

# View Guidelines for Somerset

## The Purpose of the Guidelines

A working tool used to provide transparency and information to property owners and guidance for application of the Covenants. Note: *italic text* indicates a reserved word with a specific definition. Please see the Definitions section below.

## Language of the Guidelines

The *View* that these Guidelines are intended to protect is the *View* that was observable from the *Observation Zone* at the time the original relevant *Main Floor Living Space* was *Built*. The original orientation of the home determines a home's protected view.

### Remodeling

Any newly created *View* that is achieved via lawful remodeling or rebuilding of the relevant *Main Floor Living Space* that is approved by CRC or reorganization of the interior of the house in such a way that relocates/modifies the *Living Space* will NOT be protected under this guideline.<sup>1</sup> Only the home's original *View* is protected.

### External Decks

Any external decks attached to the home must be located at the same elevation as the internal living space floor plan. There cannot be any external decks on homes which are not at the same level as an interior living space floor plan (no rooftop decks). Any external deck that meets this criterion must also not interfere with *Views*.

### Fences

Fences must abide by the terms in the relevant Covenants or the City of Bellevue's fence requirements, whichever is more restrictive. In this case, these Guidelines are intended to protect the *View* elements that sit above the fence line.

### Trees

Somerset is a community where views add value to homes. Many Divisions have covenants that read:

No trees of any type, other than those existing at the time these restrictive covenants [. . .] are filed, shall be allowed to grow more than twenty (20) feet in height provided they do not unnecessarily interfere with the view of another residence . . . The [CRC] shall be the sole judge in deciding whether there has been such an interference. (*See, e.g., Protective Covenants of Somerset Highlands 1, as Amended January 1, 1998, Auditors File No. 9712311347, ¶9*)

The twenty (20) foot provision means two things. First, trees planted after the establishment of the Covenants shall not be allowed to grow taller than twenty (20) feet. Second, the twenty (20) foot height restriction does not apply to *trees* already in existence at the establishment of the Covenants (*Pre-Existing*

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<sup>1</sup> Example: addition of a window to a living room.

*Trees*), provided they do not unnecessarily interfere with the view of another residence. If a tree from either category unnecessarily interferes with the view of another residence, it must be trimmed to a lower height, so the resulting view restoration is sufficient to prevent the tree from "unnecessarily interfering with the view of another residence."

To the extent that a CRC decision in a particular matter is based in part upon the consent of *Affected Neighbors* whose *View* will be impaired by action that the CRC decision permits, current and future Owners are put on notice that such consent(s) may later be considered by a court that is asked to order an Owner to take action to restore a *View*. In other words, if you consent to a CRC decision that causes impairment of your *View*, and a future owner of your property asks a court to order restoration of the *View*, the court may refuse to do so based on your consent when the CRC made its decision.

### **Roof Top Coverings:**

Roof top coverings must be of a material and color that minimizes reflection and detracting from the *View* of surrounding residences. Generally, darker colors and non-reflective materials are acceptable. An existing roof color on a residence does not signify this roof color has been approved as acceptable. All roofing changes must be reviewed and approved by the CRC.

### **Final authority**

The CRC has the final authority for Covenant interpretation and application. The CRC will evaluate each specific case in terms of covenant intent to preserve the community's common plan and for the benefit of the overall community.

### **Definitions:**

**Affected Neighbors** – Residences whose *Views* the CRC determines would be adversely impacted by the alteration.

**Built** – A *Main Floor Living Space* is considered "built" at the completion of the work that created the specific opening(s) (i.e., glass doors and windows) through which the *View* is observed that was part of a home's original construction.

**Main Floor** - The floor on which the living room is located. If no living room exists, then the floor on which the family room is located. The CRC has final authority to determine the *Main Floor* in situations where it is disputed.

**Living Space<sup>2</sup>** – Living room, dining room, family room, kitchen. Intention: interior public areas of a home where entertaining is done. Therefore, bedrooms, laundry room, bathrooms, closets, decks, entryways, and hallways are not included in the definition of *Living Space*.

**Pre-Existing Trees** – Trees that existed on the specific lot at the time that the relevant Covenants were first recorded.

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<sup>2</sup> See Declarations of Harkelroad, King County Superior Court, Case No. 89-2-19252-7, 11 Dec. 1989.

