

DECLARATION OF RESTRICTIVE COVENANTS

BAY RIDGE ESTATES

COMMUNITY CLUB

BIRCH BAY, WASHINGTON

ARCHITECTURAL CONTROL GUIDELINES

REV. 1: ADOPTED & RECORDED MAY, 1994

WHATCOM COUNTY
BELLINGHAM, WA
25/13/94 08:58 AM
REQUEST OF: BAY RIDGE
Shirley Forslof, AUDITOR
BY: LR, DEPUTY
\$21.00 I/RC
Vol: 389 Page: 86
File No: 940513006

BAY RIDGE ESTATES COMMUNITY CLUB

Architectural Control Guidelines

1. THE COMMITTEE

- 1.1 Structure - The Architectural Control Committee (ACC) shall be composed of three members. A Quorum is composed of two members. A chairman will be appointed by the Committee.
- 1.2 Commission - No building, mobile home, fence or other structure shall be commenced, constructed, placed, remodeled or maintained on any lot until the construction plans and specifications, and a plan showing the location of the structure, have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of exterior design with existing structures, and location with respect to topography and finish grade elevation. Landscaping of any common property requires ACC acceptance. It is recommended that all plans, specifications, and details be prepared by a professional home designer.
- 1.2.a The ACC shall have the absolute right to restrict or prohibit the construction of a building or other structure even though such a building or structure is not otherwise restricted or prohibited herein. It is to the ACC's discretion that if such buildings or structures are detrimental to the development of said plat, or in the event the building plans and specifications are not in accordance with the provisions of these guidelines, such plans can be denied.
- 1.3 Objectives - The objectives of the ACC shall be:
- 1.3.a To create an aesthetically desirable community by the encouraging sensitive architectural design of individual residences, and related facilities;
- 1.3.b To encourage maximum creative architectural response to each individual site as well as to the area and region;
- 1.3.c To protect individual property owners from indiscriminate construction by others which would adversely affect surrounding property values and general aesthetic quality of Bay Ridge Estates;
- 1.3.d To preserve the natural environment;

1.4 Area of Responsibility - The ACC shall concern itself only with overall planning, specific sites, and aesthetic quality of buildings. In no way shall the ACC confirm assumed geological conditions, structural methods proposed, nor the general adequacy or safety of any proposed structure(s).

2. PROCESS OF APPROVAL - There shall be submitted to the ACC at the Club Association President's Address currently at:

Rob Kruse
5523 Bay Ridge Dr.
Blaine, Wa. 98230

two (2) complete sets of construction plans and specifications for all proposed structures or improvements. They shall include plot plans showing location on the lot of the building(s), walk(s), fence(s), or other structure(s) proposed to be constructed, altered, placed, or maintained together with the proposed construction materials, color schemes for roofs and exterior thereof.

- 2.1 The ACC's approval or disapproval required herein shall be in writing. In the event the ACC fails to approve or disapprove a plan within sixty (60) days any plans and specifications submitted to it, the Committee's approval will no longer be required. If legal action to enjoin the construction of any structure has commenced prior to the completion thereof, review and approval will be required.
- 2.2 Construction of any structure shall not commence until a written letter of approval from the ACC is received by the owner or an agent of the owner, unless the Committee acts as above.
- 2.3 Building documents must be submitted to the ACC three full working days prior to the meeting in order to be placed on the Agenda and should include the following:
- 2.3.a Site plan at an appropriate scale (recommend 1/8" = 1' on plots), with legal description, showing existing property conditions, such as tree species and location, topography, other major vegetation elements, water courses, natural and man-made drainage areas, standing water, general soil conditions or other major geological features;

