

# **MILL CREEK COMMUNITY ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

## **COMMITTEE CHARTER**

Pursuant to the authority granted by Washington State RCW 24.03, and by Article VIII of the Restrictive Covenants, the Board of Directors authorizes a standing Architectural Control Committee (ACC).

The ACC's purpose is to assist the membership in designing projects so as to be in keeping with MCCA's purpose to maintain and enhance property values. The ACC does this by:

- 1) Developing Architectural Control Guideline recommendations for Board consideration. Once a Guideline is adopted, the ACC is responsible for enforcement. The Committee will regularly review, evaluate and communicate results to the Board.
- 2) Keeping the membership educated on the covenanted requirement for submittal to and written approval by the ACC for all projects affecting and/or altering the exterior appearance of any property within the PRD Mill Creek, including but not limited to, original construction, additions to existing structures, alterations of approved materials, painting and repainting, landscaping design (commercial) and/or landscaping changes affecting drainage and surface water flow, and any addition to the property (i.e., deck, patio, pool, hot tub, play structure, outbuilding, etc.)
- 3) Reviewing submittals to insure they are "in harmony of external design and location in relation to surrounding structures and topography" (9.1.1) and do not "detract from its (MCCA's) value as a high class residential district" (7.1.3), and that they meet all other criteria established in our governing documents and Architectural Control Guidelines.

Further, all committees of the Board shall operate within the following guidelines:

- 1) Committee members must be approved by the Board of Directors. Vacancies are filled by persons recommended by the committee. Committee members shall act in accordance with the Covenants and Board adopted policies, at all times.
- 2) The committee shall work closely with the Administrator, channeling instructions for contractors and employees and recommendations to the Board through that office.
- 3) The committee will keep a record of its actions in the form of minutes that are provided to the Board of Directors, and will provide a verbal summary of its activity at the Board of Directors monthly meeting.
- 4) The committee will recommend all actions involving expenditures to the Board of Directors for approval.
- 5) The committee will submit to the Board of Directors, by the 2nd Wednesday in January, a detailed month-by-month budget for its area of responsibility in the coming fiscal year of July 1st - June 30th.
- 6) The committee will advise the Board of any changes that may be necessary to the procedures or the functioning of the committee.

## **COMMITTEE MEMBER ROLES**

**Chairman:** Meets with Administrator to prepare meeting agenda approximately one week prior to each meeting. Calls meetings to order, keeps committee on agenda and on topic. Also appoints

committee members to specific projects.

**Vice-Chairman:** Acts on behalf of chairman as necessary.

**Secretary:** Makes a written record (minutes) of business conducted at meetings, to include:

Date & time called to order and by whom.  
 Those present.  
 Adjustment, if any, and approval of last meeting's minutes.  
 Projects assigned, to whom, and when results are needed.  
 Brief summary of discussions leading up to decisions.  
 Any items voted on and results, including names of those dissenting or abstaining and Reason.  
 Recommendations to Board and/or staff.  
 Time adjourned.

**Board Liaison:** Attends Board of Directors monthly meetings. Provides Board with a verbal summary of committee actions, responds to Board inquiries, requests Board direction, etc. on behalf of the committee.

**Millstream Liaison:** Writes pro-active educational articles for community newsletter, the *Millstream*. Anticipates seasonal issues, i.e., painting, landscaping, etc., and works to educate membership to value of covenants designed to protect property values in advance of problems. Articles submitted to the Association office by the second Friday of odd numbered months, unless another specific deadline is provided by the Administrator.

## MEETINGS

The Architectural Control Committee will meet once a month, prior to the Board of Directors meeting. Currently, ACC meetings are scheduled for 7:00 P.M. the first Monday of each month, unless changed and announced by the chairman.

The following sections of the Restrictive Covenants of the Mill Creek Community Association deal directly with the establishment, powers and policies of the Architectural Control Committee (ACC).

## ARTICLE VIII ARCHITECTURAL CONTROL COMMITTEE

8.1 **Architectural Control Committee:** The Board of Directors shall appoint an Architectural Control Committee of three (3) or more persons, one of whom must be a licensed Architect, who need not be members of the Association, which Committee may act for the Board to the extent set forth in this Declaration. One member of the Architectural Control Committee shall be appointed for one year; the second member for two years; the third member, for three years. Thereafter, members of the Architectural Control Committee shall be appointed or selected for three (3) year terms.

