



Possession Bay Highlands  
Harbour Heights Community Organization

House Rules and Regulations

Effective April 1, 2023

[www.possessionbay.org](http://www.possessionbay.org)

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### Significant Updates in 2020:

- Political Yard Signs – New Policy
- Fencing Guidelines – Stain limited to semi-transparent wood tones
- Mirrored rules from Covenants to consolidate into one reference document

### Significant Updates in 2021:

- Late Fee – detailed policy to ensure management system and CCR alignment (v.2 adjusted Feb 2022)
- Air Conditioners and Heat Pumps – new policy setting standards on visibility and noise
- Inoperable Automobiles – clarified existing policy
- Holiday Decorations – new policy limiting displays to 30 days before and after holiday.
- Little Library Book Shares – new policy with appendix pages added for reference
- Businesses – clarified existing policy on what constitutes a business in our community
- Appendix – added appendix with guidelines and standards for little library book shares, earth tone paint colors, and screening option for trash and recycling bins

## **SECTION 01 - GENERAL RULES**

- 1) The purpose of the Harbour Heights Community Organization (HHCO) House Rules and Regulations is to provide policy guidelines to individual homeowners within the development as well as to provide direction to the board of directors.
- 2) Rules and regulations promulgated by the HHCO Board of Directors (Board) shall apply to and be binding on homeowners.
- 3) Homeowners shall be responsible for compliance with the provisions of the Declaration of Covenants (and any amendments thereto) as filed with either the City of Mukilteo, the County Recorder for Snohomish County, Revised code of Washington State: Homeowner Association, the Articles of Incorporation of HHCO, the By-Laws, and the rules and penalties as adopted by the HHCO Board.
- 4) If questions arise, the Declaration of Covenants and By-Laws filed with the County Recorder shall rule.
- 5) It is in the best interest of all homeowners that the appearance and condition of all homes within Harbour Heights Community be maintained in a uniform manner and use.
- 6) Each homeowner is responsible and required to maintain both the appearance and condition of all structural improvements and all landscaping, including: painting, cutting the grass, weed removal, trash accumulation and general appearance of each home.
- 7) Notices of meetings shall be posted at mailboxes or by direct mail addressed to the homeowner, or through email.
- 8) **COMMITTEES:**
  - a) The board may appoint ad hoc committees at its discretion and deemed necessary to assist in the operation of the affairs of HHCO. The committee members can be board members, homeowners of HHCO or outside consultants as needed. Those that have a financial involvement in the decisions of the committee, are excluded from being a committee member.
  - b) The Architectural Control Committee validates many physical aspects of the HHCO, including, but not limited to: house color schemes, roofing materials, grounds inspections and potential HHCO violations as it relates to the general rules. All board members are automatically included in this committee upon election to the board.
- 9) **MANAGEMENT COMPANY:**
  - a) The use of a Management Company is approved by the HHCO Board to offset the normal business issues required to manage the day-to-day operations of the association. The business issues covered by the Management Company must be approved by the HHCO Board, and include, but are not necessarily limited to, the following:
    - i) Validate compliance of HHCO Board actions to the provisions of the Declaration of Covenants (and any amendments thereto) as filed with either the City of Mukilteo, the County Recorder for Snohomish County, Revised code of Washington State: Homeowner Association, the Articles of Incorporation of HHCO, the By-Laws, and the rules and penalties as adopted by the HHCO Board.
    - ii) Management and audit of the Association monetary accounts, the receipt of dues, the dispersal of payments of HHCO Board approved expenses, and reporting of monetary activities on a monthly basis to the HHCO Board for review and acceptance. The Management Company has responsibility to assist HHCO Board members in the development and tracking of the yearly budget(s).
    - iii) Maintenance of Association homeowner data information and associated requests for approval, audit, compliance and enforcement. Data needs to be inclusive and current of the homeowner contact information and any renter information as it pertains to the development. For protection of the association in the case of abandon or foreclosure homes, the financial institution that holds the deed of trust on such homes is also required.
    - iv) Provide any administrative activity, such as supporting annual board meetings with mailings and correspondence as directed by the HHCO Board. In addition, Management Company representative

must be present at a majority of monthly board meetings and make periodic inspections of the development and provide advice or alert, as necessary, to the HHCO Board, any findings from such inspections, especially those that may address safety and/or compliance to Revised Code of Washington State.

- v) Through the management company, or a third party, pro-active maintenance of HHCO assets and, in an emergency, homes within the development. HHCO assets are defined as those areas, structures and open spaces in the development accessible for use for all association homeowners and renters.
- vi) The Management Company is also required to solicit and obtain bids from contractors and companies for any endeavor approved by the HHCO Board or Association. The HHCO Board reserves the right to approve and execute whose bids it chooses.
- vii) The Management Company shall maintain both a web site and phone service for association members to write or call for complaints, alerts, request and other pertinent information. All correspondence needs to be documented and forwarded to the HHCO Board for review and/or action. The Management Company can follow up with association members to inform them of the status of their requests, concerns or complaints by the HHCO Board.



## **SECTION 02 – DUES AND FEES**

### **Dues Collection, Timeline, and Late Fees**

- 1) Annual dues are currently set at \$300, as of 2021, with board review and acceptance occurring in the fall.
- 2) On March 1<sup>st</sup> association dues statements are mailed to each owner with payment due by April 1<sup>st</sup>.
- 3) Unpaid accounts as of April 15<sup>th</sup> will be charged a late fee of \$25 for the month of April.
- 4) Unpaid balances in subsequent months will be charged a \$25 late fee until the balance is brought to zero.
- 5) Monthly notices will be mailed to all delinquent accounts.
- 6) Delinquent accounts of 120 days or \$400, whichever occurs first, may be sent to a collection agency or attorney, and a lien may be filed against the property.
- 7) Owners will bear the expense of all collection fees, interest, and legal expenses.
- 8) NSF fee of \$50 will be charged for all returned checks.
- 9) Payment plans are subject to board approval. A good faith effort must be made by the owner to bring the balance current with minimum payments of \$50.00 per month. Late fees will not be waived on balances due, however, as long the payments are made timely the board will not file a lien. The community association reserves the right to file a lien and/or turn the account over to collections at any time to protect its interests.

