

**KING CITY HIGHLANDS  
HOMEOWNERS ASSOCIATION, INC.**

An Oregon Planned Community restricted to residents fifty-five (55) years of age or older

**ARCHITECTURAL & LANDSCAPE MANUAL**

**Reviewed & Adopted by the  
Board of Directors for Implementation**

**2020**

As approved for implementation on the above referenced date, this Architectural & Landscape Manual ("A&L Manual") shall supersede all revisions or decisions by any prior Architectural & Landscape Committee ("ALC") or Board of Directors that may relate to the establishment of any architectural and landscape design and construction guidelines, and the development, and publication of an A&L Manual for the Association.

Revised: 7/98, 4/03, 6/04, 10/06, 12/09, 2010, 2014, 2015, 2019

  
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President, KC Highlands Homeowners Association, Inc.

Date: 7/3/2020

  
\_\_\_\_\_  
Chair, Architectural and Landscape Committee

Date: 06/24/2020

**All proposals for construction or alteration of any structure or improvement on any private lot, including landscape, must be submitted to the ALC prior to the start of the proposed action.**



# DESIGN, CONSTRUCTION GUIDELINES, REVIEW POLICY & PROCEDURE

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# DESIGN, CONSTRUCTION GUIDELINES, REVIEW POLICY AND PROCEDURE

## 1.0 INTRODUCTION

The King City Highlands is a self-managed, non-profit Oregon Planned Community, the residents of which necessarily subscribe to a common set of values and interests regarding the security, appearance, and livability of their, and their neighbors' surroundings. These homeowners have collectively invested many millions of dollars in the acquisition and maintenance of their residences and are desirous of preserving, at the very least, the value of these assets.

An integral and important part of a high-value living community is the variety and richness of its "Greenscape." Well-tended plants and trees growing along streets and paths, within common areas, and in private yards add significant value to the desirability of a community's landscape mosaic. They provide beauty and moderate the effects of heat, sound, air pollution, excess storm water runoff, and soil erosion. They also provide a living space for wildlife, enhance property values, and contribute to the economic vitality of their environs. Effective preservation of a community's landscape is a never-ending process that depends heavily on the appreciation and commitment of the people living within its geographic boundaries, the willingness of the residents to make available the necessary financial resources, and, as needed, provide an infusion of human energy to the process.

The development of equitable and effective architectural and landscape design and renovation guidelines and the requirement that they be respected by all residents is vital for the creation and preservation of a harmonious, secure, and visibly-appealing community. At the same time, the residents of the Highlands are interested in balancing the rights of individuals to create and enjoy the personal environment they wish to create with the rights of all residents to enjoy the broader aspects of the high value appearance of the community's homes and grounds as seen from the viewpoint of the overall community. The guidelines contained in this Architectural and Landscape Manual have been developed and adopted in the interest of achieving that balance.

**The foundations granting the authority to the Architecture & Landscape Committee for establishing and enforcing these guidelines are established in Article V (Architectural Control) of the Covenants, Conditions and Restrictions ("CC&Rs"), as well as in Board of Directors' ("BOD") Resolution #2013-6 (Architecture and Landscape Committee).**

### NOTES:

Consent or disapproval by the Architecture & Landscape Committee ("ALC") of any application or architectural or landscape matter proposed to it shall not under any circumstances be deemed to constitute a precedent which would in any way impair its or the Board of Director's right to grant or withhold approval of any similar application or matter thereafter submitted for review.

ALC consent shall not be construed as an assertion or guarantee of a given project's compliance with governmental or other applicable requirements. Regardless of the ALC's approval, all governmental or other applicable requirements are the responsibility of, and must be satisfied by, the owner.

**2.0 PURPOSE OF THE MANUAL.** The purpose of this manual is six-fold:

- I. To ensure the King City Highlands Homeowners Association’s fullest practical conformance with those applicable Federal and State Statutes, King City zoning, permit, and other requirements, provisions of the Association’s governing documents, and ALC and Board approved building and landscape maintenance (including new “Green”) technologies.
- II. To provide guidance to the Owners of private lot living units within the King City Highlands environs (geographic boundaries) with respect to the development of their plans for exterior alterations and improvements to their homes and property, and to prepare an acceptable application.
- III. To establish an orderly and consistent process for the timely review and approval of proposed design and construction of exterior, private lot residence and landscape maintenance projects within the Association.
- IV. To ensure that each proposed project is reviewed by the ALC fairly, based upon its individual merit as well as the degree of consistency with the Association’s prevailing design and construction guidelines.
- V. To maintain a harmonious relationship between the Highlands residences and topography.
- VI. To keep the community attractive for the enjoyment of the residents, and preserve and enhance the property values of the living units within and therefore the overall Highlands Community.

**3.0 SCOPE OF APPLICABILITY**

**3.1 A&L Manual Purpose** This Architecture and Landscape Manual as required by the Association’s Governing Documents, and adopted by the Board of Directors, is intended as framework for the design, submission, and review of proposed exterior alteration of all private lot buildings and landscape located within the Highlands as well as the Association’s Common Areas. Nothing in this Manual is intended to modify the conditions set forth in the Association’s Governing Documents.