8.2 **Jurisdiction and Purpose:** The Committee shall have the right to review and thereby either approves or reject all plans and specifications for any building or structure to be constructed or modified within the properties which do not conform to the Architectural Guidelines. Enforcement of these covenants shall be carried out by the MILL CREEK COMMUNITY ASSOCIATION.

8.2.1 No building shall be erected, placed or altered on any Lot or building site (single family attached, single family detached, multi-family or commercial) on the property until the building plans, specifications, plot plan and landscape plans are submitted by the owner or his representative to the Architectural Control Committee and found by said Committee to be in accordance with the guidelines and the procedures established by the Committee. It shall be the obligation of each owner to familiarize himself with the rules, regulations and procedures of the Committee. All costs incurred by the Committee for inspections, plan review and consultants shall be paid for by the applicant.

8.2.2 The Architectural Control Committee shall administer the recommendations embodied in the cutting preserve limits as outlined on the improvement plans and the typical preserve treatment plans on file with the Snohomish County Engineer's Office and/or City of Mill Creek's Engineer's Office, said records being one and the same.

8.2.3 For the purpose of determining the minimum rear and side yard requirements under the County Zoning Resolutions, the Mill Creek Golf Course and all common areas are "limited access open spaces", but are considered as "public open space" when computing rear and side yard requirements as detailed in Title 18 of the Snohomish County Code.

### 8.3 **Approval Procedures:**

8.3.1 Any approval requested of the Committee shall be requested in writing and shall be submitted to the Association headquarters unless the Committee shall record an instrument establishing a different place to submit such plans.

8.3.2 In the event the Architectural Control Committee fails to respond to the owner's application and submittal with reference to proposed plans and specifications within thirty (30) days after said plans and specifications have been submitted by the owner in writing to the Committee for such proposed construction, addition, alteration or change, then and in that event, compliance will be deemed to have been granted by said Committee and formal written approval will not be required and this provision shall be deemed to have been fully complied with. In the event an owner enters into construction, addition, alteration or change of building on a building site on the properties without having first submitted in writing the proposed plans and specifications to the Committee for such work and completes such work without written approval by the Committee, the Association has the right, at any time, to force compliance by change or removal of such work, at the owner's expense.

8.3.3 The Committee, in the discharge of its obligations hereunder and in its deliberations, shall act objectively and fairly in making decisions concerning various plans, specifications, plot plans and landscape plans submitted to it by various owners for consideration. Further, the determination of the Architectural Control Committee, as to non-compliance, shall be in writing signed by the Committee and shall set forth in reasonable detail the reason of non-compliance.

**ARTICLE IX  
RESTRICTIONS ON CONSTRUCTION  
MAINTENANCE & IMPROVEMENT**

9.1 **Restrictions:** The following restrictions are applicable to construction, maintenance and improvements on all the residential properties:

9.1.1 No fence, hedge, wall or other structures shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, color, materials and location of the same have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Committee.

9.1.2 All roofing material shall be limited to either cedar shakes, cedar shingles, earth-tone concrete tile, flat roofs with asphalt materials shielded from public view, or such other materials as the Board may from time to time designate by rule as being appropriate. All proposed installations of roofing materials shall be approved in writing by the Committee prior to construction.

9.1.3 All driveways and parking bays shall be constructed of concrete or concrete aggregate unless written approval for other materials is granted by the Architectural Control Committee.

9.1.4 The location, color, size, design, lettering and other particulars of mail or paper delivery boxes shall be subject to approval of the Committee.

9.1.5 No sign or other advertising device of any character shall be erected on any Lot or building site or maintained upon any part of the properties except one sign not larger than eighteen inches by twenty-four (18"x24") inches advertising the Lot or building site for sale or for rent by the builder of the improvements on such property or the owner or his agent.

9.1.6 The Association shall regulate the placement, installation, and use of all outside aerials, antennas, and satellite dish antennas. Prior written approval by the Architectural Control Committee ("ACC") shall be required prior to the placement or installation of any aerial, antenna, or satellite dish antenna upon any property governed by the MCCA. All written requests for the placement and installation of any aerial, antenna, or satellite dish antenna upon any property governed by the MCCA shall include a detailed diagram of the dimensions of the aerial, antenna, or satellite dish antenna and the proposed location of the placement or installation of the aerial, antenna, or satellite dish antenna. Approval by the ACC of any proposed placement or installation shall be conditioned upon compliance with the following guidelines, including any such guidelines as may hereafter be adopted by the Architectural Control Committee. **All outside radio aerials/antennas, as well as satellite dish antennas greater than 39 inches in length or diameter, are prohibited** Satellite dish antennas may be located below eaves, chimneys, or on a ground-level pedestal. Poles or masts may be used to mount aerials, antennas, or satellite dish antennas provided the same do not rise more than 12 feet above the upper-most level of the roof itself. Poles or masts must be secured with at least 4 guide wires. No pole or mast will be permitted within 15 feet of any power line. Aerials, antennas, or satellite dish antennas shall under no circumstances be mounted on trees. Brightly colored aerials, antennas, or satellite dish antennas are prohibited; neutral gray colors and colors matching the building to which aerials, antennas, or satellite dish