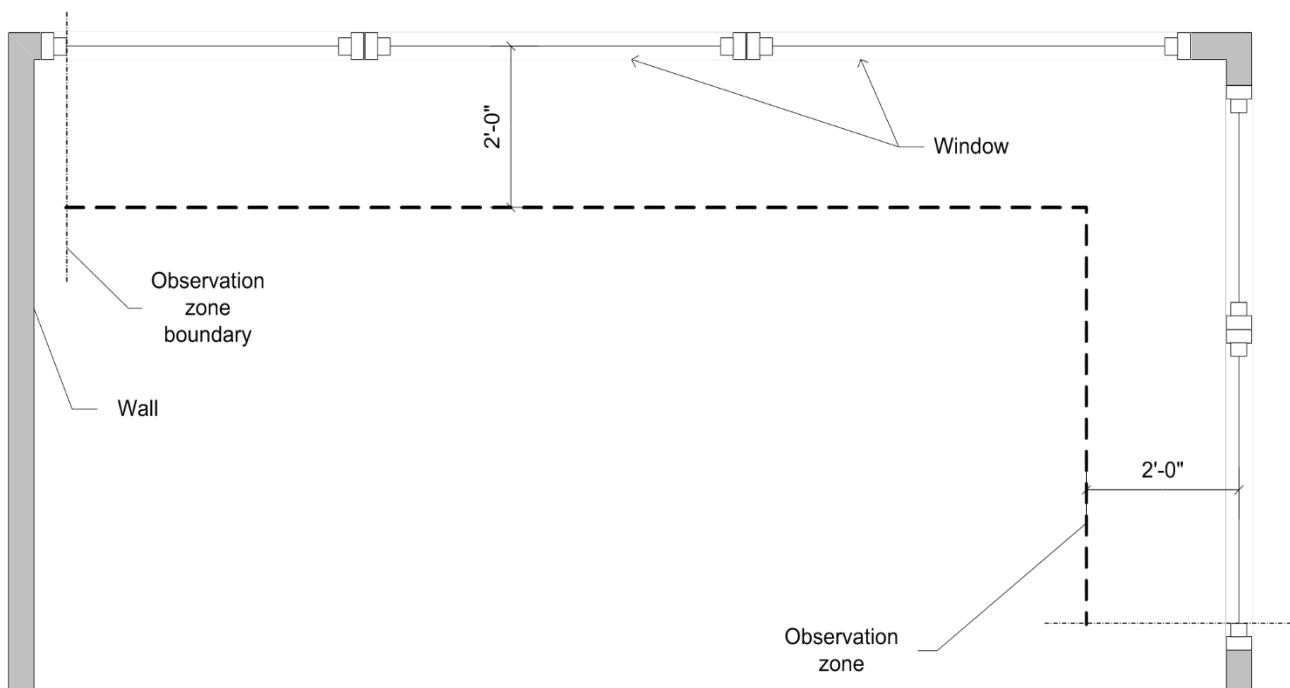
**View** – Elements that comprise *View* in this definition are limited to Lake Washington, Lake Sammamish, Puget Sound, *City*, *Mountain*, and *Horizon*.

**City** – Downtown Seattle skyline core high-rise buildings to Queen Anne Hill (lighted towers) and Downtown Bellevue skyline core high-rise buildings.

**Mountain** – Cascades, Olympics, Mt. Rainier, and Mt. Baker.

**Horizon** – The line delineating earth from sky that is at least ¼ mile away from *Observation Zone*.

**Observation Zone** – A line that is between 4' 7" or 5' 10" from the floor and 2' from the inside glass surface of the window in the *Living Space* of the *Main Floor*. See Figure 1 for an example of an *Observation Zone*, whichever of the two heights provides the most residence view protection from vegetation (includes trees) or proposed exterior house remodeling will be the boundary of the *Observation Zone*. The observation zone is defined with the intention to specifically describe the view that at least 95% of the adult population of the United States would be able to see from a standing position at a comfortable distance from the windows of the main living space of the home.



**Figure 1 - Example of an Observation Zone**

See Observation Zone Study under Resources on the website for the scientific rationale for the choice of *Observation Zone*.