**3.2 Rules Prior to Starting a Project** Per CC&R Article V, Section 2: “No building, fence, wall, patio, deck or other structure or improvement shall be commenced, erected, or maintained upon the Property nor shall any exterior addition to, or change or alteration therein, be made, nor shall any landscaping of any portion of the Property be commenced or maintained until the plans and specifications have been submitted to and approved in writing by the Architecture & Landscape Committee (hereafter referred to as the ALC) pursuant to the procedure outlined in the Architectural & Landscape Manual of King City Highlands.” The Committee will not consider or assume responsibility for the structural integrity, safety features, mechanical operation, or building code and compliance of the proposed improvements or structures. General land use requirements and building codes are

established by King City and other agencies. If a landscape plan has been approved and the owner finds that he/she wants to move an approved shrub to a different location, etc., it will not be necessary to resubmit. However, if the change involves the structure and/or fencing, it will be necessary for the Committee to review the requested change. If the Owner is unsure as to whether the guidelines contained in this Manual apply to a proposed improvement project, the Owner should request an initial consultation with a representative of the ALC to address such questions.

**3.3 Opinions** Opinions with regard to aesthetics are necessarily subjective and therefore may vary. Individual interpretations of the contents of the Manual and the CC&R's may also vary, and the ALC may exercise discretion in its review of an application. In every instance, an application must be submitted and reviewed in order to consider specific implications of location and impact on surroundings. Each application is reviewed on an individual basis. Furthermore, a prior approval regarding a given project that "appears" to be similar in design and materials to one being submitted may not be considered as precedence for approval. Recognizing that each homeowner has his or her own preferences, likes and dislikes, it is not the intent of this Manual to force every living unit to look like its neighbor. Rather, the intent is to ensure the continued high standard of living, preservation of security, property values, and harmonious environs within the Highlands community.

**3.4 Review / Approval Process** Review and approval of a given residence or landscape improvement project shall be based, among other things on:

**3.41** The conformity and harmony of the overall project design with neighboring residences and adjacent common areas.

**3.42** The overall aesthetic impact of the proposed project on the Highlands and its preservation as a desirable, high-value living community.

**3.43** The degree of conformity with the Association's Governing Documents, and the contents of this Manual, as well as all related rules and regulations that have been adopted by the ALC, and/or the Board of Directors.

**3.44** In the event of any inconsistency between the terms and conditions of these Guidelines, and the Governing Documents, the respective CC&R's shall control.

**3.5 ALC Liability** The ALC shall have no liability for any injury, damages, or loss arising from defects or deficiencies in plans submitted, or construction undertaken by or on behalf of an Owner or by an Owner's family, friend, employee, or contractor.

**3.6 Owner Responsibility** Owners are responsible for ensuring full compliance with all guidelines and procedures within this Manual, as well as:

**3.61** Obtaining all necessary permits, approvals, and inspections required by any city, county, state or other governmental entity.

**3.62** Complying with all setbacks required by the Association’s Governing Documents, and any city, county or state ordinances.

**3.63** Completing their construction or landscape project in accordance with sound engineering principles.

**3.7 HOA Board Approval Option** All applications approved or disapproved by the ALC are subject to final approval or disapproval by the Board of Directors. In the absence of any appointed members to the ALC by the Board, the Board will serve in place of the Committee.

#### **4.0 PLAN SUBMISSION AND APPROVAL**

**4.1 Permit and Code Requirements** King City requires homeowners to obtain permits for many types of construction related improvements and some types of landscaping modifications. It is the responsibility of the homeowner to investigate if obtaining a permit is necessary for their project. ALC approval of a project is required prior to the application for a King City permit. All permit and mandated inspection fees are the responsibility of the owner/applicant.

**4.11 Development Placement Permit** Such permits are required when a building permit is not needed, but where there are zoning concerns about how the site is to be used, e.g. adding or enlarging a porch cover or patio cover, or any other roofed structure, paving a driveway, making any exterior alteration to a building, including site work such as the construction of a patio or deck.

**4.12 Building Permit** Such a permit is required when building safety might be affected, e.g. replacing a roof or exterior walls, certain types of decks, electrical work, new plumbing, gas lines, etc.

**4.13 Building Codes** Applicable building codes must be met even when a permit is not required.

**4.14 Contacts** King City Building Department, 15300 SW 116<sup>th</sup> Avenue, King City, OR 97224-2693. Phone: (503) 639-4082. URL: [www.ci.king-city.or.us](http://www.ci.king-city.or.us)

**4.15 Payment of Fees** It shall be the owner’s responsibility to apply for and pay all fees for permits and inspections required by the governing authorities and codes.

**4.2 Temporary On-Site Storage** Residents frequently need to store materials – on a temporary basis – at their homes while a renovation project is underway.

**4.21 Use of Commercial Containers** Interior and exterior renovation and repair projects may require the short-term use of one or more commercial containers (“receptacles”). These containers may include (but are not limited to): bulk waste containers, portable toilets (e.g., “Porta Potties”), moving/storage containers (e.g., “Pods”), or contractor’s equipment trailers. Pursuant to Board of Directors Resolution 2017-1 Commercial Receptacles, Porta Potties, and Moving/Storage Containers, bulk



waste containers and portables toilets must be placed in the driveway for no more than two weeks, and never in the street (except for homes with very steep driveways), nor may they block the sidewalk. Further, moving/storage containers are allowed in the driveway for up to one week, or in the street immediately in front of the residence for no more than 72 hours. Orange safety cones must be placed around commercial containers in the street. Contractor's equipment trailers must also be parked in the homeowner's driveway, and not in the street, due to safety and visibility requirements. Accommodations can be made for site-specific extenuating circumstances; please work with the ALC on those matters.

