

proceedings to enforce compliance and collection of fines or take action to correct the violation at the homeowner's expense.

ARTICLE 8 – FINE SCHEDULE

The Board of Directors is authorized to enforce timely assessment payments from owners, compliance with the New Rainier Vista Association CC&R's, these Rules & Regulations and any other policies enacted in accordance with the governing documents by assessing monetary penalties against owners, their guests, family, and renters who are in violation.

The following Fine Schedule has been adopted by the Board of Directors:

\$500.00	ACC Violation
\$ 30.00	CC&R or Rules Violation
\$ 30.00/day	Charged per day a violation continues after Second Notice of Violation.
\$25.00	Late Fee assessed on delinquent accounts 30 days past due
\$10.00	Administrative Notification Charge on each Delinquency Notice
\$25.00	NSF Check Fee

All unpaid fines are subject to Section 6.0 above.

Section 8.1 Appeal Process

Any owner receiving a fine who believes no violation occurred may submit a written explanation to the Association Office. The owner will be given an opportunity to be heard and no fine will be imposed until after the hearing.

ARTICLE 9 - DESIGN STANDARDS

INTRODUCTION

The Design Review Committee

The Design Review Committee (DRC) reviews and approves or denies proposed alterations or improvements to any New Rainier Vista (NRV) home or the homeowner's landscape. The DRC consists of members who are appointed by the Home Owner Association Board (Board).

This document provides requirements and guidance for both the DRC and homeowners. The requirements define the responsibilities of the homeowner. They are broad-based

and address the most common improvement applications that homeowners submit to the DRC. They are not all-inclusive.

One purpose of the Board is to maintain the aesthetic quality of homes. The Board has the right to review and approve or deny proposed alterations or improvements to any home. This power is vested in the DRC, which implements the design review responsibility of the Board. In cases of discontinuity between the CC&R's or HOA Board decisions and these Design Standards, the CC&R's or HOA Board decisions have precedence.

Covenants, Conditions & Restrictions

The NRV Covenants, Conditions & Restrictions (CC&R's) give the Board the authority for maintaining the quality of house design (Article 8.2) and maintenance of the common areas (Article 3.1). Each resident accepts the authority of the Board at the time they purchase a home in NRV. Every homeowner should receive a copy of the CC&R's, the Bylaws and the Rules and Regulations including these Design Standards on purchasing a home in NRV. Each homeowner is asked to take the time to become conversant with these documents.

What must have DRC approval

All buildings and structures such as fences, walls, rockeries, decks, patios, spas, swimming pools, sheds, and in some instances vegetation, to be installed, removed or altered (including color change) must be approved by the DRC. All exterior alterations or additions to property visible from any public street or other lot require prior written DRC approval. (Please refer to Article 8 of the CC&R's for details.) Details are provided in this document. For projects requiring it, failure to obtain approval by the DRC may result in enforcement action pursuant to Article 8.10 of the CC&Rs. Further specifics on violation penalties may be found in the Section 7 and Section 8 of this document.

What is exempt from DRC approval

A. Landscape plantings: annuals; ground cover and plants less than 5 feet high at maturity. The NRV landscape committee recommends using plants from “[The Plant List](#)” located at www.savingwater.org. Invasive plants are not permitted. Refer to Section 9.8, Landscaping, on scenarios that require a DRC application to be submitted.

B. Re-painting: Re-painting your home with the existing color scheme if no color changes are made.

C. Exterior lighting, doors, windows, siding and roofing: Replacement of these using the same style, color (and material) as existing.

Special Note – City Permits

In many cases, the City of Seattle requires permits for construction or alteration to property and landscaping. Individual homeowners are responsible for determining if the proposed construction or alteration requires City approval, and for gaining that approval before any work is begun. In the event that a permit is required, it's the homeowner's responsibility for providing evidence that a permit has been/will be obtained. DRC approval does not constitute an endorsement of any design specifications, engineering or conformity to relevant Code(s).

DRC APPLICATION

The application form is found at the end of this document in Appendix B. Additional information and the application form are also available at the [DRC section](#) of the Homeowner Association website: www.newrainiervista.com

A letter or e-mail approving or denying the proposal will be sent to the homeowner applicant after the review process is complete. If approved, the letter should be retained with your important homeowner documents. If the DRC denies an application, the applicant will be informed and may appeal in writing to the Board within 30 days of the original denial date. The Board will then have 30 days to review the application and come to a decision.

The homeowner's application should include:

A. Site plan: Submit a diagram of your property which shows any proposed alterations, including dimensions and distances from adjacent properties and houses. Setbacks should be identified. This may be a freehand drawing, but it must be accurate as to detail and appearance.

