

on October 22, 2008. The superseding document is available in the One Club House Lane Sector 12-HOA website within the “Policies and Rules” link.

EVALUATION STANDARDS AND GUIDELINES RELATING TO ARCHITECTURAL AND AESTHETIC CONTROL AND VIEW PROTECTION IN ONE CLUBHOUSE LANE

Architectural Control Committee
Evaluation Standards & Guidelines Relating to Architectural, Aesthetic Control & View Protection in Once Clubhouse Lane-North

8/18/2005

The principal purpose of this document is to provide architectural and view protection evaluation standards that have been developed by the Architectural Control Committee of One Clubhouse Lane-North. The OCL-N Homeowners' Association Board of Directors approved these standards/guidelines in November 2000. In addition, this document summarizes related covenants and restrictions contained in the Declaration of Covenants, Conditions & Restrictions of Sector 12 (One Clubhouse Lane, Division 4) CC&RS from 1992, Amendment of 1994 and some general design and development .guidelines produced by the Committee in 1998.

ABOUT THE ARCHITECTURAL CONTROL COMMITTEE

The Committee, which is appointed by the Homeowners' Association Board of Directors, is responsible for evaluating proposed development plans to ensure they are compatible with the existing natural and built environment, and for protecting view from the impairment caused by landscaping or structural changes. In addition, the Committee is responsible for establishing aesthetic and view protection standards to be used in evaluating development and landscape proposals. The authority of the Committee is derived from the CC&Rs, specifically Article XVII and the First Amendment to the CC&Rs covering Article XIII, Section 11. These are legal documents that have been recorded with the Snohomish County Auditor's office; all homeowners have agreed to abide by their requirements. The Committee is responsible for carrying out its duties on behalf of all members of the Association for the benefit of the total community. These benefits include a well-maintained and attractive community where the value of all properties in the community will be maintained at a higher level than if there were no standards or a Committee to administer them.

ARCHITECTURAL AND AESTHETIC CONTROL Summary of Information in the CC&Rs

This section provides a summary of restrictions contained in the CC&Rs that relate to aesthetic control and/or view protection with which all homeowners must abide.

- No noxious or offensive activity, any activity that unreasonably interferes with others, or activity that detracts from the value of property shall be conducted on any property. No untidy or unsightly condition shall be maintained including publicly visible wood storage, boats, trailers, recreational vehicles, and disabled vehicles. (Article XIII, Section 3)
- Fences, walls, or shrubs are permitted to delineate lot lines subject to approval of the Committee with respect to aesthetic and view protection standards. No barbed wire or corrugated fiberglass fences are allowed. Further, with respect to golf course fairway lots, no rear yard fence may be constructed closer than 20 feet to the rear property line without prior written approval of the Committee and Golf Associates except a fence approved by the terms of the prior Covenant Agreement. (Article XIII, Section 4 and Article XIV, Section 2)
- No buildings or other structures may be built nearer than 20 feet to the property line dividing the golf course and residential lots without prior written approval of the Committee and Golf Northwest. (Article XIV, Section 1)
- No signs, billboards, or other advertising structure or device shall be displayed for public view on any lot except for sale" or "for rent" signs and political yard signs no more than 5 square feet during campaign periods. Political yard signs must be removed within 5 days of an election (Article Xiii, Section 8)
- All pens and enclosure for pets must be approved by the Committee prior to construction. (Note: No animals other than dogs, cats, caged birds, tanked fish and other conventional small household pets are allowed on any lot.) (Article XIII, Section 9)
- Homeowners shall not cut down native trees unless such trees are dead. (Article XIII, Section 12)
- No property shall be used as a dump or storage place for any trash or rubbish. (Article XIV, Section 5)
- All homes shall be built of new materials (except decor items); all roofs are to be unpainted cedar shingles or shakes, tile (or approved in a following amendment); siding and trim are to be resawn wood or manufactured siding of a color to be approved by the Committee; and all visible masonry shall be native stone, brick or stucco. (Article XV, Section 2)
- The wiring of accessory buildings or lights of any kind shall be underground. (Article XVI, Section 1)
- No radio or television antennae, transmitters, or parabolic reflectors (satellite dish antennae) shall be permitted unless approved by the Committee. (Article XVI, Section 2)
- No exterior addition or structural alteration (encompassing residences, accessory structures, fences, wall appurtenant recreational facilities, or other exterior structures), or changes to the exterior color of homes shall be permitted unless approved by the Committee. (Article XVII, Section 2)

Evaluation standards for Architectural and Aesthetic Control

This set of standards sets forth policies and criteria to be used in evaluating whether proposed development would be compatible with the existing environment of One Clubhouse Lane (North). The authority for these guidelines is contained

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (p. 40): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Antennae. No radio or television antennae, transmitters or parabolic reflectors (satellite-dish antennae) shall be permitted unless approved by the Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).