**4.22 Storage of Construction Materials** Raw materials may be delivered to a resident's home prior to or during a renovation project. These kinds of materials might include construction materials (e.g., lumber, siding, pavers, bags of cement, etc.), or bulk materials (e.g., bark dust, gravel, plant material, etc.). These goods may be loose, palletted and shrink-wrapped, or delivered in large bags. These materials must be delivered to the resident's driveway and stored there for up to two weeks, and cannot block the sidewalk. Materials placed in the street immediately in front of the residence are allowed for no more than 72 hours, and cannot block driveways or access to mailboxes.

**4.3 Plan Submission Process** All proposals for erection or alteration of any structure or improvement on any private lot, including landscape, must be submitted to the Committee prior to the start of the proposed action. Residents are encouraged to consult with the ALC prior to beginning the application process. Note: No approval is needed for general yard clean-up, such as spreading new bark dust, pruning a shrub or a tree (as long as it is not a street tree).

Application forms are available at the Clubhouse. Submission of project to the ALC shall include the following:

**4.31** A completed Highlands Architectural /Landscape Project Application.

**4.32** Photographs of the intended project area and any brochures that describe the intended product(s) will assist the ALC's review.

**4.33** The submission of a set of finished working drawings and specifications including a site plan (to scale) showing property lines, existing structures, walkways, patios, fence lines, and planting areas, the nature and location of work to be performed, including the name and description of any intended plantings, as well as consideration of any impact on sidewalks and street trees, where applicable.

**4.34 Neighbor Signatures** All applications submitted to the ALC for review and approval must contain the signatures of two adjacent neighbors. These signatures indicate that the neighbors have been informed of the extent of the project and have had a chance to comment. Neighbors can provide their approvals via email, instead of signing the actual Application form (a necessity when neighbors are out of town, or

otherwise unable to interact with each other in person). Such “digital” approvals should be printed out and attached to the application.

**4.35 Objections** If any neighbor wishes to object to any portion of the proposed project, he or she must do so in writing directly to the Committee prior to the project being reviewed and approved.

**4.4 Application Submission** All applications, both architecture and landscape improvement, may be submitted for review at any time.

**4.5 Application Review** The ALC will review applications and provide approval or disapproval in a timely manner.

**4.51** Applications that meet the following criteria are eligible for “instant approval” by the ALC’s Applications Coordinators, even before the next ALC meeting:

- Exterior painting and re-roofing projects using pre-approved paint and/or shingle colors
- Exterior painting with the same color the house is currently (assumes that the color had been approved for use in the Highlands in the past); the Sherwin-Williams color numbers MUST be specified on the application. No sample paint board is required in this case, but the homeowner does need to explain how the resulting color will be the same as is currently on the house. Verification of repainting with same color could be done via computerized color matching, using same color from labels on old paint cans, etc.
- Landscape renovations with minor changes to the front, side or back yards (e.g., new or removed shrubs, stone, etc.) will also be quickly approved. Homeowners considering landscape revisions must not exceed 70% of their lot in hardscape, and 80% of the remaining 30% must be living, green plants (or artificial turf).

**4.52** Following the ALC’s review and approval *or* disapproval, the ALC shall:

**4.521** Contact the applicant by telephone or email and notify him or her regarding the ALC’s decision.

**4.522** If no email is available, the ALC will send the applicant a letter (via US Mail) that outlines the Committee’s decision attached to a copy of the submitted application.

**4.53** If a proposal is disapproved, the reason(s) will be stated as part of the written decision sent to the applicant.

**4.6 Completion of the Approved Project** Approved projects must begin within one (1) year (per CC&R Article V, Section 7) after issuance of approval. Failure to begin work within the prescribed time may cause the approval to be rescinded. The Committee may grant an extension under extenuating circumstances. The project should be completed in a timely manner.

**4.7 Appeal of an ALC Decision** An applicant who desires to appeal a decision of the ALC may petition the Board for a review of the decision of the ALC by submitting to the President or Secretary of the board of directors a written statement explaining the alleged problem and the applicant's proposed solution. The President or Secretary will provide copies of the request to the members of the Board and the Chairman of the Architectural Committee. A majority of the Directors of the Board must agree that a review is appropriate before review may be granted. The Board will notify the applicant within 30 days after the applicant's letter is received by the President or Secretary of whether the Board is willing to review the matter and on what terms. The board may set procedures for the review, should it be granted, in addition to limiting the review to specific issues as well as the time that the applicant may speak.

