

Rules & Regulations

3.070.0 - Architectural Control

I. Introduction

Article IX, Section 2 of the Fairwood Greens Homeowners' Association CC&R clearly states: "No building shall be erected, placed or altered on any lot (residential or nonresidential) on the property until the building plans, specifications, and plot plan showing the nature, kind, shape, height, materials and location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision...".

Adherence to all and any Washington State and King County building type codes and permits are the responsibility of the Homeowner.

The single most important policy is that the Architectural Control Committee (ACC) is required to uphold and apply the CC&R and other governing documents of the FGHA in a uniform, consistent and conforming manner. Compliance with the governing documents provisions, including the Rules and Regulations, enhance the value(s) and marketability of the homes within Fairwood Greens. Timely ACC review and response to the FGHA members is important. The ACC is required to approve a project's design only and does not design a project or make suggestions that may place the ACC or the FGHA in a future litigious position or condition. ACC approvals will be granted based upon compliance with the aesthetic design and other requirements of the governing documents. A separate document, "Guidelines for Architectural Control Committee" (ACC Guidelines) contains important additional information and requirements. The ACC Guidelines may be updated as necessary to improve the home values within Fairwood Greens. The Guidelines are fully incorporated into this Rule by reference.

It is required that all external structural modifications and alterations to the home and exterior structures (including re-roofing, decks, fences, patios, sheds, driveways, painting, etc.) be submitted in writing (a sketch with appropriate dimensions, setback distances, color, etc. is sufficient) to the ACC for review and approval before any work commences. This requirement is contained within the CC&R.

The ACC request form is available on the Fairwood Greens website. The form can also be mailed to a homeowner by leaving a message at 425.227.3997. Completed ACC forms may be mailed to: HOA PO Box 58053, Renton, WA 98058, or the forms can be completed and submitted online. The ACC will make every effort to review and make a finding within one week, usually by personal inspection or by phone. ACC approval shall be in writing and may take as long as two months as allowed by CC&R. In addition, the ACC will investigate and act towards complaints received through mail or email. Any ACC unresolved compliance requests may be forwarded to the FGHA board for formal action as required.

Homeowner is responsible for all that occurs on their property, whether by tenant, guest, or other occupants. This document is sole authority for fines and the timing thereof.

II. Architectural Control Categories (see ACC Guidelines for additional requirements)

- A. **Exterior Paint:** Exterior paint on houses or exterior structures must be harmonious with other homes in the subdivision. All homeowners who wish to change existing exterior color, or repaint existing exterior color, must submit color schemes to the ACC for approval prior to the work commencing.
- B. **Fencing and Artificial Turf/Lawn:** Fencing and artificial turf/lawn materials and plans must be submitted to the ACC for approval prior to the work commencing.

