

Summer Hills Association

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ARCHITECTURAL CONTROLS AND GUIDELINES

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Effective September 13, 2023

1. OBJECTIVES

This document, the Architectural Controls and Guidelines (ACG's), is a guide for the members of the Homeowner's Architectural Review Committee (ARC) and also for property owners. It is hoped that the booklet will increase the awareness of the encompassing nature of design and its importance to the quality of life of Summer Hills. The guidelines define the responsibilities which the homeowner must assume as part of their contribution to this principle. The guidelines are broad based. Some of them will recommend exterior improvement considerations and some will require that an ARC Application be made prior to commencement of the proposed change, addition and/or improvement.

The specific objectives of the booklet are:

- To set forth uniform guidelines to be used by the ARC in reviewing applications.
- To illustrate basic design principles which will aid homeowners in developing exterior improvements and additions which are in harmony with the immediate neighborhood and the community as a whole.
- To relate exterior building and property treatments to the concept of a quality neighborhood.
- To increase homeowner awareness and understanding of the Covenants, Conditions, Restrictions, (CC&R's) for Summer Hills.
- To describe the ARC's procedures involved with the architectural standards established by the Association's Plat Maps, Articles of Incorporation, By-Laws, CC&R's and these ACG's (Governing Documents).
- To maintain and improve the quality of the living environment of Summer Hills.

2. INTRODUCTION

It is the intention of the Summer Hills Association (Association) that all homeowners benefit from the planning and design that have been an important part of Summer Hills.

The Association has been established as an organization that is comprehensive and flexible enough to respond to future determinants and necessities of community management. The role of the Association is not only to own and operate open space, but also to conserve and enhance the resources of the total community.

The Association accomplishes these primary purposes in a number of ways. The Association, of which every lot owner is a member, is charged with preserving the value of the neighborhood and ensuring the retention of harmonious, though diverse, design qualities in the community.

One of the most important functions of the Association, through its Board of Directors is to maintain and enhance the aesthetic quality of the homes and their environs. They have the power to review and approve or disapprove the details and written plans and specifications showing the nature, kind, shape, height, materials, colors, and location of proposed living units, buildings, fences, walls, retaining walls, driveways, sidewalks or other structures, exterior additions to or changes or alternations therein, clearing or excavation of lots. This power is vested in the ARC (whose volunteer members are appointed by the Board of Directors). This committee is the body which implements the architectural review function of the Association.

2.1 Covenants, Conditions & Restrictions

Basic authority for maintaining the quality of design in Summer Hills comes through the CC&R's which are a part of every deed to property within Summer Hills.

The Plat Maps, CC&R's and the Articles of Incorporation establish the Association. The Association's By-Laws establish the ARC. The ARC serves at the direction of the Board who adopts and amends the ACG's. The current ACG's are set forth in this document. The ARC ensures that proposed exterior alterations comply with the stated objectives. This involves regular and systematic review of all applications for New Construction and exterior alterations submitted by residents.

Since the CC&R's and these ACG's are binding on all owners, homeowners should be familiar with the contents of these documents.

The intent of Covenant enforcement is to assure residents that the standards of design quality will be maintained. This in turn, protects property values and enhances the community's overall environment.

Every Summer Hills property owner should have received a copy of the CC&R's, the By-Laws, and ACG's at settlement. If you do not have any of these documents, please contact your title company or visit the Summer Hills website (www.SummerHills.org) or contact any director of the Association to obtain a copy of these documents.

2.2 What Must Have ARC Approval

Any living unit, building, fence, wall, retaining wall, water feature, driveway, sidewalk or other structure, exterior addition to or alteration of, may not be commenced (including change of color) without submittal of complete plans to, and receipt of written approval by, the ARC. The

approval process may include a physical onsite inspection as provided for by the CC&R's (Article 10 Section 1).

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

These submitted plans should indicate the clearing or excavation of lots and specify the nature, kind, shape, height, materials, colors, and location of proposed living units, buildings, fences, walls, retaining walls, driveways, sidewalks or other structures, exterior additions or alterations. **In providing an approval, the ARC is addressing design concepts and aesthetics not engineering standards.**

It is the responsibility of the builder and property owner to make certain that the proposed plans are carried out as approved. It is further the responsibility of the ARC, builder and property owner to maintain a copy of all documents submitted with ARC application and approval or denial. If changes are necessary, an amended application must be submitted to the ARC for approval.

2.3 Special Note – County Approval

Clark County requires permits and review for many changes to properties. Contacting the County to determine whether the proposed project requires a permit and then obtaining a proper permit, if required, furthers the Association's objective to preserve all homeowners' property values. The homeowner is responsible for finding out if the proposed change requires County approval and for obtaining that approval. County authorities should be contacted **before any** work is begun in order to verify what procedures must be followed and **to obtain necessary permits**. If a County permit is necessary for the proposed project, the homeowner, after receipt of ARC

approval, shall deliver a copy of the permit to the ARC before any work is commenced. County approval does not eliminate the need for ARC approval before any work is commenced, and vice versa. Additionally, there are some specific references to projects that require county approval in these ACG's. The references herein are not intended to be all inclusive. There may be other instances where a county permit is required. It is the property owner's responsibility to determine which projects require a county permit.