antennas are to be attached are permitted. The ACC shall work closely with the submitting member in an attempt to ensure that the location for installation is the best possible for reception, while minimizing impact to the common areas and neighboring properties.

9.1.7 No outdoor overhead wire or service drop for the distribution of electric energy or for telecommunication purposes nor any pole, tower or other structure supporting said outdoor overhead wires shall be erected, placed or maintained within the properties. All purchasers of Lots within the properties, their heirs, successors and assigns shall use underground service wires to connect their premises and the structures built thereon to the underground electric or telephone utility facilities.

9.1.8 Heat pumps, propane tanks, solar devices, chimney flues, hot tub pumps and similar exposed mechanical equipment shall be aesthetically concealed from view on all sides and shall be shielded in such a manner to minimize noise and safety impacts.

9.1.9 No home with the same structural facade shall be repeated on the same street without written permission of the Architectural Control Committee.

9.1.10 No chain link or similar metal fences or metal dog pens shall be allowed on the properties. All fences and dog pens facing common property or street frontages shall have natural landscaping to conceal the fence or dog run. Notwithstanding the above, the Board of Directors shall have the right to approve and arrange for the installation around detention ponds located on Association property. The installation of chain link fencing around detention ponds shall in no way establish any right in favor of an owner to use or otherwise erect chain link fencing on the owner's property

9.2. **Right of Entry of Association Representative:** Any agent or officer of the Association may at any reasonable pre-determined hour or hours upon twenty-four (24) hours notice during construction or exterior remodeling, enter and inspect any of said property as to its maintenance or improvements to determine if there has been compliance with the provisions hereof. The Association and any agent or officer thereof shall not thereby be deemed guilty of any manner of trespass for such entry or inspection.

9.3. **Evidence of Compliance with Restrictions:** Records of the Association with respect to compliance with the provisions of the Declaration shall be conclusive evidence as to all matters shown by such records. After the expiration of six (6) months following the completion of any **approved** construction, addition, alteration or change to any building on a building site, in the absence of any notice to comply or in the absence of any suit to enjoin such work or to force compliance by change or removal of such work within said period, then and in that event said structure work, improvement or alteration shall be deemed to be in compliance with the provisions of this Declaration.

In addition to the Articles of the Restrictive Covenants governing Architectural Control (Article VIII and Article IX), other sections make reference to the Committee as well.

## **ARTICLE X MAINTENANCE OBLIGATIONS OF OWNER**

10.2 **Owner's Obligation to Maintain Planting:** Where the Association has permitted an owner to plant a portion of the common properties abutting the owner's property in accordance with the owner's landscaping plan, **as approved in writing by the Committee**, the owner shall thenceforth be obligated to maintain the landscaping of such portion of the common properties or parking bays thereon and shall give the Association a right upon reasonable notice to the owner to maintain such areas of the common properties and to charge the expense thereof to the owner as an assessment to be collected in the manner provided in Article VI.

## **ARTICLE XII GENERAL PROVISIONS**

12.3 **Enforcement:** The Association or any owner shall have the right to enforce by any proceeding at law or in equity all restrictions, conditions, covenants and reservations imposed by the provisions of this Declaration and a similar right shall exist with respect to recovery of damages for any such violation. In the event a Judgment, or Decree, or Court Order is entered in favor of the Association or any owner in any action at law or in equity to enforce these provisions, the defendant in such action shall be liable for the Association's or owner's Court costs and disbursements and reasonable Attorney fees to be fixed by the Court. Failure of the Association or of any owner, at any time, to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so in the future.

12.5 **Effect of Municipal Ordinances:** Police, Fire and other public safety Ordinances of any municipal corporation having jurisdiction over any portion of the properties shall govern where more restrictive than these covenants and restrictions.

