

**CANTERWOOD HOMEOWNERS ASSOCIATION
RESIDENTIAL GUIDELINES**

AMENDED BY THE BOARD OF DIRECTORS JULY, 2018

MISSION STATEMENT

The mission of the Canterwood Architectural Control Committee (ACC) is to serve the Canterwood Homeowners by facilitating controlled and aesthetically appropriate growth and by maintaining and enforcing the standards established by the Canterwood's Amended and Restated Declaration of Covenants, Conditions and Restrictions recorded under Pierce County Auditor's No. 8803180143 (the "CC&R's").

OBJECTIVES

- Provide expeditious review of the builders' and homeowners' plans.
- Preserve and enhance the natural attractiveness of the community.
- Encourage and maintain a harmonious relationship between structures, vegetation and topography.
- Promote qualities which bring value to the community.

1. ARCHITECTURAL CONTROL COMMITTEE (CC&R Article VIII)

- 1.1. **Membership:** In accordance with Section 8.1 of the CC&R's, the ACC consists of not less than three (3) nor more than seven (7) persons appointed by the Board of Directors. Each member holds office until he/she resigns, is removed, or until his/her successor has been appointed and qualified.
- 1.2. **Meetings:** ACC Meetings shall be on the first and third Wednesday of each month at 10:00 a.m. in the HOA office. Additional meetings may be set as needed. An ACC member's failure to attend three consecutive meetings or less than 75% of the meetings in one year may result in removal from the ACC unless a leave of absence is first approved by the ACC.
- 1.3. **Voting and Quorum Requirements:** The ACC shall take action based upon a majority vote at a duly scheduled meeting at which a quorum is present. Fifty percent (50%) of the members of the ACC shall constitute a quorum for the transaction of business.
- 1.4. **ACC Roles and Responsibilities:** See generally Sections 9.1, 9.3, 9.4 and 9.5 of the CC&R's.

2. GENERAL DESIGN CONSIDERATIONS

- 2.1 The overriding design goal shall be to preserve the existing native landscape as much as possible, while allowing lot owners to manage and protect their properties in a maturing community. Golf course frontages within the buffer areas shall remain undisturbed or be restored with native or approved equivalent landscaping along the edge of the course.
- 2.2 A variety of materials, styles and structures should be encouraged, provided that they are in keeping with the natural beauty of the community.
- 2.3. Structures, materials and landscaping shall enhance the native and natural landscaping of the Pacific Northwest and the forested edge of the golf course. Strong landscaping will be required to soften strong architecture.
- 2.4 Streetscapes will be open and friendly. Front yard hedges and bright outdoor lighting are discouraged. Driveways should be kept to a minimum to allow soft landscape at the street.
- 2.5. **Golf Course Sites:** The golf course, carved from the forest, is both a view and recreational amenity. It is designed to be natural and have "no sharp edges." Golf course homes and landscaping must be designed with attention to the impact they will have on the golf course and how they blend with the golf course boundaries and enhance the beauty of the course.

- 2.6. **Non-Golf Course sites:** Non-golf course homes need to support neighborhood, street and backyard relationships. Some design standards are different for non-golf course sites; e.g. backyard fences, and play equipment, sports courts and other uses that are not appropriate for golf course sites.
- 2.7. **Lines of Sight:** Attention should be given to location of homes in relation to neighboring homes. Site plans of adjoining properties and existing homes need to be considered and may require limitations on siting of new homes. In addition, the ACC will give consideration to the impact of homes on neighbors and the golf course. Primary concerns are preservation of access, sunlight, drainage, views, privacy and normal use of neighborhood property.
- 2.8. **Trees and plants:** Existing natural landscape should be preserved as much as possible.
- 2.9. **Variances:** The Board of Directors, upon special request, may approve a variance to these guidelines. Such variance and consideration will be recorded in meeting minutes. Approval by the ACC of any plans, drawings or specifications shall not be a waiver of the right of the Board of Directors to withhold approval of any similar plans or specifications. (CC&R's Section 8.5. Non-waiver.) It is the responsibility of the Homeowner or Builder to draw attention to any potential variances to the Guidelines or CC&R's when submitting plans for approval.
- 2.10. **Completion of Construction:** All structures shall be completed as to external appearance, including finish painting, within twelve (12) months from date of commencement of the construction, unless prevented by causes beyond the owner's control, or unless the construction period is extended by the ACC. (CC&R Section 10.5. Completion of Construction.)
- 2.11. **Final Landscape Plans:** Final Landscape Plans must be submitted within one year from the date of clearing. Landscaping must be completed within six months of plan approval.
- 2.12. **Homeowner Association Common Property:** The HOA Common Property areas are subject to the CC&R's.
- 2.13. **Land Use and Building Type:** Refer to CC&R's Article X, Section 10.1

3. STRUCTURES AND DESIGN FEATURES

- 3.1. **Architectural Style:** A repetitive architectural style should be avoided. Differing window design, surface material, porch treatments, roofing materials and bay treatments should be utilized to achieve variety. Roofing materials must vary in type and/or color. Roofing materials will be considered in conjunction with body color and trim color. Siding materials must vary in color. Variation of materials is also encouraged. Builders are encouraged to produce homes that are diverse in size, design, color and materials. Builders shall provide architectural diversity by including homes with porches, stoops, pediments, porticos or colonnades at the home entry.
- 3.2. **Finished elevations:** Specific attention must be paid to finish floor elevations and roof peak elevations. These elevations must be consistent with the natural contours of the surrounding lots and homes.
- 3.3. **Exterior and roof materials:** Houses and related structures must have exteriors and roofs comprised of materials that are appropriate for the Northwest, are consistent with the character of the forested edge, and fit in with the surrounding houses. The siding should be consistent with the style of the home. The roof material and eaves should be consistent with the style of the home and the pitch of the roof.

