

ARCHITECTURAL CONTROL COMMITTEE

NISQUALLY ESTATES HOMEOWNER'S ASSOCIATION

ARCHITECTURAL GUIDELINES, RULES AND REGULATIONS



In accordance with the Declaration of Covenants, Conditions and Restrictions (CC&Rs) Section XII Paragraph 3, these Guidelines, Rules and Regulations have been approved by the HOA Board of Directors by a proper vote at the regularly scheduled HOA Board meeting on March 28th, 2016 after a 50-day comment period in which input was solicited and incorporated from the general membership.

HOA Board & ACC Draft

March 28th, 2016

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OBJECTIVE AND MISSION

The overall objective of this document is to serve as a guide to both the members of the Architectural Control Committee (ACC) and the homeowners in maintaining and enhancing Nisqually Meadows carefully designed environment; ensuring continuing appreciation of property values. These guidelines and standards address improvements for which homeowners will most often submit applications to the ACC. They are not intended to be all-inclusive or exclusive, but rather serve as a guide to what improvements may be made in our community.

The specific objectives of this booklet are to:

- a. Provide uniform guidelines to be used by the ACC in reviewing applications.
- b. Assist homeowners in preparing an acceptable application to the ACC.
- c. Increase the homeowner's awareness and understanding of the Declaration of Covenants, Conditions and Restrictions.
- d. Describe the organization and procedures involved with the architectural standards established by the Protective Covenants.
- e. Illustrate design concepts that will aid homeowners in developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole.
- f. Provide for a procedure in the event of violations.

The mission of the ACC is to work in conjunction with the Nisqually Estates Homeowners' Association Board of Directors and represent the interests of the whole community. The ACC exists in order to regulate the external design, appearance and locations of the property and improvements in such a manner as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography.

NOTE: Homeowners are advised to contact the City of Yelm, and Thurston County authorities for the appropriate building codes and safety requirements prior to any type of building construction, either external or internal.

2.0 INTRODUCTION

The careful design and planning of the Nisqually Estates development benefits all residents. The purpose of the design controls and standards established herein is to assure residents that the development's original design quality is maintained. This, in turn, protects property values and enhances the community's overall environment. This booklet is designed to address exterior alterations made by homeowners to their property. The Board of Directors of the Nisqually Estate Homeowners Association recognizes that each owner has made a major financial investment in his or her estate, whether it is rented out or owner occupied. To maintain our property values, we need to carefully guard our beautiful grounds and peaceful living environment. While people do have the right to privacy, the care and maintenance of individual homes, as well as the behavior of its occupants are the concerns of the entire community.

2.1 *Declaration of Covenants, Conditions and Restrictions*

The authority for establishing these architectural guidelines, rules and regulations is founded in the Declaration of Covenants, Conditions and Restrictions that are a part of the deed to every property in Nisqually Estates. These Bylaws and Covenants establish the Nisqually Estates Homeowners' Association and the ACC.

As a homeowner, you received a copy of the Bylaws and the Declaration of Covenants, Conditions and Restrictions (CC&Rs) in the homeowner's document package. These Covenants are conveyed with the land, and are binding on all homeowners. Your acceptance of their provisions was a condition of sale. As a result, these covenants should be fully understood by each homeowner. You may always access the CC&Rs on the HOA website: <http://www.nisquallymeadows.org>

2.2 *ACC Design Philosophy*

Nisqually Estates Homeowners community is a planned community with a variety of residences, and elements designed with unifying continuity in mind.

The desire to encourage freedom and individual expression in the construction of improvements must be limited by protection of the covenants which are for the benefit of all homeowners within the Nisqually Estate Homeowners Association. Administration of this protection has been assigned to the ACC. A primary purpose of the ACC is to ensure harmonious aesthetic relationships. The ACC will interpret the Covenants with flexibility and will approve designs and materials, that in the ACC's opinion, will enhance rather than detract from the community. All submissions will be considered in a consistent manner.

The ACC is aware that matters of taste and personal preference are subjective. It also recognizes that plans and specifications do not always convey the true appearance of a particular design. Furthermore, the ACC recognizes new and different designs. Therefore, the committee will attempt to be equitable, consistent in application of criteria, and timely in judgment with regard to new trends in design and new materials. The ACC will not approve designs or materials that are faddish and short-lived stylishness.

The ACC is striving to continually upgrade the quality of the improvements in the community. Therefore, those designs that may have been previously approved shall not necessarily be a precedent for approval of similar designs. Each case shall be judged on its own merits.

If any requirement for materials and conditions in a specific project are inconsistent with or more stringent than the requirements set forth herein, the requirements of the specific project shall control.

Whenever two adjacent owners desire to jointly construct any improvement which will be jointly owned, with (or without) joint maintenance responsibilities, it is strongly recommended that a joint ownership and maintenance agreement be signed by all parties involved. While not a requirement, the service of an attorney in drafting such agreement is highly recommended. A copy of all such agreements, once completed, should be submitted to the ACC for inclusion in our files with the Nisqually Estates Homeowners Association for future reference purposes.

2.2.1 Validity of Design

The basic design must be sound and appropriate to its surroundings.

2.2.2 Design Compatibility

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, use of materials, color and construction details.

