



DESIGN COMMITTEE
ARCHITECTURAL GUIDELINES

Declarant

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Design Committee Architectural Guidelines

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PACIFIC SEAWATCH

DESIGN COMMITTEE ARCHITECTURAL GUIDELINES

Introduction

These *Architectural Guidelines* establish minimum standards of development intended to reinforce the aesthetic goals for the Pacific Seawatch residential subdivision (“Pacific Seawatch” or the “Subdivision”). All construction within the community will be designed around an architectural style commonly known as the bungalow style which historically began in the Arts and Crafts movement of the early 20th century and has examples throughout the Northwest. The bungalow style typically has low pitched, gabled roofs with an emphasis on structural elements like exposed rafter tails. Bungalows minimize pure decoration in favor of elements that suggest strength and stability and have an emphasis on the horizontality of the structure. The use of regional building materials that weather gracefully in their natural form, such as woods like Cedar and Douglas fir, wrought iron, and Columbia River basalt, establish a connection to the environment. A key component of the bungalow is an ample and welcoming front porch, usually with battered or clustered columns resting on solid column bases. Bungalow architectural patterns will foster a feeling of community, warmth and the tradition associated with this region. All development will emphasize quality, durability and respect for the natural environment from which it derives its energy and raw materials. Utilization of these *Guidelines* will ensure the on-going development of Pacific Seawatch as a quality, environmentally friendly community.

These *Architectural Guidelines* are administered by the Design Committee. These *Guidelines* and Design Committee determinations are binding upon all persons who construct, refinish, add to, or alter any part of the exterior of any building or make landscape or other improvements upon, under, or above any property in the Subdivision, create, fill, make any change in the existing surface contour or drainage, or install any utility line. In addition, all persons must comply with the Tillamook County regulations, and the Pacific Seawatch Declaration of Covenants, Conditions and Restrictions (“*CCRs*”)

These *Architectural Guidelines* and the authority of the Design Committee (the “Committee”) are established by Article IX and Section 7.3 of the *Bylaws* of the Pacific Seawatch Homeowners’ Association (the “Association”). This document was adopted by a resolution of the Board of Directors of the Association on August 29, 2006 and may be amended from time to time by the Association. It is the responsibility of each Owner to obtain and review a copy of the most recently revised *Architectural Guidelines* prior to submitting plans to the Design Committee for review. A copy of these *Guidelines* are available upon request.

Article I

Design Committee Policy and Responsibilities

1.1 Subject Property. All property that is subject to the Declaration of Covenants, Conditions and Restrictions recorded April 21, 2006 in the real property records of Tillamook County, Oregon, including all amendments and supplements thereto, (the “*CCRs*”) and all property annexed to the subdivision under the *CCRs*, shall be subject to these *Guidelines* except as stated otherwise in the *CCRs* or these *Guidelines*. Improvements or changes of any kind on or to property in the Subdivision require Committee approval. This includes, but is not limited to: (i) all new residential construction; (ii) major and minor exterior remodeling; (iii) painting; and (iv) all site improvements (such as changes in the natural environment, existing surface drainage and landscaping). The Construction requirements of the *CCRs*, as well as the requirements of these *Guidelines*, govern Subdivision development.

1.2 CCRs. The *CCRs* are binding upon the Design Committee and all Owners, including the following provisions thereof:

1.2.1 Article V, Property Uses Within The Subdivision;

1.2.2 Article VIII, Construction Requirements;

1.2.3 Article IX, Design Committee.

1.3 Definitions. Terms and terminology in these *Guidelines* which are defined in the *CCRs* shall have the same meanings as set forth in the *CCRs*.

1.4 Approval. The Committee is responsible for reviewing all plans and specifications for all development and improvements in Pacific Seawatch to determine compliance with the *CCRs* and these *Guidelines*. The Committee may, in its sole discretion, withhold approval of any proposed improvement if the Committee finds that the improvement would be incompatible with any applicable standard. Any factors which the Committee reasonably believes to be relevant to the intent of the *CCRs* and these *Guidelines* may be taken into account in determining whether to approve any proposed improvement.