## **5.0 INFRACTION POLICY**

**5.1 Infractions** Infractions of the Architectural and Landscape Committee rules and regulations may be reported by anyone in writing to King City Highlands ALC, 12930 SW Peachvale St., King City, OR 97224. The infraction will generally be processed in the following manner, but circumstances may require different action: (a) An ALC representative will inspect the alleged infraction; (b) If the Committee determines that the alleged infraction requires corrective action, an ALC representative will discuss the issue with the Owner and ensure a copy of the A&L Manual and any governing document pertinent to the issue is available to the Owner; (c) A completion date for the corrective action will be established at that time; d) if satisfactory corrective action is not taken by the date specified, a letter will be sent to the Owner via registered mail by the ALC Chair documenting all previous communications, restating the corrective action and a final date for completion; e) If the infraction is still not completed after receipt of the registered letter, the ALC will turn the matter over to the KC Highlands HOA Board for further action as provided for in CC&R's, Resolutions and Bylaws.

**5.2 Enforcement Policy & Assessment of Fines** In keeping with Resolution #2013-5, Enforcement of Association Governing Documents dated November 13, 2013, the Board of Directors may assess fines and fees as required in the interest of assuring the peaceful, safe, and orderly use and enjoyment of the Association's property, as well as the smooth, efficient, and proper management of the Association, which necessarily includes any violation of any provisions of the Association's Governing Documents (including the provisions contained in this Manual).

## 6.0 STRUCTURAL DESIGN GUIDELINES

**6.1 Exterior Colors** All exterior paint colors (includes siding, trim, and doors) must be approved by the ALC based on the Approved House Paint Colors book available in the Clubhouse, and shall be in harmony with the rest of the community. Only the pre-approved colors identified in the Approved House Paint Colors book are allowed for use in the Highlands.

Owners are free to purchase paint from any paint supplier they choose. The desired colors must match the pre-approved colors identified in the Approved House Paint Colors book. Submit the sample paint board using your choice of brand. The sample paint board will be returned to you after the ALC has approved your application. It is advised that you keep the sample paint board for future reference.

**6.11 Sample Board** The ALC maintains a standardized "Paint Approval Kit", which includes: Application Form, sample paint board, non-latex glove, sponge brushes, and disposal bag, and can be found in the Clubhouse. Along with the application, submit the sample paint board, painted & labeled with the paint color numbers for the primary, trim & front door selections.

**6.12 Gutters** Gutters must be the same color as the fascia. The downspouts must be painted to match the main house color.

**6.13 Front Doors** Front doors must be painted a single color, either to match the color of the siding or trim, or one of the pre-approved front-door colors identified in the Approved House Paint Colors book.

**6.14 Garage Door** Garage doors must be painted the same color as the main house color.

**6.15 Roof Vents and Flashing** Sewer vents, attic vents, dryer exhaust vents, roof valley flashing, and other vents that penetrate the roof may be painted in a manner that blends with the color of the roof.

**6.2 Roofs** Roofs must be covered with shingles that have been approved by the Architectural Committee. Approved types and colors of shingles are on a display board located in the clubhouse. Roofing material must be the same as on the home for any structure that has three or more enclosed sides, regardless of the purpose or use of the structure.

**6.3 Storage Structures** Storage or accessory buildings (such as dog houses, tool sheds, firewood, barbecue-type enclosures, non-portable pools or hot-tubs, and non-portable or affixed outdoor furniture such as swings, picnic tables, barbecues, etc.) shall be screened from public and neighboring view. The location of all such structures is subject to approval by the Committee. If the screening is to be by shrubs, the owner will be allowed three growing seasons for said screening to be effective.

**6.4 Drainage** Gutters are required on all structures and must be properly drained to a storm sewer conveyance or other approved point of collection that does not create a hazard (refer to Oregon Residential Specialty Code R401.3).

**6.5 Driveways** Driveways shall be of concrete slab construction only. It is recommended that the driveway surface be finished with a broom finish or exposed aggregate.

**6.6 Impervious Surfaces** Not more than seventy percent (70%) of any lot shall be covered with an impervious material; impervious materials include all structures, decks, patios, pools, driveways, or walkways.

**6.7 Garages** Each single-family detached living unit shall include a garage designed to enclose a minimum of two (2) and a maximum of three (3) vehicles; neither permanent nor temporary carports will be permitted.

**6.8 Fencing, Wall and Hedge Requirements – New/Replacement fences:**

All homeowners are required to apply to the ALC for approval on all fencing and hedge plantings prior to proceeding with projects.

In order to maintain the aesthetic quality of the community, there are restrictions on fences, walls and hedges within the Highlands. All improvements/changes must be in compliance with HOA governing documents and King City rules and regulations, and must adhere to the following guidelines:

- All fences and walls shall be constructed of cedar, treated wood, brick or vinyl (see limitations below on vinyl, in Sections 6.81 and 6.82). Fences must be constructed of standard fencing materials (4x4 posts, fence panels, etc.).
- If there is a right side and a wrong side of a fence, the right side must face outside; i.e., the good side towards the neighbor or adjacent property. This provision also applies to privacy screens.
- Fences must not extend further toward the sidewalk than the front of the structure.
- The owner of the fence is fully responsible for all maintenance, including: repair or replacement of loose boards or boards with dry rot, maintaining integrity of posts and footings, staining & painting, removal of moss and lichens, etc.
- No chain-link fencing shall be allowed. The only type of wire fencing that will be allowed – with prior approval of the ALC – is small-gauge garden wire fencing, providing the wire is 100% concealed by evergreen hedging materials on all outer sides of the fence at the time of installation.
- Homeowner must ensure all fence/hedge materials do not exceed their property lines.
- Any fences, walls, or hedges installed that have not been approved by the ALC will be removed at the cost of the homeowner.