Vol: 389 Page: 88
File No: 940513006

- 2.3.b Show location of proposed buildings, locations of ingress and egress surfaces, final topography, future outdoor lighting, proposed screening of vehicles, storage, north arrow for orientation with direction of views, location of all trees six (6) inches or more in diameter at ground level (trees which owner proposes to remove should also be designated).
- 2.3.c All floor plans at an appropriate scale (recommend 1/4" = 1'). Typical building sections and elevations sufficient to show methods of construction, and appropriate details to show type of selected building materials.
- 2.3.d Specifications sufficient to explain the quality and expected performance standards of proposed structure(s).
- 2.4 It is the responsibility of the property owner or his designee, i.e. the general contractor, to accurately locate the property corner stakes. The ACC works on the assumption that the plot plan as submitted reflects the results of an accurate survey.
- 2.5 For an on-site inspection prior to approval, corners of the proposed structure must be staked in red and outside corners of any proposed deck area staked in blue. Trees designated on site for removal must be taped.
- 2.5.a Any natural tree other than willow, alder, and cottonwoods must have prior approval before removal.
- 2.6 Final inspection of the construction will be at the owner's or contractor's request. Such construction must pass inspection no later than nine (9) months from the starting date. Extensions may be granted with the ACC's approval.
- 2.6.a Final exterior inspection will consist of: driveways, lighting, storm drainage exterior paint, and house skirting integrity and materials in the case of a mobile/modular home.
3. ADMINISTRATION FEE: None, unless specific expenses are incurred by the Association in determining legal descriptions, surveying to settle disputed property lines, or other unusual expense items. Such expenses are to be made known to the property owner prior to incurring such expenses, and written invoices are to be submitted to the property owner by the Association Treasurer for immediate reimbursement by the property owner.

4. CONTROL GUIDELINES

- 4.1. Access - No lot shall have or maintain direct access to any county or public road.
- 4.2 Residential Purposes Only - Each lot, tract, or parcel shall be used only for single family residential purposes unless otherwise provided. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used or placed on any lot, tract, or parcel at any time as a residence. Double Wide Mobile Homes for residential purposes may be located on any plat of said development as the single dwelling occupying the plat of land.
- 4.2.a In no event shall any dwelling having a cost (excluding the land cost) of less than \$50,000.00 (US) be allowed within said plat.
- 4.2.b The minimum living space allowed on the main floor is 1000 square feet.
- 4.3 Completion of Construction - The construction of any dwelling or structure(s) on any property in Bay Ridge Estates, the plans for which are approved by the ACC, must begin within 12 months after approval and the exterior, including paint, or other suitable exterior finish completed within nine (9) months of commencement. This includes a porch and/or steps and landings, as needed at every entrance.
- 4.4 Siding/Re-Siding - Materials must be compatible to existing structures within the area.
- 4.5 Roofing/Re-Roofing Material - Materials must be compatible to existing structures within the area.
- 4.6 Paints/Stains or Re-Painting - Materials and exterior colors must be compatible to existing structures within the area.
- 4.7 House Address Numbers - All residences must display home address numbers of three and one half (3 1/2") or larger in size in a conspicuous place on the home exterior. Mail boxes must have addresses on them.
- 4.8 Alarm Systems - All exterior alarm systems must be of automatic reset type. If a home or property is protected by such alarm systems, owners are required to register with the Association Board of Trustees (Association Secretary to keep current records) that they a system exists and who to call if it needs attending.

- 4.8.a The Association Secretary is instructed to call the Sheriff's department if a system is triggered and sounds the alarm.
- 4.8.b The secretary or other Association Board member is not to answer any of alarm calls independently from the Sheriff's Office being called first and registered.
- 4.9 Mobile Homes - Travel trailers, Recreational Vehicles, and Park Models shall not be construed as a mobile home. Any mobile home, before being occupied, must be provided with water and sewer connection, and electrical power hookup, and be placed on a concrete slab which conforms with Whatcom County Building and Codes Dept. The slab must contain reinforcing steel and tie down provisions, with the approval of the ACC.
 - 4.9.a Skirting must be installed around the base of the mobile home within ninety (90) days after the mobile home is moved onto the slab.
 - 4.9.b Mobile homes shall be less than two (2) years old at the time of the initial placement. They must be acceptable in appearance, with no major structural defects in construction and exterior siding materials.
 - 4.9.c Mobile homes that are placed on lots must meet a one thousand (1,000) square foot living area minimum.
- 4.10 Height - No building shall be erected, altered, placed or permitted on any residential lot that exceeds twenty five (25) feet in height from average natural ground level excluding any material that has been brought in at the site (see illustration Appendix 1).

5. LOT IMPROVEMENTS

- 5.1 Fences and Walls - Fences or walls shall not be constructed without the express approval of the ACC.
 - 5.1.a Aesthetics, privacy, light, air and height shall be factors in determining if the fence is detrimental to neighbors.
 - 5.1.b Plans showing the location of the proposed fence in relation to all buildings within fifty (50) feet must be submitted to the ACC. The appearance of the fence shall be illustrated on the plans.