1.5 Limitation. The Committee has no responsibility for (i) the structural integrity, safety features or building code compliance for any proposed structures or improvements to existing structures; (ii) geologic, natural or other possible hazards caused by conditions occurring either on or off the property; or the internal operation or functional integrity of an improvement.

Article II

Application Process, Procedures and Guidelines

As an Owner in Pacific Seawatch, the following procedures apply to your residential construction in the Subdivision:

2.1 Choose an Architect or Designer. A licensed architect or a designer must design your residence at Pacific Seawatch. The addition of specialized design skills and an understanding of site

and environmental possibilities can be of major importance in realizing the special character and quality you want in your residence. A landscape architect or landscape designer must also be a part of your design team, unless otherwise approved by the Committee. Be sure that these professionals read these *Architectural Guidelines* and become familiar with this document. In addition, they must be aware of and follow the requirements of the *CCRs*, these Design Guidelines, and the most current Rules & Regulations.

2.2 Pre-Design Meeting. You and your architect or designer should meet with a member of the Committee to discuss your particular site and identify any important concerns prior to preparing a Schematic Plan or any proposed improvements for your Lot. Although this meeting is not required, it will provide you with guidance prior to the initiation of design work and will acquaint you with the expectations of the Committee with respect to general design quality and standards required at Pacific Seawatch. A Pre-Design Conference may be scheduled with the Secretary of the Homeowners' Association (please use the form included as Appendix B). In accordance with Sections 2.3 and 2.4, both a schematic plan and your final plans must be approved by the Design Committee in order for you to begin construction.

2.3 Schematic Plan. After a thorough review of the Design Guidelines and the unique characteristics of your Lot, have your architect or designer prepare a Schematic Plan (Preliminary Plan) for your Lot. The purpose of this plan is to communicate to the Committee your design intentions. This important early review is to ensure that your initial design conforms with the concepts contained in these *Architectural Guidelines*. An early response by the Committee is intended to avoid wasted time and professional fees that result from pursuing a design that is in conflict with the *Architectural Guidelines*. The Schematic Plan Submittal must include the application form in Appendix C, and the appropriate submittal fee.

2.3.1 The Schematic Plan submittal shall include five complete sets of the following:

(a) Written explanation of the design approach;

(b) Graphic explanation of the design concept through a site plan (1" = 10') indicating the Pacific Seawatch approved building envelope (including driveway), floor plans (1/4" = 1'), all building elevations (1/4" = 1'), roof plan (1/8" = 1'), noting all desired exterior building materials, character of the proposed structure and any unique landscape features, i.e.: spa, water feature (1/4" = 1').

2.3.2 The submittal shall be clearly marked with appropriate information including the Owner's name, address and contact information, the Architect or Designer's name, address, and contact information, and the Lot number.

2.3.3 In the event that the Schematic submittal is denied, and the re-submittal is also denied, additional review fees will be charged for each additional submittal in accordance with the schedule in Appendix F.

2.4 Final Plans; Staking.

2.4.1 The final plans submittal shall include five complete sets of the following:

(a) Site Plan (1" = 10'). The site plan shall include proposed building footprint, roof line, property boundaries and easements (if any), utility locations,

utility meter locations, existing vegetation (including trees to be removed), water feature locations, existing and proposed grades (one foot contours), drainage, driveways, sidewalks, decks, patios, fences and any other proposed improvements. Indicate scale and provide a North arrow. Pay special attention to and clearly indicate how surface drainage and erosion control will be handled during construction. In addition, the site plan shall show the outline of all existing and approved improvements (houses, outdoor areas, driveways, walkways, roads) on adjacent properties within 100 feet of the Lot.

(b) Floor Plans (1/4" = 1') and Roof Plans (1/8" = 1').