All lots have regulations on fencing and hedges as to height, materials, planting requirements and placement. Regulations vary depending upon lot location (i.e., lots that adjoin HOA common areas, lots that do not adjoin HOA common areas). The restrictions are broken down into the three categories listed below depending on the location of the lot.

**6.81 Lots that adjoin HOA Common Greenway areas (Lots that back onto HOA lawn areas):** Fences must be a minimum of 4ft in height and no taller than 6ft in height. Fences must have evergreen hedge plantings planted on the HOA side of the fence at time of installation. Hedge materials must be guaranteed to attain 100% coverage of the new fence within 2 years of fence installation. Hedges cannot exceed 8ft in height (except for Arborvitae). Hedge material must not extend beyond owner's property line.

These lots are as follows:

Peachvale St. lots affected: 12600 through 12792 and 12860 through 12880

Overgaard St. lots affected: 12615 through 12793

Dickson St. lots affected: 12626 through 12918

Fencing materials allowed on these lots are: wood, brick, or tan or gray vinyl (no white vinyl is allowed).

**6.82 Lots that adjoin HOA Common Footpaths (No HOA lawn areas):** Fences must be a minimum of 4ft in height and no taller than 6ft in height. Hedges on the HOA side of fencing is optional on these lots. Hedges may not exceed 8ft in height (except for Arborvitae). Hedge material must not extend beyond owner's property line.

These lots are as follows:

Peachvale St. lots affected: 12502 through 12554, 12820 through 12840, 12767 and 12831

Overgaard St. lots affected: 12500 through 12565

Dickson St. lots affected: 12567, 12574 through 12626 and 12943

126<sup>th</sup> Terr. lots affected: 16250 and 16280

129<sup>th</sup> St. lots affected: 16227 through 16421 and 16154 through 16044

Wimbledon Ct. lots affected: 16016 and 16023

Bexley Ln. lots affected: 12790 and 12785

Fencing materials allowed on these lots are: wood, brick, or tan or gray vinyl (no white vinyl is allowed).

**6.83 Lots that do not adjoin any HOA common area:** Fences must be a minimum of 4ft in height and no taller than 6ft in height. The finished side of the fence must face out toward adjoining neighboring properties, with the exception of “Good Neighbor” style fences. Hedges not to exceed 8ft in height (except for Arborvitae), with the exception of corner lots (see #6.86 below).

Fencing materials allowed on these lots are: wood, brick or vinyl.

**6.84 Replacement Fence guidelines:** All replacement fencing projects are required to follow the guidelines in Section 6.8.

**6.841** Prior to removing any existing fencing, the applicant must ensure the fence being removed is his/her property, by validating with common fence neighbors. Applicant agrees to have full responsibility of proper maintenance thereafter, as described in Section 6.8 above.

**6.85 Brick Front courtyards and fences are allowed on any lot:** Brick front courtyard walls shall be constructed similar to the wall around the condos on 131<sup>st</sup> Street; i.e. it shall be a maximum thickness of a single brick, shall not exceed 4ft in height, shall have a pillar or post every 8 ft and shall be adequately supported and reinforced. Brick walls must not extend further toward the sidewalk than the front of the structure. Courtyard walls are subject to King City rules and regulations.

**6.86** On corner lots, side-yard fencing or placement of a wall is prohibited except between the rear corner of the house and the rear property line. Such fencing shall not be closer to the side street than the side property line, and must provide for a 12” buffer along the sidewalk. Appropriate plantings along the outside of the fence or wall shall be required.

**6.87** No plantings or structures obstructing vision at street intersections or driveways will be permitted (per King City Municipal Code Chapter 16.144, which states “A visual clearance area shall be maintained on the corners of all property ... (and) shall contain no hedge planting, fence, wall sign or any similar permanent obstruction which is between three feet and eight feet in height ... from the street center line grade.”).

**6.88** All fences, walls, and hedges shall comply with the laws and regulations, including setback requirements, of King City.

**6.9 Privacy Screens** Privacy screens may be located in a side or rear yard, and must be constructed of materials as listed above in Section 6.8 Fencing, Walls and Hedge Requirements. They shall not exceed six (6) feet in height and shall be no larger than that required to screen a window, door or patio area.

## **6.10 Patios and Decks**

**6.101** All porch and deck additions shall have an appearance consistent with and/or complimentary to the exterior of the living unit.

**6.102** No porch, patio or deck addition shall extend nearer than five (5) feet of the rear or side property lines of the lot.

**6.103** The posts and supports of decks that are more than eighteen (18) inches off the ground must be screened from view with either materials compatible with the deck or approved landscaping (e.g., shrubs or other tall, evergreen plants).

## **6.11 Deck and Patio Covers/Awnings**

**6.111** These structures require King City building permits. Construction materials must be approved for use in these structures.

**6.112** Decks and safety rail systems shall be constructed of materials (wood, composite materials, metal and/or glass) that have a consistent appearance with or complement the exterior of the living unit.

**6.113** Patio covers may be commercially manufactured if approved by the ALC. Such covers or awnings may not extend nearer than eight (8) feet to any boundary line of the lot. Awnings may be of a retractable design (e.g., canvas or other fabric materials), and must be color-coordinated with the rest of the house.