- 5.1.c Any lot which is adjacent to a natural or community owned property must maintain the side of the lot adjacent to this property: from the lot line to the setback line established by the Whatcom County Building and Codes Department, as follows:
1. No fences, windscreens, awnings, satellite dishes or structures of any type will be permitted above three (3) feet from the natural ground level.
 2. Trees and plants must be maintained at a height less than four (4) feet from the natural ground level.
 3. Variances for such items as fences and beautification may be considered, and require approval of the ACC in writing.
- 5.2 Storage - Each residence must maintain a screened storage area suitable to screen such exterior oriented items such as garbage cans, garden tools, freezers, bicycles, etc.
- 5.2.a Metal storage buildings larger than fifty (50) square feet shall not be permitted.
- 5.3 Lighting - The purpose of exterior lighting is to make safe movement possible and enhance the aesthetic quality of the structure and its surroundings. The ACC recognizes that subjectivity involving the interests of the property owners and neighbors must be considered in determining what kind of lighting will most effectively fulfill purposes of safety and aesthetics.
- 5.3.a Exterior accent or safety lighting for residences shall be directed downward. Extensive mounting heights will not be directed toward neighboring structures.
- 5.3.b The number of exterior lights for residences shall not be excessive as determined by the ACC.
- 5.3.c If any exterior lighting is found to be objectionable by neighboring residences, they have the right to appeal to the ACC for review. In the event differences cannot be resolved, the ACC's decision shall be binding.
- 5.4 Off-Street Parking - Two (2) parking spaces will be required (Exclusive of RV Storage as stated in Guideline 5.5).
- 5.4.a Each parking space shall be a minimum of ten (10) feet by twenty (20) feet in size.
- 5.4.b A garage is strongly recommended.

- 5.5 Recreational Vehicle Storage - Recreational vehicles, trailers, boat trailers, and boats may only be stored within an appropriate designated and maintained area on the owner's lot. Also, storage on vacant lots or Common Area Rights of Way shall not be permitted.
- 5.5.a Commercial vehicles such as but not limited to large truck tractors, semi-trailers, or implement trailers shall not be parked or stored within the property or development property limits.
- 5.6 Driveways - Each driveway from the edge of the asphalt roadway shall be paved by the owner. The remaining driveway to the home must be paved or graveled.
- 5.7 Culvert and Catch Basin Regulations - In addition to a building permit issued by Whatcom County government the following regulations shall be adhered to:
- 5.7.a Materials: All culverts shall be made of approved concrete or plastic, galvanized steel, aluminum or any material generally recognized as acceptable to current environmental and zoning standards.
- 5.7.b The minimum diameter of any culvert used in the Estates shall be twelve (12) inches. In some areas a larger size of at least eighteen (18) inches may be required.
- 5.7.c Each individual span of culvert must be at least twenty feet in length.
- 5.7.d Any single span of continuous open ditch must be at last twelve (12) feet in length not counting the ditch on the neighboring lot.
- 5.7.e Where ever possible, culverts are to be placed in a level or straight manner, so that water will flow naturally along the roadsides to the catchbasins designed to empty into county drainage systems.
- 5.7.f Culverts are to be bedded for proper drainage to occur, with a recommended four (4) inch lower that the bottom of the ditch.
- 5.7.g Seams which are not grouted are to be covered by tar paper or connected by pre-made pipe connectors before being backfilled.
- 5.7.h Improper or poorly installed culverts and damage to road shoulders or pavements shall be repaired or replaced at the property owner's expense, after being adjudged as inadequate by the ACC.

- 5.7.i One standard catch basin with grates shall be placed at each lot line by the lot owner upon installation of a culvert which covers the entire width of the lot. The grate tops shall be placed at least four (4) inches below the road level.
- 5.7.j All culverts shall be grouted or properly connected with pre-made connections with a catch basin.
- 5.7.k A catch basin will be required when two different types of culverts are joined, or at street corners where other systems are interconnected.
- 5.7.l When a slope of a lot is more than 2% grade, catch basins may be required only on every other lot line, if the ACC determines that a variance from these rules could be granted. The ACC may also grant a variance if in their judgement the lot shape, size, or soil conditions warrant it.
- 5.7.m Inspection of each culvert installation by the ACC is required before it is backfilled.
- 5.7.n Maintenance of culverts to insure proper drainage flow shall be the responsibility of the ACC, with the provision that if replacement and/or enlargement of the culvert is required it shall be the responsibility of the abutting property owner to replace it upon notification from the ACC, and full Community Club Association board. The Association Secretary will oversee the proper drafting and mailing of all notifications.
- 5.8 Storm Drainage - It is the responsibility of each homeowner to control stormwater originating upon improvements located on their property.
- 5.8.a Stormwater originating upon improvements on a lot may not flow directly onto adjacent or nearby properties.
- 5.8.b Exact methods of stormwater disposal for any proposed improvements to be constructed upon any lot must be indicated on the building plans and subsequently approved by the ACC.