(c) Exterior Elevations and Details (1/4" = 1').

(d) Building Sections (1/4" = 1').

(e) Sample Board (24" x 36", and at least 1/8" thick) and a written summary. The Committee will review the Sample Board, which must be marked with the Owner's name, address, contact information, and Lot number. Samples must be identified with the manufacturer's name, color and/or number, model types or other relevant identifying information. The Committee will retain this sample board. The written summary will clearly state the manufacturer's colors, style, brand names or other identifying information for proposed materials shown on the Sample Board for the Committee's permanent records.

(f) The Sample Board should depict all exterior materials including:

1. Roof and flashing materials and their colors.
2. Exterior siding materials and colors.
3. Exterior trim materials and colors.
4. Fireplace and chimney materials and colors.
5. Window materials and colors.
6. Exterior door materials and colors.
7. Samples of any stone or rock and mortar to be used.
8. Exterior light fixtures, artwork and hardware.
9. Walkway and driveway materials if other than asphalt or concrete. Photographs encouraged.

(g) Landscape Plan (1" = 10') is to indicate:

1. Proposed plant materials (names, sizes, quantities).
2. Existing trees to be removed.
3. Decks, pavements, service yards, driveways, other freestanding structures.
4. Locations for outdoor light, address monument and added rockery or boulders.
5. Complete irrigation plan, if any.
6. Proposed spa locations and required visual screening

(h) See *Appendix G* for the list of approved plant materials; only plants shown on the approved list may be used in Pacific Seawatch.

(i) A printed Construction Schedule (may be a chart or text). The Schedule must include projected construction start and completion dates of the residence, as well as the landscape work. The Committee's consent to any proposed improvement shall automatically expire one year after issuance unless construction or work has commenced or the Owner has applied for and received an extension of time from the Committee. If consent is revoked, additional submittals and fees may be required.

2.4.2 Prior to submittal, the site shall be staked as further described below:

(a) The submittal shall include a site-staking plan showing all building corners, driveways, and other improvements. In determining the proper location for each improvement, the Committee shall consider the location of existing and future improvements on adjacent sites and such other economic or aesthetic considerations as it may deem appropriate.

(b) The following staking shall be completed for Committee review:

1. The improvements shall be defined with 4-foot wood or metal stakes and the primary corners shall be identified as NE, NW, SE and SW markings. The outline of the improvement may be required to be marked by string or ribbon, or construction paint on the ground between corner stakes. Side and front parcel lines may also be required to be marked in a similar manner. The proposed grade and main floor elevation of the structure shall be clearly marked on the building corner stakes.
2. All property corners shall be clearly marked.
3. Driveway locations will be staked at each side of the drive at 10-foot intervals from the private way to the footprint of the residence.
4. All other improvements shall be staked.

2.4.3 The Final Plan and Application Fee is to be submitted to the Secretary of the Homeowners' Association at least 15 days before the 1st or the 3rd Friday of the month; allow 15 days for a written response from the Committee. The Committee may extend its response time as appropriate if the Committee deems the submittal to be incomplete. The submittal must include the application form in Appendix D, and the appropriate submittal fee.

2.4.4 The Committee will review the final plans in detail for compliance with the previously approved Schematic Plan and to ensure that it meets the intent of the *Architectural Guidelines*. If the final plans do not comply with the general intent of the *Architectural Guidelines* and the previously approved Schematic Plan, or violate any of the *CCRs*, disapproval may result and a revised submittal correcting these problems will be required.

2.4.5 In the event a submittal is not approved, and the subsequent revised submittal is also disapproved, additional review fees will be charged for each additional submittal in accordance with the schedule listed in Appendix F.

2.5 Comments. Owners of property within 300 feet of a proposed construction site will be notified when a plan is initially submitted for Design Committee review. Comments concerning the plans are solicited.