B. Materials & Colors: Descriptions and illustrations of the proposed materials and colors should be provided.

C. Drawings & Photographs: A representation of the proposed alteration in the form of manufacturer's literature, photographs, freehand or scale drawings is recommended to accompany the application. Detail provided should be consistent with the complexity of the proposal.

D. Acknowledgment of Neighbors: Applications need to include the signatures of adjacent homeowners who are affected by the proposed alteration. A signature is required for any major or minor exterior alteration, or as requested by the DRC. Each signature indicates that the neighbor was informed about the plans, but does not necessarily constitute agreement with the proposal.

E. Completion Date: An estimated completion date must be included on the application. If it turns out that an estimated completion date will not be feasible, then it is preferable to delay starting the project rather than having a project in progress for an

extended period of time. If an estimated completion date is considered unreasonable, the DRC may not approve the application.

GENERAL NOTE: It is recommended that a homeowner complete the design review process prior to purchasing any equipment for construction or completing a contract with a builder.

SECTION 9.1: DESIGN REVIEW CRITERIA AND REQUIREMENTS

Design decisions made by the DRC in reviewing applications are based on the following criteria and requirements as per the NRV CC&R's:

9.1.1 Conformance with Covenants:

All applications are reviewed to ensure the project conforms to the CC&R's and these Design Standards.

9.1.2 Validity of Concept:

The basic idea must be reasonable and in harmony with its surroundings.

9.1.3 Design Compatibility:

The proposed alterations 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, similar use of materials, colors and construction details.

9.1.4 Impact:

The proposed alteration should relate favorably to the landscape, to the existing structure and to the neighborhood. Primary concerns include drainage, access, view, sunlight and ventilation. For example, a proposed deck may cast unwanted shadows on an adjacent patio or infringe on a neighbor's privacy. If changes in grade or other conditions affect drainage, these changes must be considered and accounted for so as not to adversely impact neighboring homes.

9.1.5 Drainage:

If changes in grade or other conditions affect drainage, these changes must be indicated. Appropriate plans, permits and a drainage study will be submitted indicating how drainage will be handled. Generally, alterations will not be approved if adjoining properties are adversely affected by changes in drainage.

9.1.6 Scale:

The size of the proposed alteration should blend favorably with adjacent structures and surroundings.

9.1.7 Color and Materials:

Components of an addition that are similar to the existing house, such as roofs, trim and siding, should match or use compatible materials and color.

9.1.8 Workmanship:

The quality of workmanship should be equal to or better than that of the surrounding area. Neither the DRC nor the Board assumes any responsibility for the safety or quality of new construction.

SECTION 9.2: MAJOR EXTERIOR ALTERATIONS, ADDITIONS OR NEW STRUCTURES

9.2.1 Major exterior alterations or additions:

These include but are not limited to solar panels, exterior lighting, home additions, modifications to exterior walls, garages, decks, porches or patios. Although specific site and design considerations will be evaluated by the DRC on their individual merits, all alterations must conform to the standards in Section 9.1.

9.2.2 Accessory structures:

These include but are not limited to greenhouses, storage sheds, etc. and must conform to the standards in Section 9.1. Any new proposed structure must be compatible with the original structure and shall not exceed 8 feet in height or 100 square feet in size. It may not be located in front of a home. It shall be placed no closer than 5 feet from the side property line and may be built up to the rear property line. Except in the case of a pet house, no more than one such structure is permitted per lot. Dog runs are not permitted.

SECTION 9.3: DECKS

A deck may have significant impact on the appearance of a house as well as on the privacy of neighbors. Impact is weighted heavily in the review of such applications. Decks must adhere to the standards in Section 9.1. Additional considerations for deck construction may include:

9.3.1 Modifications:

Modifications of an existing deck must provide continuity in details such as material, color, and railing/trim design;

9.3.2 Deck design

Overall should functionally relate to the house plan, and to window and door openings;

9.3.3 Related modifications

Approval of other exterior modifications related to the project (e.g. a new door location) is required as part of the deck application;

9.3.4 Visual Mitigation:

Cantilevering and/or plantings may be required to soften visual impact;

9.3.5 Impact:

Shadow patterns created by a deck are considered as they affect the use of outdoor space and plant materials;

9.3.6 Materials and Colors

These must be compatible with those of the applicant's house;

9.3.7 Location:

A proposed deck location other than in a back yard will be evaluated on the merits of the location.

SECTION 9.4: PATIOS

Patios provide a means for ground level extension of indoor space with less visual impact than elevated decks. When patio schemes include other exterior changes such as fencing, lights and planting, other appropriate sections of these guidelines should be consulted.