12.6 **Interpretation of Covenants:** The Board shall have the right to determine all questions arising in connection with the Declaration and to construe and interpret the provisions of the Declaration and its good faith determination, construction, or interpretation shall be final and binding.

In the discharge of its duties, and in accordance with the powers provided within the Restrictive Covenants, the Architectural Control Committee (ACC) establishes, publishes and enforces specific Guidelines regarding projects within the community. Specific of these Guidelines are published hereafter.

## **GENERAL ARCHITECTURAL GUIDELINES**

1.1 **Structures:** No fence, hedge, wall, or other structure, including decorative landscape elements, flag poles, statues, pools, hot tubs, decks, heat pumps, etc. shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration to the lot's grading or structures therein be made until the plans and specifications showing the nature, kind, shape, height, color, materials and location of the same have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Committee.

1.2 **Roofing:** All roofing material shall be limited to either cedar shakes, cedar shingles, earth-tone concrete tile, flat roofs with asphalt materials shielded from public view, or such other materials as the Board may from time to time designate by rule as being appropriate. All proposed installations of roofing materials shall be approved in writing by the Committee prior to installation. Submittal is required for roofing on new structures, as well as re-roofing an existing structure. Other than the "covenanted" materials listed within the Restrictive Covenants, the criteria for Board approval of alternate materials is based upon

the requirement that the material be a composite of those "covenanted" materials and/or the appearance of the alternate material must be aesthetically close to the "covenanted" materials, i.e., look like cedar shake, cedar shingles or earth-tone concrete tile.

The Board of Directors recognizes that new roofing materials of all categories, including, but not limited to, asphalt or composition, wood, plastic, metal, tile, and slate are continually being introduced to the public for sale. Roofing materials are judged on the basis of aesthetics, construction, quality, and weight. For asphalt or composition materials, the weight is expected to be 340 lbs. per square, or more. For other types of roofing materials, the weight may be less if all other criteria meets the Board's approval.

### **Ridge Vents**

Ridge vents shall be used with composition roofing materials on horizontal ridges, whenever possible. Exceptions shall be on a case by case basis.

### **Roof Flashing**

Accessory materials used when roofing a house, such as flashing for roof valleys and static roof vents, shall have a factory applied color finish compatible with the roof color.

1.3 **Approved Materials:** In accordance with the Restrictive Covenants, Article IX, Section 9.1, Paragraph 9.1.1, the following materials are hereby deemed acceptable as finished sidings on buildings within the PRD:

- Wood
- Brick
- Stone
- Masonry (stucco)
- Trex

In addition, buildings finished with low maintenance siding (i.e., brick) can be finished off at corner end caps with low maintenance material such as aluminum siding, as approved on a case by case basis.

1.4 **Painting:** Painting: All exterior colors shall be neutral, earth-tones. The colors in the palette submitted must work together, be tasteful and harmonize with the buildings existing roof, brick stucco and window colors. The proposed colors must be different from neighboring homes and reasonably conform and harmonize with surroundings. Exceptions shall be made at the discretion of the ACC. All painting and repainting projects, including repainting with the existing colors, must be submitted to and approved in writing by the Committee prior to commencement.

Exterior colors are encouraged to be earth tones. The colors in the palette submitted must work together, be tasteful and harmonize with the buildings' existing roof, brick, stucco, and window colors. The proposed colors must be different from neighboring homes and reasonably conform and harmonize with surroundings. Exceptions shall be made at the discretion of the ACC Committee.

1.5 **Fence Painting:** All fencing panels, front and back, for new and replacement fencing, **for single-family detached homes**, will be maintained as natural wood or be treated with natural transparent stains only. Existing fencing currently maintained as natural wood or treated with natural transparent stains will remain in that state, **unless, in the opinion of the Committee, said fence would be aesthetically unpleasing if remaining in that state.** Existing painted fences will be allowed to be repainted with a color consistent with the adjoining residence. For homes within a Private Division Association, Apartment or Condominium complex, fencing will be permitted to be painted a common color. However, front panels, which are shared with adjoining properties, will be maintained as natural wood, unless so agreed to by the adjoining property owners.

1.6 **Basic Policy for Fence Construction:** Fences are permitted structures in Mill Creek, **but must be constructed to maintain the integral character of the community** and, pursuant to this concept; the following guidelines are hereby established by the Committee:

Prior to commencement and erection of any fence, a drawing of the design and specifications describing the type, shape, materials, height and color must be submitted to and approved in writing by the Committee. The detailed information must include complete dimensions and the exact location of the fence in relation to the property boundaries and existing structures. It is the applicant's responsibility to locate and identify the property markers, both at the site prior to ACC review and as submitted in sketch form accompanying the submittal. Acceptable fencing materials are wood, brick or wrought iron.