Each structure shall have a preponderance (more than half of entire structure, not just the front elevation) of "Premium" exterior and roof materials or all "Premium" materials.

A Commodity Material may be used on the house provided that a preponderance of Premium Material is present. High quality construction and design without discouraging individual innovative or imaginative ideas is encouraged. Materials not listed below must be submitted for consideration and approval.

Premium Materials for Siding: Stucco or EIFS; Stone, natural or cultured; masonry; cedar shingles, cedar siding. Combinations of Hardi products will be considered as premium on a case by case basis.

Premium Materials for Roofing: Shake; cedar shingle; slate; tile; concrete and metal and high-quality composition.

Commodity Materials for Siding: Composite lap siding (i.e. Hardiplank), panel siding with trim batts.

Commodity Materials for Roofing: Architectural composite such as Celotex Presidential, Certainteed or design equivalent. Approved heavy weight or super heavy weight laminated composition shingles for roofing (minimum 40-year warranty).

All materials are subject to ACC approval.

- 3.4 **Metal finishes:** If metal windows or doorframes are used, they must have anodized or painted finishes except as specifically approved by the ACC.
- 3.5 **Blank sides of the house:** Sides of a dwelling with little or no architectural features shall be softened with strong landscaping and will require some screening if they are close to neighboring lots.
- 3.6 **Overhangs:** The size of the overhangs of dwellings shall be appropriate for the house design and the pitch of the roof. Orientation with adjacent properties will be considered when overhangs extend into the setback.
- 3.7 **Existing topography:** Existing topography should be maintained as much as possible. The required Cross-section-Grading Plan must show the existing topography and the proposed changes. Where existing topography must be modified, consideration must be given to the impact including drainage that cutting or filling will have on the adjoining lots or the golf course frontage. Except with the approval of the ACC, the natural drainage of any lot shall not be changed (CC&R's Section 10.12 Drainage). It is important that side yard relationships blend together. Incremental terraces should minimize the visual impact of embankments.
- 3.8 **Drainage:** Roof and yard drainage shall be directed away from adjacent lots or drain-fields and towards the street or other specifically provided drainage systems whenever possible. Where roof and yard drainage cannot be directed toward the drainage systems, then on-site drainage should be provided by "curtain" or "French" drains. Excessive drainage should be directed to the normal underground system where possible.
- 3.9 **Drain fields:** The location of septic drain fields must be considered before grading cuts will be approved. Grading cuts must not impact or cause leakage from any septic drain-field.
- 3.10 **Colors:** Exterior colors, including repainting, require ACC approval. Colors should be soft and natural and blend with the surrounding development and vegetation. (CC&R's Section 9.3b) Special attention needs to be given to maintaining natural colors on fairway lots, such as earth tones. The use of pastel colors or colors that do not blend in creating a soft and natural feeling are discouraged. Light colors with a glare and white colors are not permitted on fairway homes. Garage doors must be painted to compliment other colors of home. Siding and trim colors must vary (3.1). One single color for all siding, trims, windows, gutters, etc. is discouraged and would require ACC review.
- 3.11 **Retaining walls:** If retaining walls or rockeries are used to provide outdoor use areas or to preserve trees, materials shall be dark-colored and require ACC approval. Planting of vines, shrubs, or other suitable plants may be required to cover the face of the wall.
- 3.12 **Exposed Concrete:** Exposed concrete foundation walls shall be concealed or clad with siding or masonry material consistent with exterior finishes or screened by vegetation and are subject to approval by the ACC.
- 3.13 **Decks:** The overhang areas and/or supporting structures of decks within six (6) feet of the ground shall be concealed from view with siding, lattice or similar skirting material consistent with the exterior finishes of the dwelling. Natural vegetation used as screening material may be required and is subject to the approval of the ACC.
- 3.14 **Swimming pools:** Swimming pools and surrounding decking shall be set back at least twenty-five (25) feet from all the property lines. Pools on golf course lots will be reviewed closely as to the impact on the golf course. Pools must not be closer than the setback requirements. Pools must not be more than four (4) feet above the adjacent ground plane. Strong landscape screening is required around pools. (CC&R's Section 10.4. Swimming Pools). Homeowners are responsible for adherence to all Pierce County regulations regarding swimming pools. All applications must be approved by the ACC.