9.4.1 Location:

Patios may only be located in back and side yards.

9.4.2 Materials and Colors:

Materials should have natural appearance and weathering qualities such as wood, brick, stone and concrete.

9.4.3 Grading/Drainage:

If changes in grade are anticipated, they must be indicated on the application. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage. Any change in drainage requires submittal of a drainage plan, and evidence of all pertinent permits (see Section 9.1.5 of this document).

SECTION 9.5: FENCES, TRELLISES, AND ARBORS

Fences help to define semi-private and semi-public open spaces. They should enhance the adjacent streetscape, alleys or open spaces while establishing a home's identity. Fencing approval by the DRC does not constitute a warranty with regard to placement of fences and property lines.

Note:** Home Owners Association regulations require that all fences meet the requirements outlined in this section. Further, applications for all proposed new fences must be completed and submitted for review and approval by the DRC **prior to

purchasing materials and beginning construction/assembly If a fence design or location issue is not covered within this section, contact the DRC for further guidance.

There are two major fence types, which are categorized by location:

9.5.1 Front yard and Park/Corner lot fences

Front yard fences may be used to better define a home's semi-private and semi-public areas. These fences should be designed to encourage social interaction and to maintain visibility between the yard and the street or other public spaces. Front yard fences are not intended for privacy or to create a visual buffer. Access gates shall match character of the fence to which they are affixed and adhere to the same height and visibility requirements.

9.5.1.1 Locations:

- Front yards facing streets, parks, greenbelts, a public path or any other public area;
- Between adjacent front yards. Front yard fence type requirements shall continue to 5 feet behind front corner of home;
- Front yards on corner lots, with side yards adjacent to the street, park, public walkway or common area.

9.5.1.2 Height and transparency:

- Shall not exceed 36 inches in height. This includes the height of fences on top of low retaining walls.
- Must be 50 percent open overall.
- Fences should step or slope to match grade changes.
- Access gates shall match character and height of the fence to which they are affixed.

9.5.2 Privacy and alley fences

Privacy fences are typically used to delineate semi-private back yards and alleys. Their intent is to create a visual buffer separating one's back yard space from neighboring yards. Privacy fences are taller and less transparent than front yard fences. Access gates shall match the character of the fence to which they are affixed and adhere to height requirements.

9.5.2.1 Location:

- Between two adjacent back yards and on alleys.

9.5.2.2 Height and transparency:

- Shall not exceed 60 inches in height. Fences should step or slope to match grade changes.
- Spacing must create a minimum of 20% transparency.
- Privacy fences on top of retaining walls may not exceed 60" in combined total height above grade

9.5.2.3 Setbacks:

- Privacy fence standards may be applied beginning at a point 5 feet behind the front corner of the home and at any other point between rear yards of adjacent homes.
- A setback of 10 feet is required from the front corner of a home on corner lots when the privacy fence faces a street, park, public walkway or common area.

9.5.3 General fence guidelines

9.5.3.1 Designs:

Fences shall be designed with vertically oriented patterns within the “body of the fence” yet may include horizontal boards as top and bottom support members. Examples of some fence designs not permitted include: solid panel fences, woven strip fences, abutting board fences, close alternating board fences and other designs not consistent with the character of other fences in the community. Uniformity and appearance within a block or group of homes will be considered.

9.5.3.2 Hedges:

Hedges may serve as a fence if they meet other relevant fence and landscaping requirements. In general, such hedge plants must be evergreens and provide the same standard of transparency required of built fences in similar locations.

9.5.3.3 Materials:

- Wood, stained or painted (*If stained or left natural, tight knot cedar is the preferred wood type. Paint color must be specified.*)
- Ornamental metal.
- “Artificial wood” (fencing components made of recycled plastics) will be considered by the DRC, provided the material used is high-density polyethylene (HDPE), looks like wood, and contains no chlorides or arsenic.
- In **No** case are chain link fences acceptable.

9.5.3.4 Setbacks:

City-required setbacks are the homeowner's responsibility and fence setbacks must be mutually agreed upon with adjacent neighbors.

NOTE: All proposed materials shall be identified in the DRC application. It is recommended that a homeowner complete the Design Review process prior to purchasing any material for the proposed fence.

9.5.4 Trellises & Arbors:

A trellis or arbor may be used above a gate, one or more fence sections, or above the entrance to a front yard. They may not exceed 8 feet in height, and must be at least 80% open. The design and materials used should complement those of the adjoining fence.

