

MEMORANDUM OF UNDERSTANDING

Horizon Crest Community Association

August 17, 2017

Home remodeling or re-building within Eagles Mere Divisions No. 2, 3, 4 and 5 (“Horizon Crest”)

In recent months, several questions have been brought forward regarding home heights in Horizon Crest. In one instance, a new home buyer wanted assurance that the home in front of his would not be remodeled up to block his view. In another, an existing homeowner was seeking to add another story to his home. To answer both of these questions, and provide clarity to similar questions in the future, Horizon Crest Community Association is publishing this Memorandum of Understanding.

WHEREAS, Reference 1 (Area 2), Section 2 states in part “No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height ...”, and

WHEREAS, Reference 2 (Area 3), Section 2 states in part “No structures or buildings shall be erected, altered, placed or permitted to remain on any residential building lot other than one detached single-family dwelling ... No such dwelling house shall exceed two (2) stories nor be more than thirty (30) feet in height...”, and

WHEREAS, Reference 3 (Area 4), Section 2 states in part “No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed 2 stories in height ... A house on a lot sloping down from the street 15% or more will be considered as being 2 stories if it rises only 2 stories on the upper side above a basement which may be daylighted on the lower side.”, and

WHEREAS, Reference 4 (Area 5), Section 2 states in part “No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height ...”, and

WHEREAS, Reference 1 (Area 2), Section 17 states in part “The preservation of view is an important consideration in the establishment of these Protective Covenants... (a) Ridge heights on Lots 51 through 55 inclusive shall be no more than twelve (12) feet above the curb at the middle of the lot. (b) Ridge heights of Lots 77 and 75 shall be no more than thirteen (13) feet above the top of the curb at the righthand front lot line. (c) Structures on Lots 56 and 57 shall be no higher than a basement plus one story.”, and

WHEREAS, Reference 5 (Bellevue Land Use Code) defines “story” in part “If the finished floor level directly above the basement, cellar or unused under-floor space is more than six feet above

grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered a story.”

NOW THEREFORE,

Horizon Crest Community Association understands the following height restrictions apply to all home remodeling or re-building within Horizon Crest:

1. Height shall not be greater than the existing home ridge height.
2. Height shall not be greater than thirty (30) feet above grade at any point.
3. A daylight basement is considered a “story”.
4. No home shall be greater than two (2) stories, with the exception of lots sloping down from the street, greater than fifteen (15) percent, only within Area 4 (Eagles Mere Division No. 4). Those homes may have two upper stories above a basement daylighted on the downhill side.

Horizon Crest Community Association intends to uphold and enforce the above understanding.

Approved by the Horizon Crest Community Association Board of Directors, July 25, 2017.

Kurt Lutterman, President

References:

1. PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RUNNING WITH THE LAND FOR EAGLES MERE DIVISION NO. 2, September 14, 1976, filed with King County Washington Auditor under recording number 7610080276
2. PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RUNNING WITH THE LAND FOR EAGLES MERE DIVISION NO. 3, October 9, 1975, filed with King County Washington Auditor under recording number 7512080659
3. PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RUNNING WITH THE LAND FOR EAGLES MERE DIVISION NO. 4, August 22, 1977, filed with King County Washington Auditor under recording number 7708290320
4. PROTECTIVE COVENANTS RUNNING WITH THE LAND, September 11, 1978, filed with King County Washington Auditor under recording number 7809130350 (Eagles Mere Division No. 5)
5. Bellevue Land Use Code, Chapter 20.50.046, S definitions