Fences will not be permitted in the following areas:

Front yard of any lot, or past the front corner of the adjacent structure.

When a lot is an unusual shape the ACC may permit exceptions.

Rear yard of any fairway lot *except* where enclosing a swimming pool, which may be enclosed by a brick and wrought iron structure.

All fencing requests along Village Green Drive, Trillium Boulevard, Mill Creek Boulevard, Mill Creek Road and 148th Street SE must be submitted with a landscaping plan that will provide sufficient natural screening to minimize their appearance. Approved natural screening must be installed prior to erection of the fencing any common property or any portion thereof.

The following are general conditions for fencing:

Natural evergreen screening is encouraged. If natural screening is installed, temporary fencing may be approved if erected simultaneously with natural permanent planting.

All fences shall harmonize with the existing or new landscaping. The Committee will consider, in addition, the harmony of external design and location in relation to topography and surrounding structures.

Fencing is to be no higher than six (6') feet as measured from average grade surrounding the fence.

An arbor or archway that is part of a fence should not exceed 90", or 7'6"

A trellis will not exceed 6' unless they are placed against the wall of a home. Synthetic materials may be approved on a case by case basis.

The finish shall be consistent with the policy stated above.

The finished side must face adjacent properties, streets and common areas. Chain link and similar metal fencing and/or dog runs are strictly prohibited by Covenant. (Article IX, Section 9.1, Paragraph 9.1.10)

All fences must be maintained in proper condition, including but not limited to, cleaning and treatment to prevent moss and mildew growth.

1.7 **Height:** No fence, hedge or boundary wall situated anywhere upon any residential lot shall have a height above the finished grade surface of the ground upon which such fence, hedge or wall is situated greater than six (6') feet or such other lesser height as the Committee may specify.

1.8 **Driveway/Parking Bay:** All driveways and parking bays shall be constructed of concrete or finished concrete aggregate unless approval of use of other materials is granted, in writing, by the Committee. Submittal must be made for installation of any driveway or parking bay and/or replacing or refinishing the same. Parking bays will be permitted in areas alongside existing driveways and buildings only. No parking bay shall be installed along the front line of the property or in the backyard. Parking bays are not to be installed for the parking of any vehicles or recreational items prohibited elsewhere in the Covenants or enforced guidelines.



1.9 **Mailboxes:** The location, color, size, design, lettering and other particulars of mail or paper delivery boxes shall be subject to approval of the Committee.

1.10 **Additional Structures:** Where it is architecturally feasible, it is recommended that all garages, storage buildings, tool cabinets, garden houses and similar structures be attached to or incorporated in and made part of the dwelling house. Any secondary structure must be constructed of same materials, including roofing, as the existing house and must be painted in similar fashion.

a. **Gazebos** or other similar structures will not be considered an 'additional structure' and will be approved by the committee on a case by case basis.

1.10.5 **Restrictions on Portable Storage Units:** Storage containers, sheds, enclosures and buildings for use in side and backyards must comply with the following guidelines:

a. Attached to Existing Building:

1. Enclosure must match adjoining building siding materials, color, texture and general trim finish and must appear to be an integral part of the larger building.

b. Free Standing:

1. Height is restricted to 8'0" maximum (ground to peak) and have a footprint of no more than 50 square feet unless otherwise approved by the committee.

2. Hard rubber, plastic, aluminum and vinyl materials are not allowed in most cases although if completely shielded from view the committee will consider approval on a case by case basis.

3. A 5'0" setback from all fence lines is required if the peak to ground distance is more than 6'0" unless otherwise approved by the committee.

4. Storage building roof and other construction materials must match in color and general appearance those of the adjoining home.

1.11 **Other Buildings:** No building or structure shall be moved onto any lot from land outside of PRD. No trailer shall be placed or maintained on any lot. Carports, portable or attached are not permitted on any lot. No building of any kind shall be erected or maintained on a building site prior to construction of the dwelling house thereon.

1.12 **Play Structures and Tree Houses:** Submittal to and written approval of the Committee is required prior to installation of any play structure, big toy, tree house etc. Any structure approved by the Committee must be installed completely within the owner's backyard. Installation in side yards or in cutting preserves will not be permitted. Wooden structures of limited height are preferred. A sketch showing location, dimensions (including height above ground), materials, roofing, colors, details of access and how the structure will be supported is necessary. Native evergreens will be protected from damage. Provisions to prevent visual intrusion into neighbors' privacy will be considered. The basic platform of a structure will not exceed 36 square feet.