9.5.5 Recycling Container Enclosure

Containers shall be kept out of sight within a garage or a screened enclosure. If a screened enclosure is incorporated into or derived from a fence design, the fence height requirement for that particular location may not fully screen the containers. The DRC may allow an exception for fence and/or enclosure height in order to fully screen the containers.

NOTE: Detailed requirements and options for screening recycling containers and for locating other containers are included as Appendix B of this document.

9.5.6 Wetland buffer fences

These SHA-installed fences, made of natural wood in a split-rail design, are located at the outer edges of protected wetland buffer areas. Even though a buffer fence abuts or encroaches upon a private yard, the fence may not be altered or modified by affected homeowners.

SECTION 9.6: STAIRS & RETAINING WALLS

Stairs and retaining walls will be reviewed by the DRC for compliance with the criteria outlined in Section 9.1. However, the responsibility for compliance with all applicable building codes and permitting requirements belong to the homeowner.

Wood will not be approved for retaining walls or on-ground steps or stairs.

SECTION 9.7: PLANTER BOXES

A homeowner may build planter boxes for the purpose of edible gardening. Following are planter box standards:

9.7.1 Size: No planter box wall or post may exceed 18 inches in height. No wall may exceed 8 feet in length;

9.7.2 Materials: the proposed box and material must be rigid enough to prevent bowing or warping;

9.7.3 Design: the proposed design should be unobtrusive and in keeping with any fencing or other design features of the yard and/or garden

SECTION 9.8. LANDSCAPE PLANTING

DRC approval is required for the following types of changes or additions:

- new landscape layout, of more than 30% of plant material in your yard;
- a significant change from the original landscaping (e.g. you have lawn but want a patio or deck, or you have flower beds but want a rockery, etc.);
- plant and/or landscape changes or additions which accompany paths, decks, patios or other added structures;
- plants more than 5 feet tall at maturity in all areas.

Invasive or rapidly-spreading plants (such as, but not limited to, running bamboo, ivy, and morning glory) will not be approved.

DRC approval is not required for replacement of a deceased plant with a plant similar in size and species, or for the addition of groundcovers, perennials and shrubs less than 5 feet tall at maturity.

SECTION 9.9: SATELLITE DISHES OR EXTERIOR ANTENNAS

Satellite dishes may not be located on an exterior façade facing a street.

9.1 Size and Location:

A maximum of two small (18 inches or less) satellite dishes and/or antennas may be mounted on or near the back of a home below the roof overhang, where it is least visible from the street, open space, or common area. If the dish and/or antenna cannot be placed at the rear of the house, the homeowner may, with a letter from the installer and an approval from the DRC, place the dish/antenna below the roof overhang and at least 15 feet from the front of the house. If this requirement cannot be met, the DRC will work with the homeowner to find a satisfactory location.

9.3 Visual Mitigation:

Exposed wires or cords shall be unobtrusively installed and painted to match the adjacent wall or trim.

SECTION 9.10: SKYLIGHTS

Skylights may be added to detached homes only and should be unobtrusive. Attached townhomes may not add skylights due to potential cost liability for any work which negatively impacts the roof within that row of homes.

SECTION 9.11: MISC

9.11.1 Basketball Standards:

A free-standing basketball structure is allowed in a driveway or alongside a home so long as it does not prevent parking in the garage or driveway. No backboard, hoop or other similar equipment shall be attached to any exterior wall or roof of a home. City of Seattle requirements prohibit placing portable standards on the sidewalk or in the street.

9.11.2 Mechanical Equipment (e.g. air conditioners, heat pumps, spas): Generally, no exterior mechanical installation may exceed 60 decibels to avoid disturbing neighbors. Applicants are asked to consider noise level of the device when operating at maximum capacity as a primary consideration.

9.11.2.1 AC units, heat pumps, spa equipment shall be located as inconspicuously as possible.

9.11.2.2 The proposed location, installation details, noise mitigation, size, location, and screening with lattice, fencing or landscaping must be included in the design review application.

9.11.2.3 Window-mounted air conditioners may only be installed from June 15th to September 15th, after which they must be removed and stored.

9.11.3 Sun Control Devices

Sun control devices include, but are not limited to, screenings and awnings. Any sun control device must be compatible with both the architectural character of the home and the neighborhood as a whole in terms of style, color, and material. The location of a sun control device should not adversely affect views, sunlight, or natural ventilation of adjacent properties.

9.11.4 Play Structures & Equipment:

Non-moveable play structures must not be located in any front yard or side yard.

9.11.5 Art Pieces

No sculpture, water features, or other art pieces may be located in a homeowner's front yard. Any such installation should be where it is unobtrusive to neighbors or passers-by.