2.4 Making Application to the ARC

All ARC applications may be obtained from the Architectural Review Committee or from the Association website: Summerhills.org. An application should not be submitted more than 120 days prior to the project start date. Completed applications must be submitted to the ARC Chairperson for review at a scheduled ARC meeting. ARC Meetings are open to all homeowners. Contact the ARC Chairperson for meeting dates/times.

A letter stating the Committee's ruling will be sent to you after the review process is completed. All application requests receiving a majority affirmative vote from the ARC shall be approved. If the ARC ruling is for denial of an application request, the applicant will be informed, and may appeal the decision to the Board of Directors by submitting a request for review in writing to the Board or the Association's management company.

For some homeowners, the most difficult part of the application is adequately describing their request. If you have any questions, please contact a member of the Architectural Review Committee. Committee members are identified on the Association website. If the request is not

clear, or is incomplete, the ARC may defer its decision and request that the homeowner resubmit a clarified application.

The following items are required to accompany all applications for New Construction and Alterations:

Site Plan: Submit a copy of the County approved plot plan. Proposed changes shall be indicated, including dimensions and distances from adjacent properties and houses.

Materials and Colors: Samples of the materials and colors to be used and an indication of the existing materials and colors must be provided. In most cases, a statement that the proposed deck, for example, is to be painted to match existing house or trim color is sufficient. Where materials and/or colors are compatible but different from those of the existing structures, samples or color chips must be submitted for clarity.

Plans: For New Construction, a complete set of accurate building plans is required including elevations, foundations, floor plans and cross sections. For alterations, a graphic description must be provided and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, etc., should be shown as they affect the applicant's house.

Start / Completion Date: An estimated start date and completion date must be included on the ARC application. Projects should be completed as soon as possible after start date. The Start date should not be greater than 120 days from submission of the application. It is

preferable to delay starting a project, rather than have a project in progress for an extended period of time. If the start date is delayed more than 6 months, the application must be resubmitted to the ARC for an extension of time. If an applicant seeks more than two extensions the project must be resubmitted for reapproval. If the completion date is not met in the time frame specified, the owner must apply to the ARC for an extension of time. Extensions of time for completion will not be unreasonably withheld by the ARC. Projects that remain uncompleted beyond the specified completion date, however, and for which there was no extension of time given, will be subject to re-review and reconsideration by the ARC.

For Alterations:

Acknowledgment of Neighbors: Applications to the ARC shall include the acknowledgment (signature) of adjacent property owners. **A neighbor's signature does not constitute agreement, only that he/she was informed about plans.**

Third Party Comments: Signed written comments from homeowners about proposed changes which are sent to the ARC will be considered during the review process. The ARC, however, still makes its decisions based on the standards set forth in the Association's Governing Documents.

2.5 ARC Review Criteria

The ARC evaluates all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design for an exterior or property site in one instance may not be for another. Design decisions

made by the ARC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are based on the following criteria which represent in more specific terms the general standards of the Association's Governing Documents.:

Impact on Environment: The proposed construction must not unnecessarily destroy or blight the natural or man-made environment of the Summer Hills development. Treatment of the site must relate harmoniously to adjacent sites and structures that have visual relationship to the proposed construction. All storm water drainage routes and facilities must be maintained and protected. Any vegetation planted or retained is subject to the view blockage clause in the CC&R's (Article IV, Supplement to CC&R's executed January 22, 1996, paragraph 20).

Conformance with Covenants: All applications are reviewed to confirm that the project is in conformance with the Association's Governing Documents.

Validity of Concept: The basic idea must be sound and appropriate with its surroundings.

Design Compatibility: The proposed improvements must be compatible with the architectural characteristics of the applicant's house. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, colors and construction details.

Location and Impact on Neighbors: Proposed outbuildings, new construction or alteration should relate favorably to the landscape, the existing structure and to the neighborhood. The primary concerns are access, view and drainage. In order to address these concerns adequately, applicants for alterations must advise adjacent property owners regarding plans and obtain signatures on the application

acknowledging that advisement. If the adjacent neighbor's signature is not on the application, it may delay process of the application, as you will have to secure the signatures prior to the ARC's review.

Scale: The size (in three dimensions) of the proposed alterations should relate well to adjacent structures and to the surroundings.

Color: Colors must be either light to medium pastels or light to medium earth tones. Color may be used to soften or intensify visual impact. Roofs, trim and siding, etc. of an addition should match the like structures of the existing house in color.

Materials: Continuity is established by the use of materials similar to or compatible with the existing house. For instance, vertical wood siding on the original house should be reflected in the addition or outbuilding.

Workmanship: Workmanship is another standard which is applied to exterior of new homes or alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Also, poor workmanship can create safety hazards. The Summer Hills Association assumes no responsibility for the safety of new construction, engineering or design.

Timing: An estimated start date and completion date must be included on the ARC application. Projects should be completed as soon as possible after start date. It is preferable to delay starting a project, rather than have a project in progress for an extended period of time. If the start date is delayed more than 6 months, the application must be resubmitted to the ARC for an extension of time. If an applicant seeks more than two extensions the project must be resubmitted for re-approval. If the completion date is not met in the time frame specified, the owner must

apply to the ARC for an extension of time. Extensions of time for completion will not be unreasonably withheld by the ARC. However, projects that remain uncompleted beyond the specified completion date and for which there was no extension of time given, will be subject to re-review and reconsideration by the ARC.