- 3.15 **Sport Courts:** Sport courts, including without limitation basketball, pickleball and tennis courts, shall be setback at least twenty-five (25) feet from the rear property line, at least eight (8) feet from the side property lines and will require complete screening. Sport courts shall not be located in front yards. Previous variances for front yard sport courts must maintain adequate screening of the sport court from view. In some cases, you may be required to obtain acknowledgement from your neighbors. All applications must be approved by the ACC.
- 3.16 **Antennas** are not permitted. (CC&R's Section 10.24 Utility Lines, Radio and Television Antennas.)
- 3.17 **Solar energy panels:** A solar installation must be submitted and approved by the ACC. Guidelines have been created to meet RCW 64.38.055. See Appendix "L"
- 3.18 **Meter Installation:** Electric meters shall be located on the front or side of the house which is readily accessible and has an unobstructed view by facing either the street, driveway, or parking area. An exception may be granted to locate the meter within four (4) feet of the corner of the building, only on the side closest to the driveway. Meters shall not be located in locations historically proven to have a high probability of becoming enclosed. No gas or electric meter will be allowed on or near the street. (Exception: Those installed prior to May,1999)
- 3.19 **Fences and Screens:**
- Location & Height:** Some fences may be allowed in side and rear yard buffers, but at the discretion of ACC review and approval. A landscaped edge is always preferable in the buffer zones rather than fencing. However, where the adjacent terrain may dictate otherwise, the ACC may approve a fencing solution.
- Fences are not permitted in the front portion of the property under any circumstances. Approved fences and gates extending from the back property line up the side of the property, are permitted to extend a maximum of 1/3 the distance of the depth of the house, measured from the back corner to the front corner.
- Fences cannot be visible from the golf course, and fences across the rear of a golf course lot are prohibited. Where the terrain falls away from the golf course and there is no visibility to the course, an exception may be considered. When wrought iron is approved for a golf course lot, it must be screened with approved natural materials.
- Fences must be no higher than five feet. In the case of ground discrepancies where a level top is desirable a bottom board no greater than 12 inches may be utilized.
- Materials:** Fences and screens shall be finished on both sides and constructed of materials consistent with the character of the forested edge or the exterior of the dwelling. Materials that may be used include wood, wrought iron, shakes, shingles, stone, brick and other rough materials. Use of natural wood stain is preferred. Colors of paint, wood stain, stone and brick are subject to ACC approval. Chain-link used for fencing or for animal enclosures is prohibited.
- Items to be Screened:** Garbage cans, recycle containers, hot tubs, AC units, heat pumps, wood piles, utility boxes, clothes lines and play areas shall be screened from view by fences, screens or dense vegetation as practical. Existing electric meters located near the street shall be screened to the bottom of the meter.
- 3.20 **Driveways:** Driveways must be kept to a minimum but should be no less than twelve feet (12') to accommodate all types of family vehicles. The width of the drive where it meets the street shall be a maximum of twenty-five (25') feet. Circular driveways cannot exceed the maximum width at both ends where they meet the street. Driveways for side-loaded garages shall not encroach into the buffer and shall have an adequate turning radius of at least twenty-six (26') feet but not more than thirty-two (32') feet in width. The angle of approach in determining appropriate width shall be taken into consideration. All driveway replacements must be approved by the ACC.
- 3.21 **Mailboxes:** Only the standard size black mailbox with a red flag or the HOA-approved security mailbox unit, installed by the HOA will be permitted for use in the mailbox stands in Canterwood.

4. SETBACKS, LANDSCAPE ZONES AND BUFFERS

- 4.1 **Setbacks:** All setbacks must conform to Pierce County Building Codes and to the stricter requirements of both the CC&R's and the Residential Guidelines. Setbacks are defined as the minimum required distance between any structure and a specified lot line that is required to remain free of structures. Setbacks are measured from the property line to the foundation. Golf Course setbacks may not contain any structures, including driveways, sidewalks, patios or decks. When variances are granted to side setbacks, the lot owner must assume responsibility and costs for additional landscaping to restore the buffer zones. The setbacks in Canterwood are also intended to provide a natural buffer for privacy and noise abatement between residences or between residences and the Golf Course. Variances are seldom granted that reduce the effectiveness of the total setback requirements. The front setbacks from the roadway must be compatible with homes on the adjacent lots.
- 4.2 **Buffers:** Buffers mean those portions of a building lot in which no permanent construction of any kind, including but not limited to driveways, play yards, sport courts, decks and sidewalks, may take place. Hard surfaces, including but not limited to concrete and asphalt, are prohibited in the buffers, but a pathway of gravel or small stepping stones natural or artificial, fences and retaining walls may be allowed in side buffers and rear buffers, subject to ACC approval. See Section 5.2.A and 4.3.
- 4.3 **Buffer Vegetation:** Buffers are intended to remain natural or augmented with additional plantings and any clearing during construction must be restored. If the natural vegetation is lost during construction or is minimal at the time a residence is constructed, the buffer shall be replaced or augmented to conform to the Canterwood concept of "forested edge" landscaping around the perimeters of residential lots. If existing natural vegetation cannot be saved or is missing within those buffers the preliminary and final landscape plans must reflect a plan to restore those buffers in such a way that is consistent with the "forested edge" landscaping approved by the ACC. Variances are seldom granted that reduce the effectiveness of the total buffer.
- 4.4 **Golf Course Lots:** Pursuant to Sections 10.3 and 11.1 of the CC&R's, there is a minimum 30-foot Golf Course Maintenance Easement on each lot adjacent to the golf course. For developed lots, the front and rear setbacks are a minimum of 30 feet from the property line and the side setbacks are 8 feet. The rear **buffer** is a minimum of 12 feet from the property line, and the side **buffers** are a minimum of 8 feet, providing a minimum **buffer** of 16 feet between homes. *The space between the buffers and the structure is defined as the "Landscape Zone".* See Illustration 4.4 in Appendix K.
- 4.5 **Corner Golf Course Lots:** Pursuant to Sections 10.3 and 11.1 of the CC&R's, there is a minimum 30-foot Golf Course Maintenance Easement on each lot adjacent to the golf course. The homeowner and /or builder may choose one street frontage for the front and the house alignment must be considered in relation to the front alignment of adjacent houses. For developed lots, the front and rear setbacks are a minimum of 30 feet from the property line. The side setback on the corner-side is a minimum of 15 feet with the other side setback being 8 feet. The rear **buffer** is a minimum of 12 feet from the property line, and the side **buffers** are a minimum of 8 feet. This provides a minimum **buffer** of 16 feet between homes. *The space between the buffers and the structure is defined as the "Landscape Zone".* See Illustration 4.5 in Appendix K.
- 4.6 **Non-Golf Course Lots:** On Non-Golf Course lots, the front and rear setbacks are a minimum of 30 feet from the property line, and the side setbacks are 8 feet. The rear **buffer** is a minimum of 8 feet from the property line, and the side **buffers** are a minimum of 8 feet, providing a minimum **buffer** of 16 feet between homes. *The space between the buffers and the structure is defined as the "Landscape Zone".* See Illustration 4.6 in Appendix K.
- 4.7 **Non-Golf Course Corner Lots:** For Non-Golf Course Corner lots, the homeowner and /or builder may choose one street frontage for the front and the house alignment must be considered in relation to the front alignment of adjacent houses. The front and rear setbacks are a minimum of 30 feet from the property line. The side setback on the corner-side is a minimum of 15 feet with the other side setback being 8 feet. The rear **buffer** is a minimum of 8 feet from the property line, and the side **buffers** are a minimum of 8 feet. This provides a minimum **buffer** of 16 feet between homes. *The space between the buffers and the structure is defined as the "Landscape Zone".* See Illustration 4.7 in Appendix K.

