

**Heritage Glen III Homeowners Association
Property Appearance Policy**

PURPOSE

The purpose of this Property Appearance Policy is to establish clear standards and guidelines for the enforcement of covenants. These guidelines are meant to define the rights, liabilities and responsibilities of homeowners and the Heritage Glen Third Addition Homeowners Association Board.

PHILOSOPHY AND VALUES

Five values promulgated in this policy are the guiding principles of the Heritage Glen Third Addition Homeowners Association and are used to set the standards for this policy:

1. Establish and maintain a safe community for the residents and homeowners.
2. Foster a pleasing and wholesome residential environment.
3. Strive to maintain and enhance property values within our community.
4. :Maintain a community perspective that Heritage Glenn III is a great place to live.
5. Not to place excessive burden on homeowners.

POLICIES

1. **OVERVIEW:** This Policy is a guideline for the BOD and the Owners to determine appropriate property appearance. This guideline is based on the following:
 - a. The Declaration of Covenants of Heritage Glen Third Addition
 - b. The Common Law Duty to not present an undue hazard to neighbors and guests
 - c. The tradition of design, materials and colors that has developed over the history of the neighborhood.
 - d. This policy is divided into three sections
 - i. Definitions
 - ii. General Appearance
 - iii. Trees and Shrubs Appearance
2. **BOARD INTENT:** It is not the intent of the BOD to develop specific appearance standards that will apply to all situations, but rather to have specific standards for common situations and a general framework for decision making when a specific standard does not exist
3. **HOMEOWNER interests:** High community standards are best preserved when all residents voluntarily follow the rules in consideration of others as **good neighbors**.
4. **BOD interests:** It is the intent of the Board to: Maintain the appearance and value of all properties; maintain cohesive community relationships in a manner that is fair and equitable for all residents and property owners; and, achieve compliance of rules, policies and procedures.

DEFINITIONS

1. **HERITAGE GLEN THIRD ADDITION HOMEOWNERS ASSOCIATION (“HG III-HA”)**: The legal entity responsible for operating and governing the Heritage Glen Third Addition homeowners association, in accordance with its Articles of Incorporation, Bylaws, Declaration of Covenants, Conditions and Restrictions, Washington State law and other governing documents.
1. **PROPERTIES** shall mean and refer to that real property owned and maintained by HG III homeowners herein described and such additions thereto that may hereafter be brought within the jurisdiction of the Association.
2. **LOT** shall mean and refer to any portion of the properties described as a separate tract or plat, excluding the common areas, on the survey of the properties to include any subsequent additions to HERITAGE GLEN ASSOCIATION, THIRD ADDITION.
3. **OWNER** shall mean and refer to the recorded owner, whether one or more **PERSONS** or entities of a fee simple title to any lot which is a part of the properties including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
4. **ACRONYMS: ACC** shall mean Architectural Control Committee; **BOD** shall mean Board of Directors; **HOA** shall mean Heritage Glen III Homeowner’s Association; **MSNW** shall mean Management Solutions Northwest.
5. **Prune**: To remove the undesirable branches. Pruning ornamental trees or bushes is done for safety, health, and aesthetics. Pruning for *safety* involves removing branches that could fall and cause injury or property damage, trimming branches that interfere with lines of sight on streets or driveways, and removing branches or roots that could interfere with utilities. Pruning for *health* involves removing diseased or insect-infested wood, thinning the crown to increase airflow and reduce some pest problems, and removing crossing and rubbing branches. Pruning for *aesthetics* involves enhancing the natural form and character of the plants or stimulating flower production.
6. **Balancing**: to shape a tree which might lean or fall over due to too much growth on any one side.
7. **Topped**: a tree whose top limbs have been sawed off, often reduced to stubs. The tree will not grow **back** in an attractive, natural fashion.
8. **Lace**: a procedure used to thin branches in order to improve a tree's ability to withstand strong **winds**, as well as open up views.
9. **Boundary tree**: Is a tree whose trunk spans between two or more pieces of property. Trees whose trunks straddle the boundary line or those that actually form part of a boundary line are treated differently in law. The adjacent property owners are then deemed to have equal rights and responsibilities to the trees. Thus any maintenance is considered a shared responsibility. Similarly, neither one can trim the trees without the other's permission,
10. **Legal tenets**: The ownership of trees and bushes as discussed in this document is normally determined by the trunk. If it is clearly inside a property line then the tree or bush belongs to the owner of that property regardless of how heavily its limbs hang over the neighbor's land.
11. **Impinge**: To encroach; trespass; advance beyond the acceptable limit or deny line-of-sight for pedestrians or vehicles that would create a safety issue.

12. **Recreational vehicles and equipment** – includes, but not limited to, recreational equipment (boats, jet skis, campers, RV's, off-road vehicles, etc.), and trailers (hauling, storage, utility).
13. **Inoperable vehicles** includes, but not limited to, expired registration, expired inspection, without a current license plate, elevated for some period of time and vehicles in need of required parts or maintenance (i.e. missing components, flat or missing tires, etc.).
14. **“Residents”** shall mean all persons residing in the single family home on a member's lot.
15. **“Resident's Vehicles”** shall mean all vehicles owned or used by the residents of the household.