2.6 Amendment to the Guidelines

These guidelines may be amended from time to time. It is anticipated that changes will be primarily additive and will not involve substantive changes to existing guidelines. However, future amendments may be made to reflect changed conditions or methods. The ARC will evaluate the guidelines, when appropriate. The ARC welcomes homeowners' recommendations for amendments. Revised guidelines require acceptance by a majority of the full ARC and approval by the Board. Changes to the ACG's cannot cause an existing compliant property to become noncompliant.

3. GUIDELINES

The requirements and guidelines which follow address a broad range of new construction and exterior alterations for which homeowners frequently make application to the ARC. Since it is impossible to address each specific design condition, these are presented as “performance criteria” which define the principal factors which should be considered when developing a design solution. Alternative approaches will be considered by the ARC.

For example, guidelines define the limits of the size, location, quality of construction and colors, based on intended use and relationship to adjoining properties and surrounding areas, rather than a particular construction or specific design alternative. The individual merits of each application are considered by the ARC. The use of these guidelines should assist the builder or homeowner in gaining timely ARC approval. The applicant who follows these guidelines should expect approval or rationale as to why the application was not approved.

3.1 New Construction:

The following guidelines apply to new construction in Summer Hills.

3.1.1 Square Footage

The proposed home must be at least 2500 square feet of finished living area, not including garages, breezeways or covered patios.

3.1.2 Exterior Design

The exterior design must have pleasingly varied rooflines with an appealing front elevation. The home must be architecturally balanced

with all of its features blending with the major design character of the home.

3.1.3 Front Elevations

The front elevation of the home should have brick or stone veneer in an amount that is in proportion to the size of the home and is balanced with the front elevation so as to be appealing. Some styles of homes that have enough other design elements to be appealing without brick or stone will not be required to have brick or stone.

3.1.4 Roofing

The roofing used in Summer Hills must be tile or an Architectural grade layered composition. All tile or composition colors must be in harmony with the exterior colors of the home. Roof colors should be browns, grays or black. All roofing must be of a non-combustible material.

3.1.5 Exterior Construction

The exterior walls will be double construction with lap siding required. Other materials will be considered if deemed compatible with the architectural tone of the subdivision. Sheet sidings such as T-1-11 will not be considered. Horizontal vinyl siding will be allowed.

3.1.6 Exterior Color

The color of exterior building materials is very important in creating the architectural quality and continuity of the subdivision. The colors need to blend together so as to soften the visual impact. The colors deemed most appropriate to do this are light to medium pastels and earth

tones. Recommendations for body colors is to keep them lighter tones with trim either 2 shades darker or lighter, or trim may be painted to match the roof or brick color. White trim colors will be allowed when appropriate.

3.1.7 Construction Debris

Neatness of the job site is necessary to promote the quality of Summer Hills and to keep the job site as unobtrusive to neighbors as possible. The job site should be cleaned up at least weekly and all construction debris removed.

3.1.8 Construction Time Frame

Projects should be completed as expediently as possible. All homes must have their certificate of occupancy within 12 months from the date the foundation is poured. If an occupancy permit is not issued within the 12 months, the homeowner must submit an application for an extension of time from the ARC.

3.1.9 Storm Drainage

Extreme care must be used to keep storm drainage systems functioning and clear of mud and debris. Streets need to be kept clean of dirt and mud in order to keep mud from clogging storm drainage swales and creeks. Job sites will be required at start of construction to have gravel pads on which to park construction vehicles and deliver materials. Daily street cleaning will be required by any lot owners that have caused dirt or debris to be deposited on streets from their job sites. If applicable, all lot grading plans must be approved by Clark County.

3.1.10 Chimneys

All chimneys should be consistent with the overall design elements of the house.

3.1.11 Repeated Plans

Builders that have plans they wish to duplicate may do so three times with these requirements: Repeated plans must be at least 5 lots away from each other. Plans repeated over 2 times must have an acceptable alternate elevation designed for the third time it is repeated.

3.1.12 Setbacks from Property Lines

All setbacks for homes or accessories must be to minimum County and CC&R standards as approved by the Architectural Review Committee.

3.1.12.1 “Front Yard” Defined

Front yards are defined as that portion of the property which extends from the home to the street which bears the property address. The front yard includes the entire width of the lot from property line to property line.

3.1.13 R. V. Parking

In accord with the CC&R's, Article IV Paragraph 12, Supplement to CC&R's 1/22/1996, all recreation vehicles, boats, trailers, campers, etc. must be stored “behind the front elevation of the home and must be screened from view.” Screening can be achieved with vegetation or approved fencing in keeping with the architectural style of the home. Roofs over RV vehicles are discouraged unless they are designed to be unobtrusive and blend with the architecture of the home.

When RVs (boats, trailers, campers, etc.) are used by an owner, such vehicles may not be parked in view on that owner's property for more than three consecutive days and nights, leaving by noon on the fourth day. Any longer period of time will be considered storage and must comply with the CC&R's as noted above.