1.12.5 **Sport Courts:** Requests for construction will include a drawing of the dimensions of the court and the distances from property lines, buildings and nearby trees. A description of lighting planned for installation and plans for shielding light from neighboring homes is required. Plans for water runoff and drainage are required. Any plans for additional fencing or shielding must also be included in the submittal. Sports courts will not be considered for installation on lots less than 15,000 square feet. Sports courts will be utilized for personal and family use only. No team practices will be allowed. Mechanical "pitching machines" of any type shall not be utilized at any time. Owners are encouraged to consult neighbors.

1.13 **Swimming Pools:** Only permanent in-ground pools are permitted to be installed on the properties, and only in the backyard. Swimming pools must be maintained in proper condition at

all times. Children's wading pools are permitted on a limited (seasonal basis) in the backyard only. Above ground structured pools are not permitted at any time.

1.14 **Mechanical Equipment:** Heat pumps/air conditioners, propane tanks, solar devices, chimney flues, hot tub pumps and similar exposed mechanical equipment shall be aesthetically concealed from view on all sides and shall be shielded in such a manner to minimize noise and safety impacts. The Committee shall approve the use of natural landscaping and/or lattice work enclosure to screen such equipment. Whenever possible, mechanical equipment shall be installed away from the adjacent neighbor's bedroom area.

1.15 **Aerials, Antenna and Satellite Dish Antennas:** In accordance with government regulations imposed in early 1996, the Association must permit aerials, antennas and satellite dish antennas under 1 meter, (39") inches in diameter, for reception of television and video reception **only**. However, the Association is permitted to place some restrictions on placement, including prohibiting mounting said item on any tree. The Committee will work closely with individual homeowners to assure that any proposed placement is the best for reception of signal while having the least impact to the neighboring properties, streets and common areas. Placement will not be permitted on any common area. Unless the only possible site for reception of signal, no aerial, antenna or satellite dish antenna will be permitted in an area visible from street view.

1.16 **Plan Review Fees:** An Architectural review fee shall be paid by the applicant at such time as plans and specifications are submitted for review. Unless otherwise noted, the following the current schedule of fees:

\$100	Single-family detached
\$45	Per unit for apartments, condominiums and commercial
\$75	Additions, alterations and separate secondary structures

1.17 **Tree Cutting:** In accordance with the Restrictive Covenants (Article VII, Section 7.1, Paragraph 7.1.5), all significant limbing, pruning and/or removal of any tree anywhere upon the properties requires the written approval of the Committee prior to commencement.

It is Architectural Control Committee and MCCA Board policy that all native old growth trees (those on-site before the structure) are protected and will not be removed unless the tree is dead, dying or dangerous, presenting immediate threat to life or property. Native species trees include douglas fir, red cedar, spruce and hemlock. An arborist report may be requested by the Committee if they are unable to determine the condition of the tree. If permission is granted for removal of native old growth trees, replacement is recommended on a 1 to 1 ratio with a native species tree. If removed without ACC approval, a fine may be levied and replacement required on a 2 to 1 ratio.

If the committee determines that a healthy native old growth tree, has been removed, without written permission of the ACC, a penalty of up to \$1,000 may be assessed for each tree removed. The MCCA Board of Directors will have final authority.

The violator will have the right to appeal the fine to the Covenant Hearing Board within 30 days of the receipt of notification of penalty.

Landscaping and non-native species trees that are 8" in diameter 3' from the ground or larger require approval for removal.

Cutting preserve trees and native vegetation cannot be removed for any reason, including construction, fencing, etc., unless the tree or vegetation is dead, dying or dangerous. An arborist report may be requested by the Committee if they are unable to determine the condition of the tree.

***Changes from a Special Board Meeting held on January 26, 2004***

Property owners shall complete an ACC Tree Cutting form and submit it to the committee prior to cutting a tree as described in subparagraph 1. ACC shall inspect to verify that the tree in question is not a protected evergreen and then approve the request.

