

# GROUSE MEADOWS ARCHITECTURAL CONTROL COMMITTEE RULES AND STANDARDS

## I.

### CONSTRUCTION, ALTERATION, MODIFICATION, REMOVAL, OR DESTRUCTION OF EXTERNAL IMPROVEMENTS.

1. No construction, alteration, modification, removal, or destruction of any external improvements, real or personal, shall be initiated or permitted to continue or to exist within the property without the prior, express written approval of the Architectural Control Committee. (Ref. CC&R 5.4)
2. **Application for Approval:** To request Architectural Control Committee approval for construction, alteration, modification, removal or demolition of any external improvements, the owner must submit a properly completed ACC Application for Modification form, signed by the owner. (Ref. CC&R 5.8)
3. **Application Forms:** The currently approved version of the Architectural Control Committee's ACC Application for Modification form will be available on the Grouse Meadows Owners' Association website at <http://mygmoa.org>.
4. **Application Attachments:** All applications submitted to the Architectural Control Committee for approval must include the following attachments:
  - a. **Building Plans:** A building plan which shall consist of preliminary or final blueprints, elevation drawings of the north, south, east, and west sides and detailed exterior specifications and which shall indicate—*by sample, if required by the Architectural Control Committee*—all exterior colors, materials, and finishes, including roof, to be used. (Ref. CC&R 5.8A)
  - b. **Site Plans:** A site plan showing the locations of the building(s) and all other structures and improvements, including fences, and walls on the lot, lot drainage, and all setbacks, curb cuts, driveways, parking areas, and other pertinent information relating to the improvements. (Ref. CC&R 5.8B)
  - c. **Landscape Plans:** A landscape plan for front and side yard portions of the lot to be landscaped that will be visible to the public, which shows the location, type, and size of the trees, plants, ground cover, shrubs, berming and mounding, grading, drainage, sprinkler system, fences, driveways, walkways, parking areas, and freestanding exterior lights. (Ref. CC&R 5.8C)
  - d. **Supplemental Materials:** The Architectural Control Committee may require the owner to furnish additional specifications, drawings, material samples, or such other information as the ACC shall deem necessary for review and processing of the Application for Modification. (Ref. CC&R 5.8)
5. **Application Fees:** The Architectural Control Committee may require an owner to submit an Application Fee with the Application for Modification. (Ref. CC&R 5.8)
  - a. The amount of the Application Fee is to be based on the reasonable and actual expenses of the ACC in reviewing and processing the Application. (Ref. CC&R 5.8)
  - b. If an Application Fee is required, the Architectural Control Committee is not obligated to commence review and processing of an Application until the Application Fee has been paid. (Ref. CC&R 5.8)
6. **Timeframe for Review of Application:** Unless extended by mutual consent of the owner and the Architectural Control Committee, the ACC shall issue a decision within forty-five (45) days of the receipt of a properly submitted Application for Modification. (Ref. CC&R 5.9)