5. VEGETATION AND LANDSCAPING

- 5.1 **General:** In all cases the appearance of the forested edge shall be preserved, maintained or enhanced. The need for sunlight within a home is acknowledged as well as the need for outdoor use areas and views to the golf course. Clearing, trimming and limbing may be necessary, however, extreme care shall be exercised in balancing the need for view, use areas and light with preservation of the natural landscape.

Significant modification to existing landscaping or hardscape must be presented to the ACC with an adequate description of the work to be done, request for a variance if applicable, and a drawing and/or pictures for approval by the ACC.

- 5.2 **Landscaping Maintenance:** Mature landscaping requires maintenance and trimming and from time to time may require the removal and replacement of dead or dying trees and shrubs and/or the augmentation of thinning buffer areas. Homeowners are responsible for maintaining adequate vegetative buffers and to replace injured, ill, dying or dead trees and shrubs.

A. Buffer Zones: Buffer zones are areas of natural vegetation and are intended to remain natural.

1. *Removal* of any vegetation (trees, shrubs or groundcover) within a buffer zone is *strictly prohibited* unless approved by the ACC.
2. The management of vegetation within a buffer zone such as trimming and shaping (but not removing) wild huckleberry or salal, is permitted without ACC approval.
3. Removal of Class A, B or C noxious weeds as defined by the Washington State Noxious Weed Control Board is permitted without ACC approval. A list with photos of these noxious weeds is available at <http://www.NWCB.wa.gov>.
4. Supplemental planting of buffer vegetation is encouraged, provided that appropriate species are selected. These include native and naturalized trees, shrubs, and ground covers that naturally occur at the edge of the forest clearings such as vine-maples, Pacific dogwood, red-flowering current and rhododendrons. (Refer to Appendix F for a complete list of native and naturalized plants.)

B. Landscape Zone: Homeowners have the right to maintain and manage the landscaped zone of their property as long as they follow the guidelines set forth below:

1. Tree Removal:
 - a. The removal of any tree which is greater than six (6) inches in diameter at a point four (4) feet above the ground level must be approved in writing by the ACC. Trees smaller than this description may be removed without ACC approval.
2. Limbing:
 - a. The homeowner may limb the lower 20% or 1/5th of any single tree's total height *inside the landscape zone* without ACC approval.
 - b. Limbs overhanging the roofline may be trimmed back, *but not removed*, without ACC approval.
 - c. Limbing (5) or more trees at any one time would still necessitate approval by the ACC as it constitutes a "major project" rather than maintenance.
 - d. Pruning of decorative/ornamental trees (including but not limited to vine maples, fruit trees, or Japanese maples) is allowed without ACC approval.
 - e. Topping of trees is not permitted without ACC approval.
 - f. Windsailing is not allowed without a certified arborist's recommendation.

C. Hardscapes: Hardscapes are defined as non-plant materials in the landscaping. This includes, but is not limited to driveways, walks, water features, sport courts, patios, patio covers, hot tubs, pools, yard buildings, fencing, retaining walls, etc. All hardscape installations on the property require ACC approval. Sidewalks wider than 3 feet are discouraged and would require ACC review.

D. Lawn/Turf: At the discretion of the ACC, artificial turf may be permitted for back yard use only. Visibility to adjacent properties is one criteria that the ACC will consider when reviewing a request. In any event, the artificial turf must be the highest quality available. Current specifications must meet or exceed the quality of Dupont Forever Lawn Synthetic Grass System.

E. Lawn connections: Breaks in understory vegetation along the golf course for the purpose of providing lawn shall be limited to ACC approval. The forested edge of the course will be maintained whenever possible. Where approved, the edges of the lawn should be gently undulated to create a more natural transition between the golf course and private landscape development.

F. Violations / Penalties:

1. If landscape maintenance is neglected, steps may be taken to correct the violation per Article VII and Section 10.27 of the CC&R's.
2. In addition to penalties that may be assessed for violations of Section 5.2 above, the ACC may also require restoration and replanting at the homeowner's expense.

5.3 **Hedges:** Front yard hedges are discouraged. Side yard hedges must not extend to the street and must taper in height to three (3) feet within twenty (20) feet of the street.

5.4 **Lighting:** Exterior lighting must be indicated on the Final Landscape plan and must be approved by the ACC. Lighting must be low wattage and designed with consideration of the impact on adjacent sites and the street. Driveway lighting must be kept to a minimum. For most sites eight (8) low-level driveway lights are adequate. Lighting shall remain on the property and shall not intrude upon adjacent property. Continuous all night lighting is prohibited, except for the low wattage accent lights and post lights. Security lighting shall be motion detector lights.

5.5 **Signs:** Only those signs that meet the requirements of the Canterwood Sign Regulations are allowed (See Rules & Regulations.) The current sign policy is available through the HOA office and is posted on the website.

5.6 **Vacant lots:** Sites that have been purchased for more than two years but have not started construction will be required to maintain minimum landscape along the street. This will include weed and litter control and dead or storm damaged tree removal. In cases where the condition of the site is determined to have a negative effect on the community, additional landscaping and clearing will be required. A vacant site may not be used for storage or stockpile of materials. Homeowners must not dump yard waste on vacant sites.