1. Evergreen trees native to Western Washington (8 inches in diameter or 25 inches in circumference and larger, measured 3 feet from the ground) shall be protected against cutting unless an Arborist, after inspection, deems a tree to be dead, dying, diseased or dangerous. Native Evergreens include Western Red Cedars, firs, hemlock, white pine and others as identified by an Arborist. *An Arborist report is not necessary if it is obvious to the ACC committee that a tree is dead, diseased dying or dangerous.*
2. *Landscaping trees, other than the evergreens noted in number one, may be removed at the option of the property owner.*
3. Deciduous trees native to Western Washington, such as alder or maples may be removed at the option of the property owner.

1.18 **Installation of Awnings:** Requests for approval of external awnings and/or sunblockers, either fixed or retractable, shall include details of installation, color/material sample or proposed awning or sunblocker for Committee review and approval prior to installation. Installation of such devices shall be kept to an absolute minimum. All rails, slides, housings and other non-retractable components shall blend into the color of the structure to which it is attached. Approval of such requests will be made on a case-by-case basis. "Sunscreens" are to be installed on the interior wall of the living unit. In addition, plastic, fiberglass, aluminum or other metal awnings are not permitted within MCCA. This also includes parking bay covers, installed or freestanding of any style or any material.

1.19 **Screen Doors:** Requests for installation of screen or storm doors shall include a description of material and color. Colors shall match the existing windows or trim of the residence and not detract from the overall appearance of the home.

1.20 **Installation of Outdoor Lighting:** Requests for installation of outdoor lighting shall include a description of proposed lighting, location of installation and hours of operation.

1.21 **Solar Panels:** 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; or
- (c) The generation of electricity.

The visibility of any part of a roof-mounted solar energy panel above the roof line is not allowed;

- (a) The attachment of a solar energy panel to the slope of a roof facing a street is allowed 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.

- (b) A solar energy panel frame, a support bracket, or any visible piping or wiring is required to be painted to coordinate with the roofing material.

- (c) An owner or resident shall 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.

MILL CREEK COMMUNITY ASSOCIATION, RESTRICTIVE COVENANTS, ARTICLE VII  
RESTRICTIONS ON USE OF PROPERTY BY OCCUPANTS

7.1.3

**YARD MAINTENANCE**

- improperly maintained yards, including lack of mowing, fertilizing, watering, edging, and weeding (to include all areas within the Property line)
- failure to maintain trees and shrubs, including lack of trimming and watering necessary to maintain a landscaped appearance
- failure to remove weeds, errant grass, dead vegetation, etc. from landscaping
- failure to remove dead trees
- failure to remove tree stumps, except for tree stumps aesthetically incorporated into landscaping plans

7.1.9

It shall be the duty of the Owner of any Building Site to landscape his Property within one year from the date of final building inspection or within six months of first occupancy of the structure, whichever occurs first. This includes the entire Property (front, back, and side yards) and may include grass, plantings, shrubs, trees, rocks, ivy, bark, chips, etc. **Exposed dirt is not acceptable.**

**1.22 Street View Landscaping**

**Any major landscaping project, including, but not limited to lawn removal, requires an approved landscape plan.**

Any landscaping visible from the street must enhance the appearance of the house and contribute to a harmonious neighborhood streetscape. There must be a balance of evergreen and deciduous trees, shrubs, groundcovers and grasses. It may or may not include a lawn. Yards should be well maintained and free of debris: trees and shrubs pruned, gardens mulched and free of weeds, and lawns edged, mowed and watered.

MCCA encourages homeowners to use environmentally friendly gardening practices

**1.23 Artificial Turf:** may only be installed on a case by case basis and will be subject to the following guidelines:

- a) Only premium high quality products that look like real grass may be used.
- b) The product may only be installed in back yards shielded from neighbors view and adjacent walkways and streets.
- c) A complete landscaping plan must accompany the homeowners' application.
- d) The homeowner and a representative from the selling/installing firm must be available to make a presentation on the material to the ACC if the ACC requires information on the product to make their decision.
- e) As with any "new material" consideration, approval may take longer than 30 days. Approval of the Architectural Control Committee and the Board of Directors is required.

**1.24 Garage Doors:** All replacement garage doors must be approved by the Committee. Garage Doors should remain as per original style installed by the builder. The color of garage doors must match the trim or the predominant color of the house. Variations in style and/or color must be approved by the Committee.

**1.24.5 Flagpoles – In Ground**

- Flagpoles shall be of a commercial type, manufactured for the purpose of a flying a flag
- The flagpole shall be manufactured to specifications that meet climate conditions of this region
- Installation of the flagpole shall strictly adhere to the manufactures instructions and governmental codes.