3.1.14 Application Requirements

Applications for home construction must include complete and accurate building plans, plot plans, description of colors and materials. An estimated completion date must be included.

3.1.15 Driveways

All driveways constructed off the main roads within Summer Hills will be culverted adequately to accommodate storm water. All driveways more than four (4) feet in width will be hard surfaced with pavement, asphalt, concrete, or other acceptable surfaces.

3.1.16 Construction Site Rules

1. Weekday work hours are 7:00 a.m. to 8:00 p.m.
2. Weekend and Holiday work hours are 9:00 a.m. to 4:00 p.m.
3. Music volume should not disturb neighbors.
4. Pets must be kept in compliance with leash law.
5. Park only on the side of the street on which you are working.
6. Work debris cleaned up weekly and all construction debris removed.
7. Deliveries during work hours only.
8. No dirt to be tracked and left on roadways.
9. Construction traffic to abide by posted speed limits.

10. It is the responsibility of the builder to maintain this notice on the construction premises. This notice must remain in a legible and serviceable state, or the builder must replace.

These site rules must be acknowledged by signature of the Homeowner, General Contractor and ARC.

3.2 Major Exterior Alterations and Outbuildings

Major alterations and outbuildings include, but are not limited to, garages, carports, outbuildings, greenhouses, rooms and other additions to a house. Although specific site and design considerations will be evaluated by the ARC on their individual merits, all alterations must conform to the following standards:

- The design of major alterations should be compatible in scale, materials and color with the applicant's house and must comply with county and CC&R setback requirements.
- The pitch and materials of a new roof should match those on the existing house.
- The location of the alterations and outbuildings may not impair views.
- If changes in grade or other conditions that will affect drainage are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.
- Specific site and design considerations will be evaluated on their individual merits.

3.2.1 Additional

Rooms:

Major features of the house (such as vertical and horizontal lines, projections, trim details and materials) must be reflected in the design of an addition.

3.2.2 Garages and Carports:

Garages and carports must relate appropriately to the house and its surroundings. A minimum of a three (3) bay garage is required, and not more than four (4) single bay doors or equivalent may be on the front elevation of the house.

3.2.3 Greenhouses:

Notwithstanding the preceding provision of 3.2.2 as to the materials used any greenhouse must be aesthetically pleasing and compatible with the overall design of the house.

3.2.4 Outbuildings:

1. Styles and construction should be similar to home construction.
2. Size constraints are as follows: an outbuilding's footprint may not be any larger than 1200 square feet. Wall heights on outbuildings may not exceed 12 feet. This height restriction can be waived for structures designed for RV housing through application to the Architectural Review Committee.
3. All outbuildings except detached residential garages must be behind the front building line of a home as defined by the Clark County Uniform Building Codes.

4. Number of outbuildings on any one property will be limited to 1. This is not intended to prevent construction of minor structures such as garden sheds, pool houses, saunas, playhouses or others as approved by the ARC.

3.2.5 Application for Major Changes

Preliminary Application (optional)

1. Major alterations represent a substantial undertaking in terms of cost and advance planning. Therefore, it is recommended that a preliminary application for conceptual approval be submitted.
2. The preliminary application should include as much information as practical but must include a site plan showing dimensions, elevations if applicable, relation to the applicant's house, adjacent houses, and property lines.

Final Application

- a. The final application must be a duplicate of those documents which are to be submitted to Clark County for a building permit, and should also include a description of colors, materials, and drawings or photographs as required to illustrate the relation of the alteration to the applicant's house and adjacent houses where necessary.
- b. Estimated Start and Completion date. (See above, Section 2.5.)

3.3 Other Exterior Structures, Modifications or Alterations

There are numerous exterior structures, modifications or alterations which are of smaller scale than the previously noted items but which still require

ARC approval. The same basic principles of compatibility of scale, materials, and color apply. Consideration must also be given to impact on neighboring properties.

Alterations requiring the homeowner make application to the ARC include, but are not limited to, the following:

3.3.1 Chimneys and Metal Flues

All chimneys and metal flues should be consistent with the overall design elements of the house.

3.3.2 Clotheslines

Clotheslines must be out of sight when not in use.

3.3.3 Decks

Decks, whether free standing or as extensions of a house have significant impact on the home's appearance. Decks may also affect the privacy of adjacent properties. These two factors are weighed heavily in the review of applications.

- Modifications to existing decks must provide continuity in detailing, such as material, color and the design of railings and trim.
- Materials and Color: Decks must be compatible in materials and color with the applicant's house whether an extension of the house or a free standing deck.

3.3.4 Pet Houses / Enclosures

Pet houses must be compatible with the applicant's house in color and material, and must be located where they will be visually unobtrusive and will have the least impact on neighbors for visibility, noise and smell.

Enclosures to confine pet(s) must be placed at a location where minimum nuisance/inconvenience is caused to neighbors. Generally, this means away from shared property lines and major living areas of neighboring residences. Enclosures are subject to fence requirements except that pet enclosures of less than 100 square feet may be built with powder coated or vinyl coated chain link fencing.