### **Document Processing Fees**

- 1) Washington law specifically authorizes the Association to impose and collect reasonable charges for the preparation and recording of amendments to the Association's filed declaration, for statements of unpaid assessments, and for the Association's work on unit owner resale certificates. In the case of preparing resale certificates, this fee or charge may not exceed two hundred seventy-five dollars. Updates to the resale certificates done within six months of the initial request for the resale certificate may only be charged a nominal fee for the update.
- 2) With such specific authority under Washington law, HHCO hereby adopts the policy of charging reasonable fees for the preparation and processing of documents, including amendments to the Association's filed declaration, statements of unpaid assessments, and owner requested resale certificates. In the case of resale certificates, the Association will not charge more than two hundred seventy-five dollars.
- 3) This policy is in addition to any other existing policies or grants of authority to the HHCO to assess and collect administrative costs incurred in operating the Association, its Property, and other related functions. This existing right and policy includes the right to assess and collect all fees incurred by the Association or its agent for services rendered incidental to the operation of the Association, including those services incidental to the sale or transfer of ownership rights in lots located within the Association, as set forth in the Association's governing documents and related maps and plans. The Association's current fees incurred incident to services rendered to support the transfer of ownership rights in lots and membership rights in the Association are \$400 per general, basic transfer.

### **SECTION 03 - IMPROVEMENTS & ENHANCEMENTS FOR STRUCTURES AND LANDSCAPING**

The purpose of this section is to regulate and control the installation of fixed permanent improvements on individual lots. Fixed permanent improvements shall include the installation of fixed structures, fencing, changes in exterior colors of finishes, and landscape improvements exceeding \$1,000 in total cost.

- 1) The approval procedures are as follows:
  - a) Each request for the installation of additional improvement(s) shall submit to the Board a completed ACR Form (see website) that will contain the following:
    - i) A description of the improvement,
    - ii) A plan illustrating the improvement and description of the materials and
    - iii) An installation plan providing start and end dates.
  - b) Submit all requests through the Management Company at least thirty (30) days prior to the anticipated date of installation.
  - c) All requests will be reviewed at the next regularly scheduled Board meeting and a written determination will be forwarded to the homeowner within five (5) days of the meeting.
  - d) The Board reserves the right to modify any request to meet existing standards. The HHCO Board reserves the right to deny any request for reason if it fails to comply with existing standards or would pose a health or safety issue within the HHCO. (Traffic concern is a valid reason for rejection.)
- 2) Failure to comply with the above procedures prior to or without Board approval is prohibited.
- 3) Homeowners commencing in the installation of additional improvements without the HHCO Board approval will be subject to the following:
  - a) Notice to stop all work immediately and not commence further installation until the Board has reviewed the proposed improvements and granted approval.
  - b) Submit to the Board a request to install any additional improvements, with all attachments, that were not included in the original request.
  - c) Pay a fine of one hundred dollars (\$100) for beginning installation of additional improvements without the required Board approval and remove the improvement (at homeowner cost) if it is not subsequently approved by the Board.
  - d) Pay a Five Thousand Dollar (\$5,000) fine for installation of a roof that does not meet the HHCO Roofing Standards or replace the roof with approved material.
- 4) Conditions for approval shall be that all improvements shall be consistent with the submittal, board approval and any conditions of approval required by the board. The board reserves the right to require the removal of any or all improvements not meeting the original submittal, the Board approval, any conditions of approval or installed in the manner and quality not consistent with the industry standards for similar installations.
- 5) In accordance with Article C, Architectural Control, Section 08, Standards, aesthetic considerations of harmony of construction and color; city and county ordinances are the determining factors for roofing improvements. All roofing material shall be limited to either cedar shakes, cedar shingles or material other than cedar shake that mimic cedar shake in its natural or weathered state. Composition (3-tab) and metal roofs and colors outside this spectrum, such as blue or green color tones, are strictly prohibited. Full sheet samples must be submitted to the Board for approval and be approved in writing by the Board. The Board will approve only those replacement roofing materials that maintain the architectural integrity of the development.

## **SECTION 04 - AIR CONDITIONERS AND HEAT PUMPS**

- 1) Unit must have a noise rating at or below seventy-five (75) decibels
- 2) Install should be out of view from the street, located on the side or back of home
- 3) Unit must be at least five (5) feet from neighbor's property line
- 4) All visible tubing and wiring must be painted to match the house color
- 5) All units visible from the street must be approved by the ARC prior to installation,
  - a) including traditional window units mounted in and protruding from the window,
  - b) but excluding portable (roll-around style) units that vent through an open window.

## **SECTION 05 - VEHICLE OPERATION & PARKING**

- 1) The maximum speed limit for HHCO development streets is 25 mph as enforced by local traffic officials. Report all traffic violations, with license plate number, to the Property Manager.
- 2) Parking and other vehicle violations may be brought to the attention of the Property Manager or the Board.
- 3) Warning notices and fines shall be imposed at the discretion of the HHCO Board. Homeowners are urged to take responsibility in reporting repeat offenders.
- 4) Parking violations (blocking of either the pedestrian sidewalk or garage entrances) can be reported to the Property Manager if the owner of the vehicle is unknown. Homeowners are encouraged to check with their neighbor before reporting. The Property Manager has discretionary approval to notify local traffic officials if calls to the neighbors cannot locate the owner of the offending vehicle.
- 5) The City of Mukilteo requires "No owner, driver or other person having charge of any vehicle shall permit such vehicle to stand or be parked in any street in the city for more than twenty-four consecutive hours. When any vehicle is parked or stands for a period exceeding twenty-four hours, the vehicle shall be deemed to constitute a hazard or obstruction to traffic or an abandoned vehicle and may be impounded accordingly."
- 6) Vehicle maintenance and repair is prohibited. No person shall work on, maintain or repair any vehicle on any street or public right-of-way except for emergency situations.
- 7) Additionally, any temporarily parked vehicle in a driveway must not block the pedestrian sidewalk, which requires a thirty-six (36) inch clearance for handicap access. "Temporarily" is defined as not having moved at least once a week.

## **SECTION 06 – GENERAL STORAGE & VEHICLES**

### **General Storage:**

No goods, equipment, materials or supplies used for private purposes, or in connections with any trade or business service shall be kept, stored, dismantled or repaired outside of any approved building or fence or any lot, or street adjacent to a lot.