2.2.3 Location and Impact on Neighbors

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood's overall design. The primary concerns are aesthetics, access, view, sunlight, ventilation and drainage. For example, fences may obstruct views, breezes, airflow, or access to neighboring property; decks or larger additions may cause unwanted shadows on adjacent patios or infringe on a neighbor's privacy and view. As another example, an inappropriate

“clutter” of play equipment, or an ill-planned landscape scheme may also adversely affect the existing neighborhood environment.

When a proposed alteration has possible impact on adjacent properties, it is highly recommended that the applicant discuss the proposal with neighbors prior to making an application to the ACC. The affected adjacent homeowners may review the application, sign in acknowledgment, and be left with a copy of the proposed change(s), as it will be submitted to the ACC. The neighbors' signatures would not indicate approval or disapproval, only that they have been notified of the pending application. The neighbors are encouraged to write any comments or concerns in the space provided on the form. Subsequent changes to the original application must also be discussed with the affected neighbors.

2.2.4 Scale

The size of the proposed alteration should relate well to adjacent structures and its surroundings. Color may be used to soften or intensify visual impact. Parts of an addition that are similar in design to an existing house, such as roofs and trim, should match in color and composition.

2.2.5 Workmanship

Workmanship is another standard that is applied to all exterior alterations. The quality of work should be equal to or better than that of the community. Poor workmanship, besides causing the owner potential problems, can be visually objectionable to others. Safety hazards are also a concern when the work is sub-standard.

2.2.6 Timing

Projects, which remain uncompleted for long periods of time, are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must include estimated completion dates. All projects must be completed within that time frame. On a case by case basis extensions may be granted with ACC approval.

2.2.7 Drainage

Proper drainage must be considered in all projects. Homeowners must ensure that water flows off their property, avoiding standing water. In addition, they must make sure that the water is not directed over adjacent homeowners' property.

2.3 *Amendments to the ACC Guidelines, Rules & Regulations*

The ACC will conduct an annual evaluation to determine if these guidelines, rules and regulations need to be updated or amended. It is anticipated that any changes would be primarily additive and would not involve substantive changes of the existing guidelines. The actual amendment procedure involves discussion and review with the Board of Directors and shall be adopted, as were the original guidelines by the Board of Directors. Comments and suggestions from all residents are welcomed at any time.

2.4 *The ACC and the Board of Directors*

The ACC shall recommend architectural standards subject to the confirmation of the Board of Directors. The Board will be briefed on the standard operating procedures of the ACC.

2.5 *Design Review Procedures*

The ACC review procedure is generally a two-step process. Owners wishing to make improvements to their property must submit preliminary plans and then final plans for their project. This process allows early dialog between the owner and the ACC. Upon review of the plans, the ACC can identify problem areas and work with the owner to incorporate changes in the plan without incurring major monetary expenses.

Applications must contain all elements of information as listed on the application form provided at Appendix A. Please ensure that your telephone number is included on the application form as the ACC will contact the applicant to confirm receipt of the application. It is the responsibility of the applicant to ensure that the ACC has received the application. If the applicant has not heard from the ACC within ten (10) days after submission, please contact the ACC by email or contact an ACC member in person.

The ACC will review the application, and if complete, will begin the review process. Incomplete applications will be returned to the homeowner for additional information. The ACC will consider the application and respond to the owner within thirty (30) days with a written or email decision. Failure of the ACC to respond to a request within thirty (30) days will result in automatic approval of the application. Homeowners, however, must ensure that the application was received by the ACC in order for this waiver to apply.

Post Review

If your project is extensive, controversial or complicated you may be required to have post completion review. This can be accomplished by contacting the ACC Chairperson or a committee member. The ACC will then look at the finished project to ensure compliance with the approved plan. You will be notified in writing if your project is not in compliance. If the project is not brought into compliance, the ACC and the Board of Directors may use all avenues available to obtain compliance as outlined in the Architectural Guidelines and the CC&Rs.

2.6 Appeal of an ACC Decision

If a Homeowner wishes to appeal a decision (including but not limited to architectural changes, maintenance requirements, CC&R and/or ACC Guideline violations) of the Architectural Control Committee, the following procedures are provided:

2.6.1 Notice of ACC Decision

After the receipt of an ACC notice, the Homeowner must submit a written notice of appeal to the Board of Directors. The appeal shall be submitted to the Board of Directors within thirty (30) calendar days of the Board or ACC decision.

2.6.2 Notice of Appeal

This notice of appeal must contain the following:

- a. A copy of the Homeowner's application, if applicable.
- b. A copy of the ACC's notice of decision, maintenance or violation notice.
- c. An explanation from the Homeowner detailing the reasons for appealing the ACC's decision.

2.6.3 Appeal Review

The Board of Directors has forty-five (45) calendar days to review the appeal. During this process, the Board of Directors may hear and review any concerns expressed by neighbors, or other interested parties, related to the proposed architectural change. The decision of the Board of Directors will be sent by letter to the Homeowner's address with a copy furnished to the ACC.

2.6.4 Board Decision

The decision of the Board of Directors in the matter of the appeal is final.

2.7 Enforcement Procedure

The Declaration of Covenants, Conditions and Restrictions require the ACC to ensure compliance of all lots with the Association's architectural standards.