Kennels are prohibited. "Kennel" means either (a) any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs for hire, boarding or training dogs, or (b) any premises at which ten (10) or more dogs which are five (5) months old or older are kept for any purpose.

Application Contents:

1. Site plan showing the relationship of the pet house/run/enclosure to adjacent home and to property lines.
2. Color of home, pet house/run/enclosure
3. Dimensions
4. Landscaping and screening plan.

3.3.5 Driveways

Only hard, stabilized surfaces of concrete, asphalt, pavement or masonry will be approved.

Special care must be exercised if changes alter drainage patterns. Runoff must be disposed of on each individual owner's piece of

property or directed to the drainage ditches adjacent to the streets. Adjoining properties must not be adversely affected by changes in drainage.

3.3.6 Entrance Walks

New Walk: The paving material for a new walk must be compatible with the materials in adjacent walks and/or the architecture of the house.

Replacement or Repair: Replacement of entrance walk materials for aesthetic or maintenance reasons will generally be viewed favorably if they fall within the requirements set forth above. If the repair of existing pavement is required, the new patched area should match the adjacent pavement in material and color. It should be installed to allow the flow of storm water without ponding.

3.3.7 Exterior Lighting

To provide muted street lighting, each home will be required to construct two light posts at the end of their driveways, one on each side set approximately at their front property line. Said post design can be of brick, stone or stucco or other material consistent with the overall design of the house. Construction drawing and plot plan must be submitted to ARC. For additional design criteria, contact the ARC.

Except for the light post(s), landscaping or exterior lighting cannot be directed outside one's property. Tennis court lighting, sport court lighting, and other similar lighting should be designed to illuminate the playing surfaces.

3.3.8 Flagpoles

Permanent freestanding flagpoles will be reviewed on a case by case basis.

3.3.9 Gutters and Downspouts

Gutters and downspouts must be compatible in color and design and must not direct drainage onto adjacent properties.

3.3.10 House Numbers

Every home in Summer Hills must have legible house numbers visible from the street.

3.3.11 Landscaping

Summer Hills has special requirements in the CC&R's relating to fire safe landscaping that need to be carefully reviewed and followed.

Landscaping includes any plants, trees, ornamental bark or rock, or other additions to yards other than buildings. At a minimum, each home in Summer Hills is required to install and to maintain a perimeter of landscaping 30 foot wide around each home. This minimum landscaping perimeter is in support of our community objective to maintain our curb appeal, property values, and the beauty of our neighborhood. This perimeter is also consistent with the fire regulation definition of defensible space. More specifically,

Front yards are to be seeded or sodded and/or landscaped within 90 days following completion of construction. Landscaping which does not incorporate grass or lawn area must eliminate dust and erosion.

Rear yards must be seeded/sodded and/or landscaped within one (1) year of the permit for occupancy.

Landscape plans which do not include structures (retaining walls, fences, decks, etc.) do not need to be submitted for ARC approval. However, any complaints regarding landscaping will be handled based on the following guidelines:

View blockage may be considered detrimental under the following circumstances: CC&R Article IV, Supplemental, paragraph 20:

“VIEW BLOCKAGE: Summer Hills is designed to give lot owners the maximum views possible, therefore, vegetation that grows up and blocks neighbors views must be removed or kept trimmed down. Young native trees that have been retained during the development period will be allowed to grow to maturity unless a neighboring residence complains that a tree or group of trees is significantly blocking an important portion of their view, at which time the Board would make a determination whether or not the view is blocked enough to warrant requiring tree removal or trimming. Landscaping plans submitted for approval should also consider view blockage when the plans are designed”.

When a homeowner is unsuccessful in having the owner of offending vegetation trim to preserve or restore view, the ARC, if requested, will determine a maximum height that the offending vegetation shall not exceed.

Landscaping can be effectively used to accent driveways, define space, create “soft” privacy screens and reduce the visual impact of fences, sheds, etc. Since landscaping is a design element,

consideration should be given to relationship to the applicant's house and adjacent houses.

Location: Care should be exercised in planting and maintenance of trees and shrubs to prevent the obstruction of sight lines required along roadways. Plantings must not block sun to or views from neighboring properties. The shade patterns of larger trees and possible physical damage to other properties by encroaching planting should always be considered.

Scale: Care should be exercised in selecting plant materials which, upon maturity, will be of an appropriate size in height and width for their intended use and location. Mature size should always be considered, especially when planting close to walkways and houses. If plantings are determined to be detrimental by the ARC, homeowners may be required to change them.

Vegetable Gardens: Many of the considerations that apply to decorative landscaping also apply to the design and placement of gardens. Gardens may be softened in visual impact through choice of plants, incorporation of flowers into garden borders and the use of landscape screening materials. Consideration should be given to the use of evergreen materials in screening (so as to maintain the effectiveness of screening during winter months). An effort should be made to balance the scale of the garden with that of the house and yard.

The utilization of non-living objects as ornaments in the landscape is generally discouraged particularly in front or side yards visible from adjacent properties and roads. Such ornamentation includes driftwood, wagons, animal sculpture (flamingos, deer, cherubs, etc.). The goal of any landscape improvement is to promote a pleasing and harmonious

neighborhood character. Individual expression is permissible so long as it does not detract from this goal.