BAY RIDGE ESTATES COMMUNITY CLUB

Architectural Control Guidelines

6. OTHER CONSIDERATIONS
- 6.1 Signs - Only one professional sign of not more than one (1) square foot shall be allowed on any lot, with the exception of a sign advertising the property for sale or under construction.
- 6.1.a Signs approved by the ACC shall be allowed on any lot.
- 6.1.b All signs must be placed so they do not interfere with the mowing of rights of way or common areas by BRECC.
- 6.1.c Builder/Construction Signs - A professionally made sign no larger than five (5) square feet placed on or adjacent to buildings while the building is under construction is permitted.
- 6.1.d For Sale/Real Estate Signs - Realty signs are to be of professional quality and are not to exceed five (5) square feet.
- 6.1.e Signs shall be promptly removed upon the sale or the expiration date of the listing.
- 6.1.f Any sign not conforming with these Guidelines shall be removed by the Community Club officers without notice.
- 6.1.g Realty signs shall be limited to one sign per lot.
- 6.2 Lot Maintenance - No noxious or offensive activities shall be carried on upon any lot, tract, or parcel, nor shall anything be done thereon which may become an annoyance which has been partially or totally destroyed by fire, earthquake, flooding or otherwise shall be allowed to remain in such a state for more than three (3) months from the time of destruction.
- 6.3 Landscaping - The following regulations shall be adhered
- 6.3.a Landscaping must be completed within one year following construction.
- 6.3.b All construction material, debris, slash, removed stumps, and trees must be removed from the lot. That which is useable, i.e. firewood, must be neatly stacked and stored on the lot, preferably out of sight from the street.

- 6.3.c All cuts in the earth, exposed embankments, and bare ground must be graded and smoothed.
- 6.3.d The bare earth must either be graveled, barked or seeded with grass and appropriately maintained.
- 6.3.e All lots shall be maintained by the property owner, if not the Community Club will clean it up and associated charges will be assessed against the respective lot owner. Owners who neglect to pay assessed charges within a reasonable time: 30 - 60 days will have a lien filed at the Whatcom County Courthouse for the amount owing and added filing and administrative charges added.
- 6.3.f All exposed embankments created by driveway cuts, other than general construction, or erosion of more than twelve (12) inches or greater than thirty (30) degrees in slope, must be corrected by the construction of retaining walls consisting of natural material, concrete, or rock harmonious to the site.
- 6.3.g Slopes of less than thirty (30) degrees require the planting of indigenous types of low growing plants.
- 6.3.h Placing of fill material on vacant lots must have prior approval from ACC.
- 6.3.i Crushed rock driveways must be suitably edged to contain and minimize the scatter of rock.
- 6.3.j No unsightly storage shall be allowed visible from the adjoining lots or roadways.
- 6.4 Trees, shrubs - No trees or natural shrubbery except willows, alders, and cottonwoods shall be removed unless approved in writing by the ACC. It is the intention to preserve natural growth.
- 6.5 Animals and Livestock - All pets must be confined to premises or kept on a leash. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, and other household pets may be kept provided they are not kept bred or maintained for any commercial purpose.
- 6.6 Fires, Garbage, Refuse - No outdoor fires for burning of wood, trash, or debris shall be started without first obtaining a valid fire permit during seasons when such is required.

- 6.6. No lot shall be used or maintained as a dumping ground
Cont'd) rubbish, refuse, or garbage. Garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the disposal or storage of such matter shall be kept in a clean or sanitary condition and all incinerators shall be approved before installation or use by the ACC.
- 6.7 Propane Tanks - Location of propane tanks must conform to Whatcom County regulations.
- 6.7.a Propane tanks must be surrounded by an appropriate wood enclosure composed of siding and paint or stain that matches the home.
- 6.7.b Pipes from the propane tank to the home must be buried below ground.
- 6.8 Dish Antennas - Building plans for dish type antennas must be submitted for approval by the ACC prior to installation.
- 6.9 Other Antennas - Types of antennas with heights above home rooflines of more than four feet for televisions, radios, and amateur broadcasting (Ham & CB) radios must have plans submitted to the ACC prior to installation. Manufacturer names, approximate cost, and special installation methods must be listed on the proposal.