**6.114** Patio covers attached to the house may be a roof, an open arbor, or a pergola. Since these attached features are structurally a part of the house, the distance from its outer edge to the lot line shall fall within the city's minimum building setback zoning.

**6.115** If the patio cover is a roof, the color of the roofing material (shingles) must be the same color as that used on the house.

## **6.12 Freestanding Structures**

**6.121** Freestanding structures such as tool sheds, pergolas, cabanas, gazebos, and hot tubs may not exceed one hundred (100) square feet (10X10) in area, and may not exceed eight (8) feet in height as measured from ground level, and must be screened by a fence or hedge.

**6.122** If the fence screening a structure belongs to an immediate neighbor, the free-standing structure may not be attached to the neighbor's property (i.e., the neighbor's fence).

**6.123** Combustibles (e.g., firewood, LP tanks, charcoal lighter fluid, etc.) stored in a structure must be held to minimal quantities, and that structure must be locked.



**6.124** Temporary, pop-up structures (e.g., collapsible sun shelters) can be up for no longer than 48 hours.

**6.13 General Nuisance** No homeowners shall permit the storage or use of any substance, item, or material that emits a foul or noxious odor, or will cause any noise or other condition that disturbs the peace, quiet, safety, comfort, or serenity of the occupants of surrounding properties, or individuals occupying any common area. Construction noise shall be confined to the hours 8:00 am to 5:00 pm. Hot tub operation noise must not disturb neighbors. The HOA Board retains the authority to enforce this policy.

**6.14 Small Television Satellite Dish** Television satellite dishes less than one meter (39 inches) in diameter and designed to receive direct broadcast satellite services, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, do not require the approval of the ALC. Such discs/dishes:

**6.141** Shall be dark gray in color or consistent with the color of the roofing material.

**6.142** Shall be installed in such a fashion that they are hidden from view by placement in the rear of the dwelling or beside the air-conditioning units, or mounted on the building in an inconspicuous location.

**6.143** Shall not be installed on a roof slope facing the street or exceed the highest point of the roofline if a less visible location is suitable.

**6.144** Mounting a satellite disc on the roof or chimney above the roofline is prohibited. Satellite discs may not be installed on the front-facing slope of the roof.

**6.145** Exterior wiring must be hidden to the extent possible, preferably contained in suitable conduit and painted in the color that is compatible with the color of the roofing material and/or house color. Ground wiring should be buried.

**6.146** If ground-mounted, no portion of the dish or its support structure shall be higher than five (5) feet as measured from the ground, and should not either encroach on a neighboring property or any Common Area.

**6.147** Satellite discs may not be installed on the ground in front of the dwelling.

**6.148** TV satellite dishes with diameters over one meter are generally discouraged and require ALC approval prior to installation.

**6.15 Over-the-Air Digital TV Antennae** Antennae for local over-the-air digital TV reception that do not exceed five (5) feet in height may be installed without prior approval of the ALC, but only if the antenna will be mounted within the attic space of the home. However, because of the unattractive appearance of digital television antennae, external mounting is strongly discouraged; the preferred mounting location is within the attic. If an external antenna must be used to obtain an acceptable signal, the same requirements as referenced above in 6.14 Small Television Satellite Dish shall pertain. An ALC architecture application must be submitted – and approved by the ALC – prior to externally mounting any antennae.

**6.16 Green Technology** Use of solar water heating and photovoltaic (passive Solar Energy Systems) is acceptable and encouraged if the panels or collectors are integrated into the roof structure – also known as Building-Integrated Photovoltaic. The use of separate roof-mounted panels, particularly those with standoff distances exceeding six (6) inches is discouraged. Each application for installation will be reviewed by the ALC on its own merit. Please refer to Board of Directors Resolution #2015-1 for further details.

**6.17 House Numbers** House numbers must be clearly readable from the street

**6.18 Exterior Lighting** All exterior lighting fixtures mounted on the house must be approved by the ALC. Solar-powered accent & decorative landscape lighting is permitted. Spotlights and other security lighting (e.g., motion-sensitive fixtures) must not be allowed to shine into the neighbor’s windows. Seasonal holiday lighting and decorations must be promptly removed after the holiday.

**6.19 Basketball Backboards and Hoops** Basketball backboards and hoops are not permitted anywhere within the Highlands.

## 7.0 LANDSCAPING DESIGN GUIDELINES

### 7.1 Minimum Landscaping Requirements

**7.11 Lots with Living Units:** All lots must have a minimum of 30% of open, permeable, plantable space (refer to Section 6.6, Impervious Surfaces, above).

**7.12** All front and rear yard areas, exclusive of patios and/or decks or other approved landscape features, shall be planted with any combination of lawn or other live plants (such as ground cover, perennials, shrubs, deciduous trees, or small conifer trees), so that living plant material will cover a minimum of 80% of the non-paved yard within three (3) years after the area is planted. Annuals may be used in season as the owner chooses.

