

Wingate Homeowners Association  
Edmonds, Washington

## **Consolidated Covenants Proposal – January 2021**

### Background

Covenants were prepared for each of the five divisions of Wingate more than 40 years ago. As time goes by and the Covenants grow more out of date, we'd like to start a discussion about getting them consolidated and updated.

Some of our issues with the Covenants as written:

- Instead of one common document for all of Wingate, there are five very similar documents organized by the original construction phases of the neighborhood. All five Covenants are heavily focused on building restrictions because they were written during development of the neighborhood.
- Some conditions of modern life are not well addressed by the Covenants. Home rentals, home businesses, and vehicle parking could all benefit from clarification now.
- Some Covenant restrictions have become outdated. Prohibited conditions such as out-buildings and the keeping of some poultry, both of which are allowed by the County, have become accepted norms in the neighborhood and should be recognized as such in the Covenants.

A notional consolidated covenant starts on the next page. It contains only content present in the current Division 4 [covenant](#) but is reorganized for smoother flow. Any new content that clarifies existing Wingate policy is shown in blue text. Strikethrough marks are used on current covenant text that we recommend removing. Italics are used for the purpose of making comments.

Thank you for reviewing the document on the next page.

**Please send your comments to [WingateHOA@gmail.com](mailto:WingateHOA@gmail.com) or talk to any board member**

## Neighborhood Covenants – PROPOSED January 7, 2021

### Scope

This document applies to all five Divisions of Wingate, located in Snohomish County, Washington. It supercedes five original covenants written for each Division of Wingate during neighborhood construction, consolidating them. There are 201 properties within the neighborhood of Wingate.

### Protective Covenants

1. Each property is designated for residential use only and is limited to one detached single-family dwelling not to exceed two stories in height. *Remove reference to garage size or stable size. Remove minimum size of dwelling.*
  - a. No lot may be subdivided ~~whereby the resulting lot is smaller than the original lot (lots may be divided and grouped together to form larger tracts)~~
  - b. No vegetation of any kind shall be removed from those areas designated on the plat map as Native Growth Protective Easement.
2. Allowed use of property
  - a. General allowed use
    - i. No noxious or offensive activity shall be carried upon any lot nor shall anything be done which may be or may become an annoyance or nuisance to the neighborhood.
    - ii. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted on any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
  - b. Business activities
    - i. Home business is permitted provided
      1. No advertising signage for the business is posted anywhere on the property.
      2. Only the property resident may work or park on the property. Customer or employee traffic into the neighborhood is not allowed.
      3. Business activity is restricted to the interior of the home.
  - c. Property Rental
    1. Associate Dwelling Units (ADUs) may not be built or let; however, existing ADUs may be used by direct family members only.

d. Pets and Livestock

- i. Animals may not be kept, bred or maintained for any commercial purpose on a property.
  - ii. Horses are permitted provided the property has at least 20,000 square feet of usable area (usable area is land which lies at a slope of less than 25%).
- ~~e. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats, horses or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose~~

3. Easements

a. No buildings are permitted on

- i. any easements as shown on the Plat Maps
- ii. within 40 feet of the front or side street property line
- iii. within 10 feet of any interior property line
- iv. within 25 feet of the rear property line

b. Easements for installation and maintenance of utilities, drainage and trails are reserved as shown on the recorded plat map. They include the rear 5 feet of the property and the side 2.5 feet of the property. Within these easements, no structure, plating, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements or which may obstruct or retard passage of pedestrians or horses along said easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. Eaves, steps and open porches are not considered part of a building provided that they don't encroach upon another lot. County regulations shall prevail where more restrictive.

4. Construction and Tree Removal

a. The following property changes require approval by the Homeowners association (HOA).

- Remodel construction that changes the exterior footprint of the home
- Outbuilding installation
- ~~No structure of a temporary character, trailer, mobile home, basement, tent, shack, garage, barn or any other outbuilding shall be used or placed on any lot for any purpose at any time either temporarily or permanently~~
- Fence construction

- Removal of any trees that exceed 10" diameter except for dead or dangerous trees which do not require special approval for removal.
- b. Process to initiate a request for approval
    1. Complete a Change Request that includes a diagram of the location of work on the property
    2. Review the proposed changes with affected neighbors and obtain their written concurrence
    3. Submit the Change Request to the HOA for approval
5. Trails, Walkways and Entrance to the Neighborhood
    - a. No motorized vehicles may be operated on Wingate trails
    - b. No motorized vehicles may be parked on Wingate walkways
  6. Enforcement of Covenants
    - a. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages
    - b. Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect

*Other text that we recommend removing*

- ~~c. No sign of any kind shall be displayed to the public view on any lot except one professional sign or no more than one square foot, one sign of not more than five square feet advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sales period~~
- ~~d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition~~
- ~~e. No individual water supply system shall be permitted on any lot unless the system is designed, located and constructed in accordance with the requirements, standards and recommendations of country public health authorities. Approval of such system as installed shall be obtained from such authority~~
- ~~f. No individual sewage disposal system shall be permitted on any lot unless the system is designed, located and constructed in accordance with the requirements, standards and recommendations of country public health authorities. Approval of such system as installed shall be obtained from such authority~~
- ~~g. No slope areas greater than 25% slope shall be used for the stabling, grazing or housing of horses or otherwise denuded of its natural vegetation. The purpose of this covenant is to prevent erosion of the slope area~~