- C. **Roofs:** Construction plans and a description of the deck/roofing materials must be submitted to the ACC for approval prior to the work commencing.
- 1) Roofing and reroofing materials currently approved are:
medium to heavy grade cedar shake, Gerard Steel, Rare Steel, a variety of lightweight tiles, and triple laminate composition- Certaineed Presidential TL, GAF Grand Canyon, Owens Corning Woodmoor Shingles, PABCO Paramount Advantage, Euroshield, EuroSlate and EuroShake, Future Roof Systems of Spanish Tile, Mediterranean Tile, Weatherbond/ Verisico TPO or PVC (flat roofs), Nu-Ray Metals.
 - 2) Roofing materials other than those currently approved must be submitted with sample and explanation for consideration.
 - 3) It is highly recommended by the ACC that roofing be installed only by a professional skilled trades person or company that is fully licensed and bonded under the laws of the State of Washington.
- D. **Exterior Remodeling:** On any outside remodeling project, construction plans and a description of materials to be used must be submitted to the ACC for approval prior to the work commencing.
- E. **Sports Courts, Basketball Hoops:** External lights that permit late night sports activities are not to be used. Portable basketball hoops and backboards may be placed along the edge of the driveway, but may not be in the street, nor inhibit pedestrian traffic. Permanent basketball hoops and backboards may be attached to the house structure above driveway.
- F. **Driveways:** Widening of driveways requires ACC to review considering the overall landscaping along the home's front property and in relation to the existing neighborhood. Any driveway widening is required to be approved by the ACC before work begins. Driveway or paved access from or along the side or rear of the house for parking of boats, trailers, or recreational vehicles (RVs) or to provide "second" driveways will not be approved. Attention to the King County Fire District #40 regulations must be made to address access alongside property lines.
- G. **Landscaping:** Hardscaping (i.e., concrete, brick or block work, etc.), retaining walls, sidewalks, driveways, patios and decks, swimming pools, etc., require ACC review and prior approval. Compliance to current King County Building Codes that address the maximum lot coverage by impermeable material must be complied with (including home, patios, pools, walkways, driveways etc.). Mass plantings, which create or will eventually create a fence, require prior ACC approval. Mass plantings which restrict the view of a neighbor are limited to a maximum height of 6 feet. Plantings on fairway lots are required to take into consideration and not unreasonably obstruct the view of adjacent neighbors.
- H. **Hot Tubs, Gazebos, Spas, BBQ:** Hot tubs, gazebos, and spa location and design must be approved by the ACC. Outdoor tubs and spas are to be placed no closer than 5 feet to the side or rear property line. Gas fired equipment is to be placed so that exhaust fumes do not create a nuisance or unsafe condition for neighbors.
- I. **Antenna Installation:** Satellite antenna installation can be mounted directly to the primary home structure. Any other mounting must be approved in writing by the ACC. No antenna installation within Fairwood Greens shall cause a nuisance to the neighborhood nor create any affect or interference to a neighbor's telephone, radio, home personal computer, television, home security system, automobile or garage door locks, fire or police alarms or any other form of security or communication.
- J. **Sheds-Garden, Storage and Golf Cart:** All new and replacement shed projects require prior ACC review and approval.

- K. **Other:** Decks, Patios, Enclosures, Deck Covers, Patio Covers, BBQ Pits, Exterior Lighting Schemes - Other homeowner projects, such as pools, significant plantings, enclosures, deck covers, BBQ pits, exterior lighting schemes etc., that may affect other homeowners or the aesthetic or harmonious character of the community or may cause a nuisance to the community must be submitted to the ACC for review and prior approval.

III. Infractions

Once a homeowner has committed a violation by not obtaining a written approval from the ACC prior to the commencement of work and has been notified in writing of such, or not finishing project timely or on agreed completion date, it may result in the homeowner being assessed fines and required to:

- 1) Repaint their home with approved color schemes.
- 2) Remove fencing in its entirety from the property.
- 3) Remove and/or replace deck/roof in its entirety.
- 4) Restore remodeling changes to the original condition.
- 5) Remove sheds and/or other exterior structures in their entirety.

At the Association Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines may continue to be assessed while the legal action is in process if the homeowner continues to violate the declaration. All legal expenses associated with the enforcement of this declaration shall be assessed to the violating homeowner and his lot.

IV. Fines

- A. Any homeowner who fails to submit required request forms to the ACC or obtain written approval from the ACC prior to commencing work on categories listed under Section II shall be sent a notice of violation and warning of imposition of fines. If homeowner does not comply within five (5) business days of such notice by submitting the required request forms to the ACC or fails to immediately cease work until ACC or Association Board approval is given, homeowner shall be fined \$250.
- B. Beginning on the sixth business day following the notice and no homeowner compliance or other agreement arrived at with homeowner, fines shall be levied in the amount of \$50 per day. This daily fine shall continue until:
- 1) the ACC receives documentation by the homeowner stating intent to correct the violation and date of completion, and
 - 2) the work is completed.
- C. Projects which are not completed as identified per approved ACC form shall be fined \$10/day on thirty-first (31) day following such date until project is completed; provided, however, the Association Board may grant an extension to the period of time for completing the project if the delay is due to acts of God, or other events or incidents beyond the reasonable control of the homeowner or his contractor.

V. Collection of Fines

The Association will bill the violating homeowner the applicable fines at such time and for such periods as the Association considers reasonable. All fines imposed by the Association upon a homeowner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. The Association may file a formal lien with King County to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and

expenses, including attorney fees, incurred by the Association in the imposition and collection of such unpaid fine(s).

VI. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

END OF SECTION

Originally dated and adopted by the Board of Trustees the 28th day of May 2002.

Revised: 4/12/09; 11/26/13; 3/24/15; 5/26/15; 7/28/15; 6/28/16; 8/23/22