GENERAL APPEARANCE

- General Standard:** All properties should be kept neat and well-maintained at all times.
2. **Yard maintenance:** Yards must be maintained on a basis frequent enough to maintain an overall well-kept appearance. This includes:
 - Mowing: Front yard and side yard of corner lots.
 - Edging: Street, driveway and curb; no plant runners should be showing on paved surfaces.
 - Weed control: Flowerbeds, lawns, non-lawn areas, and cracks of sidewalks and driveways.
 - Vegetation requirements: The majority of the front yard will consist of grass or maintained vegetation or groundcover.
 - Yard debris, including lawn clippings and tree & shrub trimmings, must be removed from view after maintenance until trash pick-up day.
 - Blowing, raking or sweeping lawn clippings and leaves into the street is not acceptable.
 - Removing dead plants, shrubs, trees in a timely manner.
 - Watering regularly without violating Pierce County or Water District conservation directives.
 - Keeping Lot areas visible from the street picked up and clear of miscellaneous items which are not meant to be permanently placed in yard.
 3. **Trash receptacles in view:** All trash containers must be hidden from general view except on trash pick-up day. Trash containers should not be out earlier than late afternoon before pickup day and not later than the morning after pickup day. If containers can be seen from the street, they are not out of view.
 4. **Animals:** All pets must be leashed and under control of the person holding the leash. Dogs, cats or any other animals may not be allowed to cause a nuisance, including noise. Pets may not foul another owner's property. If an accident occurs, the pet's owner must immediately remove the feces from the property. This also applies to the Association's common areas. Pierce County Ordinance 18A.37.060 Animals, generally limits the number of animals on lots like those in HG-3 to no more than five.

5. **Boats, trailers, and other recreational vehicles and equipment: Must be stored behind a fence;** they may not be parked or stored in the open driveway or on any Lot or within the neighborhood without prior authorization. Special considerations will be given, but limited to forty-eight hours, in the case of preparation and unloading of recreational vehicles and trailers.
6. **Removal of the recreational vehicle or trailer for short periods of times, so as to avoid the intent** of this provision, shall NOT affect the running of the time periods set out herein.
7. **Fences:** Fences shall be consistent with the CC&Rs, constructed of wood, natural or subdued finish. All fence construction requires approval via Architectural Change Form.
8. **Vehicles:**
 - Vehicles that are regularly parked in view may not be parked on the grass or on sidewalks at any time.
 - No vehicles without a current license plate, derelict (inoperable), junk, or racing vehicles shall be located on any Lot temporarily or permanently. Pierce County authorities will be contacted to enforce procedures to remove abandoned and/or inoperable vehicles from the street and right-of-ways.
 - The streets in Heritage Glen 3 are relatively narrow. It is imperative that they remain clear for emergency responders, that service vehicles (garbage trucks) have the necessary access and there is appropriate parking for our guests. No resident's vehicles shall be parked on the public right-of-way or common areas except when circumstances require and then only for short periods of time. It is the intent, that vehicles not be parked on the street on consecutive nights (over midnight)
 - Only 1 company/employer provided, passenger (i.e. marked van, car, pick-up) vehicle per household shall be parked in the neighborhood (overnight or temporarily). Commercial vehicles (over 10,000 pounds gross weight), work trailers, and equipment shall NOT be parked in the neighborhood (overnight or temporarily).
9. **Signs:** Only one (1) sign for the sale/lease of a home or political campaign is permissible and must be on a staked device in the front lawn. Fence signage is limited to "Beware of Dog" signs and law required notices. Contractor signage is allowed only during active work by that contractor.
10. **Basketball hoops and skateboard ramps:** Portable or street hoops and skateboard ramps need to be moved near the house or garage when not in use. At no time are portable or street hoops or skateboard ramps to be stored in the street.
11. **Unapproved exterior changes:** All changes to the exterior of the residence, exterior lighting, the addition of any structure, fence replacement or installation, painting, roof replacement, and major landscape modifications (including large tree removal) must be pre-approved in writing by the HG-III Architectural Control Committee (ACC). Minor landscape projects don't require approval, i.e.

removing and planting shrubs, re-sodding front yard, doing cuttings in a small flower bed. When in doubt call the ACC or MSNW.

12. **Home Occupations:** The CC&R's make it clear that the homes in HG-3 are to be used as residences not for commercial purposes. Pierce County Ordinance 18A.37.110 paragraph A.2 defines home occupations which are acceptable within HG-3. Exception: the business vehicle standards of the CC&Rs are more restrictive and apply.
13. **Fireworks** Pierce County Ordinance 17C.60.230 applies within Heritage Glen 3.