3.3.11.1 Natural Areas

A natural state is defined as not seeded, sodded, or landscaped property which is covered with native vegetation.

Beyond the required 30 foot landscape perimeter, bare earth or a natural state, even though maintained, are not acceptable for (1) front yards or (2) back or side yards that border an adjacent, developed property.

Front yard banks must be landscaped as required in article 3.3.11 – ground cover is a recommended landscape material for steep banks when other landscape alternatives may be cost prohibitive.

Back/side yards or banks which face the street, although left natural beyond the home's 30 foot perimeter, must be maintained in the interest of fire safety and erosion control.

Homes that border natural or riparian areas shall maintain the remaining natural property areas in accordance with fire and environmental regulations.

3.3.11.5 Cutting of Trees and Vegetation in Common Areas:

“Summer Hills lots are surrounded by forest land recently logged and reforested. The area has been replanted with trees that will result in views that may now be enjoyed being restricted or eliminated. Trees may not be cut or otherwise removed to maintain or enhance or change views. Common area deed restrictions also restrict logging of

the reforested and replanted area for 100 years.” (See Plat notes for: Summer Hills, Division I, note 8; Division II, note 5; and Division III, note 4).

The Summer Hills HOA has established the following fines, per tree, for the cutting of trees in the common area without proper authorization:

- a. Diameter of 0" to 6" – \$1,000.00
- b. Diameter of 6" to 12" – \$2,000.00
- c. Diameter greater than 12" – \$3,000.00

3.3.12 Painting

Any changes in exterior color for houses, fences, decks, roofs and trim must be approved by the ARC. Color chip(s) (sample) must be submitted with application.

3.3.13 Patios

Patios provide a means for ground level extension of indoor space with less visual impact than elevated decks. When patio schemes include other exterior changes such as fencing, lights and plantings, other appropriate sections of these guidelines should be consulted.

Materials and Color: Patios must be compatible with the house and landscape design.

Drainage: If changes in grade or other conditions that affect drainage are anticipated, they must be indicated on the application. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

3.3.14 Recreation and Play Equipment

The guidelines below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact.

Location and Size: Recreational play equipment shall be in rear or side yards. Consideration shall be given to lot size, topography, location, visual appearance, lighting, landscaping which shall be designed to reduce its visibility from neighbor or street views. The landscaping shall include evergreen trees and shrubs that, upon maturity, will achieve this goal.

Materials and Colors: Equipment in muted colors is encouraged. Basketball backboards may not be secured to houses or garages but may be allowed on the side of driveways.

Application: Application shall be made to the ARC for any play structure and shall include:

- a. Site plan showing relation of recreational facility to lot lines of adjacent property owners. All play structure applications shall include a landscape plan
- b. Photograph and/or sketch of proposed play equipment.
- c. Dimensions.
- d. Color and material.
- e. Estimated completion date.

3.3.14 a Sport and Tennis Courts and Facilities:

Courts and facilities will be considered for approval provided they meet applicable _____ county _____ code.

Courts and facilities shall be in rear or side yards. Consideration shall be given to lot size, topography, location, visual appearance, lighting, landscaping and view impacts, which should not detract from adjacent neighbors enjoying their property.

All court applications shall include its own landscape plan, which will be designed to minimize its visibility from neighbor or street views. The landscaping shall include evergreen trees and shrubs that will achieve this goal.

Courts will be limited in size to a maximum of one full-size regulation tennis court (max. Size 120' x 60').

For the purpose of enclosing sport / tennis courts the following enclosure types will be considered: powder coated or vinyl coated chain link enclosures, hedges or other natural enclosures and mesh netting. The court enclosure should not be higher than 10 feet above the playing surface.

It is recommended that hours of use be between 8:00 AM and 10:00 PM. Any change of use has to be submitted to the ARC for approval.

3.3.15 Retaining Walls:

Retaining walls may be used to preserve trees, improve drainage patterns, make slopes more useable, and to define certain areas. Walls should be kept as low as possible. Use of indigenous rock or wood in combination with appropriate landscaping is encouraged.

Because retaining walls may alter existing land forms, the design of such walls should be carefully considered to avoid adversely affecting drainage patterns.

3.3.16 Signs:

Name and address signs for residences must be smaller than two (2) square feet. All signs are subject to ARC review. Refer to the Covenants, Conditions and Restrictions, Article IV paragraph 15, for information regarding all other types of signs.

3.3.17 Storm and Screen Windows:

Storm or screen doors and windows must be compatible with doors and windows behind them.

3.3.18 Sun Control Devices:

Sun control devices must be compatible with the architectural character of the house, in terms of style, color and materials.

Awnings and trellises should be consistent with the visual scale of the house to which they are attached. The location of any awning or trellis should not have an adverse affect on views from adjacent properties.

3.3.19 Swimming Pools:

Location: Pools shall be in rear or side yards. Consideration shall be given to lot size, topography, location, visual appearance, lighting, landscaping and view impacts, which should not unreasonably detract from adjacent neighbors enjoying their property. All applications to install a pool shall include its own landscape plan. Above-ground pools shall be limited to temporary use during warm weather and shall not exceed 12 feet in diameter 30 inches in height.