- 7. Basis of Approval:** The following areas are included in, but are not limited to review by the Architectural Control Committee in consideration of an Application for Modification:
- a. adequacy of the lot dimensions;
  - b. conformity and harmony of external design with neighboring improvements;
  - c. effect of location and use of improvements on neighboring lots;
  - d. operations and uses;
  - e. relationship to topography, grade, finished ground elevations, and landscaping of the lot being improved to that of neighboring lots;
  - f. proper facing of the main elevation with respect to nearby streets; and
  - g. conformity of the plans and specifications to the purpose and general plan and intent of the Grouse Meadows Covenants, Conditions, and Restrictions. (Ref. CC&R 5.5)
- 8. Variances:** The Architectural Control Committee may authorize variances from compliance with the requirements of any condition and restriction contained in the Grouse Meadows Covenants, Conditions and Restrictions and/or the ACC Rules and Standards, or any prior approval, when—*in the sole discretion of the ACC*—circumstances indicate a variance would be reasonable and appropriate. (Ref. CC&R 5.7)
- 9. Denial of Application for Modification:** A Notice of Denial will be issued to the owner with a detailed explanation of the reasons for the denial. In the event of a denial of an Application for Modification by the Architectural Control Committee, the owner is barred from proceeding with the submitted plan. (Ref. CC&R 5.9)
- a. The owner may submit to the ACC an Amended Application for Modification which corrects the conditions which led to the denial.
- 10. Conditional Approval of Application:** If the Architectural Control Committee issues a conditional approval of an Application for Modification, the owner is required to attach a copy of the ACC conditions upon which the application is approved to the working drawings or blueprints which are to be kept on the job site during the entire course of the work to which the plans relate. (Ref. CC&R 5.9)
- 11. Inspection of Work in Progress:** The Architectural Control Committee can inspect all work in progress on any lot at any time to determine whether the owner is proceeding in accordance with an approved Application for Modification, or is deviating from an approved application, the Grouse Meadows Covenants, Conditions, and Restrictions, or the Architectural Control Committee Rules and Standards. (Ref. CC&R 5.10)
- 12. Complaint Follow-up:** The Architectural Control Committee will follow-up with an inspection on written complaints from other owners concerning violations or deviations from approved an Application for Modification, from the Grouse Meadows Covenants, Conditions, and Restrictions or from the Architectural Control Committee Rules and Standards, to determine the validity of the complaint. (Ref. CC&R 5.10)
- a. If the ACC determines there is no deviation or violation, it shall promptly issue a notice of such determination to the owner and the complainant. (Ref. CC&R 5.10)
- 13. Confirmation of Deviation or Violation:** If the Architectural Control Committee confirms there is a deviation or violation, the ACC will issue a written notice to the owner specifying the deviation or violation and the owner is required to:
- a. Immediately cease the activity which constitutes a deviation or violation. (Ref. CC&R 5.10)
  - b. Adhere to any corrective measures set out in the written notice. (Ref. CC&R 5.10)

- 14. Hearings On ACC Decisions:** An **owner** who has been served with written notice of violation or deviation, or who has submitted an Application for Modification and has received an adverse decision on the application, or a **complainant** who submitted a written complaint of a violation and has received a written determination that there is no violation, has the right to request and be heard at a hearing held for the ACC for the purpose of presenting facts and information to the ACC. (Ref. CC&R 5.11)
- a. The owner or complainant must make written request for a hearing before the ACC within ten (10) days from the date the ACC's written Notice of Decision was mailed to the owner and/or complainant. (Ref. CC&R 5.11)
  - b. The ACC hearing will be held ten (10) days following receipt of the written request for hearing—**unless the ACC extends the period of time due to the unavailability of ACC members.** (Ref. CC&R 5.11)
  - c. A hearing may be continued by the ACC for further investigation or to receive additional evidence. (Ref. CC&R 5.11)
  - d. On completion of the ACC hearing, the ACC will issue a written opinion to the involved parties within ten (10) business days. The opinion will set out the findings of the ACC and will affirm, modify, or rescind the previous decision as contained in the original written notice. (Ref. CC&R 5.11)
  - e. Any costs or expenses incurred by the ACC in connection with the investigation, processing, or hearing on a matter involving a violation or deviation shall be paid by the complainant—**unless the owner is found to be in violation**—in which case the owner shall pay all costs. (Ref. CC&R 5.11)
- 15. Appeals:** An owner or a complainant who has participated in an ACC hearing and received an adverse ACC decision has the right to appeal that decision to the Grouse Meadows Owners' Association Board. (Ref. CC&R 5.12)
- a. A written Notice of Appeal signed and dated by the owner or complainant with a copy of the ACC's decision shall be delivered by mail to the Secretary of the Board within ten (10) days from the date of the decision of the ACC. (Ref. CC&R 5.12)
  - b. Failure of an owner or complainant to appeal an ACC decision in the manner and within the time provided will terminate all rights of the owner or complainant to appeal the ACC decision, and the ACC decision will be binding and enforceable. (Ref. CC&R 5.12)