7.0 AREA REGULATIONS

- 7.1 Building Coverage - The building area home and garage shall be no more than 35% of the lot site.
- 7.1.a No building or structure nor the enlargement of any building or structure shall be hereafter erected or located on a lot unless in accordance with the area regulations.
- 7.1.b Minimum Set Backs - Whatcom County Building and Codes and the ACC Guidelines will establish and enforce all setback requirements.
- 7.1.c Unless changed by County ordinance, all lots have a twenty five (25) foot setback from the roadside staking line.
- 7.1.d Lot coverage - The overall impervious coverage must not exceed fifty percent (50%) of the lot.

- 7.2 Variances - It is realized that with the passing of time, these guidelines may change in keeping with changes in building materials, methods of construction, and architectural concepts.
- 7.2.a The ACC may allow reasonable variances and adjustments of these restrictions in order to overcome practical difficulties and prevent unnecessary hardships in the application of the provisions contained herein. This is provided, however, that such is done in conformity with the intent and purposes hereof and provided also that in every instance such variances or adjustments will not be materially detrimental nor injurious to other properties or improvements in the Unit of Subdivision.
- 7.2.b Process of Appeal - After the ACC rejects a plan, the owner or his representative may appeal to the ACC in person at their next regular meeting. If the ACC rejects the proposal the second time, the owner has the right to appeal the ACC 's decision to the Board of Trustees.

8.0 DEFINITIONS

- 8.1 ACCESSORY USE OF BUILDING - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
- 8.2 ATTACHED - A garage or accessory building having all or part of one or more walls common to the dwelling or to a covered porch attached to the dwelling.
- 8.3 BACK FILL - To place earth or selected material in an excavated void.
- 8.4 BUILDING AREA - The total ground area of such building and accessory buildings but not including uncovered entrance platforms, terraces, steps and decks.
- 8.5 DETACHED - A garage which is completely surrounded by open space. A garage connected to the dwelling by a covered or uncovered terrace is defined as a detached garage.
- 8.6 EASEMENT - A vested or acquired right to use land other than as a tenant, for specific purpose, such right being held by someone other than the owner who holds title to the land.
- 8.7 FINISHED GRADE - The average of the finished ground level at the center of all walls of a building.

- 8.8 FLOOR AREA - The total area of all stories or floors finished as living accommodations.
- 8.9 LIVING SPACE - Finished interior area, excludes garages, carports, exterior storage, etc.
- 8.10 LOT COVERAGE - The amount of percent of ground area of a lot that may be covered by impervious material. Ground area shall be determined by measurements projected on a horizontal plane.
- 8.11 LOT LINE - A boundary of a lot.
- 8.12 FRONT - The property line separating any interior lot from a street right-of-way.
- 8.13 REAR - All lot lines which do not qualify as either front or side lot lines.
- 8.14 SIDE - The two (2) lot lines which intersect the front lot line. The side lot line may intersect the front lot line at any angle and be of any length. Such line may angle no more than one (1) such angle per lot line.
- 8.15 PARKING SPACE - A minimum area of 10' X 20' exclusive of all area used for maneuvering, ramps, etc., which is used exclusively for temporary storage of motor vehicles.
- 8.16 SINGLE FAMILY DWELLING - A single family dwelling is designated to accommodate one household only and, among other things, may contain only one kitchen.
- 8.17 VARIANCE - A modification of the terms of these regulations which may be granted because of the unusual shape, exceptional topography conditions, or other extraordinary situations or conditions in connection with a specific piece of property when the literal enforcement of these requirements would involve practical difficulties and cause undue hardship necessary to carry out the spirit and intent of these requirements.

AMENDMENTS HEREIN ACCEPTED THIS DATE: _____, 1994

Board of Trustees:
Bay Ridge Estates Community Club Association

Robert Kwoz

Charles C. Callan *Stanley G. Steinback*

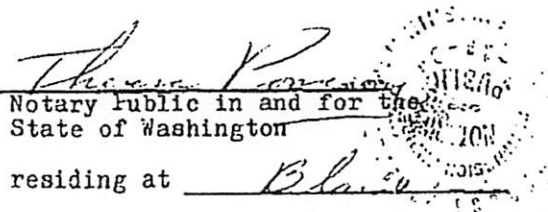
STATE OF WASHINGTON

County of Whatcom

On 5/3/44 before me, the undersigned, Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared,

ROBERT Kruse, Chris Callow, Chuck McFarlan, Judith Steinbach to me known to be the individuals described in and who executed the within and foregoing instrument and that they signed the the same as their free and voluntary act and deed, for the uses and pruposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.


Notary Public in and for the
State of Washington

residing at Blaine

Vol: 389 Page: 100
File No: 940513006