Fencing: The pool and any mechanical equipment must be protected by a 6-foot high fence. Fences and gates should conform to that portion of these guidelines pertaining to fencing. Approval of the fence will be considered a part of the swimming pool application and will be contingent upon completion of the pool. An automatic pool cover may be used in lieu of a fence to protect the pool. Construction of such a cover must comply with Clark County Codes.

Application:

Preliminary application – The installation of a swimming pool is a major undertaking in terms of cost and planning; therefore an application for preliminary approval is required. The preliminary application should include as much information as practical, but shall include a site plan showing dimensions of the pool, deck, fenced area, and relation to the applicant's house, adjacent houses, and property lines.

Final application – The final application can duplicate those documents submitted to Clark County for a building permit, and shall include style and color of fencing, landscaping, etc., and an estimated start and completion date.

Swimming pools must conform to applicable Clark County rules, regulations, and ordinances.

3.3.20 Spas / Hot Tubs:

Spas and hot tubs shall be in rear or side yards. Consideration shall be given to lot size, topography, location, visual appearance, lighting, landscaping and view impacts, which should not unreasonably detract from adjacent neighbors enjoying their property. Spas / hot tubs must be covered and conform to Clark County Uniform Building Codes.

Spas and hot tubs must conform to applicable Clark County rules, regulations, and ordinances.

3.3.21 Wire and Pipes:

All utilities, pipes and wires must be underground. The installation of drainpipe must conform to Clark County Uniform Building Code and is subject to ARC approval.

3.3.22 Fence Guidelines:

In order to protect the wildlife traffic patterns and preserve the open look of Summer Hills, the installation of fencing is discouraged. If, however, a fence is desired, the following guidelines apply:

- All proposed fences must go through the formal approval process of the ARC prior to construction.
- Fences that encircle the entire property (perimeter fences) will not be allowed.
- No front yard fences will be allowed. All fences must be behind the front building line of a home as defined by the Clark County Uniform Building Codes.
- Fences should be of an open or "see through" construction. "Stockade" style fences will not be allowed.
- No chain link fences will be allowed except as permitted for sport courts or pet enclosures.
- Fences should be of limited height, generally not more than four (4) feet in height.
- Any fence should not have an adverse affect on adjacent property's view.

3.4 General Rules:

The following general rules will be enforced by the ARC:

3.4.1 Antennas:

Unobtrusive TV antennas and/or satellite dishes less than four (4) feet in diameter will be allowed.

3.4.2 Drainage:

Alterations to houses or lots that may change existing drainage patterns are subject to Clark County Uniform Building Codes and approval by the ARC. Also, any changes in drainage patterns may not adversely affect any adjacent property owner in Summer Hills.

3.4.3 Maintenance:

Property ownership includes the responsibility for maintenance of all structures and grounds which are a part of the property. This includes, but is not limited to, activities such as MOWING OF GRASS, PREVENTION OF OFFENSIVE AND/OR NOXIOUS ODORS ASSOCIATED WITH COMPOSTING AND PET WASTE, REMOVAL OF TRASH, and STRUCTURAL MAINTENANCE.

Homeowners must maintain their property to control the spread of noxious/offensive weed seed.

3.4.4 Temporary Structures:

Structures of temporary nature are not allowed on any lot in Summer Hills at any time. However, construction storage type trailers will be allowed during the construction period.

3.4.5 Trash and Trash Containers:

All garbage or trash containers and similar receptacles such as recycling containers must be stored within a permanent structure where they are not visible from outside the premises. No trash, garbage, ashes, yard rakings or other materials resulting from landscaping activity, or other refuse, lumber, used building materials or litter of any kind shall be thrown, dumped, or allowed to accumulate on any Lot, building site, street or driveway. No incinerator shall be kept or maintained, and no burning of any trash, refuse, or scrap of any kind shall be permitted.

3.4.6 Utility Easements:

Blocking of utility easements by structure, planting or other obstructions is not permitted.

3.4.7 Firewood Piles:

Firewood piles must be neatly stacked and should be less than four feet (4'-0") high. To preserve views from neighboring houses, woodpiles should be screened from view.

3.4.8 Public and Private Road Parking:

Vehicles of any type will not be allowed to park on any street, shoulder or ditch except in an emergency situation (CC&R's Article IV, Section 7) or for a limited period for social gatherings. During the construction period of a home, vehicles may temporarily park on streets as long as the right of way is unobstructed and adjacent properties are not adversely affected.

NO OVERNIGHT PARKING IS ALLOWED ON ANY STREETS IN SUMMER HILLS EXCEPT IN THE EVENT OF AN EMERGENCY. (CC&R's Article IV, Section 7).

3.4.9 Road Drainage Swale Maintenance:

Lot frontage on streets will be maintained. River rock or bark is acceptable alternatives to lawn grass. Other materials will require approval by the ARC.

4. COMPLAINT PROCEDURE / FINE SYSTEM

The following procedure has been established for handling Association members' complaints regarding violations of the Architectural Controls.