5.7 **HOA Common Area:** Homeowners, landscapers, and builders may not dump construction materials, yard waste or garbage on HOA common property.

6. NEW CONSTRUCTION APPROVAL PROCEDURE

6.1 **Requirements:** Prior to clearing, construction, or any action taken to a lot or property, the owner must submit plans to the ACC for review and approval. All Plans and drawings shall adequately convey adherence to the CC&R's and Design Guidelines. Plans are required to be submitted on or before the Thursday of the prior week to a scheduled ACC meeting for review at that meeting. Failure to submit a complete Plan Packet or meet the submittal deadline will delay the approval process. The ACC shall make its decision within ten (10) business days from the date the completed plans and specifications are submitted (CC&R Section 9.3 Procedure for Approval.). The ACC shall issue two letters: one letter for the building plan and one letter for lot clearing. No site work is permitted until the ACC has issued the letter approving lot clearing.

6.2 **Plan Packet:** The Homeowner and or Builder shall complete the "ACC Checklist for New Construction". The following items constitute a complete Plan Packet: Appendix B.

- Site plan
- Construction plans (1)
- Cross-section of site and Grading plan
- Drainage plan
- Septic design
- Exterior material samples

- Exterior color samples, name and brand
 - Preliminary landscape plan
 - Builder approval
 - Building review fee
 - Variance Request (Appendix D)
- 6.3 **Site Plan:** The ACC will review each site plan on an individual basis, considering topography, site configuration and adjacent houses. The Site Plan shall show the proposed location of the structure on the lot with all setback and buffer areas clearly delineated and proposed grading, decks, patios, driveways, drainage, and any other outside structure (CC&R 9.3. Procedure for Approval. (b)). The site plan shall be to scale, and if computer generated may be to scale on a minimum of 11 x 17 paper and shall indicate all dimensions and delineate all buffers and setbacks. The site plan must include a compass rose or north arrow.
- 6.4 **Construction Plans:** Construction plans consist of (1) full-sized set of drawings with all elevations and (1) set of floor plans.
- 6.5 **Cross Section and Grading Plan:** In addition to the drawing, the cross section and grading plan must include an annotated version with a written description of changes or modifications in the topography including quantities of soil to be used for fill, to be removed or to be moved as well as a cross-section through the lot.
- 6.6 **Drainage plan:** The natural drainage of any lot shall not be changed, (CC&R Article X, Section 10.12). All lots shall have a drainage plan indicating the natural drainage and if there is a request for a variance for alterations to the natural drainage, a detailed plan must be included.
- 6.7 **Septic Design/Step Approval:** A copy of the Pierce County approved septic design or sewer availability letter shall be submitted.
- 6.8 **Exterior Materials Sample:** Actual sample, brochure or picture required. Color and type must be stated on the ACC Checklist.
- 6.9 **Exterior Color Sample:** Small sample that fits into file folder, or paint brochure. Name and brand and color must be stated on Checklist.
- 6.10 **Builder Approval:** A builder must be approved by the ACC prior to submitting plans.
- 6.11 **Building Review Fee:** A building review fee is required upon submittal of plans.
- 6.12 **Variance Request:** It is the responsibility of the lot owner and/or builder to alert the ACC in writing of any variance should any part of the plan deviate from the approved Residential Guidelines. (Variance Request Forms, Appendix D, are available at the HOA office and on the HOA website.)
- 6.13 **Preliminary Landscape Plan:** The plan shall show proposed landscaping to identify lawn and planting areas, hard surfaces for driveways and patios, outdoor lighting and any grading necessary. (CC&R 9.3. Procedure for Approval (b). All walkways shall also be shown. The preliminary landscape plan shall also include a detailed drawing and description of buffer remediation, in situations where the ACC has approved disturbance of the natural buffer for clearing and/or construction. Any substantial changes to this plan that might occur during the permitting or construction process must be reapproved before changes are implemented (for example: a change in a drain field or deck location.)
- 6.14 **Lot Clearing:** Prior to clearing or tree removal, the buffers (see section 4 Setbacks and Buffers) shall be defined with a ribbon four (4) feet above ground level. All property lot corners shall have survey pins and be marked with four (4) foot stakes. **The ACC will consider vegetation and trees within the footprint of the house as vegetation marked for removal.** Property lines shall be strung and shall remain up during construction. The buffer areas shall be defined by being strung with ribbon and shall not be disturbed during the clearing process. **Removal of trees in the buffer may be requested after the initial clearing.** All trees to remain within the limits of clearing shall be strung and/or bunches of trees wrapped with ribbon. The Builder shall make every effort to avoid disturbing the remaining trees, tree roots and vegetation during the clearing process. At the request of the ACC, the person submitting such plans

shall locate stakes on the lot, which indicate the corners of the proposed structure. (CC&R 9.3. Procedure for Approval. (b).) Clearing may not commence until the builder has received written permission from the ACC (CC&R Section 9. 1). If impenetrable scrub on the lot prohibits adequate stringing of the lot, the ACC may approve partial clearing of the lot for access and viewing. The site will be reviewed for clearing and approved as such by the ACC.