2.7.1 Violation Confirmations

All violations should be confirmed by a site visit of at least two ACC members. The site visit may be accomplished from the common areas, adjacent lots, or public property. It is not necessary for the ACC members to confirm a violation from the property of the homeowner in question or at the same time.

2.7.2 ACC Decisions

The ACC will initiate a notice to the Homeowner by mail or other means. This notice should state the nature of the required repair or violation, and will request that the Homeowner take remedial action by contacting the ACC within two (2) calendar days and rectifying the problem within three (3) calendar days. The homeowner should be apprised of the violation process in this communication. If the problem is not rectified within three (3) calendar days, and if the Homeowner has not appealed the decision of the ACC to the Board of Directors during this 3 day period, then the ACC may initiate a violation notice to the Homeowner.

2.7.3 Violation Notice

If the violation is not resolved with three (3) calendar days, and if the Homeowner has not appealed the decision of the ACC to the Board of Directors during this period, then the Board of Directors or their representative may initiate a violation notice to the Homeowner by regular mail, email or personal delivery advising the Homeowner that the Board of Directors has assessed a fine of **\$35.00 per week** for each violation starting from the date that the violation was first confirmed by the site visit of ACC members (see section 2.7.1), **\$70.00 per week** for each second violation and **\$100.00 per week** for each third and subsequent violations. The fines will continue to accrue until the violation is corrected (as confirmed by the ACC or Board). Payment of fines can be mailed to:

Nisqually Estates Homeowners Association
ATTN: Treasurer
P.O. Box 2986
Yelm, WA 98597

All costs involved in this process will be borne by the Homeowner (including, but not limited to, the cost of mailing, filing fees, copying costs, court costs, lien filing and removal fees, and legal fees).

2.7.5 *Courtesy Notice*

The ACC may, at its discretion, initiate a courtesy notice to a homeowner of a potential violation to start a dialog, to ask questions, or to address a concern by the Board or another homeowner. A courtesy notice is informal and may take the form of a personal visit, phone call, letter or e-mail. A courtesy notice is non-binding on the homeowner but will be documented by the ACC. If the matter escalates to a formal violation notice, then all courtesy notices will be identified as informal notices by the member of the ACC who has contact with the homeowner. The date of the courtesy notice may count as the start of fines if the process results in a violation with fines.

2.8 *Limits of Liability*

Neither the ACC nor any of its members shall be liable to the Association or to any homeowner for any damage, loss or prejudice resulting from any action in good faith on a matter submitted to the ACC for the approval or for failure to approve any matter submitted to the ACC. The ACC or its members may consult with the Association or any homeowner with respect to any plans, drawings, specifications, questions, E-mails, or any other proposal submitted to the ACC. No representations are made nor is any responsibility made or assumed by the Nisqually Estates Homeowners Association or by the ACC, regarding the structural quality or soundness of the work proposed or approved. It shall be the sole responsibility of the homeowner to examine the premises and to undertake adequate design for all improvements or changes to be constructed on the homeowner's property.

The Architectural Control Committee shall not be responsible for the effects on the value of any property which result from any modifications to the property due to the ACC's approval of any plans, drawings, or specifications.

2.9 *Other Codes, Laws, and Ordinances*

Approval of plans does not eliminate the homeowner's obligation to comply with all existing laws, ordinances, rules and regulations made by any governmental authorities or with such terms and conditions required under the DCC&R of the Nisqually Estates Homeowners Association, or any deed, lease, or mortgage.

2.10 Elements of an ACC Application

For some homeowners, the most difficult part of the application is adequately describing the request. Generally, the following items should be a part of every application:

2.10.1 ACC Design Review Application Form

An ACC application form is provided as Appendix A and will be made available on the association website. It contains the documentation required for submission to the ACC. An incomplete application will cause delays in approval, since the application must be returned to the homeowner for missing information before it can be approved. Ensuring your application contains all required information before its submission can avert delay and frustration.

2.10.2 Site Plan

A site plan is a scaled drawing of your lot (plat) that shows the dimensions of the property, adjacent properties, if applicable, and all improvements including those covered by the application. Contour lines may be required where drainage is a consideration. A basis for a site-plan for single applications can be the plat plan provided to you when you purchased your home. More complex applications may require larger scale (ten [10] to twenty [20] feet to the inch scale) enlargements of the plat plan of County approved development or site plans. The City of Yelm or Thurston County have the larger scale renderings available for copy at the applicant's expense.

Proposed changes should be indicated including dimensions and distances from adjacent property and houses, height off the ground, as in the case of decks and porches.

2.10.3 Material and Color

Samples of the materials and colors to be used and an indication of the existing colors and materials should be provided. In most cases, a statement that the proposed storm door, for example, is to be painted to match the existing house trim or entrance door color is sufficient. Where materials and/or colors are compatible but different from those of the existing structures, samples or color chips should be submitted for clarity.

2.10.4 Drawings and Photographs

A graphic description should be provided. A homeowner should not be

intimidated by any shortcomings as a draftsman or architectural illustrator since a graphic description may be in the form of a manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. The sketch or photograph should be accompanied by a written description.