## II. PERMITTED USES OF GROUSE MEADOWS PROPERTIES.

1. **Residential Use Only:** All lots within Grouse Meadows will be used exclusively for residential purposes and such uses as are customarily incidental to residential purposes. (Ref. CC&R 6.1)
2. **Building Setbacks:** Building setbacks must be in accordance with City of Hayden Ordinance Chapter 5, 11-5-6 (Ordinance 559, 7-12-2016).
3. **Easement on Prairie Avenue and Ramsey Road Lots:** An additional 12 foot wide fence and earth berm easement inside the property lines of external lots directly bordering Prairie and Ramsey is provided for in the Grouse Meadows Covenants, Conditions, and Restrictions for maintenance of the berms and fences enclosing the subdivision. Accessory structures must not be placed within this easement. (Ref. CC&R, page 22)
4. **New Construction Only:** All building activity is to be new construction only. (Ref. CC&R 6.3)
5. **Outbuildings:** An Application for Modification along with plans, building specifications, and site plans must be submitted to the Architectural Control Committee for review and express written

approval prior to construction or installation of an outbuilding. (Ref. CC&R 6.2) Permitted outbuildings:

- a. should be of similar design as the house;
  - c. should be constructed with similar materials as the house;
  - d. must be painted the same color as the house;
  - d. should show conformity and harmony of external design with neighboring improvements; and,
  - e. plans and specifications must conform to the purpose and general plan and intent of the Grouse Meadows Covenants, Conditions.
6. **Location of Air Conditioning Units/Heat Pumps:** Whole house air conditioning units, heat pumps, etc., must be placed on the side or rear of the house.
7. **Recreational Vehicles:** RV's, campers, boats, etc., may be parked on the side or back of an owner's property. If in front, must sit on either a concrete slab, asphalt, or **groomed** gravel. Groomed gravel means the gravel pad must be entirely and evenly covered with gravel and free of all vegetation.

### III.

#### PROHIBITED USES AND ACTIVITIES ON GROUSE MEADOWS PROPERTIES.

1. **Unapproved External Modifications:** No improvements shall be built, constructed, erected, placed or materially altered unless all plans and specifications have been approved in advance by the Architectural Control Committee. (Ref. CC&R 6.2)
2. **Prohibited Buildings:** No trailer or other vehicle, tent, shack, garage, accessory building or outbuilding shall be used as a temporary or permanent residence. (Ref. CC&R 6.3)
3. **Placement of Air Conditioning Window Units:** Window air conditioning units may not be placed on the front face of the house in the absence of a compelling reason and the express written approval of the Architectural Control Committee.
4. **Placement of Satellite Dishes:** Satellite dishes may not be placed on the front wall of the house.
5. **Nuisance Activities:** No noxious or offensive activity which may be a public nuisance or an unreasonable annoyance to the owners or occupants of other lots in Grouse Meadows shall be conducted within the subdivision. Nuisance activities specifically prohibited are the excessive emission of dust, fumes, gasses, glare, noise, odors, smoke, and vibration. (Ref. CC&R 6.3)  
Additional prohibited activities include:
  - a. Hayden City Code 11-11-9 (5-13-2002) Making or permitting any unnecessary or unusual noise to the annoyance of others between the hours of nine o'clock (9:00) PM and six o'clock (6:00) AM on a weekday and between six o'clock (6:00) PM and seven o'clock (7:00) AM on a weekend.
  - b. Hayden City Code 4-3-4 (1-27-2010) Continued and repeated howling, barking, whining, or other utterances of dogs which cause annoyance, disturbance, or discomfort to reasonable neighbors or reasonable others in close proximity to the premises where the animal is kept or harbored.
  - c. Hayden City Code, 4-3-4 (1-27-10) Any animal that damages, soils, defiles or defecates on any property other than that of its owner.
  - d. Hayden City Code, 4-3-4 (1-27-10) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or

others in close proximity to the premises where the animal is kept or harbored, including neglect on the part of the owner to maintain, clean or otherwise eliminate the waste which results from the containment of an animal.