### **Recreational Vehicles:**

- 1) Storage of recreational vehicles, extra vehicles, project vehicles, and trailers (including campers, motor homes, boats, boat trailers, including row boats and kayaks, jet skis, snow mobiles, and all other types of recreational vehicles) is to be kept out of public view, behind the homeowner's fencing, in the garage, or outside the HHCO development at all times. (Association fences are limited to six (6) feet in height. Vehicles stored behind fences must not exceed the fence height.)
- 2) The association does not provide seasonal or day pass exceptions. Owners found in violation may receive notices from the Property Manager, and may be fined, with progressive penalties (see Complaints and Enforcement for schedule of fines), if patterns of violation are recorded.
- 3) It is also unlawful to park the following types of trailers and/or vehicles on any street in the association between the hours of one minute after twelve midnight and six a.m.:
  - a) Motorhomes, campers, and all types of trailers designed to be drawn by a motor vehicle, including but not limited to boat trailers, trailer homes and mobile homes;
  - b) Vehicles over ten thousand pounds (licensed gross vehicle weight), the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, vehicles, passengers for hire, or which are used primarily in construction or farming, including but not limited to bulldozers, backhoes, tractors and cranes.
- 4) Running electrical cabling from the residence to the recreational vehicle must not impede pedestrian sidewalk traffic nor lay on the ground.
- 5) No motor home may run their generators after 8:00 pm at night or before 8:00 am in the morning.
- 6) Homeowners are responsible for policing the area around recreational vehicles and ensuring debris, garbage or other discharge is cleaned up immediately.
- 7) Failure on any of these measures can result in the immediate revocation of daytime temporary street parking by the HHCO Board.

### **Inoperable Vehicles and Maintenance:**

- 1) Inoperable vehicles must be kept out of plain sight, either in the garage, behind fencing, or stored offsite.
- 2) Vehicles may not be kept on blocks or jacks, even if they are operable.
- 3) Maintenance should be performed in the garage or behind the homeowner's fence. All maintenance performed in plain sight must be complete or out of view within 24 hours.

## **SECTION 07 – LANDSCAPING AND YARD MAINTENANCE**

### **CURB OR STREETSIDE VIEW**

Each Lot and the improvements thereon and the landscaping shall be maintained by the owner in a neat and orderly condition as follows:

#### **1) Front (Street Facing) Yard Maintenance**

- a) Includes the maintenance of any street or alley adjacent to the Lot by the homeowner.
- b) Grass and vegetation shall not grow over sidewalks, curbs, walkways or driveways.
- c) Grass shall be cut regularly and shall not exceed six (6) inches in height.
- d) Weeds shall be removed before blooming.
- e) Shrubbery or tree branches extending over any sidewalk, street, alley or other public way shall be trimmed so they do not obstruct vision or the travel of motorists and pedestrians, including people with disabilities.
- f) Overgrown and dry or dead grass, weeds, bushes, or trees shall be considered a fire and safety hazard and a nuisance. Dead plants and trees are to be removed.

#### **2) Junk, Litter, and Debris**

- a) A Lot shall not be used as a dump for trash or rubbish of any kind.
- b) Household trash, lumber, building materials, vehicle parts, abandoned or broken equipment or vehicles, grass clippings, branches and other yard refuse may not be left on front or side yards, sidewalks, streets or other areas where they are visible from the street or any other Lot.

#### **3) Trash and Recycling Bins**

- a) Garbage, recycling, and yard waste bins shall not be visible from the street except during the evening before and the day of scheduled collection. (See appendix for screening design option)

#### **4) Fences**

- a) Fences and gates shall be kept in good physical and visual condition and in harmony with the subdivision.
- b) All fences must be constructed of cedar. Plastic, metal or other materials are unacceptable. Back yard fences that do not meet this same standard require board approval before construction or may result in a removal order and escalating fines.
- c) Standard fence height is six (6) feet. Decorative gate overhangs (trestles) can be higher.
- d) Broken fence boards shall be replaced, and loose boards reattached.
- e) Fence gates will use a minimum of two working hinges to swing open and close.
- f) Fence posts are to be kept vertical.
- g) Fences blown down by the wind or otherwise knocked down shall be repaired or replaced within thirty (30) days.

#### **5) Driveways**

- a) Driveway is defined as the path a vehicle navigates from the street to either a parking space on the homeowner's property or a garage. Driveways and parking spaces can consist of concrete, aggregate-surface or concrete pavers (bricks are acceptable). All other materials are unacceptable including asphalt, crushed rock, sand or lawn.

#### **6) Retaining Walls**

- a) Decorative rocks are the standard materials for retaining walls within the development. Where necessary, concrete pavers is an alternative. Other materials can be used if prior approval is obtained by the HHCO Board.

## 7) Sidewalks

- a) Sidewalks adjacent and parallel to City of Mukilteo streets are maintained by the City of Mukilteo. The City does NOT repair those sidewalks on the homeowner's property, such as those on driveways or walkways to the home. Report these issues to the Management Company for resolution by the City.

## 8) Play equipment

- a) Play equipment, such as movable basketball hoops, backstops, toys, etc. can be placed outside the home, provided they do not block sidewalks nor impede both pedestrian and vehicular traffic nor become a visual nuisance. In addition, such play equipment must be removed when not in use (i.e. in fall and winter). Permanent play structures are generally not allowed as they are difficult to fully conceal from plain view, but an ACR may be submitted for review and are handled on a case by case basis.

## 9) Holiday Decorations

- a) Must not be installed sooner than 30 days prior to the holiday.
- b) Must be removed no later than 30 days after the celebrated holiday.

## 10) Book Shares

- a) See appendix for guidelines on the installation of Free Little Library book sharing kiosks.

## BACKYARD AND SIDE YARD

- 1) Rules for back and side yards are the same as above regarding debris, weeds, junk, or litter.
- 2) All items stored in the backyard or side yard must be located behind fencing and out of public view.
- 3) Vegetation and trees on the outside of fences parallel to the street are still the homeowner's responsibility to maintain and manage up to the curb.
- 4) Storage and other outside structures for storage can be constructed within a homeowner's backyard. The maximum size of the structure is twelve (12) feet by sixteen (16) feet and requires HHCO Board approval prior to construction.
- 5) As with other items stored in the backyard or side yard, storage structures must not be visible from the street nor be a visible distraction or nuisance to an adjacent homeowner.
- 6) Clothes drying or hanging laundry of any kind is not allowed where it can be seen from any street or adjacent home.

## GREENBELT AND GULCH ADJACENT LOTS

- 1) When adjacent to a greenbelt or gulch, delineation must be established to determine where the homeowner's property ends and where the greenbelt or gulch begins. The delineation can be timbers or stones laid on the ground or a fence. (All fences, except at the development entrance, must be of wood materials. Split rail fences are generally permitted, with approval, adjacent to greenbelts.)
- 2) Adjacent greenbelt area can be accessed via a gate or unrestricted.
- 3) The greenbelt area is under HHCO board control. The planting, pruning, and removal of any vegetation and wildlife within the greenbelt area is strictly under the control of HHCO Board, with exception of weeds and briars, which can be pruned or removed by the homeowner without board approval, provided it does not impact other vegetation (no chemicals). Changes to all other native species require Board approval. Requests for changes in the greenbelt are normally at the homeowner's expense. Costs for certain maintenance may be absorbed by the community if there is danger to property or people, and the work will be completed by an approved contractor or arborist.
- 4) No structures nor ornaments are to be built or installed in the greenbelt by a homeowner, especially if such items could imply ownership and exclusiveness. The greenbelt is for all homeowners' convenience and access.