3.0 GUIDELINES

The objective of this document is to guide and assist homeowners and members of the ACC in maintaining and enhancing a carefully designed neighborhood environment. The Design Standards address improvements for which homeowners most commonly submit applications to the ACC. They are not intended to be all-inclusive or exclusive. The specific objectives of these Design Standards are:

- a. To increase homeowner's awareness and understanding of the Guidelines from which authority is granted for creating rules and use restrictions.
- b. To illustrate design standards that will assist homeowners and the ACC in developing exterior alterations and improvements that are in harmony with the community as a whole.
- c. To assist homeowners in preparing an acceptable application to the ACC.

The individual merits of each application will always be considered by the ACC. The use of these guidelines should assist the homeowner in gaining timely ACC approval. The applicant who follows the guidelines should expect approval or rationale as to why the application was not approved.

These guidelines should in no way restrict the homeowner in the design of a well thought out alternative approach.

NOTE: City and County Approvals. Many items require city and county review and permits. It is the homeowner's responsibility to obtain all city and county approvals. The City of Yelm and the Thurston County authorities should be contacted prior to beginning any work in order to verify what procedures must be followed and obtain required permits. City and County approval does not preclude the need for ACC approval and vice versa.

NEW CONSTRUCTION REPLACEMENTS AND IMPROVEMENTS

NOTE: ANY SUBSTANTIVE CHANGE TO THE EXTERIOR OF THE HOME MUST BE APPROVED BY THE ACC. THE FOLLOWING ITEMS ARE ONES MOST OFTEN REQUESTED.

3.1 Fences

Fencing can be used to separate property, provide security, visual privacy, or to architecturally define space. In achieving any one of these goals, a barrier is created which has both a visual and a physical impact on the boundaries of common land and properties of adjacent homeowners. Careful consideration should be given to the basic fencing concept and the manner in which the concept is executed.

3.1.1 Design Criteria

- a. Location. Fencing shall be erected along property lines in the front, rear and side yards. The ACC may consider neighbor's opinion when approving these requests. Fencing involves boundary line consideration. Therefore, applications must show exact relationship with property lines. The planting of bushes, shrubs, hedges or other living vegetation as a substitute for fencing material, also requires ACC approval. No fence, wall, hedge, or shrub may obstruct corner inner section line of sight within a triangular area formed by the street, property lines, and line connecting them at points twenty-five (25) feet from the inner sections of streets.
- b. Style. Examples of fences are horizontal, rustic, or stockade style. Fences shall be constructed with the finished side facing out on all sides. Chain link, Barbwire, other wire fencing, or corrugated fiberglass fences are specifically prohibited (except black chain link fence no higher than four (4) feet).
- c. Height. The height of all vertical fences shall be no more than six (6) feet in the back and sides and no higher than 42 inches in the front.
- d. Materials and Colors. All fences shall be made of natural wood, either cedar or pressure treated lumber. Masonry (brick or stone pillars, etc.) may be incorporated into a fencing design where appropriate and approved by the ACC. Masonry should match the masonry used in the applicant's house. Pillars must be of an appropriate size and scale in relation to the fence they complement.

Fences may be sealed or stained, but not painted and shall be pressure-washed as necessary, to maintain a clean appearance.

3.1.2 Additional Designs for Fences

All applications shall include the following information:

- a. Site plan showing the location and gates.
- b. Estimated start and completion dates. (See *Section 2.2.6*)
- c. Example of stain or sealer color.

3.2 **Storage Sheds**

Storage sheds can aesthetically affect both the individual property and the neighborhood by concealing many clutter objects such as garden tools, trashcans, bicycles, etc. However, an inconsistently placed or poorly designed storage shed can visually negate an otherwise desirable residential area. Therefore, it is important to remember in choosing and locating a shed that there are needs other than storage that must be considered. As a result, all storage sheds should be compatible with both the architecture and the landscape surrounding the house. Storage sheds should not be located inside of any easement placed on said property.

3.2.1 Design Criteria

- a. Location. The preferable location for sheds is in the rear yard.
- b. Design. There are four basic design types: adjacent/attached to the house; adjacent to the fence; part of a gazebo, deck or other outdoor improvement; or free standing with landscaping.
 - (1) Type 1: Adjacent/attached to the house. The architectural design of the shed should be compatible with the design of the house, i.e., same materials, same colors scheme, same roof pitch, same detailing. The roof slope and the type and color of the roofing material (shingles) must be similar to those of the house as to blend in with the natural surroundings and landscape within the subdivision.
 - (2) Type 2: Adjacent to the Fence. Easements on property lines might interfere with Adjacent to the fence style sheds.
 - (3) Type 3: Part of a gazebo, deck or other outdoor improvement. Materials should be of like materials to those in the gazebo, deck or house.

(4) Type 4: Freestanding with landscaping. Freestanding sheds are the most appealing type to many homeowners.

- c. Colors. Types 1, 2, and 3 color scheme must be compatible with that used on the house, fence, gazebo, deck or other outdoor improvement. Type 4 siding and trim must match colors used in the residence.
- d. Roof. The material on all roofs must be approved by the ACC. Roofing material should match as closely as possible to that used on the house. It must be similar to those of the house as to blend in with the natural surroundings and landscape within the subdivision. Roofs should be sloped to conform to the neighborhood and not flat.
- e. Size. Check with the City and County about shed sizes if you go to big you might need to get a permit.