- 6.15 **Non-waiver.** Approval by the ACC of any plans, drawings or specifications shall not be a waiver of the right to withhold approval of any similar plan, drawing, specification, or matter submitted for approval. (CC&R VII, Section 8.5)

7. CONSTRUCTION SITE WORK (See also Appendix C)

- 7.1 **Trees:** No filling or excavation shall occur within the drip lines of existing trees and vegetation to be saved. No trees greater than six (6) inches in diameter at a point four (4) feet above the ground level can be removed without the written approval of the ACC (CC&R Section 9. 1, Tree Removal Request, Appendix I) No tree, regardless of size, may be limbed or removed from the buffer (refer to Section 4) without the written permission of the ACC. The buffer areas shall not be disturbed during the construction process. The Builder shall make every effort to avoid disturbing the remaining trees, tree roots and vegetation during the construction process.
- 7.2 **Burning:** The burning of cleared vegetation or construction material on any lot is prohibited. All cleared vegetation and construction material must be hauled off site.
- 7.3 **Construction runoff:** Material or storm water runoff from a construction site (except clear water) must not be allowed to enter storm drains. A siltation fence shall be constructed and maintained throughout construction to prevent runoff. Streets must be kept clean and free from dirt, debris, and building materials. Throughout the construction process, the builder is responsible for maintaining sufficient rocks in the driveways to prevent mud and dirt from being tracked onto the streets. Builders are responsible for cleaning streets from their construction activity at the end of each workweek (i.e. Friday) or as circumstances require.
- 7.4 **Construction materials:** Waste building materials will not be allowed to accumulate on construction sites. Waste materials must be contained in one pile until such time as they are removed from the site. Builders are responsible for cleaning lots of their construction activity at the end of each work week.
- 7.5 **Construction Parking:** Parking at construction sites is restricted to one side of the street. Parking on any lot other than the job site lot is prohibited. In the event of temporary blocking of the street for any reason, the builder shall provide a flagger(s) as necessary for safe passage of vehicles.
- 7.6 **Construction Hours:** Construction may be conducted from 7:00am to 7:00pm (or dusk, whichever is earlier) Monday through Friday and Saturdays between the hours of 9:00am and 3:00pm. No Construction may be conducted on Sundays or Holidays. This is to limit noise and provide security to the residents.
- 7.7 **Signs:** The builder may erect one sign in accordance with the Canterwood Sign Policy (Appendix I). The landscape contractor may erect one sign during the landscaping process.
- 7.8 **Sani-cans:** Sani-cans at construction sites must be secured in a manner so that they will not be tipped over, such as bolted to the ground or chained to a tree.
- 7.9 **Final Landscape Plans:** A final landscape plan must be submitted thirty (30) days prior to implementation. The final landscape plan shall indicate all plant species and sizes (pot size, height). No variation to this final plan will be permitted except as specifically approved by the ACC (CC&R Section 9. I (e)). The Final Landscape Plan shall be to scale, indicating lot lines and buffer areas, and include planting areas, hardscape features, existing house and yard lighting, fencing and/or enclosed areas, driveways and walkways. The lot owner is responsible for landscaping and maintaining the entire lot up to the paved road, sidewalk and/or pathway. Once submitted and approved by the ACC, landscape plan must be completed within 60 days or apply for an extension
- 7.10 **HOA Property:** HOA property, streets, gutters, sidewalks, pathways and any other HOA property or Country Club property damaged during the construction process by the lot owner, the builder or the builder's subcontractors is the financial responsibility of the owner of the lot and must be repaired to the original condition.

8. **RE-MODEL CONSTRUCTION APPROVAL PROCESS:**

The Architectural Control Committee must approve remodeling, which affects “external design”. If approval is granted, remodeling must be completed within 1 year of the date of approval, or re-application is necessary. For consideration by the ACC, please refer to Appendix H, Remodel Application.

9. **VIOLATIONS, NON-CONFORMANCE AND PENALTIES**

9.1 **Conformity:** Within three (3) days of the completion of any work performed pursuant to plans submitted and approved by the ACC, the owner or builder shall provide written notice to the ACC of the completion of the work. The ACC shall upon receipt of such written notice review the work to determine whether such work is in conformance with the approved plans. The ACC shall provide the owner or builder with written notice of any non-conformity within sixty (60) days of the completion of the work. The owner or builder shall cause any non-conformity to be cured within such time as the ACC may specify, but not less than thirty (30) days of receipt of the ACC’s notice.

9.2 **Unapproved Material Modifications to Property:** Whenever it shall appear to the ACC that an owner or builder has made a modification to any lot or structure thereon which it deems to be material but for which no ACC approval was obtained, it shall provide the owner or builder with written notice of the apparent modification. If the owner or builder believes that the ACC is in error and that no material modification has been made, or that such modification has been approved by the ACC, it shall provide such explanation in writing to the ACC within ten (10) days of the receipt of the ACC’s notice.

If the ACC is not satisfied by such explanation, it may provide the owner or builder with written notice of scheduling a meeting to consider the matter at least ten (10) calendar days prior to the meeting. At the meeting, the ACC shall consider any evidence it deems appropriate, which evidence may be submitted either at or prior to the hearing, orally or in writing, by any interested person. The owner or builder shall be afforded an opportunity to respond at the meeting to any evidence so presented. After considering the evidence and the owner or builder’s response, the ACC may either find that no unauthorized material modification has occurred, or find that an unauthorized material modification has occurred.

9.3 **Penalties:** If an owner or builder fails to cure a non-conformity within the time specified by the ACC, or if the ACC determines that an unapproved material modification has been made to property, or that any other action by an owner or builder does not conform to the rules and regulations established by the CC&R’s and/or Residential Guidelines, it may assess a monetary fine in conformance with the **Schedule of Penalties** adopted by the Board of Directors.