2.6 Building Permit. Upon approval of your final plans by the Committee, you must obtain a building permit from Tillamook County. Owners are advised that the County may have certain additional submittal requirements, which have to be met before issuance of a Building Permit, such as a letter from a certified engineering geologist or geotechnical specialist verifying that an inspection of the foundation excavation is required and that the appropriate fill materials will be exposed for the foundation. Any changes to the site, exterior building appearance (including exterior building materials) or landscape improvements brought about by the building permit process must be submitted to the Committee for review and approval.

2.7 On-Site Inspections. During construction of your residence, the Committee members will conduct periodic inspections. It is the responsibility of the Owner to ensure that construction conforms to the approved plan and all applicable rules. One set of Committee approved final plans must remain on the site at all times and be available for Committee members to review for compliance. Jobsites must remain tidy at all times.

2.8 Project Completion Review. To ensure that the completed residence is consistent and in accordance with the approved final plan approval, a Project Completion Review will be required. The Owner shall inform the Secretary of the Committee within 10 days of the County final inspection that a Project Completion Review is requested, using the form in Appendix E. The Committee will respond within 14 days of receipt regarding the conformance or non-conformance of the residence and site construction. The construction deposit that was actually paid in accordance with the Appendix C application will be refunded after compliance with the final plan approval is established and after any uncollected fines or reimbursements for uncorrected damage to Pacific Seawatch property have been deducted.

2.9 Changes in Plans. No significant changes in plans or materials previously approved by the Committee may be undertaken without prior written Committee approval. Once the residence is complete, no work shall be undertaken (other than routine maintenance and repair) which will result in changes to the exterior building appearance, or landscape improvements, without prior written approval of the Committee.

2.10 County Final Inspection and/or Certificate of Occupancy. Upon completion of the residence and/or Lot improvements, the Owner will furnish to the Secretary of the Committee, a copy of the approved Tillamook County Final Inspection and/or Certificate of Occupancy.

2.11 Completion Period. As required by Section 8.2 of the CCRs, construction of a residential improvement on a Lot is to be completed within twelve months from the beginning of construction.

Article III

General Requirements For All Lot Improvements

3.1 Excavations. Excavations below a depth of 10 feet or where water seepage is observed shall be inspected and approved by H.G. Schlicker & Associates, Geotechnical Engineers (or other

certified Geotechnical Engineer). Temporary excavation in excess of 4 feet in depth with cuts steeper than 1H:1V will require appropriate shoring to provide for worker safety as per OSHA requirements. Vegetation should be removed only as necessary and exposed areas should be replanted following construction. Temporary sediment fences should be installed downslope of any disturbed areas of the site until permanent vegetation cover can be established.

3.2 Fill Material. All structural fill shall be approved by a certified geotechnical engineer in accordance with the recommendations from H.G. Schlicher & Associates, Geotechnical Engineers, dated March 18, 2005 (a copy of this report is available at www.PacificSeawatch.com). All areas to receive fill shall be stripped of all soft soils, organic debris and existing fill. Areas that slope steeper than 5H:1V and are to receive fill shall be benched. Benches shall be cut into native, non-organic, stiff to dense soils. Fills shall not be placed along slopes steeper than 3 horizontal to 1 vertical (3H:1V).

3.3 Site Drainage. Surface water should be diverted from the building foundation to approved disposal points by grading the ground surface to slope away from the foundation to prevent ponding near the structures. All roof drains should be collected and tight-lined in a separate system independent of any foundation drains and discharged to an approved disposal point. Permanent underslab drainage should be provided where below grade floor slabs are utilized, as per the architects' recommendations. No water should be discharged onto existing slopes, unless tightlined to existing drainages, or approved by H.G. Schlicher & Associates, Geotechnical Engineers (or other qualified geotechnical engineer). The perimeter drain excavation should be constructed in a manner to prevent undermining of any foundation or slab component or disturbance to supporting soils. Areas in existing drainage swales will require underdrains, such as French, or blanket drains.