3.2.2 Additional Design for Storage Sheds

All applications must include the following information:

- a. Site plan showing the relationship to the owner's property, the adjacent house and property lines.
- b. Picture and/or detailed drawing of the shed to include dimensions.
- c. Description of materials used on foundation, sides and roof.

3.3 ***Greenhouses and Solar Collectors***

Greenhouses are prohibited. Solar collectors must be approved by the ACC.

3.4 ***Patios and Decks***

Prior to the installation of any patio or deck, an application to the ACC shall be submitted and approved.

3.4.1 Design Criteria

- a. Patio and Deck Location. Applicants should review fence and shed design criteria with respect to visibility, privacy, and materials prior to design. Patios and decks shall be located in rear yards only. When patio or deck schemes include other exterior changes, such

as fencing, lights, plantings, etc., other appropriate sections of these guidelines should be consulted prior to submitting the application.

- b. Under-deck Storage. Raised decks have a visual impact on neighbors and the surrounding area. When using an under-deck area for informal storage, the impact on neighbors must be kept in mind and the area must be enclosed with matching or complimentary deck materials such as lattice. All storage must be maintained so as to present a neat and uncluttered appearance. The area underneath raised desks without lattice shall be kept neat and free of debris. These areas will not support healthy grass growth so the use of gravel or other suitable ground cover is recommended.
- c. Materials and Color. Materials should have natural weathering qualities such as brick, wood, stone or composite material such as "Trex." Wood in decks such as redwood, cedar and pressure-treated wood shall be left to weather naturally or may be treated with a clear sealer, or preservative. All deck surfaces shall be regularly pressure-washed to ensure a clean appearance.
- d. Drainage. Changes in grade or other conditions that will affect drainage should be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

3.4.2 Additional Contents for Ground Level Patios/Decks

All applications for non-elevated decks and patios must also include the following information:

- a. Site plan showing the size of the patio/deck and location as it relates to the applicant's house, adjacent houses and property lines.
- b. Description of materials, color, grading and drainage changes.
- c. Estimated start date and estimated completion date in terms of days after start of work. (See *Section 2.2.6*)

3.4.3 Additional Contents for Elevated Decks

All applications must include the following information:

- a. Site plan showing the relationship of the deck to the house lot and adjacent properties.

- b. A description of materials to be used.
- c. Details of railings, posts, stairs, steps, benches, under-deck storage enclosure materials, etc., as required to clearly describe proposal. Include height of deck off of the ground. NOTE: The City and County may have a specific railing height requirement.
- d. Details of changes to windows and doors, if applicable.
- e. Estimated start date and estimated completion date in terms of days after start. (See Section 2.2.6)

3.5 Elevated Deck Privacy Screens

The installation of deck privacy screens can aesthetically affect both the individual property and the neighborhood. Prior to the installation of any screen, an application to the ACC shall be submitted and approved.

3.5.1 Design Criteria

- a. Location. Specify where it will be placed in relationship to the deck, patio or house.
- b. Style. Designs will be considered on an individual basis.
- c. Height. Specify height in application.
- d. Material and Color. All privacy screens are to be made of natural wood and may be left to weather naturally or may be treated with a clear sealer, or preservative.

3.5.2 Additional Design for Deck Privacy Screens

All applications must include the following information:

- a. Site plan showing the relationship to the privacy screen to the deck and adjacent houses.
- b. Picture and/or detailed drawing of the privacy screen to include dimensions.
- c. Description of materials used.
- d. Estimated start date and estimated completion date in terms of days after start. (See Section 2.2.6)

3.6 Storm and Screen Doors

Rising energy costs have encouraged homeowners to take measures to conserve energy through the installation of storm doors. Energy conserving

measures, however, should and will be done without compromising the visual quality of the neighborhood. Prior to the installation of any exterior storm or screen door, an application to the ACC shall be submitted and approved.

3.6.1 Design Criteria

For front doors, only full view doors (screen or glass) will be considered. Doors should be without Extensive ornamentation. Storm and screen doors should match the same color as the architectural wood trim around the door.

3.6.2 Additional Design for Storm and Screen Doors

All applications shall include the following information:

- a. Drawing, sketch and/or photograph of proposed door.
- b. Color indication of the storm/screen door and the existing front or side entrance way and/or architectural wood trim around said door.
- c. Estimated installation date. (See Section 2.2.6)

3.7 Sun Control Devices

Applications for awnings, canopies and all other exterior sun control devices should be processed in the same manner as other exterior changes.

3.8 Recreation and Play Equipment

Homeowners often express interest in permanently installed swing sets, basketball backboards, tot lots, etc. Most equipment of this sort, though commercially available, is less than pleasing in appearance. Creatively designed equipment is encouraged. The guidelines listed below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact. Prior to the installation of any equipment, an application to the ACC shall be submitted and approved.

3.8.1 Design Criteria

- a. Location and Size. Equipment will be permitted only in rear yard locations. Consideration must be given to lot size, equipment design and size, and amount of visual screening. The equipment must be placed so as to avoid being a nuisance to the neighbors.
- c. Basketball Backboards and Free Standing Basketball Hoops. Free Standing Basketball Hoops shall not be used on public streets or cul-de-sacs. They must be placed off the road in manner in a manner that does not block traffic or parking.
- d. Material and Color. Equipment made of natural materials is encouraged but not mandatory. Color should match similar to those of the house as to blend in with the natural surroundings and landscape within the subdivision.