9.4 **Appeal of ACC Decisions Regarding Conformance with Plans, Unauthorized Modifications and Penalties:** All ACC decisions regarding conformance with plans, unauthorized modifications and penalties shall be deemed final and become effective unless appealed to the Board of Directors within ten (10) calendar days of the date the decision was either mailed or delivered to the owner, whichever occurs first. Any appeal of the ACC’s decision shall be made to the Board of Directors by delivering written notice of the appeal to the Canterwood Operations Coordinator with a statement of the basis for the appeal. The notice of appeal shall state the decision being appealed, as well as the reasons the appellant believes that the decision should be reversed. In determining timeliness of the appeal, the appeal shall be deemed filed on the date the appeal is received by the Canterwood Operations Coordinator. If an appeal is timely filed, the ACC’s decision shall not take effect until such time as the Board of Directors decides the appeal.

If an appeal is timely filed, the Board of Directors shall schedule a hearing to consider the appeal. The appeal may be considered at the Board of Directors’ option at either a regularly scheduled meeting or a special meeting. The appellant shall be provided with written notice of the meeting at least ten (10) calendar days prior to the meeting. At the meeting, the Board of Directors shall consider the ACC’s decision, and shall further consider any additional evidence regarding any matter it deems appropriate, which evidence may be submitted either at or prior to the hearing, orally or in writing, by any interested person. The appellant shall be afforded an opportunity to respond at the meeting to any evidence so presented. After considering the ACC’s decision, all evidence presented, and the response of the appellant, the Board of Directors may decide to either confirm or modify the ACC’s decision.

The decision of the Board of Directors shall be transmitted to the appellant in writing. The decision of the Board of Directors shall be deemed final and become effective three (3) business days after the date the decision was either mailed or delivered to the appellant.

- 9.5 **Denial of Approvals.** The ACC may deny approval to any applicant with outstanding and unpaid fines and/or a non-conformance. Upon payment of the fines and/or remedying the non-conformance, the ACC will reconsider its decision by implementing the applicable process for review and approval / disapproval.

10. QUALIFICATION AND DISQUALIFICATION OF BUILDERS

- 10.1 Only “Qualified Builders” approved by the ACC may engage in Construction in Canterwood. The term “Construction” includes but is not limited to general contracting for the construction of a new home and major changes to the exterior elevation. Qualification of a builder does not serve as a recommendation of a builder or a guarantee of a builder’s performance by Canterwood.

All builders qualified prior to the date this process was adopted shall be deemed disqualified and shall be required to renew that builder’s qualification as specified in Section 10.4 upon the submission of any new plans for construction in Canterwood or may be disqualified as provided in Section 10.6 and 10.7.

Canterwood Qualified Builders:

To qualify as a “Qualified Builder” a builder must:

- Build quality homes commensurate with Canterwood’s standards.
- Have a valid general contractor’s license.
- Be financially solvent.
- Have favorable recommendations from past customers.
- Show proof of liability insurance in the minimum amount of \$1,000,000.
- Show evidence of understanding and adhering to the CC&R’s and Design Guidelines.
- Update file every year with copy of a current contractor’s license, proof of liability insurance and letter of recommendation from a current customer and/or other acceptable reference.

A builder that wishes to apply for “Qualified Builder” status must obtain and fully complete a “Application for Qualified Builder Status” (See Appendix G) and submit the Application, together with an application fee of \$650, to the Canterwood Operations Coordinator. All Applications will be reviewed by the ACC, which may at its discretion approve the Application, reject the Application, or conditionally approve the application as set forth in Section 10.2.

“Qualified Builder” status shall be valid for a period of 2 (two) years unless a builder is disqualified as provided in Section 10.6. The ACC shall issue a “Qualified Builder” certificate with an expiration date to the Qualified Builder.

The ACC shall maintain a list of all Qualified Builders, which shall be termed the “Qualified Builder List”. All Qualified Builders whose Applications have been approved shall be added to the “Qualified Builder List”.

A homeowner building his or her own home must meet all the qualifications for a Canterwood Qualified Builder.

Construction Deposit: A construction deposit of \$5,000 will be required of all newly approved or one-time builders and owner builders at the time of plan submittal. Construction deposits for any owner or builder may also be required under other circumstances as determined by the ACC. Construction deposits are to ensure that all approved construction and landscaping are completed in accordance with the approved plans. Construction deposits will be held by the Association in a non-interest bearing account until satisfactory completion of the final landscape plan and/or other improvement as determined by the ACC.

- 10.2 **Conditional Approval:** At the discretion of the ACC, a builder’s Application may be conditionally approved. Conditional approval means that the builder will be allowed to build one specific home in Canterwood. Upon successful completion of the home, the builder may request that the ACC review the builder’s qualifications specified in Section 10.1 and the builder’s adherence to the CC&R’s and Residential Guidelines. If the ACC deems the builder qualified, it may then grant the builder’s Application, issue the builder a “Qualified Builder” certificate and add the builder to the “Qualified Builder List” as set forth in Section 10.1.

10.3 **Custom Builder:** If a lot owner, lot owner’s architect (or building designer recognized by the Canterwood ACC) insists a particular builder is critical to the construction of a design, the proposed builder must complete an Application and the ACC will evaluate and may approve a builder as a “Custom Builder” to build a single specific custom home in Canterwood. Such approval as a “Custom Builder” does not make the builder a “Canterwood Qualified Builder”. Upon successful completion of the home, the Custom Builder may request the ACC review the builder’s qualifications specified in Section 10.1, the builder’s adherence to the CC&R’s and Residential Guidelines and, if it deems the builder qualified, may then grant the builder’s Application, issue the builder a “Qualified Builder” certificate and add the builder to the “Qualified Builder List” as set forth in Section 10.1.

10.4 **Qualified Builder Renewal Process:** At least sixty (60) days before expiration of its “Qualified Builder” status or if a builder proposes construction of a home within ninety (90) days of the expiration of its “Qualified Builder” status, a Qualified Builder wishing to renew its status shall obtain and fully complete an “Application for Renewal of Qualified Builder Status” and submit the Application to the Canterwood Operations Coordinator. All Applications will be reviewed by the ACC, which may at its discretion approve or reject the Application in accordance with Section 10.1.