APPEARANCE OF TREES AND SHRUBS

1. The general policy to preserve the Northwest landscaping theme of the neighborhood is to leave the trees in their landscaping state as much as humanly possible. Trimming and balancing will be done as required for the health and safety of the trees, safety of the homes near the trees, and safety of the users of the streets and common property of HG III.
2. Homeowner Covenants: the developer and HG III Association developed a rule prohibiting homeowners from arbitrarily felling any trees over twelve inches in diameter without prior approval of the HG III Architectural Control Committee (CC&R Art IV, Sec 22: Landscaping). The goal is to preserve the wooded appearance of HG III. But the homeowners may clear and trim away any nuisance or diseased trees, limbs or any vegetation that creates a safety issue.
3. Homeowners shall perform trimming and balancing as required for the health and safety of the trees and the safety of the homes, roads, HG III common areas, and HG III surface water management system near the trees or shrubs.
4. Trees, shrubbery (including roots) that impinges upon the HG III roads, community property, or surface water drainage areas that are severely leaning, dead, decayed, or pose a hazard shall be removed by the property owner.
5. Street Clearance:
 - Trees and bushes shall not extend over the surface area of HG III roads as measured from the surface of the paved curb up to a height of ten feet.
 - Limbs may extend over the road if they are at or above a height of ten feet and do not create a hazard.
 - Trees and shrubs shall not prevent visibility to vehicle and pedestrian traffic at intersections, driveways, mailboxes and other critical areas on our roads
 - The adequate clearance is determined on a tree-by-tree basis, referencing the tree species, layout of the land, location of the tree and the roadway, HG III community property, or surface water management system itself.
 - The HG III will re-balance trees or shrubs that are on HG III community property that have grown in such a manner as to have too much growth or impinge upon the HG III roads, community property, or surface water drainage areas. The HG III will also remove dead limbs as they become necessary.
6. Tree trimming will be accomplished to ensure the health of the tree and its preservation as a long term asset within HG III. This means that no tree will be

trimmed more frequently than once per year and at no time should a conifer tree be "topped."

7. Trees or shrubs will be removed if their size or root system impinges upon the HG III roads, community property, or surface water drainage areas.
8. All requests for removal of large trees (12 inches or more in diameter) will be through the Architectural Control Committee in accordance with HG III CC&R Art IV, Sec 22: Landscaping.
9. If the problem you are experiencing with a tree or shrub does not fall under these trimming guidelines, it is the responsibility of the homeowner to contact the Architectural Committee for further guidance and approvals.
10. **Architectural Control Committee:** shall conduct periodic assessments and report on the status to the HG III Board of Directors of the vegetation adjacent to the roads, community property, and surface water drainage areas to assess:
 - vegetation clearances
 - health and safety of the trees and bushes adjacent to the HG III property
 - safety of the homes near the trees and bushes
 - safety of the users of the streets and common property of HG III.
11. **Home Owners:**
 - shall clear and trim away any nuisance or diseased trees, limbs or any vegetation that creates a safety issue.
 - shall clear and trim away any vegetation adjacent to the roads, community property, and surface water drainage areas that extends over the HG III community property; surface to ten feet in height.
 - shall clear and trim away any vegetation root systems that impinge under the roads, community property, and surface water drainage areas.
12. **Actions:**
 - a. **Reports** of vegetation impinging upon the roads, community property, or surface water drainage areas:
 - may be made by any homeowner to the Architectural Control Committee.
 - shall be made in writing by the Architectural Control Committee to individual homeowners who have vegetation that violates this policy.
 - Emergency notification may be made verbally and followed by a written notification.
 - b. **Homeowners** with cited trees or shrubs that impinge upon the HG III roads, community property, or surface water drainage areas shall trim or remove these plants. Homeowners shall have 30 days in which to trim or remove the offending plant. Trees or shrubbery that impinge upon the HG III roads, community property, or surface water drainage areas that pose a hazard should be removed by the property owner as soon as possible, but not later than 30 days from date of notification.
 - c. **Emergency actions** to trim or remove offending branches or plants that create an immediate safety issue may be done by the Architectural Control Committee. An attempt should be made to immediately notify the homeowner; a written notification shall be made to both the homeowner and the HG III HA Board of Directors stating the circumstances and actions completed.

REVIEW AND CHANGES

1. CHANGES TO THIS VIOLATION ENFORCEMENT GUIDELINES AND FINES POLICY

HG III-HA or Board of Directors reserves the right to change, modify or update this policy at any time without notice. Any changes in this policy will receive advance notification by being posted on the HG III-HA website and published in the HG III-HA Newsletter.

2. ANNUAL REVIEW: HG III HA Board of Directors members shall:

- a. Individually read this document annually.
- b. Collectively review this document annually for content and continued applicability.

3. EXPIRATION: This Policy Statement shall expire five years from date of promulgation or sooner if revoked or amended.

If you have questions or concerns about this Policy, please contact any member of the HG III-HA Board of Directors or Management Solutions NW.

Reviewed and approved by HG III-HA Board of Directors; 05/13/2019