- 6. Restricted Hours for Lawn Mowing:** Lawn mowing is allowed between the hours of 7:30 AM to dusk.
- 7. Commercial Activities:** No lot shall be used at any time for commercial or business activity. (Ref. CC&R 6.4)
- 8. Offensive Conditions:** All structures, facilities, equipment, objects and conditions which the Architectural Control Committee, *in its sole discretion*, has determined to be offensive shall be enclosed within an approved structure or appropriately screened from public view. (Ref. CC&R 6.9E)
- 9. Prohibited Animals:** *Except for domesticated dogs, cats, or other small household pets*, no animals, livestock, birds, insects, or poultry of any kind shall be raised, bred, or kept on any lot. (Ref. CC&R 6.5)
- 10. Animals as a Commercial Activity:** Domesticated dogs, cats, or other small household pets may not be kept, bred, or maintained for any commercial purpose. (Ref. CC&R 6.5)
- 11. Free-Roaming Pets Prohibited:** Dogs and cats may not be allowed to roam freely off the owner or occupant's property.
  - a. Dogs and other pets must be on a leash when not confined to an owner's or occupant's lot. (Ref. CC&R 6.5)
  - b. Whenever a leashed pet is off the owner's lot, the individual having physical charge of the animal must immediately clean up any feces deposited by the animal.
- 12. Limit on Number of Pets:** Each household in a detached single-family dwelling shall keep no more than seven (7) pets (*dogs, cats, or other small household pets*);
  - a. However not more than three (3) of any species shall be allowed within such limitation;
  - b. A permitted exception is a litter of pups, kittens or other young animals which may be kept for a period of time not exceeding five (5) months from birth. Hayden City Code 4-3-6 (as of 1-27-10)
- 13. Parking Rules:**
  - a. No recreational vehicles, boats, campers, or trucks larger than a standard pickup truck shall be parked or stored on a public right of way within Grouse Meadows. (Ref. CC&R 6.7)
  - b. City of Hayden Code 6-1-3 E. Also Title 11 Zoning Regulations, Chapter 11 Development Standards, 11-11-6. No person shall park or store major recreational equipment on any public right of way for a period to exceed twenty four (24) hours.
  - c. Parking in the swale more than 1 foot or on a lot's front yard is prohibited.
  - d. No commercial vehicles over 2 tons may be parked overnight in the Grouse Meadows subdivision without the express written permission of the Board.
  - e. Personal vehicles must not interfere with the movement of traffic on the public right of way, and shall not be parked in an unsightly manner.
  - f. City of Hayden Code 6-1-3 D.1.b. Vehicles parked in driveways shall not obstruct the sidewalk. Vehicles may not be parked on a public sidewalk, pedestrian path, bicycle path or similar non-vehicular right of way.
  - g. City of Hayden Code 6-1-3 D.2. No vehicle shall be parked at the same location on any public street or alley in the city continuously for more than forty-eight (48) hours.

#### 14. Fencing Restrictions:

- a. Wire fencing is prohibited.
  - i. Dog runs or kennels may be constructed of chain link fencing, however, they must be completely screened from the street, and no larger than 10' by 20' in size.
- b. All fencing design, materials, color, and location must receive advance written approval of the Architectural Control Committee. (Ref. CC&R 6.8)
- c. **Front Fencing Height:** Hayden City Code 11-11-7 (as of 5-13-2002) No fence shall exceed four feet (4') in height in front of a dwelling beginning at the farthest front corners of each side of the house, or houses and attached garage or carport.
- d. **Side and Rear Fencing Height:** Hayden City Code 11-11-7 (as of 5-13-2002) Fences beginning at the farthest front corner of each side of the house, or houses and attached garage or carport and extending rearward may be six feet (6') in height.