3.4 Natural Landscape. Existing landscape and climate are important factors which must be considered in the design of any improvements and alterations. All architectural elements shall blend with the natural landscape and maintain the integrity of the environment and open spaces.

3.5 Written Approval. Written approval of the Design Committee is required for all improvements, construction, landscaping and exterior alterations, including remodeling and exterior alterations, in the Subdivision.

3.6 Exterior Alterations. Exterior alterations include, but are not limited to: Painting, re-roofing, exterior doors and windows, construction of driveways, garages, porches, heating and air conditioning units, spa and equipment enclosures, sports facilities, exterior lighting, and any other additions or alterations to the structure or property, including free standing exterior decorative objects whether natural or man made.

3.7 Compatibility. Evaluation criteria include site proportionality and orientation, color, and compatibility with the surrounding environment and neighboring structures.

3.8 Specific Considerations. In addition to the other criteria set forth in these *Guidelines*, an improvement will be approved only if it satisfies the following criteria:

3.8.1 It's use is consistent with the purpose of the *CCRs*, these *Guidelines*, the Rules and Regulations and any applicable zoning ordinance and/or other applicable laws;

3.8.2 The size, location and design has minimal adverse impact on the property value, livability and development of the surrounding area.

3.8.3 The site planning and improvement design is aesthetically pleasing. Consideration shall be given to maintaining design excellence.

3.8.4 Except for Townhomes, it is the intention of the Committee to limit lot coverage by buildings and structures to provide for a less dense appearance in the overall development. Therefore, a rule of thumb for maximum lot coverage by buildings and structures shall be 60% of the lot area. All areas of the lot covered by buildings and structures, including any deck, and all areas within any screened enclosure (i.e. hot tub enclosure, dog run, privacy area, trash and mechanical enclosures) are to be included in calculating the lot coverage.

3.8.5 Except for Townhomes, in no event shall more than five (5) homes be allowed in the Subdivision which, in the opinion of the Committee, are of the same basic design with similar exterior elevations. The goal is to obtain a variety of architectural design.

Article IV

Contractor Registration and Rules

4.1 Approval Criteria. Any company, contractor and sub-contractor, must be approved by and registered with the Design Committee in order to perform work or provide materials to an improvement in the Subdivision. To obtain approval, the company, contractor or subcontractor must:

4.1.1 Have a current Oregon Construction Contractors Board license;

4.1.2 Provide certificates of insurance for commercial liability, bond and workers compensation insurance; and

4.1.3 Be familiar with and abide by the *CCRs* and these *Architectural Guidelines*.

4.1.4 It is the responsibility of all contractors and sub-contractors to establish compliance with the foregoing requirements. The Design Committee may refuse to register or may revoke the registration of any company, contractor or sub-contractor who violates the *CCRs*, the Rules and Regulations, or *Architectural Guidelines* or who, based on information received by the Design Committee, has not demonstrated the ability to comply with the high standards for the Subdivision. In the event registration is revoked, the company, contractor or subcontractor shall cease work in the Subdivision.

4.2 Compliance. Each general contractor, sub-contractor or person working within Pacific Seawatch shall abide by all *CCRs*, and *Guidelines*, Rules and Regulations and the following rules:

4.2.1 No domestic animals are allowed on the job site.

4.2.2 Portable toilets must be available until permanent toilets are functional. Placement of the portable toilet is subject to Design Committee approval.

4.2.3 All building materials will be stacked and stored neatly on the job site.

4.2.4 During construction there shall be no trespassing on adjoining lots or common area.

4.2.5 A trash receptacle shall be provided with weekly trash pick-up and removal. A covered trash container for construction workers' personal trash shall also be provided. The contractor shall keep the jobsite free of trash and debris.

