, nature of violation, persons involved, etc. The complaint should also state the efforts, if any, which were made to resolve the matter informally. The NOTICE OF WARNING, INFRACTION AND/OR FINE form, attached hereto, may serve as the complaint.

2.4 Service of Complaint

Within ten (10) days of receipt of the complaint, the Association shall cause the NOTICE OF WARNING, INFRACTION AND/OR FINE form to be served upon the respondent, at the respondent's address of record, if an owner, and at the Unit address if a non-owner occupant. Service of the NOTICE OF WARNING, INFRACTION AND/OR FINE shall be by leaving same with the respondent personally, by leaving same with a person of suitable age and discretion at the respondent's residence or by first class mail.

2.5 Notice of Respondent's Rights and Hearing

If an appeal hearing has been requested, the Association shall, at least fifteen (15) days prior to any such hearing date, serve upon the respondent and complainant a Notice of Rights and Hearing, which shall be in substantially the form attached hereto but may contain additional information as the Board may deem to be appropriate from time to time.

2.6 Default

Failure of one party to appear at a scheduled hearing, where that party prior to the hearing has failed to show good cause why the hearing should be rescheduled, does not preclude the Board from proceeding with the hearing, receiving evidence from and hearing arguments by the other party and making a decision in the matter. Upon failure of the complainant to appear, the Board may, in its discretion, drop the matter.

2.7 Hearing Procedure

2.7.1 Conduct of Hearing

The hearing shall be heard by the Board of Directors sitting as a Hearing Board. The respondent shall appear in person or by a duly authorized representative. The President, or in his or her absence the Vice President, shall preside over the conduct of the hearing and shall make any necessary evidentiary rulings. The hearing shall be informal. At the beginning of the hearing the President shall explain the rules and procedures by which the hearing is to be conducted.

2.7.2 Order of Proceedings

The order of proceedings shall be as follows:

- (a) Each party to the proceeding is entitled to make an opening statement.
- (b) Each party is entitled to produce evidence, witnesses and testimony. The other parties are entitled to cross-examine any witnesses and the opposing party.
- (c) Each party is entitled to make a closing statement.
- (d) Any member of the Board may question any party or witness. The Board members may, on their own motion, call additional witnesses or secure tangible evidence.

2.7.3 Rules of Evidence

Any relevant evidence which is not privileged is admissible regardless of whether the evidence is hearsay or otherwise inadmissible in a court of law.

2.8 Assurance of Voluntary Compliance

The Board in its discretion, in lieu of or in addition to calling the hearing, may accept a written Assurance of Voluntary Compliance from any respondent. Giving an Assurance does not constitute an admission that a violation has taken place. The Assurance may include a stipulation for payment by respondent to the complainant and/or the Association. From time to time, a

person who has made an Assurance of Voluntary Compliance shall provide all information the Board reasonably requests to determine whether the respondent is in compliance with the Assurance. The Board is not precluded from further action by its acceptance of an Assurance of Voluntary Compliance in the event that the respondent violates the terms of that Assurance.

2.9 Decision and Order

2.9.1 As soon as possible, but in no case more than ten (10) days after the close of the hearing, the Board shall meet in executive session to deliberate and reach a decision. The decision of the Board shall be in writing and, if a violation is found, shall state the particular violation(s) found.

2.9.2 Upon a decision that a violation has occurred, the Board may order that the respondent shall do or refrain from doing any act necessary to cause the respondent to comply with the provisions of the Governing Documents and/or any decision of the Board. The order of the Board shall become effective ten (10) days after it is served on the respondent in the manner provided above, unless the Board otherwise provides in its order.

2.9.3 The Board may provide in its order for the imposition of a reasonable fine not to exceed the maximum amounts set from time to time by resolution of the Board. The fine may include a daily fine in the event that the respondent does not comply with the order of the Board, including the payment of the fine, within the allotted time. Any fine or charge so imposed by the Board shall be the personal obligation of the person against whom it is imposed, shall constitute a lien upon the Unit owned or occupied by that person, and may be collected in the manner provided in the Declaration in same manner as for assessments.

2.9.4 The decision of the Board shall be served on each party to the matter forthwith in the manner provided above. A copy of the decision and order shall be included in the books of the Association.

2.10 Judicial Enforcement

Failure to comply with a decision of the Hearing Board following notice of a violation and an opportunity for a hearing, shall be grounds for an action by the Association to recover sums due for damages, which shall include any fines levied by the Hearing Board and any costs incurred by the Association in connection with the proceedings before the Hearing Board, or for injunctive relief, or both, maintainable by the Association. In any action brought as provided in this Section, the prevailing party shall be entitled to recover as part of its judgment a reasonable sum for attorney fees reasonably incurred in connection with the action, in addition to its expenses and taxable costs.