Complaints may be registered with the Association Management Company at its offices or with the ARC Chair. Those homeowners who wish to be contacted regarding the handling of their complaint must give their name and phone number. **Homeowners are encouraged to resolve matters among themselves whenever possible.**

Complaints tend to fall into one of the following categories:

- a. LACK OF ACTION - i.e., yards/landscaping not started, completed, or maintained; firewood piles in inappropriate locations, etc.
- b. PROJECTS IN PROGRESS – without ARC approval or which deviate from the submitted, approved plan; or which raise a neighborhood concern due to problems not originally considered such as property infringement; aesthetics, etc.
- c. COMPLETED PROJECTS – not approved by the ARC or which deviated from submitted, approved plan. Complaints may also arise due to misuse, problems not originally considered, property infringement, aesthetics, lack of County approval/permits, tree removal, etc.

Complaints will be logged, and reviewed by the ARC in a timely manner. The ARC will review any plans on file, make a visual inspection of the site, and collect any other relevant data.

Should the ARC find that it is unfounded (not a violation of Architectural Controls), the ARC will review at their next meeting, and, if there is agreement that no violation exists, the complaint will be closed, with notification to complainant if requested.

If a violation has occurred, the ARC will proceed as follows for each category of complaint:

- a. LACK OF ACTION – contact homeowner, explain the Architectural Control which has been violated; request compliance; make note on the complaint form of action taken, return form to the Management Company; report to complainant if requested; and report to the ARC at their next meeting.
- b. PROJECTS IN PROGRESS – contact homeowner and explain violation or problem; hand-deliver a Stop Work Order if appropriate; request a specific action by the homeowner (see possible actions below) by date of next ARC meeting if possible; report to complainant if requested; and report to the ARC at their next meeting, presenting a copy of Stop Work Order and other relevant documentation. The ARC will determine any further action.
- c. COMPLETED PROJECTS – with the exception of the Stop Work Order, this type of complaint will be handled the same as for category b above.

The Stop Work Order was developed in order to save homeowners time and money should their project be disapproved or require major modifications. At the discretion of the ARC, a special meeting may be called to review an application when a Stop Work Order has been issued. Category a. and c. complaints will be reviewed at the next regular ARC meeting or as soon as practicable.

Actions which may be requested include, but are not limited to:

- a. Submission of application and plans for ARC approval
- b. Submission of modifications to plans
- c. Steps to mitigate concerns or problems
- d. Resolution by agreement among neighbors involved
- e. Removal of unapproved project.

It is in the best interest of all parties involved to review, discuss, and recommend possible resolutions. The ARC will then provide a time schedule adequate for homeowner's resolution. An ARC member will be assigned to follow-up on the complaint to see that appropriate action has been taken. The complaint will remain on the ARC agenda until it is resolved.

If a homeowner refuses to take steps to correct a violation after adequate time to do so has elapsed, the ARC or the Management Company will send a "Fourteen Day" letter by certified mail to the homeowner outlining the violation, requesting immediate compliance, and advising that a hearing may be requested before the Board. If a hearing is requested, it shall be scheduled as soon as possible.

If any owner believes that a decision of the ARC is adverse to the interests of the owner, the owner may appeal the decision to the Board of Directors. All appeals shall be in writing. Resolution, in a timely manner, is the goal of the ARC, and such an appeal should be made to the Board for review at their next meeting following the ARC decision or as soon as practicable.

When an owner, who is found in violation by the ARC, appeals the ARC decision to the Board and chooses to retain an attorney to present their appeal, the Association may retain an attorney (as has been the practice) and may engage a court reporter to record the hearing. This is done to protect the

Association in the event an owner files a lawsuit thereafter. If the Board, after hearing the appeal, rules against the owner, then the Board may charge the owner for reasonable attorney fees and costs incurred by the Association per Article X Section 3 of the CC&R's.

If, at the hearing, the Board finds a violation exists, or if no hearing is requested and the violation continues beyond fourteen calendar days after receipt by the homeowner of the certified letter, the Board of Directors may then impose a fine on the homeowner. Any fine shall become a lien in favor of the Association and against the lot or living unit in question, arising in the same manner as liens under Article III of the Covenants, Conditions, and Restrictions for Summer Hills (CC&R's). The fine will be levied daily, at a progressive rate as follows:

- Days one(1) through thirty (30) – \$10.00 per day
- Days thirty-one (31) through sixty (60) – \$30.00 per day
- Thereafter until the violation is corrected – \$50.00 per day

Fines will be billed and collected in the same manner as are the Association's general assessments.

In the event of a continuing violation which results in the assessment of more than thirty days of fines, the Board of Directors will review the situation. The Association may, at that time, initiate legal proceedings to enjoin further violation and to collect any unpaid fines. Fines may continue to be assessed throughout the legal proceedings.

Because the ACGs and standards of enforcement have changed and will continue to change in the future, a statute of limitations (or grandfather clause) is recognized as defined below:

1. Existing properties that were previously completed over two years from the date of written complaint shall be vested and will not be considered noncompliant for that specific issue.

For new construction, the completion date is considered to be the date the certificate of occupancy is obtained.

For alterations, sport courts, swimming pools, etc, the completion date is defined as the date that the construction or installation of the item in question was completed.

This section does not apply to landscaping issues, prohibited structures, and those for which no approval was given.

2. Changes to the ACGs cannot cause an existing conforming project to become noncompliant.