**7.13** Artificial turf is an acceptable substitute for natural lawn grasses (refer to Board of Directors Resolution 2018-01, Installation of Artificial Turf). Only green artificial turf will be allowed. **Samples of the turf product(s) must be submitted with the application.** The requirements described in the Resolution are as follows:

#### **A. Front Yard and Side Yard Lawns:**

The only artificial lawn allowed to be installed in front and side yards must be Industry Standard rated 80oz per sq ft grade or heavier grade, "Thatch" style for artificial turf installations. No other grades will be allowed in front or side yards.

#### **B. Back Yard Options:** There are two (2) artificial lawn options for back yards:

**Option 1:** Artificial lawn of the same grade and quality identified above for Front and Side yards is allowed to be installed in back yards. No fencing is required with this option.

**Option 2:** Artificial turf suitable for sport applications (example: putting greens) is an option for installations in back yards only. The sport turf product must be of an equivalent quality level as the lawn turf requirements stated above. Nothing of a lesser quality will be allowed for sport turf. Sport turf installations must also be screened by fencing or shrubbery, to avoid visibility from public view.

**7.14** All side areas, i.e., between houses, shall at a minimum be covered with bark dust or other porous material as approved by the ALC.

**7.15** When considering a major landscape revision, a complete landscaping plan specifying the plant material by name, location, and approximate size after three (3) years of growth must be submitted by the owners and approved by the ALC. Approval must be obtained prior to start of project.

**7.16** Extensive areas of sparsely planted shrub-beds covered with bark dust or similar materials will not be permitted.

7.17 Mounding of plant beds and lawn areas will be permitted if graded to blend with adjacent property and/or landscaping. Special care shall be taken to ensure proper surface drainage and to eliminate casual water pockets, so as not to infringe on neighboring property.

7.18 Any damage caused to common or neighboring property that results from the installation of landscaping or sprinkler system by an owner, or by a resident, or by a contractor engaged by the owner or resident will be the sole responsibility of the owner.

7.19 Owners are required to give these **Minimum Landscaping Requirements** to their landscape designer, architect, and/or contractor prior to implementation of the work to facilitate and insure compliance.

**7.2 Landscape Maintenance** Owners shall maintain their respective properties in a manner that assures an orderly and attractive appearance.

7.21 Planting areas must be kept free of weeds and brush. Lots with lawns must be kept mowed on a regular basis.

7.22 Plants, trees and shrubs must be kept free of diseases and properly trimmed to prevent an overgrown appearance. Dead shrubs must be removed/replaced in a timely manner.

**7.3 Street Trees** Street trees are required; at least one (1) tree per street frontage. The ALC will maintain a list of species allowed for street and common-area trees. The ALC is also able to consider and allow for special circumstances, due to space constraints in the lot.

**7.31 Homeowner Responsibility:** Each owner shall be responsible for providing adequate water and for raking and removing leaves and other debris from the street trees on their lot and the adjacent sidewalk. It is also the homeowner's responsibility to notify the ALC when their street tree(s) appear to be diseased, when the roots of the street trees are interfering with sidewalks, driveways and/or underground utilities. They should also notify the ALC if their street tree(s) are in need of trimming or of special care. Any tree that dies because of the owner's negligence shall be replaced at his/her expense.

**7.32 Association Responsibility:** If HOA-owned street trees or their roots are suspected to have caused damage to hard surfaces (e.g., sidewalks, driveway curbs, foundations, utility infrastructure), the ALC will have the damage inspected by a licensed arborist to verify the cause. A determination will be made what corrections, if any, are to be made to the tree as well as the damaged hard surface(s). If the damage is determined to be caused by the street tree, the cost to modify or replace the tree will be covered by the HOA. Repairs to the hard surfaces will be made - and paid for by the HOA - if the ALC determines repairs are required.

**7.33 Trimming and Pruning.** No individual homeowner or renter may trim, prune, or in any way shape any street tree on their property. The periodic trimming, pruning, or shaping of the street trees is the responsibility of the Association, and the work will be done by the certified arborist (tree service) hired by the HOA.

**7.34 Tree Removal and Replacement:** Existing street trees can be removed at any time during the year, if they have been found to be diseased, dying, or causing damage to infrastructure (refer to section 7.32 above), or if the homeowner wishes to pay for the removal themselves. Homeowners, at their own expense, may be allowed to remove and replace a street tree on their lot. A written application must be submitted by the homeowner and approved by the ALC prior to removal of the street tree(s). It is the responsibility of the homeowner to ensure proper safety requirements (safety cones, stump grinding barriers) are used at the time of tree and stump removal to avoid injury or damage to nearby properties.

**7.35 Replacement Location:** The stump of the old tree must be removed to below the grade level. The replacement site is at owner's discretion, provided the location is within 8ft of the front or side sidewalk and does not interfere with neighboring property.

**7.36 Tree Replacement Specifications:** Street tree planting shall be done between the months of October and April to avoid risk of the new root system getting too dry in the warmer months. Replacement trees must be a minimum of six to seven (6-7) feet tall, measured from the top surface of the root ball to the top of the tree. No smaller trees will be allowed. If a smaller tree is planted, it needs to be removed and replaced with a proper-sized tree at homeowners' expense at the time of notification by ALC. Trees may be chosen from the current approved tree list. Consult the ALC for allowed tree species.

**7.4 Yard Ornaments** Yard ornaments of stone, metal, ceramic or other durable materials will be accepted if of reasonable size and limited in number, and are harmony with the landscaping.