4.2.6 No music shall be allowed on the job site except indoors such that it cannot be heard from adjoining property.

4.2.7 No construction work will begin before 7:30 A.M. or continue after 7:00 P.M. To preserve tranquility, exterior construction work is not permitted on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. Interior work on new homes and on existing structures is permitted on Sundays and holidays if all exterior walls are closed in.

Article V

Appeal and Review

5.1 Final Decision. Once (i) final plans are "approved", "denied" or "approved with conditions" by the Design Committee or (ii) the Design Committee determines that a non-qualifying improvement has been made, the Owner may appeal all or any part of the Committee's determination.

5.2 Applicable CCRs. The following portion of the CCRs governs an appeal from a Design Committee decisions:

"9.13 Appeal and Review. In the event that an Owner disagrees with a decision of the Design Committee, the Owner may appeal the Design Committee's decision to the Board of Directors. In order to have the Design Committee's decision reviewed by the Board of Directors, the Owner must submit to the Board of Directors a written request for review within fourteen days of the date of the decision of the Design Committee. The request for review shall state in reasonable detail the basis of the Owner's disagreement with the Committee's decision. Upon the timely receipt for review, the Board of Directors shall:

9.13.1 Determine whether the decision of the Design Committee being appealed involves a subject clearly addressed in these CCRs or the Architecture Guidelines and, if so, the Board of Directors may affirm or reverse the Design Committee's decision without any further proceedings involving the Owner. The Board of Directors shall issue a written decision within fourteen days of the date of receipt of the Owner's appeal.

9.13.2 In the event the Board of Directors does not make a decision pursuant to paragraph 9.13.1, then the Board of Directors shall notify the Owner of the time for a hearing on the Owner's appeal. At the hearing, the Owner may present argument and evidence in support of his or her own appeal. The manner of presentation of argument and evidence shall be as determined by the Board of Directors. The Board of Directors shall issue a written decision within fourteen after the date of the hearing."

Article VI

Inspections

6.1 Authority. Inspections may be made by any Design Committee member or Director of the Homeowners' Association at any time to evaluate on improvement for compliance with *Guidelines* and the *CCRs*.

6.2 Height Inspections. Ridge height inspection and written certification from a licensed surveyor shall be submitted to the Design Committee prior to roofing installation, for verification that the height of the structure is in compliance with the height restriction. It shall be the responsibility of the contractor to obtain such certification and submit it to the Design Committee a minimum of 10 days prior to roofing material installation. If the ridge height is in violation, all construction is to stop immediately, except construction to correct the violation, and may not resume until a new elevation certificate, showing the height to be in compliance, has been received from the Design Committee.

6.3 Enforcement. If an Owner does not voluntarily comply with the decision of the Committee or Board of Directors, the Board upon a majority vote, may take such action under Article VII as it determines appropriate.

Article VII

Enforcement Process

Violation of the *CCRs* or these *Guidelines* may result in fines or stop work orders as provided by the *CCRs* or these *Guidelines*.

7.1 Applicable CCRs. The *CCRs* provide as follows:

“9.6 Violation of CCRs or Architectural Guidelines by Non-Qualifying Improvements. In the event any Owner constructs, or permits to be constructed, an improvement which is contrary to the provisions of these CCRs or the Architectural Guidelines, or an Owner maintains or permits any improvement, condition or other thing on his or her Lot or Townhouse contrary to the provisions of these CCRs or the Architectural Guidelines, the Board of Directors may, thirty days after giving the Owner written notice of the violation and the Owner's failure within thirty days to correct the violation:

9.6.1 Enter upon the Owner's property and remove the cause of the violation, or alter, repair or make change to the item which in violation to make it conform to applicable requirements, provided, however, that if the Owner objects to such entry, no such entry shall occur without prior resort to appropriate judicial process;