## **SECTION 08 – PETS, LIVESTOCK, AND ANIMAL CARE**

- 1) Homeowners are permitted to keep domestic pets within their homes, per Mukilteo City ordinances. Dangerous and endangered animals are prohibited in the development. (e.g. rattle snakes and boa constrictors are considered dangerous)
- 2) No livestock (e.g. cows, horses, goats, sheep, pigs, etc....) or poultry (e.g. chickens, ducks, turkeys, etc....) are allowed in the subdivision.
- 3) No breeding of animals or commercial activity related to animals is allowed.
- 4) It is the responsibility of the homeowner to maintain control of all pets and not allow any pet to become an annoyance, nuisance, or unreasonably disturbing to residents.
- 5) Each dog or cat must have a current Snohomish County pet license.
- 6) In accordance with Snohomish County Ordinances, all dogs must be leashed when not within the owner's fenced property.
- 7) The "scoop law" will be strictly enforced throughout the development. Owners are responsible for cleaning up after their pets.
- 8) Pets are not to be tethered nor housed outside the home on the curb or visible street side without visible supervision.

## **SECTION 09 – POLITICAL YARD SIGNS**

- 1) Political yard signs may be posted no sooner than 30 days before a primary or general election and must be removed no later than 5 days after the event.
- 2) Only 1 sign per candidate/issue/measure is permitted.
- 3) Posting is only allowed on owner's lots – not on common areas.
- 4) Must be of a temporary nature, no larger than 24 inches X 18 inches, and stand no higher than 36 inches off the ground.
- 5) Cannot contain language or images offensive to the ordinary person.
- 6) The board may require non-compliant signs to be removed by the owner, or fines may be imposed.
- 7) All other rules regarding general signage (Covenants B-3) are still in effect. (Signs are not allowed except for real estate "for sale" signs, and one professional sign no larger than 1 square foot, such as for a security system.)

## **SECTION 10 – FIREARMS AND RELATED ACTIVITY**

No firearm, crossbow, bow and arrow, or air gun, including without limitation to BB or pellet guns, whether for hunting or target practice, shall be discharged within the subdivision

## **SECTION 11 – BUSINESSES**

- 1) No Trade, craft business, profession, commercial or manufacturing enterprise, or business or commercial activity of any kind shall be conducted on any lot, or within any building, located in the subdivision. (The registration of a business (FEIN/UBI) with your home address does not instantly qualify as conducting business, nor does working remotely from home.)
- 2) The focus is on activity that may impact the harmony of the neighborhood, such as increased traffic, parking, noise, visible storage of goods or equipment, etc... Homeowners performing any routine activity that resembles that of a business will be required to stop.

## **SECTION 12 – COMPLAINTS, ENFORCEMENTS, AND FINES**

- 1) The association encourages all homeowners to attempt to resolve any problem(s) with the other party prior to a formal complaint with Management.
- 2) It is the policy of the HHCO Board not to divulge the name of the person who files a complaint to anyone outside the HHCO Board or the Property Manager unless the party fined requests a review hearing.
- 3) All complaints must be filed in writing with Management for consideration by the Board. The complaint shall:
  - a) Identify the nature of the violation, the date, time, location, and other information.
  - b) Identify what steps you have taken to resolve the situation on your own.
  - c) Identify with a name, address, signature and date of the complaint.
- 4) Complaints received will be investigated, and based on the findings, the Board or Management, will proceed with the request by a one time “Notice of Complaint” being mailed to the violator by Management.
- 5) The recipient of the “Notice of Complaint” has thirty (30) days to respond in writing to Management to resolve the situation. Failure to respond shall result in a fine.
- 6) Failure to comply with the HHCO rules stated herein shall result in one of the three (3) fine structures below unless otherwise specified:
  - a) A one-time fine of \$25 per violation
  - b) A fine of \$25 per day until the violation is resolved to the Board or Property Manager.
  - c) Progressive fine per violation:
    - i) \$25 = 1st violation
    - ii) \$50 = 2nd violation
    - iii) \$75 = 3rd violation
    - iv) \$100 = 4th and each subsequent violation.
- 7) Balances not paid within 15 days will accrue a \$25 late fee, applied monthly.
  - I. Delinquent accounts of 120 days or \$400, whichever occurs first, may be sent to a collection agency or attorney, and a lien may be filed against the property.
  - II. Owners will bear the expense of all collection fees, interest, and legal expenses.
  - III. NSF fee of \$50 will be charged for all returned checks.



## **SECTION 13 - EXTERIOR PAINT & GARAGE DOOR STANDARDS**

### Exterior Paint:

- 1) Exterior paint colors are limited to earth tones to preserve the aesthetic appearance of the community
  - a) See appendix for examples of earth tones
- 2) Whether a paint sample is considered an earth tone is left to the discretion of the ACC/Board
- 3) Paint samples must be submitted with a signed ACR Form (see website) to process and approve the request
- 4) An ACC request must be submitted for exterior paint whether the homeowner is changing the color or not.
- 5) A paint sample is not required if the exact same existing color is maintained – just the ACR Form.
- 6) The Board does reserve the right to deny an existing color to maintain the architectural integrity of the neighborhood.
- 7) Under normal circumstances the Board has 30 days to process your request.

### Garage Doors:

- 1) Garage door can be of metal or wood material.
- 2) The garage door must have horizontal or vertical lines that maintain the architectural integrity of the neighborhood. No geometric designs will be permitted that can be viewed from the street.
- 3) If homeowner chooses to add a window upgrade, the windows must be frosted glass. No clear or colored or glass is permitted.
- 4) The color of the garage door approved.
- 5) Any major dents (over six (6) inches in length) in a metal door, and/or broken or cracked glass in door windows, and/or visible cracked or broken wooden boards, and/or garage doors with visible tilt must be repaired within 30 days of damage. If repairs are not completed within stated time, the homeowners will be subject to a progressive fine until repairs are completed.
- 6) Homeowner must include in ACC requests, pictures of the garage door, windows and a paint color sample before the Board can process your request.
- 7) Under normal circumstances the Board has 30 days to process your request.