- The flagpole may not be located within the front property utility easement
- The flagpole must be located, at least one foot further than the flag length, away from any structure that could interfere with the flag.
- Flagpoles shall be a maximum height of 25 feet
- Only the U.S. flag (Stars and Stripes), in red, white and blue, tradition format shall be flown from the flagpole
- Flag size shall be 3'x5' for flagpoles up to 20 feet in height and 4'x6' for flagpoles 20' to 25'.
- No night time illumination of the flag shall be permitted. Therefore the flag shall only be flown from dawn to dusk.
- Title 4 of the U.S. Code may be found on the U.S. ode website and flag rules and etiquette may be found on the Betsy Ross Home Page at [www.USHistory.org](http://www.USHistory.org).

1.25 **Interpretation of Guidelines:** The Committee shall have the right to determine all questions arising in connection with the Architectural Guidelines and to construe and interpret the provisions of the Guidelines and its good faith determination; construction or interpretation shall be final and binding. Additional Guidelines may be added by Committee Resolution as presented and approved by the Board of Directors.

The Guidelines listed herein were originally authenticated by the Architectural Control Committee (ACC) and Board of Directors July 23, 1986.

**Guidelines revised or added since that date include:**

**Roofing:** At the September 28, 1994 Annual Membership Meeting, the voting members approved a change in Article IX, Section 9.1, Paragraph 9.1.2. Accordingly, the language of the guideline was revised.

**Painting:** The guideline was revised June 1994 as a result of member pleadings regarding use of "pink" and "melon" tones in the PRD.

**Fence Painting:** This guideline was established in 1996 to address "patchwork" fence colors on the properties.

**Aerials, Antennas and Satellite Dish Antennas:** At the September 25, 1996 Annual Membership Meeting, the voting members approved adding Restrictive Covenant, Article IX, Section 9.1, Paragraph 9.1.6 setting limited restrictions on installation. The guideline was established accordingly.

**Trellis, Gazebo, Arbor and Archway:** These guidelines were added in September of 1998 to address irregularities in construction and set restrictions on height, size and methods of construction.

**Restrictions on Portable Storage Units:** These guidelines were established in October of 1998 to address the growing number of storage buildings. Storage containers, sheds, enclosures and buildings for use in side and backyards must comply. Revised October 2000. Revised September 2003.

**Sport Courts and Tree Houses and other Elevated Play Structures:** These guidelines were established in September of 1999 to address areas of concern not previously addressed.

**Private Association Submittals:** It was decided by the Board of Directors in September 1999 to not consider applications from MCCA owners belonging to a private association until approval from that private association is obtained.

**Tree Cutting:** Additional language allowing MCCA to fine for unapproved tree cutting was added to address an increasing number of residents cutting trees without permission, approved by the Board of Directors in December of 2001.

Clarification of tree cutting policy approved by the Board of Directors January 2004.

**Sport Courts:** The guideline was revised on August 20, 2003 by the Board of Directors.

**Outdoor Lighting:** This guideline was added on June 18, 2008 by the Board of Directors.

**Solar Panels:** This guideline was added to conform with RCW 5136 signed by the Governor on April 13, 2008 and approved by the MCCA Board of Directors May 20, 2009.

**Roofing:** Sections on Ridge Vents and Roof Flashing added at the August 19, 2009 Board of Directors meeting.

**Artificial Turf:** This guideline was added at the August 19, 2009 Board of Directors meeting.

**Mechanical Equipment:** Guideline change was approved at the November 18, 2009 Board of Directors meeting adding the words, air conditioner.

**Garage Doors:** This guideline was added on November 18, 2009 by the Board of Directors.

**Mechanical Equipment:** Guideline change was approved at the May 19, 2010 Board of Directors meeting adding the words: *Whenever possible, mechanical equipment shall be installed away from the adjacent neighbor's bedroom area.*

**Roofing 1.2:** Clarifying paragraph added by the Board of Directors, by unanimous vote, on September 10, 2014.

**Sport Courts 1.12.5:** Revised by the Board of Directors March 16, 2016 removing *"In addition, notification will be given to all contiguous property owners and comments will be solicited and considered."* From the guideline.

**Landscaping 1.2:** Section added by the Board of Directors March 15, 2017 to add clarification regarding landscaping.

**Additional Structures 1.10 a:** Was changed to add clarification by the Board of Directors on June 21, 2017 regarding Gazebo's.

**Exterior Painting 1.4** Section was changed by the Board of Directors on November 22, 2017.

**Flag poles 1.24.5.** This section was added by the Board of Directors on November 22, 2017