9.6.2 Issue a "STOP WORK ORDER" in accordance with procedures established by the Design Committee; and/or

9.6.3 Impose a fine in accordance with a schedule of fines established by the Association or the Design Committee

9.7 Violation of the CCRs or the Architectural Guidelines Relative to Landscaping. *In the event that any Owner fails to comply with the provisions of these CCRs or the Architectural Guidelines relative to landscaping, the Board of Directors may, thirty days after giving the Owner written notice of the violation and the Owner's failure within thirty days to correct the violation, (i) enter upon the offending property and correct the deficiency, provided, however, that if the Owner objects to such entry, no such entry shall occur without prior resort to appropriate judicial process, or (ii) impose a fine in accordance with the schedule of fines."*

7.2 Stop Work Order. The following procedures shall apply to "stop work orders":

7.2.1 If it has been determined that construction violates the *CCRs* and/or these *Guidelines* and that a work stoppage is warranted, the Owner and the contractor will be notified of the nature of the violation and the Owner and the contractor will be ordered to cease and desist all work, construction, repair, alteration, landscaping, and excavating of any kind, except as necessary to correct the violation. A limit will be placed on the time allowed to correct the violation.

7.2.2 A plastic tape shall be placed around the property under violation and the "**STOP WORK ORDER**" shall be placed in clear view of the public. The "**STOP WORK ORDER**" shall continue until the violation has been corrected as determined by the Design Committee.

7.2.3 In the event that an Owner disagrees with the Design Committee's determination of the noncompliance and/or issuance of a stop work order, the Owner shall have the right of appeal and review set forth in Section 9.12 and 9.13 of the *CCRs*. A contractor shall have no appeal rights. In the event that an improvement remains in non-compliance with the *CCRs* or the *Guidelines* after a final decision of the Design Committee or the Board of Directors, as the case may be, the Association may seek an injunction to require compliance.

7.3 Fines. Fines may be imposed for violations of the *CCRs* and these *Guidelines* in accordance with the Fine Schedule attached as Appendix A, as it may be as amended from time to time. The Fine Schedule may be amended by the Board of Directors by majority vote.

Article VIII

Lot Development Requirements

The following development standards regard streetscape character and other single lot through neighborhood-wide related Subdivision issues.

8.1 Streetscape Character.

8.1.1 All residences must be oriented as follows:

- (a) The residence's primary entrance shall face the street.

(b) Garages, Outbuildings and Accessory Structures shall be aesthetically subordinate to the main residence.

8.1.2 Lot-to-lot continuity must be maintained:

(a) There must be diversity between homes while retaining unifying architectural elements, such as roof pitches, scale of building, materials and color, window elements or orientation.

(b) Building placement must not alter topography that adversely affects adjacent lots.

(c) Buildings must integrate into the setting harmoniously and not overpower the site.

8.1.3 Variety in the streetscape must be accomplished; namely:

(a) Identical plans shall be separated by a minimum of four lots.

(b) Identical plans across the street from each other shall be separated by a minimum of three lots.

(c) Mirrored plans shall be separated by a minimum of three lots.

(d) Identical plans with significant elevation differences may be placed a minimum of 3 lots between similar plans.

8.2 Lot Organization and Coverage. Garages, Outbuildings, and Accessory Structures shall be subordinate to the main residence.

8.2.1 Garages shall be aesthetically subordinate to the residence and in no way dominate.

8.2.2 Outbuildings are limited to the rear yard.

8.2.3 Play structures, gazebos, covered patios, barbeques, spas, outdoor fireplaces, are limited to the rear yard.

8.3 Fencing. Fencing is generally discouraged; however, fencing to provide pet control and/or individual privacy may be approved by the Committee. All fencing, location, materials and height, must be approved by the Design Review Committee.

8.3.1 Fencing shall be of cedar, redwood and other natural materials and sealed (clear) or left to age naturally;

8.3.2 Side and rear yard fences shall be 6 feet in height maximum. Rear yard fences abutting an open space shall be 3 feet in height, or up to 6 feet in height if rear yard slopes over 20%.