2.11 Fine Schedule

The Board will enforce the following fine schedule for violations of the Association's Governing Documents, including, but not limited to, the Declaration, Bylaws, Rules & Regulations, ACC Guidelines and any decision of the Board.

1st violation: Warning and/or up to \$50 fine, unless otherwise provided in specific Rule.

2nd violation of the same provision: Fine up to \$100, at the Board's discretion, unless otherwise provided in specific Rule.

3rd violations of the same provision: Fine up to \$250, at the Board's discretion, unless otherwise provided in specific Rule.

4th or more violation of the same provision: Fine up to \$500, at the Board's discretion, unless otherwise provided in specific Rule.

Continuing Violations. Each and every day a violation continues shall be considered as a separate offense and will be subject to an additional fine of \$10 per day, at the Board's discretion, beginning ten (10) days after the owner is notified of the fine until the violation is corrected.

Notwithstanding anything herein, the Association shall provide written notice of any violation of the Declaration to the owner, who shall then have ten (10) days to take whatever actions are necessary to remedy the violation. If the owner or occupant fails to comply within said ten (10) day period, fines may be assessed. This paragraph does not apply to violations of the governing documents other than the Declaration.

Fines are an assessment per RCW 64.38.010(1) Late charges will be imposed for any fine delinquent over 30 days.

NOTICE OF WARNING, INFRACTION AND/OR FINE

TO: _____, respondent

UNIT: _____

This is to notify the respondent that the Association has received a complaint against the respondent concerning violation of the Governing Documents of the Association as follows (state with specificity the nature of the violation and the pertinent rule, regulation, etc.):

Check one or more of the following, as applicable:

☐ This is your Notice of Warning. You have _____ days to either correct the infraction and/or remove the violating condition. If you fail to do so, then the Association will proceed with formal enforcement.

☐ The respondent has previously been sent a Notice of Warning concerning the above stated infraction but has failed to correct the situation.

☐ The respondent is assessed a fine of \$_____ under the authority of the most recent resolution of the Board for fines to be imposed in the case of infractions. The fine ☐ is ☐ is not a continuing fine. (A continuing fine is one that can be imposed in the above stated amount for each and every day, month or other specified time period that the infraction which is the subject of this Notice continues.)

☐ Imposition of the above fine is suspended for _____ days (no less than five (5) days). If the infraction is corrected within that time, then the fine will be rescinded.

☐ The Board has set this matter for a hearing. See accompanying Notice of Rights and Hearing Before Board. At the hearing, the Board will decide the validity of the infraction(s) and fine(s) to be imposed, if any.

Right to Appeal If this is other than a Notice of Warning, you have the right to appeal the action taken above to the Association's Board of Directors. In such case, imposition of any fine imposed will be suspended pending determination of the appeal by the Board. If you wish to appeal, you must deliver written notice of the same to the Association's Secretary or the Association's Manager within ten (10) days after service or delivery of this Notice to the respondent. The request for appeal will not be deemed to have been delivered until actual receipt by the Association's Secretary or the Association's Manager.

Signed: _____

Date: _____

Title: _____

NOTICE OF RIGHTS AND HEARING BEFORE ASSOCIATION BOARD

RESPONDENT: _____

COMPLAINANT: _____

Please be notified that a hearing will be conducted before the Vercello Homeowners Association Board of Directors at _____ O' clock ____m. on _____ day, _____, 20__ upon the charges made by complainant in the complaint attached to this Notice. In the event that you are not present at the hearing a decision may be made against you.

You have the right to be present at the hearing and to be represented by counsel at your own expense. You are entitled to present any relevant witnesses or other evidence and will be given full opportunity to cross-examine any witnesses presented by the other party.

If any of the parties can show good cause as to why they cannot attend the hearing on the above date, they must submit a written request to the Board at least forty-eight (48) hours prior to the scheduled hearing date.

Failure to appear or to obtain an order rescheduling the hearing will constitute a "default" as per the attached enforcement procedures and the Board may proceed with the hearing.

The respondent may admit to the complaint in whole or in part. In that event, the Board may hold a hearing as to any mitigating circumstances or to determine the appropriate penalty or may make a determination to waive the hearing and simply impose a penalty, if any.

DATED: _____

Secretary or Association Manager