3.8.2 Additional Design for Recreation and Play Equipment

All applications shall include the following information:

- a. Site plan showing relation of proposed play equipment to adjacent property lines, applicant's house and adjacent homes.
- b. Photograph and/or sketch of proposed play equipment.
- c. Dimensions.
- d. Color and material.
- e. Estimated start date and estimated completion date in terms of days after start. (*See Section 2.2.6*)

3.9 **Swimming Pools**

Permanent swimming pools must be approved by the ACC and meet any City and County and not be within ten (10) feet of any lot line. Pools shall not project with their coping more than four (4) feet above the established grade. Wading pools shall be used within the boundaries of the homeowner's property to the rear of the house and emptied when not in use for the safety of other children and health purposes (e.g. breeding of mosquitoes). Wading pools shall not be used on common property.

3.10 **Hot Tubs and Spas**

Prior to installation of any hot tub/Spa an application to the ACC shall be submitted and approved, and meet any City and County requirement and not be within ten (10) feet of any lot line. It shall not project with their coping more than four (4) feet above the established grade. Shorter distances may be approved by the ACC in cases of smaller lot sizes, as long as the shorter distance is in accordance with any easements and/or any City and County building standards.

3.10.1 Design Criteria

Hot tubs/Spas will be permitted only in accordance with any easements and/or any City and County building standards.

3.10.2 Additional Design for Hot Tubs and Spas

All applications shall include the following information:

- a. Site plan showing the relationship of the hot tub/spa to the house, property line and adjacent neighbors as well as the drainage plan.

- b. Plans must specify the plans for off-site drainage.
- c. Picture and/or detailed drawing of hot tub/spa to include dimensions and materials used.
- d. Estimated start date and estimated completion date in terms of days after start. (See Section 2.2.6)

4.0 MISCELLANEOUS

4.1 *Antennas and Satellite Dishes*

No exposed or exterior radio or television transmission or receiving antennas or satellite dishes (except for small television receivers which have a diameter less than two (2) feet) shall be installed. It is necessary to obtain approval prior to installing exterior small receivers for transmission or reception of television signals.

- a. Location: Dishes and antennas should be placed in a non-conspicuous location that is not visible from the front of the home.
- b. Dimension: Only small dishes will be permitted.
- c. Estimated start date and estimated completion date in terms of days after start date (usually cable or satellite companies accomplish this is one day).

4.2 *Animals/Pets*

Owners, when exercising or walking pets, shall restrict such activities to the common grounds (such as sidewalks, easements and the Yelm-Tenino trail). The pet owner must immediately remove any solid waste left by the animal while on the common grounds or private/public property. Care should be taken to prevent pets from walking on neighbor's lawns. Animals shall be walked on a leash. City of Yelm and Thurston County leash laws apply. Retention ponds are NOT pet play areas. Chickens are permitted provided the homeowner receives permission from the ACC and the proposal meets the minimum requirements set forth in the relevant City of Yelm ordinance. The HOA may be more restrictive than the City of Yelm based on circumstances and conditions.

4.3 *Doghouses and Enclosures*

Approval is required for all doghouses that are going to be of a permanent fixture and are going to be built. Commercial bought dog houses do not need approval, as long as they do not detract from the neighborhood and are not positioned on their property in such a manner that causes an obvious eyesore or hazard to neighbors or pedestrians. Doghouses must be compatible with the applicant's fence or house in color and material. The same construction criteria shall apply to doghouses as to storage sheds. Dogs should not be left staked.

and unattended for extended periods of time. Owners are responsible for keeping their animals quiet and are reminded of City of Yelm Ordinances and Thurston County laws that regulate animal noise.

Application Contents. All applications shall include the following information:

- a. Site plan showing the relation of the doghouse to the homeowner's property line and adjacent neighbors.
- b. Picture and/or detailed drawing of doghouse to include dimensions.
- c. Description of materials used.
- d. Estimated completion date. (*See Section 2.2.6*)

4.4 Exterior Decorative Objects

Approval will be required for all exterior natural and manmade objects to be placed in the front yard on a permanent basis.

Holiday decorations shall be removed within 30 days of the conclusion of the observed holiday.

Application Contents. All applications shall include the following information:

- a. Site plan showing the relation of object to the house, property lines and adjacent neighbors.
- b. Picture and/or detailed drawing of object to include dimensions.
- c. Color and material of object.

4.5 Exterior Lighting

No exterior lighting shall be installed or maintained in such a way as to cause discomfort to adjacent neighbors. All spotlight security lighting is to be directed inside the property boundaries.

4.6 Exterior Painting

The exterior of any building shall not be painted without the proposed color having been approved by the ACC beforehand, even if it is the same color as the previous painting. All new painting must be approved by the ACC. The application is to include a sample paint chip or color code.

4.7 *Flagpoles*

Flagpoles are welcomed in the community, and show a sense of pride. Homeowners wishing to have temporary flagpoles or staffs that do not exceed six (6) feet in length and are attached to the house or deck may do so and need not submit an application. Permanent Flagpoles which stand straight up and are not attached and range from six (6) feet one (1) inch or more, need to submit an application. Homeowners are responsible for correcting flagpoles that lean or tilt after time.