## **SECTION 14 - ROOFING STANDARDS**

- 1) In accordance with Article C, Architectural Control, Section 3, Standards, aesthetic considerations for harmony of construction and color, and city and county ordinances are the determining factors for roofing improvements. Full sheet samples must be submitted to the Board for approval.
- 2) The roofing material parameters include:
  - a) Limited to either cedar shakes, cedar shingles or material other than cedar shake that mimic cedar shake in its natural or weathered state. Metal roofs and colors outside this spectrum, such as blue or green tones, are strictly prohibited.
  - b) Color – shades of brown through grey and black that are in keeping with the natural color changes that cedar shakes exhibit as it ages and weathers shall be allowed. Colors such as red, blue, green are strictly prohibited.
  - c) Thickness – A minimum of quarter (1/4) inch thick material that creates a shadow line (visual depth).
  - d) Visual Appearance – Only the following are acceptable:
    - i) Vertical parallel lines and irregular horizontal lines to create natural ridges of shakes and a staggered effect.
    - ii) Non-vertical (angled) lines and straight horizontal lines to create natural ridges of shakes and a staggered effect.
- 3) Homeowners who violate the standards or who install a roof without written HHCO Board approval will be subject to further actions, which may include:
  - a) Notification to stop all installation activities immediately pending Board review.
  - b) Removal and replacement of any roof not in compliance with current roofing standards.
  - c) A \$5000 fine
- 4) Products that have been reviewed by the Board and meet minimum requirements are:
  - a) GAF Grande Sequoia
  - b) CertainTeed Presidential Shake and Presidential Shake TL
  - c) Owens & Corning Woodmore
  - d) Pabco Paramount and Paramount Advantage.
  - e) Rubber roofing material currently installed on some homes in the development.
- 5) All Roofing projects must be submitted to the Board for approval at least 30 days prior to contract signing and proceeding with the work.

## **SECTION 15 - SOLAR PANEL INSTALLATION STANDARDS FORWARD**

This document provides the standards that govern the installation of solar panels and conform to and reflect the changes in law 64.38.055. Solar Panels in Possession Bay Highlands must:

- 1) Meet applicable health and safety standards and requirements imposed by state and local permitting authorities:
  - a) If used to heat water, is certified by the solar rating certification corporation or another nationally recognized certification agency. Certification must be for the solar energy panel and for installation; and
  - b) If used to produce electricity, meets all applicable safety and performance standards established by the national electric code, the institute of electrical and electronics engineers, accredited testing laboratories, such as underwriters' laboratories and where applicable, rules of the utilities and transportation commission regarding safety and reliability.
- 2) The governing documents may:
  - a) Prohibit the visibility of any part of a roof-mounted solar energy panel above the roof line;
  - b) Permit the attachment of a solar energy panel to the slope of a roof facing a street only if;
    - i) The solar energy panel conforms to the slope of the roof; and
    - ii) The top edge of the solar energy panel is parallel to the roof ridge; or
  - c) Require:
    - i) A solar energy panel frame, a support bracket, or any visible piping or wiring to be painted to coordinate with the roofing material;
    - ii) An owner or resident to shield a ground-mounted solar energy panel if shielding the panel does not prohibit economic installation of the solar energy panel or degrade the operational performance quality of the solar energy panel by more than ten percent; or
    - iii) Owners or residents who install solar energy panels to indemnify or reimburse the association or its members for loss or damage caused the by installation, maintenance, or use of a solar energy panel.
- 3) The governing documents may include other reasonable rules regarding the placement and manner of a solar energy panel.
- 4) For purposes of this section, "solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in:
  - a) The heating or cooling of a structure or building;
  - b) The heating or pumping of water;
  - c) Industrial, commercial, or agricultural processes; or
  - d) The generation of electricity.
- 5) This section does not apply to common areas as defined in RCW
- 6) In addition to the regulations and guidance of RCW 64-38.055:
- 7) All solar installations require Mukilteo Fire Department review and HHCO approval prior to contract signing and any pre-installation work. Installation approvals include not only the engineering of a solar installation but any planned efforts to trees and other obstructions which may significantly alter the development's general appearance. Such efforts that would result in adversely altering the development's appearance can be cause for board rejection of such solar project.
- 8) Solar systems can be installed for residential uses only. Solar systems are not allowed to be installed in the development for the specific or supplemental use in industrial, commercial or agricultural activity that is prohibited in other sections of the covenant or by existing Washington law.
- 9) Solar systems should be installed only on roofs with a minimum of 15 years life remaining.
- 10) The cutting and/or removal of obstructions on homeowner's property for solar energy, and not adversely affect the home's or development's appearance, is at the homeowner's discretion and costs.

- 11) The cutting and/or removal of obstructions on another owner's property requires prior written approval of that homeowner and the board, with all costs absorbed by the homeowner receiving benefit. All modifications and removal of such obstructions need to be included in the request for review and prior approval to the start of project initiation.
- 12) Greenbelt trees, hedges, and bushes are the responsibility of the board. The homeowner is prohibited from removing or pruning greenbelt vegetation without written consent and any such approval is at the board's direction and the homeowner's expense. The board reserves the right to back bill any homeowner who requests removal or pruning of vegetation in the greenbelt and later requests installation of a solar panel on their roof (within a minimum of one calendar year from when the vegetation was removed or pruned). If greenbelt vegetation is dying or pose a significant physical risk to property, the board may absorb such costs for removal or pruning. Final determination for removal or pruning due to dying or significant risk is with a board approved arborist.
- 13) Any planned removal or pruning of trees within the development must be identified over a period of not less than five (5) years after solar installation. If it is recommended that a tree or trees be cut down or pruned to allow for an initial solar installation, then no other trees, located in the development will be removed or pruned for that solar installation project in a five (5) year duration due to growth. The five-year period is also in effect for those solar installations that have no trees identified to be removed or pruned initially.
- 14) Solar processes are to avoid direct visibility with the street side unless it is impractical to do so due to the residence orientation and direction of the roof. East and /or West facing installations need to be considered before using the street frontal south facing roof.
- 15) Solar Panels are to be installed a minimum of 12 inches from the roof line using the lowest practical (3 inches minimum) risers to maintain roof sight lines. Solar panels are to meld into the environment, if possible, and not be highlighted with colors that make the panels more visible (e.g. Using a white trim on a black solar panel with a black color roof).
- 16) Conduit can be installed parallel to the roof sight lines but, as with the solar panels, are not to be visibly altering roof sight lines. In addition, conduit must be concealed within the home when possible and/or painted to blend into the existing environment that it is attached to. On the roof, the color should be consistent with the roof color texture. Against a wall, conduit should be consistent with the existing exterior wall paint and/or trim. and /or gutter color. In no case would bare metal color of the conduit or supporting brackets be visible externally on the home.
- 17) Whenever possible all electrical should be connected within the interior of the home to minimize any unsightly panels and conduit visible on the exterior. If impractical, no more than two external panels (Inverters) can be attached to the exterior of the home. Any additional panels need to be installed within the home's interior. Any exterior panels need to blend into the exterior surface it is attached to either the color of the roof or the home exterior color. (Maximum panel size is 24" \* 18" \* 4".)
- 18) Every two years, the owner is responsible to clean under the solar panels to avoid any accumulation of debris and remove potential insect nests and remove potential rodent infestation.
- 19) If the panels are removed for a minimum of 1 year, all visible signs of installation must also be removed. The roof and walls must be returned to an appearance prior to the panel installation. (Normal weather discoloration excluded). This includes, but not limited to, all roof penetrations, electrical conduit, and external panels. Replace roofing tiles and patch hole penetrations to the plywood where the roofing material has been penetrated as oppose to covering holes with flashing and tar.
- 20) Failure to follow either RCW or Covenant rules can result in the board requesting removal of the solar processes at the owner's expense. Fail to remove from such a request can result in additional fines, liens, and attorney fees.