**7.41** Ornamentations made of plastic or carved wood, or that are brightly- or garishly-colored are not acceptable.

**7.42** Seasonal holiday lighting and decorations are exempt from these restrictions as long as they are promptly removed after the holiday.

**7.5 Sidewalks and Curbs** For suspected damage to sidewalks due to street trees, please refer to section 7.32. If a sidewalk panel shifts or rises to a degree where it becomes a hazard to pedestrians (i.e., more than  $\frac{3}{4}$ " ), the homeowner is responsible for grinding, repairing or replacing the affected sidewalk panels. Sidewalk edges, seams or curbs that have crumbled or otherwise deteriorated to the point where they become hazardous are also the responsibility of the homeowner to repair.

## 8.0 COMMON AREA GUIDELINES

**8.1 Affecting Common Property** The owner, his contractor, or any other person associated with any type construction may not disturb the surface of the common property during construction or use any portion of the common property for storage or other activities relating to construction. Roadways and adjoining areas shall be kept clean and free of debris (and roadways free of mud) arising from construction activities.

**8.2 Enforcement** In the event violations occur, in addition to other remedies permitted by the Association's Governing Documents, the Board of Directors may act to correct the violation, and then charge the owner of the property the related cost (which shall be payable on demand) in addition to whatever fines or other fees may be assessed, consistent with Board of Directors Resolutions #2013-02, Schedule of King City Highlands Fines & Fees; #2013-05, Enforcement of Association Governing Documents; and #2013-15, Collection of Unpaid Assessments and Other Charges.

## 9.0 OTHER CONSIDERATIONS

**9.1 Precedence** As stated in CC&R Article V, Section 6.a, consent or disapproval by the ALC of any application or architectural or landscape matter proposed to it shall not under any circumstances be deemed to constitute a precedent which would in any way impair its or the board of director's right to grant or withhold approval of any similar application or matter thereafter submitted for review.

**9.2 Owner's Responsibility** As stated in CC&R Article V, Section 6.b, ALC consent shall not be construed as an assertion or guarantee of a given project's compliance with governmental or other applicable requirements. Regardless of the ALC's approval, all governmental or other applicable requirements are the responsibility of and must be satisfied by the owner.

**9.3 Architectural Manual Revision** Pursuant to Article IV, Section 3 of the CC&Rs, the board may, from time to time, amend, modify or revise provisions of the Architectural & Landscape Manual, including the procedures for submission to and approval of the Architectural Committee outlined herein; provided, however, that no such amendment, modification, or revision shall be binding upon the owners until notice of the same has been given to the owners by the board, and no such amendment, modification or revisions shall affect structures, improvements or landscaping approved prior to the enactment of such amendment, modification or revision.

**10.0 HOMEOWNER & ASSOCIATION RESPONSIBILITY MATRIX**

<u>ITEM:</u>	<u>HOA</u>	<u>LOT OWNER</u>
Address numbers		X
Antennas & Satellite dishes		X
Drainage systems (gutters, downspouts, French drains, etc.)		X
Heat pump & air conditioner		X
Landscape (front and back yard)		X
Leaf & debris, & snow & ice cleanup & removal		X
Living unit interior & exterior including doors & windows		X
Retaining walls, fencing, deck, patio, & awnings		X
Sidewalk along property line, curbs, driveway, & walkways		X
Sprinkler system (includes backflow testing & maintenance)		X
Utility lines (electricity, natural gas, water, cable, etc.)		X
Approved Street-trees	X	X
Brick-&arborvitae wall along Beef Bend Rd.	X *	
Clubhouse garbage & air conditioner enclosure	X	
Clubhouse interior & exterior	X	
Clubhouse Parking area	X	
Common area & Clubhouse lighting	X	
Common Area landscape	X	
Common Area rock retaining and brick walls	X	
Common Area sprinkler & drainage systems	X	
Common Area Street & other trees	X	
Common Area walking paths and sidewalks	X	

\* The Homeowners Association will maintain, including replacing when necessary, the arborvitae planted along Beef Bend Road between the brick wall sections located on the rear of residents' lots, except that each owner is responsible for maintenance pruning on the side of the hedge that faces their yard. The Association is responsible for the maintenance of the brick wall along Beef Bend, as well as for watering the arborvitae.

The Condominium Association & condominium owners are responsible for all items, buildings, and landscaping inside the brick walls. King City is responsible for the maintenance of the streets and the street lighting.

## 11.0 CHANGE HISTORY

### **06/03/2020 Minor Updates:**

4.34 (update): Allowance for signatures of neighbors to be provided digitally/electronically, due to circumstances such as COVID-19 sequestration, residents being out of town for the season, etc.

4.51 (new subsection): Allowance for certain Architectural & Landscape Applications to be “instantly approved”; criteria specified herein.

4.52 (renumbered from 4.51)

4.53 (renumbered from 4.52)

6.3 (update): Allowance for shrubs surrounding/screening storage structures (i.e., sheds) to grow to necessary height over three years, rather than the previously-specified one year.

6.83 (revised): Removed requirement that “all affected neighboring property owners must sign the application for the fencing project.” This clause effectively gave neighbors “veto power” and would prevent a resident from building an otherwise-suitable fence, if a neighbor had any objections at all.

11.0 Change History section added.