4.8 *Clothes Lines*

Clotheslines are not permitted.

4.9 *Gutters and Down Spouts*

Gutters and down spouts shall match the existing trim or siding color and design and must not adversely affect drainage on adjacent property.

4.10 *Attic Ventilators*

Attic ventilators or other mechanical approaches requiring penetration of the roof should be as small in size as functionally possible. They should be located generally on the least visible side of the roof and not extend above the ridge line.

4.11 *Trash/Recycling Containers*

Containers may be placed for pickup along the curbs in front of the homeowner's home or on the easement area of the pipe stems no earlier than the evening prior to the scheduled pickup day. Containers must be stored the same day after refuse collection is completed. Trash placed for pickup shall be placed in containers manufactured for trash storage purposes or heavy-duty plastic bags and sealed. Trash/recycling containers **shall not** be stored in public view on non-collection days. Homeowners are responsible for cleaning up any trash or recycling which is moved by weather or other means onto the street or other property.

4.12 *Vehicle Storage and Maintenance*

No junk vehicles, recreational vehicles, house trailers, or commercial industrial vehicles, such as, but not limited to, moving vans, trucks, tractors, trailers, vans, wreckers, hearses, buses, boats, boating equipment, travel trailers, or camping equipment shall be regularly or habitually parked on any streets, common ground or individual properties within the subdivision, except as provided and approved by the Nisqually Estates Homeowners Association. Section XIV Para 5 of the CC&R's covers parking of vehicles on a temporary basis and the Nisqually Estates Homeowners Association adopts that a reasonable temporary basis to be **three (3)** calendar days.

Section XIV Para 16 of the CC&R's covers auto repair. Vehicle repairs are allowed. However, major vehicle repairs, defined as requiring more than three (3) days of work are prohibited unless vehicles are enclosed in garages which are kept closed. The only repairs permitted on the balance of the property are occasional casual repairs and maintenance activities such as tune ups or oil changes. No vehicles are allowed to be left on blocks or on jacks unattended at any time. No vehicles are permitted to be parked in public view on a lawn for more than 6 consecutive hours or overnight.

At no time shall a vehicles radio, stereo, or entertainment system be allowed to be at a volume that is loud and disturbing to the peace and quiet of the neighborhood. Loud and disturbing volume shall be defined as any volume that can be heard from a home of the Nisqually Estate Homeowners Association. Any resident may record the make, model, color and license number of any vehicle that is violating this rule and report it to the Yelm police Department as well.

A junk vehicle is defined as a vehicle with expired license plates, or county decals or is obviously disabled.

4.13 *Real Estate Sales/Rental Signs*

Except for temporary real estate signs and security services signs, no signs, advertisements or messages shall be displayed or published which offers or implies commercial or professional services or which may constitute any other kind of business solicitation in or from, any residence or residential property.

Real estate signs must meet City and County regulations with respect to size, content and removal. Signs may only be placed in the yard and/or lot of the property available, and may not exceed five (5) square feet.

4.14 Landscaping and Vegetable Gardens

Care should be exercised in the planting and maintenance of trees and shrubs to prevent obstruction of sight lines required for vehicular traffic. Also, the views of neighboring units and shade patterns of larger trees should always be considered.

Consideration should be given to the effect which planting will have on views from neighboring houses and property. All gardens must be neatly maintained throughout the growing season; this includes removal of all unused stakes, weeds and dead growth.

Flower gardens, shrubs and trees, which shall be neatly maintained, shall not extend over the property lines. All open lot areas shall be maintained in lawns or other material approved by the ACC. An application is not required for foundation planting, trees or single plantings.

4.14.1 Hedges and Other Features

An application is required for hedges or other features which may in effect become structures, fences or screens, and as part of other applications where required. Like fences, hedges shall be restricted to rear and side yard locations not to extend beyond the front building line of all immediate adjacent lots. It is understood that irregular shaped lots may require some special compensation to this rule. In these cases, it's recommended that each neighbor be consulted and their comments be considered in the final design. The ACC may consider neighbor's opinion when approving these requests. If the hedge crosses the front of the house, it must be limited to forty-two inches in height.

Application Contents. All applications shall include the following information:

- a. Site plan showing the relation of the plantings to the house, property lines and adjacent neighbors.
- b. A description of the types and sizes of the shrubs to be planted.
- c. Any grading changes.
- d. Estimated start date and estimated completion date in terms of days after start date.

4.14.2 Railroad Ties or Garden Timbers

An application is required for railroad ties or garden timbers that form a wall or edging over two feet high.

Application Contents. All applications shall include the following information:

- a. Site plan showing the relation of the ties or timbers to the house, property lines and adjacent neighbors.
- b. A description of landscaping plans.
- c. Any grading changes.
- d. Estimated start date and estimated completion date in terms of days after start date.

4.14.3 Rock Gardens

An application must be submitted for replacing existing turf. A rock garden is considered to be an assortment of numerous rocks in one location. All rocks shall be left in their natural color.

Application Contents. All applications shall include the following information:

- a. Site plan showing the relation of the rock garden to the house, property lines and adjacent neighbors.
- b. Picture, sketch and/or detailed drawing of the rock garden to include all dimensions.
- c. Any grading changes.
- d. Estimated start date and estimated completion date in terms of days after start date.