**15. Prohibited Swale Materials:** Rock, bark, or other non-vegetative materials may not be placed within grassy swale boundaries. (Ref. CC&R 6.6A)

**16. Junk, Abandoned, or Disabled Vehicles:** Vehicles which have been abandoned, wrecked, are unused and/or disabled or junk are prohibited within the subdivision.

### IV. LANDSCAPING.

1. **Existing Landscaping:** No construction, alteration, modification, removal, or destruction of any external improvements, real or personal, shall be initiated or permitted to continue or exist within the property without prior, express written approval of the Architectural Control Committee. (Ref. CC&R 5.4)
2. **Landscape Plans:** Owners shall prepare a landscape plan and submit an Application for Modification form with the landscape plan to the Architectural Control Committee for review and express written approval prior to the installation or modification of landscaping on a lot. (Ref. CC&R 6.6A)
3. **Required Landscaping:**
  - a. The swale of an owner's lot must be planted with grass. (Ref. CC&R 6.6A & B)
  - b. Landscaping of the front, side yards, and swale must contain a minimum of three (3) trees or shrubs in total.
  - c. Yards and swales which have developed bare spots must be reseeded in such a manner as to maintain a uniform appearance of the lawn.
4. **Grassy Swale:** Includes from the front property line to the asphalt.
  - a. The swale must be maintained in grass for environmental purposes. (Ref. CC&R 6.6A)
  - b. Hayden City Code 7-2-6 (8-9-2005) City approved trees may be planted in the grassy swale following written approval by the Architectural Control Committee and issuance of a Right-of-Way Encroachment Permit by the City of Hayden.

### V. APPEARANCE AND MAINTENANCE OF PROPERTY.

1. **Condition of Property:** Each lot owner must maintain all improvements in good repair, with improvements painted or stained, lawns mowed and watered, shrubbery trimmed, rubbish and debris removed, weeds cut, and dead or dying trees, shrubs or other plants removed, so property has a neat and aesthetically pleasing appearance which contributes to the increased value of the entire subdivision. (Ref. CC&R 6.9A)
2. **Grassy Swales:** Each lot owner is responsible for maintenance of the grassy swale, whether in front or side area adjacent to their lot, including seeding, watering, mowing, and weed suppression. (Ref. CC&R 6.9B)
3. **Weeds:** Each lot owner and occupant is responsible for aggressive weed control on the entirety of their lot. Weeds cannot be left untreated, allowed to go to seed, and spread to neighboring lots.
4. **Overgrown Trees and Shrubs:** Trees and shrubs adjacent to the public sidewalk which have become overgrown and either overhang or project out into the sidewalk in such a way as to impede pedestrian traffic must be trimmed back to allow free passage on the sidewalk both in six (6) ft height and sidewalk width.
5. **Damage to Improvements:** All damage to any improvements shall be repaired as promptly as is reasonably possible. (Ref. CC&R 6.9C)
6. **Screening of Unsightly Areas:** All structures, equipment, and conditions which, *in the sole discretion of the Architectural Control Committee*, are determined to be unsightly or offensive shall be enclosed or screened from public view. (Ref. CC&R 6.9E)
7. **Garbage:** All trash, debris, garbage and refuse must be kept in a covered container which shall be kept on each owner's lot either within an enclosed structure, or screened from public view. (Ref. CC&R 6.9E)
8. **Trash Cans:** Trash cans may be set out at the curb the night before collection, and must be removed the day of collection.
9. **Vacant Buildings:**
  - a. Vacant buildings must be kept locked in order to prevent entrance by vandals. (Ref. CC&R 6.9D)
  - b. Owners of vacant property are responsible for maintaining the property in good repair, with improvements painted or stained, lawns mowed and watered, shrubbery trimmed, rubbish and debris removed, weeds cut, and dead or dying trees, shrubs or other plants removed, so property has a neat and aesthetically pleasing appearance which contributes to the increased value of the entire subdivision. (Ref. CC&R 6.9A)
10. **Sidewalk Maintenance:**
  - a. Hayden City Code 7-1-1 (as of 1-27-2009) Every owner or occupant of any property shall clear the sidewalks abutting their lot from snow and ice, and shall keep them free of snow or ice during the day.
    - i. There are no hourly restrictions on snowblowing.
  - b. Hayden City Code 7-1-1 (as of 1-27-2009) If snow or ice is so congealed that it cannot be removed without injury to the sidewalk, sand or some other substance that will not harm the sidewalks must be scattered on the snow and ice to provide traction and to cause the snow and ice to melt.
  - c. Hayden City Code 7-1-1 (as of 1-27-2009) Every owner or occupant shall at all times keep the sidewalks clear of limbs, debris, and rubbish that would tend to impede the free passage of pedestrian traffic upon the sidewalks.