If the Application is granted, the ACC shall issue a new certificate with a new expiration date, which certificate may be renewed as provided in this Section.

10.5 **Appeal of ACC Decision Regarding Builder Application:** The ACC’s decision regarding the Application shall be transmitted to the builder in writing and deemed final and become effective unless appealed to the Board of Directors within ten (10) calendar days of the date the decision was either mailed or delivered to the builder, whichever occurs first. An Applicant’s appeal of the ACC’s decision shall be made to the Board of Directors by delivering notice of the appeal in writing to the Canterwood Operations Coordinator, and shall be governed by the procedure set forth in Section 10.7 below for appeals of ACC disqualifications of builders.

10.6 **Disqualification of a Builder:** A Canterwood Qualified Builder will be disqualified from constructing any new homes upon the expiration of its certificate unless its status is renewed as set forth in Section 10.4.

A Canterwood Qualified Builder or a Custom Builder may be disqualified at any time for any reason deemed sufficient as determined by either the ACC or the Board of Directors. Such reasons may include, but are not limited to:

- Failure to maintain a current contractor’s license and/or liability insurance.
- Failure to receive favorable recommendations from customers.
- Documented failure to adhere to specific portions of CC&R’s and/or Design Guidelines.
- Failure to pay fines or other Canterwood-related financial obligations within 60 days.
- Unresolved customer complaints within builder’s warranty period.

This process applies to all builders, including those who were qualified prior to the adoption of this section.

10.7 **Builder Disqualification Process:** At the discretion of either the Board of Directors or the ACC, either the Board of Directors or the ACC may at any time decide to review a Qualified Builder’s status, either at a regularly scheduled meeting or a special meeting called for purposes of the review.

A. REVIEW BY ACC

In the event of ACC review, the builder shall be provided with written notice of the meeting at which the builder’s status will be reviewed at least ten (10) calendar days prior to the meeting. At the meeting, the ACC shall consider any evidence regarding any matter it deems appropriate, which evidence may be submitted by any interested party, either at or prior to the hearing, orally or in writing. The builder shall be afforded an opportunity to respond at the meeting to any evidence so presented. After considering all evidence presented, as well as the response of the builder, the ACC may decide to either confirm the builder’s status or disqualify the builder.

The ACC's decision shall be transmitted to the builder, as well as any residents requesting notice of the decision, in writing. The ACC's decision shall be deemed final and become effective unless appealed to the Board of Directors within ten (10) calendar days of the date the decision was either mailed or delivered to the builder and/or interested residents, whichever occurs first. Any appeal of the ACC's decision shall be made to the Board of Directors by delivering written notice of the appeal to the Canterwood Operations Coordinator. The notice of appeal shall state the decision being appealed, as well as the reasons the appellant believes that the decision should be reversed. In determining timeliness of the appeal, the appeal shall be deemed filed on the date the appeal is received by the Canterwood Operations Coordinator. If an appeal is timely filed, the ACC's decision shall not take effect until such time as the Board of Directors decides the appeal.

If an appeal is timely filed, the Board of Directors shall schedule a hearing to consider the appeal. The appeal may be considered at the Board of Directors' option at either a regularly scheduled meeting or a special meeting. The builder and, if the appellant is someone other than the builder, the appellant shall be provided with written notice of the meeting at least ten (10) calendar days prior to the meeting. At the meeting, the Board of Directors shall consider the ACC's decision, and shall further consider any additional evidence regarding any matter it deems appropriate, which evidence may be submitted either at or prior to the hearing, orally or in writing, by any interested person. The builder and, if the appellant is someone other than the builder, the appellant shall be afforded an opportunity to respond at the meeting to any evidence so presented. After considering the ACC's decision, all evidence presented, and the response of the builder and, if the appellant is someone other than the builder, the appellant, the Board of Directors may decide to either confirm or reverse the ACC's decision.

The decision of the Board of Directors shall be transmitted to the builder and, if the appellant is someone other than the builder, the appellant in writing. The decision of the Board of Directors shall be deemed final and become effective three (3) business days after the date the decision was either mailed or delivered to the builder, whichever occurs first, or if the appellant is someone other than the builder, the appellant.

B. REVIEW BY BOARD OF DIRECTORS

In the event the Board of Directors initiates review, the builder shall be provided with written notice of the meeting at which the builder's status will be reviewed at least ten (10) calendar days prior to the meeting. At the meeting the Board of Directors shall consider any evidence regarding any matter it deems appropriate, which evidence may be submitted by any interested party, either at or prior to the hearing, orally or in writing. The builder shall be afforded an opportunity to respond at the meeting to any evidence so presented. After considering all evidence presented, as well as the response of the builder, the Board of Directors may decide to either confirm the builder's status or disqualify the builder.

The decision of the Board of Directors shall be transmitted to the builder in writing. The decision of the Board of Directors shall be deemed final and become effective three (3) business days after the date the decision was either mailed or delivered to the builder, whichever occurs first.

11. MISCELLANEOUS

- 11.1 **Construction/Grounds Maintenance Hours for Outside Vendors:** Refer to Canterwood Rules & Regulations for policy on CONTRACTOR/VENDOR ACCESS (Effective 10/1/2016.)

APPENDIX

- A. -Not used-
- B. ACC Checklist for New Construction
- C. Building Conditions Agreement
- D. Variance Request Form
- E. Construction Compliance Checklist
- F. List of Native and Naturalized Trees, Shrubs and Groundcovers
- G. Contractor Confidential Qualification Form
- H. Remodel Application
- I. Tree Removal Request Form
- J. -Not used-
- K. Lot Setback Illustrations
- L. Solar Energy Panels