4.14.4 Vegetable Gardens

Vegetable gardens are permitted in the rear yard and should not damage property below it through the flow of water onto lower property. Tall vegetation such as corn or sunflowers should not be planted so as to obstruct a neighbor's view. Vegetable gardens are not allowed on common ground.

4.14.5 Tree Removal and Planting

No trees, shrubs, or other vegetation located on the common area of the Nisqually Estates Homeowners Association may be removed or planted without the prior written approval of the ACC.

4.15 Maintenance Guidelines

Property ownership includes the responsibility for maintenance of all structures and grounds that are a part of the property. This includes, but is not limited to, items such as mowing grass, removal of trash and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety.

4.15.1 Exterior Appearance

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as porches, shutters, decks, fences, sheds and playground type of equipment.

While it is difficult to provide precise criteria for what the ACC deems as an unacceptable condition, the following cases represent some of the conditions that would be considered a violation of the Association Covenants:

- a. Peeling paint on exterior trim.
- b. Playground type equipment which is either broken or in need of repainting.
- c. Fences with either broken or missing parts.
- d. Sheds with broken doors or in need of repair.
- e. Decks with missing or broken railings or parts.

4.15.2 Lawn and Yard Maintenance

Turf areas need to be mowed and maintained at regular intervals, maintaining a maximum height of 5 inches and a minimum of 1 ½ inches. Bald spots and dead areas in the turf shall be re-seeded. A minimum of 75 percent of the front yard must remain seeded. Planted beds must be kept in a neat and orderly manner.

4.15.3 Lawn and Garden Fertilization

Special care should be taken when applying fertilizer and pesticides to avoid run off into drainage areas.

4.15.4 Debris and Clippings

Residents are responsible for keeping their property free of litter or debris. The Yelm-Tenino trails, and Tract F are not considered dumping areas for any type of debris. Grass clippings or leaves shall not be dumped in this or other common areas.

4.15.5 Erosion Control

Each resident is responsible for seeing that their lot area is protected from erosion and that storm drain structures are not blocked so as to cause additional erosion problems. Lots that are adjacent to retention ponds should pay close attention to the effect of their activities on the erosion of adjacent lots and common areas.

4.15.6 Mailboxes

Mailbox stands and posts are the responsibility of The Nisqually Estates Homeowners Association. Please keep children away from mailboxes as the cost will be a burden on us all if we have to replace them. Individual locks and keys for boxes are the responsibility of the home owner. If you need mailbox lock service or replacement keys, please contact a locksmith.

4.15.7 Snow Removal

Lot owners shall provide prompt removal of snow from sidewalks and

driveways during the winter season so as to not pose a hazard to the neighborhood or community.

4.16 **Storage**

Residents are responsible for storing outside items in a neat and orderly manner. While it is difficult to provide precise criteria for what the Association deems an unacceptable storage situation, the following represent some of the conditions that would be considered a violation of the Association Covenants:

- a. Storage of junk equipment such as old, rusted lawnmowers and bicycles.
- b. Utilization of shelving or such other storage method in lieu of a shed.
- c. Outside storage of garden equipment/furniture (not deemed lawn furniture).

4.16.1 Rear Yards

Rear yards, both fenced and unfenced, shall be maintained to present a neat, tidy and uncluttered appearance.

4.16.2 Temporary Storage of Construction Materials

All material and equipment used for any construction/improvement project shall be stored within the homeowner's property boundaries and out of public view.

4.17 Unmanned Aircraft Systems (UAS)

Unmanned Aircraft Systems (UAS) such as hobby planes and drones may not be flown over the HOA common areas, in the public streets of the neighborhood or over the private property of another homeowner without specific permission from the ACC or the affected private homeowner.

In accordance with the Declaration of Covenants, Conditions and Restrictions (CC&Rs) Section XII Paragraph 3, these Guidelines, Rules and Regulations have been approved by the HOA Board of Directors by a proper vote at the regularly scheduled HOA Board meeting on March 28th, 2016 after a 50 day comment period in which input was solicited and incorporated from the general membership.

DESIGN REVIEW APPLICATION
Architectural Control Committee
Nisqually Estates Homeowners Association

Application for the approval of [check one]: Preliminary Plans _____ Final Plans _____

Description of Proposed Project (please include drawing or detail on separate page if necessary, house painting requests must include color samples or paint codes for body, trim and accents): _____

Estimated Time to Complete Project After Approval: _____

Work to be performed by [check one]: Owner _____ Contractor _____

Contractor Info (if applicable): _____

Name

Address

Phone

By my signature below, I certify that I am the homeowner and that all above information is true and correct. I acknowledge that any modification after approval must be re-submitted to the ACC and that I am responsible for obtaining any required City, County or State permits. I also acknowledge that an approval is effective for six months and is deemed revoked if I have not commenced work within that period.

Homeowner Signature: _____

Homeowner Printed Name: _____

Address: _____

Lot Number: _____ Date: _____

Email: _____ Contact Phone: _____

Architectural Control Committee [ACC]: The above described project is

- Approved.
- Approved with the following modifications: _____

Disapproved. Reason(s): _____

ACC Authorized Signature: _____ Date: _____

ACC Authorized Signature: _____ Date: _____