## **SECTION 16 - FENCING STANDARDS**

- 1) The Association's covenants define specific requirements summarized below. If this document conflicts with the covenants, the covenants control.
- 2) All fencing plans need to be submitted and approved by the Board prior to installation using the ACR form found on the website. This includes plans for new fences, "major repairs", and modification of existing approved fences.
- 3) Any repair of more than one post, more than re-staining, replacing existing hardware on one gate, or more than five fence slats shall be deemed a "major repair." The Association has the authority to require the removal of any fence-related work performed without approval.
- 4) Fence related applications must include the following information as part of the ACR Form submission:
  - a) An accurate drawing (sketch) of your Lot, including where the fence will be located relative to property lines, location of home, sidewalks, street, driveway and other applicable structures. Setbacks from the sidewalk need to be clearly marked with distance. Fences within the city right of way will not be approved. Applicant must warrant that the fence as designed and built complies or will comply with all existing local government requirements applicable to such fences.
  - b) The fence's length and height dimensions, including the location and size of all gates.
  - c) The style of fence – (Please see allowable fence styles at the end of this section)
  - d) Proposed dates for the start and completion of the work.
  - e) Contractor contact information, including all insurance information.

### **Approval Process:**

- 1) Owners must submit the plans to management prior to starting the project and allow 30 days for the initial review.
- 2) The Board will review the submitted plans, may ask for additional or clarifying information, and may require changes to the submitted plans. (Applicants may request a variance to any HHCO requirement that may be granted.)
- 3) Management will issue approval of the plan by email. Any plan not receiving an approval 60 days after its initial submission shall be deemed denied.
- 4) The fencing plan will be filed with and retained by the Association.
- 5) Once an approved fence is built, repaired, or altered the Board shall review the fence as-built to confirm the work was completed according to the approved plan.

### **Minimum Materials and Construction Specifications:**

- a) Posts must be #2 or better pressure treated to minimize warping and spaced no more than 8 feet apart and should be symmetrical.
- b) Posts must be a minimum of 4"x4" and cemented into the ground at least 20 inches deep
- c) Cement must not be visible and needs to be covered with at least 3 inches of soil
- d) Rails must either be #2 or better pressure treated or #2 or better western red cedar
- e) Fence slats must be constructed from #2 or better western red cedar
- f) Fences must have cap rails – please see allowable fence styles on the following pages
- g) Fences that exceed 16 feet in length and are adjacent to the sidewalk require a shrub or tree be planted between the sidewalk and the fence at a minimum of 10 feet apart and no less than 6 feet from the end of the fence.

**Gates:** All gates should follow the same style as the fence installed. Hinges must be concealed to the inside of the gate. Decorative elements or styles are allowed with approval. Please include details in your fencing plan submission.

**Staining:** All stain colors need to be approved by the Board. The entire fence needs to be stained (front and back); no partial staining allowed. Fences are not required to be stained. Owners may choose to let their cedar fence weather naturally.

**Note:** as of 2020, the ACC is no longer approving paint, solid stains, or any coating that primarily sits on top of the wood surface. New fences will require transparent or semi-transparent stain. These products have proven to weather more naturally and be easier for owners to maintain, resulting in a higher degree of uniformity throughout the neighborhood.

**Maintenance:** All fences must be maintained. The Lot with the fence shall be responsible for ongoing maintenance. The HHCO will inspect fences to ensure proper maintenance; fines may be imposed for violations. Recommend re-staining after first 2 years and then every 3-5 years to maintain life of the fence.

**Special Privacy Fencing Requirements:** Special screening fences (those that are designed to conceal boats, RV's, equipment, etc.) must be based on the standard 6 ft. capped-rail style fence but may be topped with a trellis for growing plants/vines. The trellis must be used to grow natural plants/vines and must create a solid visual barrier to fully conceal the vehicles behind it. (Lattice tops are not acceptable for screening because they do not create a solid barrier to fully conceal a recreational vehicle from plain view.)

One large gate, up to a 12 ft. opening that allows for vehicle access, is permitted provided the gate is supported, does not sag and lacks any sizable gap between gate bottom and ground. These larger gates may need to have steel frame system for support.

As with all fencing projects, a detailed plan and Architectural Change Form must be submitted and approved by the board of directors prior to starting the work.

**Existing Unapproved Fences:** Existing unapproved fences shall fall into one of two categories:

- 1) unapproved and not conforming with municipal requirements; and
- 2) merely unapproved.

Unapproved existing fences that meet current municipal requirements will be subject to the approval process when the fence is replaced, altered, or subject to a material repair. The HHCO may require the remediation of the fence to current HHCO design standards for all unapproved existing fences. However, if an existing unapproved fence is in violation of current applicable municipal requirements, then the HHCO shall require the fence to be remediated to conform with the current municipal requirements and with the current HHCO requirements.

**Other Notes:**

- 1) Open rail fencing may be used adjacent to greenbelts, gulches, or other open space tracts.
- 2) Fencing in front of the home is prohibited.
- 3) A variance from the above guidelines and requirements may be requested and granted on a case by case basis where consideration is given to balancing the property owner rights and the overall aesthetics of the neighborhood.



