

VIEW PROTECTION GUIDELINES & REMEDY PROCEDURES

One Clubhouse Lane (Sector 12) Homeowners' Association, Mukilteo, Washington 98275

Introduction

The Declaration of Covenants, Conditions and Restrictions (CC&Rs) for One Clubhouse Lane Sector 12 Subdivision dated December 10, 1992, as first amended May 17, 1994, contain provisions for View Protection in Article XIII, Section 11. The protected views are ... "Puget Sound, the golf course, Whidbey Island and the Olympic Mountains." The view protection standards stated in Section 11 are: "significant adverse effect;" "unreasonably impairs;" "substantially obstructs or impairs;" and "significant view obstruction." The purpose of these Guidelines is to formally define and clarify the meaning of these view protection standards and other terms in Article XIII, Section 11, as well as to provide the necessary underlying policies, procedures and definitions to allow for the provisions to be applied and enforced in an objective, consistent, fair and reasonable manner. These Guidelines supersede and replace all previous View Protection Guidelines.

Definitions

1. **Protected Views**: Protected Views are views of Puget Sound, the golf course, Whidbey Island and the Olympic Mountains.
2. **Protected View Sites**: Protected View Sites are defined as views from each window in the major interior rooms of a home: living room, dining room, kitchen, family room, kitchen nook, den/office, bonus room, master bedroom and bath, and other bedrooms: as well as views from exterior decks or patios as built by the home builder, and any decks or patios subsequently approved by the Architectural Control Committee (ACC).
3. **View Protection Standard**: The CC&Rs' terms "significant adverse effect;" "unreasonably impairs;" "substantially obstructs or impairs;" and "significant view obstruction", as applied to obstruction or impairment of Protected Views, are defined as view obstruction or impairment that fully obscures 25% or more of the Baseline Measurement Area for a Protected View from a Protected View Site.
4. **Baseline Measurement Area**: The Baseline Measurement Area for Protected Views is defined as the view area available from a Protected View Site with only the other subdivision houses and Native Trees in place (i.e., without shrubs, plants, hedges, fences, etc.).
5. **Natural Vegetation**: Vegetation that is initiated by a natural process after the home was built, typically via airborne or bird seeding.
6. **Native Trees**: The indigenous conifer and broadleaf trees that were present on the Plat when the developer, Buchan, commenced development.

View Protection Policies

1. No structural alterations or additions that violate the View Protection Standard shall be permitted.
2. No planted trees or shrubs or natural vegetation shall be maintained or allowed to grow in a manner which violates the View Protection Standard.
3. No new or altered structures (other than replacement of existing structures), new additions, new fences or vegetation that violate the View Protection Standard will be permitted.
4. All four Protected Views are separately and equally protected. Each protected view site will be treated equally and evaluated individually.
5. When a violation of the View Protection Standard has been determined by the ACC, the homeowner(s) responsible shall be required to bring their property into compliance by pruning or removing the obstruction that violates the View Protection Standard. However, existing fences and walls 6 feet in height or less that delineate lot boundaries, shrubs or hedges 3 feet in height or less that delineate lot boundaries, and living Native Trees, are not subject to removal as a remedy, even if they violate the View Protection Standard.
6. In cases where more than one Lot contributes to a violation of the View Protection Standard, the pruning or removal remedy will be applied on a proportional basis according to each Lot's contribution to such violation, including complainants' lot.
7. Measurement of vegetation impairment will be made at assuming full foliage and around the outlined perimeter of such vegetation.
8. When handling view protection questions and disputes, the homeowner(s) and the ACC will follow the steps outlined in the attached "COMPLIANCE AND REMEDY PROCEDURES".

COMPLIANCE AND REMEDY PROCEDURES FOR VIEW PROTECTION

Voluntary Cooperation/Compliance

The first and most important step for compliance with the OCHL—Sector 12 Homeowners' Association Guidelines for protecting our valuable protected views is the voluntary action of the homeowner members of the Association. Each Association Member has the responsibility and obligation to maintain their trees and shrubs so as not to unreasonably impair the protected views of their neighbors.

Members have been given the opportunity to participate in and provide input into the development of these 2008 View Protection (VP) Guidelines and Compliance and Remedy Procedures. The final agreed upon Guidelines and Procedures have been furnished by mail to every Association Member.

All Members have equal rights under the rules.

The Association will rely on each Member to become familiar with these Guidelines and Procedures and to evaluate their own trees, hedges, and shrubs with their neighbor's viewpoint in mind. If a Homeowner has vegetation that violates the Guidelines, that Homeowner is asked to voluntarily prune back or replace these trees, shrubs and hedges with smaller ones.

Neighbor Discussion

If Homeowners believe a neighbor's vegetation is violating the View Protection Standard, they are asked to initiate a conversation with their neighbor(s) to discuss the specific concerns. A mutual understanding of the impact will usually bring about a quick and cooperative solution.

Should Members request in writing a clarification of the VP Guidelines as they apply to specific property or properties, the Association, through the Architectural Control Committee (ACC), will respond in writing to such requests.

ACC members will also be available to make site visits to help Members understand the VP guidelines. (No ACC conclusions or decisions on potential violations will be made as a result of these visits.)

Formal Complaint

The formal VP Guidelines' enforcement process begins when an impacted Member makes a written complaint to the Association.

- Within 14 days of receipt of a written complaint, the ACC will contact the impacted Member to acknowledge receipt and to confirm that the formal complaint process has begun.
- Within 30 days of receipt of a written complaint, the ACC will meet with the impacted Member to investigate the complaint.
- The ACC will strive to complete the review process and render a final decision within 60 days of receipt of a written complaint.

A Complaint Form is available through the Association which will serve to provide a thorough record documenting the nature of the complaint, the parties involved, the critical dates and the resulting action by the ACC and the OCHL Board if necessary.

The ACC will investigate the alleged view obstruction issue(s) assuring that all parties are treated fairly. The ACC will inform the parties of its determination in writing and, if there is a violation of the Association's Guidelines, what corrective remedy will be necessary.

If any party challenges the ACC's determination, the dispute will be resolved by all parties submitting to binding arbitration, pursuant to the rules of the American Arbitration Association, to settle the issue. All parties involved, including the Homeowners' Association, will share equally the arbitration fees, but each party shall be solely responsible for its own attorney fees and costs.

OCHL-Sector 12 Homeowners' Association (HOA)
VIEW IMPAIRMENT COMPLAINT

Name: _____ TEL _____

Address: _____

Email: _____

View Impairment Location Address:

Address: _____

Owner's Name: _____ TEL _____

Email: _____
IF AVAILABLE

Describe the View Impairment:

Describe steps taken to resolve the problem:

Person to whom you spoke _____ Date _____

Other _____

I have read the OCHL-12 HOA View Impairment Guidelines and believe an HOA neighbor's vegetation is violating the HOA's View Protection Standard. Having discussed my specific concerns with that neighbor, I now ask the ACC to investigate my complaint.

Signature _____ Date _____

Submit completed Complaint Form to:

Architectural Control Committee

OCHL-12 HOA, PMB 242
10924 Mukilteo Speedway
Mukilteo, WA 98275

Email: ACC@oneclubhouselanehoa.com