- d. Hayden City Code 7-1-2 (as of 4-9-2002) It is the duty of the property owner within the city limits to maintain sidewalks abutting the owner's property at all times in a safe and proper condition and to repair all damage to sidewalks whether or not the owner has received notice from the city to do so.

**11. Holiday Decorations:** Holiday decorations must be taken down in a timely manner, including lighting, lawn decorations, and any other temporary addition to the lot.

**12. Correction of Blighted Conditions:** Any event or condition on a lot which, *in the sole discretion of the Architectural Control Committee*, creates an unsightly or blighting influence shall be corrected, removed or obstructed from public view whether or not such event or condition is not specifically described and/or prohibited in the Grouse Meadows Covenants, Conditions, and Restrictions. (Ref. CC&R 6.9F)

**13. Fines for Uncorrected Violations:**

- a. **First Notice:** Any owner and occupant in violation of the Grouse Meadows Covenants, Conditions, and Restrictions, or the Architectural Control Committee Rules and Standards shall receive written notification of the specific violation and will be provided a period of fourteen (14) days to correct the violation. (Ref. CC&R 6.9H)
- b. **Second Notice:** If, after the initial notification period, the violation still exists the lot owner and occupant will be sent a second notification providing an additional fourteen (14) days to correct the violation. The second notice will include notification that a \$50.00 fine will be assessed against the lot if the violation remains on the fifteenth (15<sup>th</sup>) day following the second notice. (Ref. CC&R 6.9H)
- c. **Payment of Fine Due Immediately:** If the violation remains on the fifteenth (15<sup>th</sup>) day following the second notice, the owner will be sent an Assessment Notice of the \$50 fine levied against the property which is due and payable immediately. (Ref. CC&R 6.9H)
- d. **Late Fees on Past Due Fines:** If the \$50.00 fine remains unpaid thirty (30) days past the date of the fine assessment notice, a \$10.00 late fee will be charged. An additional \$10.00 late fee will apply for each thirty (30) day period thereafter until the fine and all associated late fees have been paid in full. (Ref. CC&R 6.9H)
- e. **Continuing Non-Compliance:** If a property, previously notified for non-compliance, remains non-compliant for the same issue three (3) months after a previous assessment of the \$50.00 fine, the notification process will begin again, but at the second notice stage. (Ref. CC&R 6.9H)

**14. Board Authority To Take Corrective Action and Charge the Owner for Costs:** If an owner allows any improvement which is the owner's responsibility to maintain to fall into disrepair which creates a dangerous, unsafe, unsightly, or unattractive condition, the Board, upon fifteen (15) days prior written notice to the owner, shall have the right to correct such condition, and to enter upon said lot and into any building or structure, if necessary, for the purpose of correcting or repairing the condition. (Ref. CC&R 6.9G)

- a. The owner of the offending lot is personally liable for the costs of repair or correction.
- b. The owner must reimburse the Grouse Meadows Owners' Association or make Board approved payment arrangements within 10 days of receipt of written demand for the costs of repair or correction. (Ref. CC&R 6.9G)
- c. Failure to pay will result in a lien against the property for all costs and expenses incurred by the Association in taking the corrective action, plus all costs incurred in collecting the amounts due. (Ref. CC&R 6.9G)