**Generally Acceptable Fence Styles:**



Style 1: Acceptable; fencing capped on top



Style 2: Generally Acceptable; lattice finish on top, does not meet requirements for special privacy fencing (those designed to conceal RV, boats or other equipment)



Style 3 Acceptable; capped slatted tops



Style 4: Acceptable; fencing capped on top with trellis



Acceptable gate – interior hinges, fully supported,  
No large gap between gate and ground.

**Unacceptable Styles:**



Unacceptable; no finished on top



Unacceptable; picket fencing





## **SECTION 17 – APPENDIX**

The following pages contain additional documentation on:

- 1) Earth Tone Paint Examples
- 2) Garbage Can Screen Based on Fencing Standards
- 3) Little Library Book Sharing Kiosks
- 4) Garage Door Updates

# Earth Tone Paint Examples

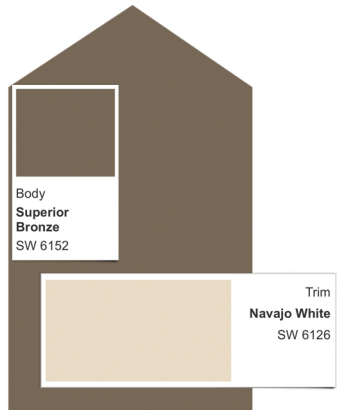
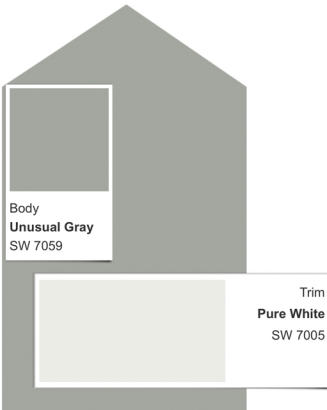
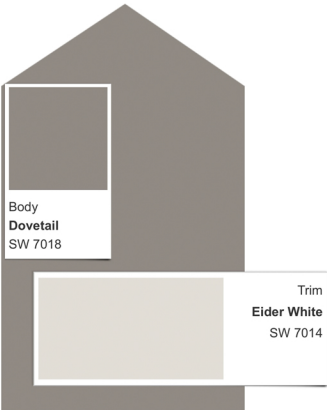
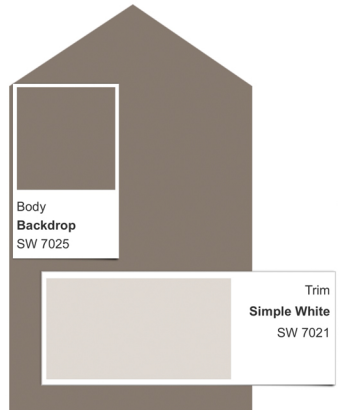
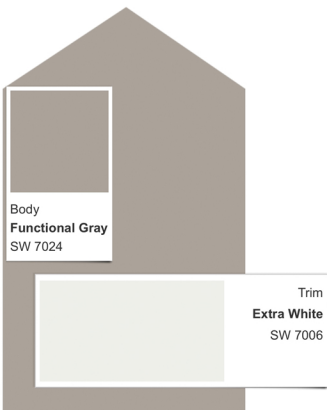
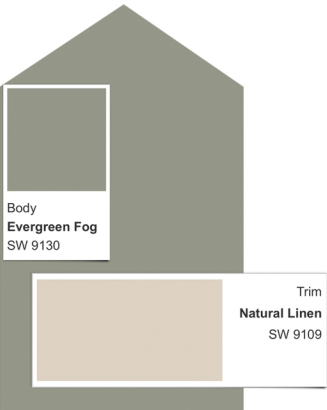
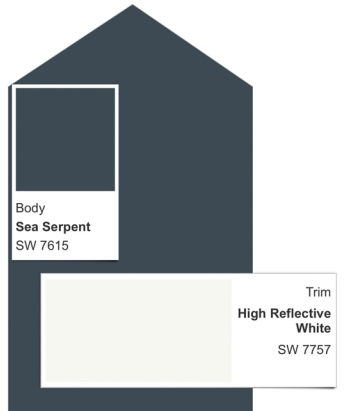
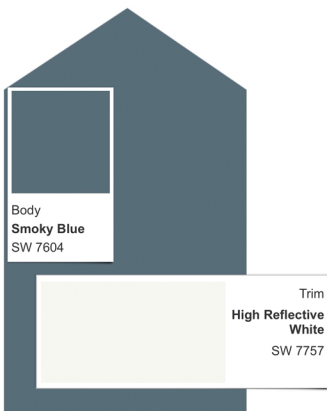
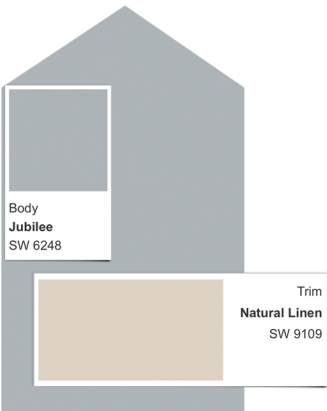
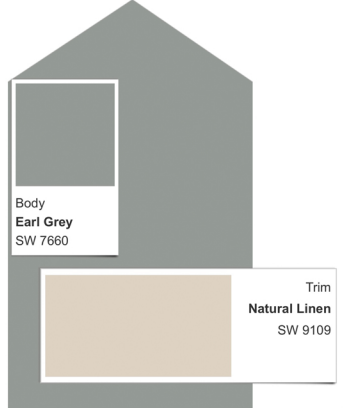
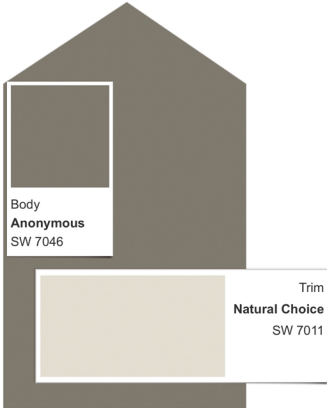
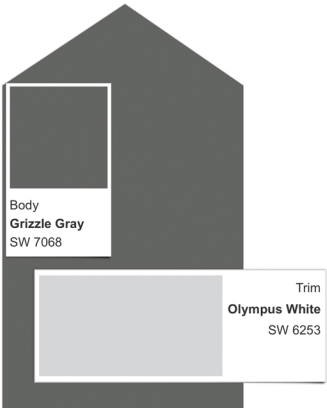
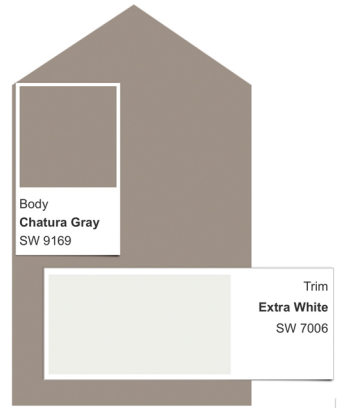
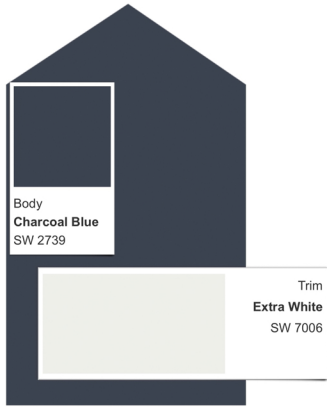
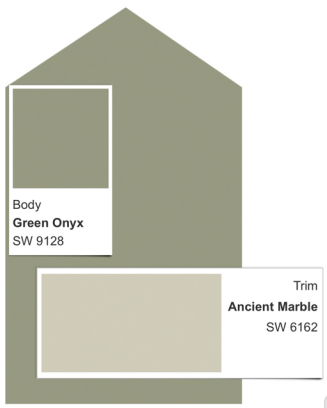
The following Sherwin-Williams paint colors and schemes serve as examples of “earth tones.” Owners are not required to choose from this list, or to purchase Sherwin-Williams products. Owners are free to submit any color combination, from any paint brand, for approval. These examples merely illustrate color combinations that have either been approved in the past, or that meet an acceptable description of earth tones.

Earth tone colors are muted and flat that emulate the natural colors found in dirt, moss, trees and rocks. Generally, earth tones are browns, tans, umber, brick red, terracotta, yellow ochre, warm grays, shades of green such as moss and trees, brown oranges, burnt sienna, whites, some red browns, and some gray blues.

**Note: All exterior paint projects must be submitted for review whether using these examples or not. The Architectural Change Request form can be found online.**

[www.possessionbay.org/governance](http://www.possessionbay.org/governance)





# Waste Cart Screen

The association CCRs require that all garbage, recycling, and yard waste carts or cans be kept out of sight except for the evening prior to and the day of trash pickup. Ideally, carts or cans are stored in the garage or behind fences, but this can be a challenge for some homeowners.

An alternate solution is to build a screen on the side of your home that leverages approved fencing design standards.

## Guidelines:

- Must follow current fence standards, as published in the House Rules and Regulations, available at [www.possessionbay.org/governance](http://www.possessionbay.org/governance)
- Blend with existing fence.
  - Match in design, color, etc...
  - If your existing fence is no longer an approved style (i.e. no cap rail or is painted), please make note in your submission.
- Must be set back from the front of the house by at least 2 feet (not flush with front wall)
- Must completely conceal carts or cans.
- Must be approved by the Architectural Control Committee prior to install.
  - Submit via the standard Architectural Change form located on our website.
  - Include all details – dimensions, placement, style, color, etc...
- Example provided below. Variations will be reviewed.
- Have questions? Need guidance? Feel free to contact the ACC for assistance through the website or property manager.



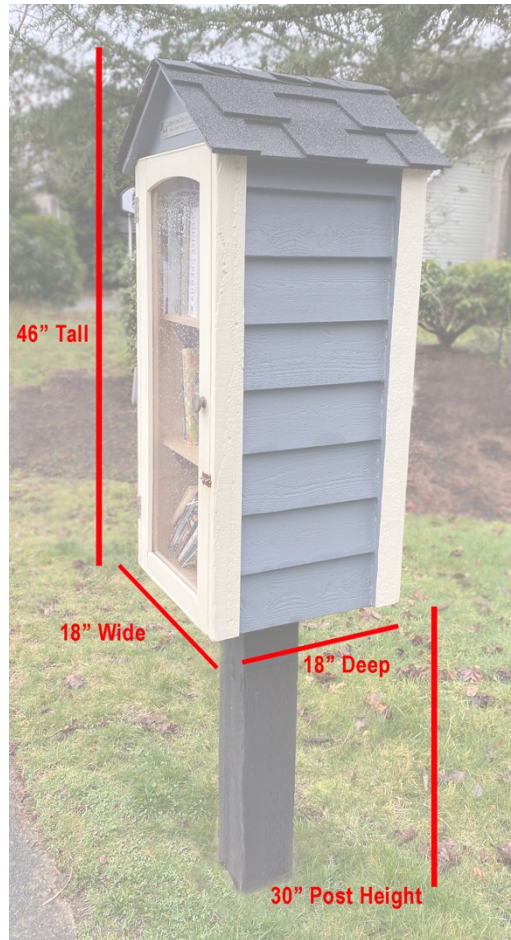


## Little Free Library Design Standards

Little Free Libraries are popular, providing a sense of community and sharing. In 2018 Possession Bay welcomed our first library built by and hosted at 4615 Harbour Heights Drive. The owners worked closely with the HOA architectural control committee to ensure certain design standards were met regarding visual continuity, build quality, and accessibility. The ACC has adopted this exceptional model as the “gold standard” for other libraries that may be added to the neighborhood in the future. While there are many artistic and creative versions of these in the world, the HOA has a mission of maintaining visual harmony, which impacts home values. Owners are not required to replicate this model *exactly*, but should follow the guidelines below to ensure visual harmony.

### Guidelines:

- Library should blend with the design elements of your home and the community. In the approved example below, the owner used siding, paint, trim, and shingles to match their home.
- Dimensions should be consistent for all installations, but not larger than this model. (46" x 18" x 18" x 30")
- Gable roof designs are ideal as nearly all homes in PBH have this design. (Opposed to a lean-to roof)
- Must be sturdy and watertight. Has to stand up to our wet climate, and high traffic.
- Encouraged to register the library at [www.littlefreelibrary.org](http://www.littlefreelibrary.org)
- Planting a garden around the base to soften the appearance of the installation is encouraged.
- Must be accessible from the sidewalk for people of all heights, like children and those in wheelchairs.
- Must sign agreement to keep library in good visual and working condition, not accumulate items outside of the library, and acknowledge they are providing implied access to their property and are responsible for the library contents. The library is the owner's property and is installed on their property, for public use.
- **Must submit plans to ACC prior to install for review, as with any front yard additions, per the CCR's.**





## Garage Door Updates

Effective 2023 the Garage Door guidelines were updated stemming from homeowner requests.

### Guidelines:

- Updated, modern design.
- Glass must not be clear or colored.
- Must be approved via ACR process prior to install.
  - Submit via the standard Architectural Change form found online.
  - Include all details – dimensions, placement, style, color, etc...