8.3.3 Wrought iron, ornamental, lattice, chain link or any metal fencing in single family residential areas is not permissible with the exception of gates. Fencing around community or recreational facilities will be judged on an individual basis.

8.4 Retaining and Garden Walls. Retaining and garden walls shall be aesthetically consistent with the residence's architecture:

8.4.1 Walls shall be constructed of stone, cultured stone, brick masonry or poured-in-place concrete, or other material as approved by the Design Committee.

8.4.2 Railroad ties or metal retaining walls are prohibited.

8.4.3 Walls shall be a maximum of 48" tall between grade level changes, unless approved otherwise.

8.5 Accessory Devices. Accessory devices shall be screened from public view except as follows:

8.5.1 Utilitarian devices not requiring public view for their function such as newspaper, milk, garbage and recycling containers shall be hidden from view from the street or be built in the character of the residence.

8.5.2 Permanent devices that require partial exposure to function, such as HVAC condensers, must be located discreetly from view from the street and shall be screened or landscaped with construction consistent with that of the residence.

8.5.3 Permanent devices that require full exposure to function such as satellite dishes must be located discreetly from view from the street and painted to match the residence. Satellite dishes shall not exceed 36 inches in diameter.

8.5.4 All salutation devices are prohibited except each site may have up to one free standing flag pole not more than 18 feet in height above grade.

8.6 Site Lighting. Exterior lighting shall be:

8.6.1 Architecturally compatible with the style, materials, colors, and detailing of the residence.

8.6.2 Shielded so as not to cast light higher than .5 foot candle on neighboring property or into sky.

8.6.3 Shielded so point source (bare bulb) is not visible from off site.

8.6.4 All proposed exterior fixtures must be completely detailed and indicated on all exterior elevation, floor plans and site plans. Details shall clearly indicate size, shape, material, color and wattage.

8.7 Site Landscaping. Plantings must reinforce the overall Pacific Seawatch Subdivision concept. The property owner shall revegetate all disturbed areas immediately following completion of any approved site development. All bare slopes shall be promptly revegetated to avoid erosion.

An appropriate fertilizer shall be used to speed the establishment of the cover material. A jute matting, straw cover, or other stabilization product shall be placed over the soil to protect against erosion, before the seeds are allowed to germinate. Native shrubs and trees, such as salal, shorepines, elderberry, etc., shall be planted to contribute to the long-term stability of the site.

8.7.1 Plantings shall be of natural northwest coastal species from the approved list (Appendix G) or otherwise as approved by the Design Committee. The following plants are automatically approved:

(a) Ferns

(b) Huckleberry

(c) Salal

(d) Low-growing trees that will not impede views from upper lots. Trees planted by Owners shall be limited in height to no higher than the height restriction on the Lot where it is located. The specific Lot height restrictions are set forth in *Exhibit C* to the *CCRs*. This does not include trees which have been identified as “Hallmark Trees” by the Declarant or the Board of Directors and which shall not be removed topped or trimmed without the express permission of Declarant or Board of Directors.

(e) Turf in limited areas not exceeding 300 square feet or as approved by the Committee.

8.7.2 Barkdust, if utilized for ground cover or stabilization, shall be hemlock bark mulch. No other types of barkdust will be permitted.

8.7.3 Landscapes shall be natural in character and limit formal designs.

8.7.4 The front yard landscaping must be completed within 2 months from the Building Department final inspection or within 2 months of the next planting season appropriate to plant species, whichever is later. All landscaping must be substantially completed within the growing season following occupancy of the residence, if the residence is not occupied, within one year of the date of the certificate of occupancy.

8.8 Pools and Ponds. Pools, Ponds, and Outdoor Spas shall be compatible with the natural surroundings.

8.8.1 Above ground pools are prohibited.

8.8.2 Height of spas shall not exceed 48” above ground and appropriate screening as approved by the Committee shall be installed.

8.8.3 Spa covers must be unobtrusive and stored out of public view when not in use.

8.8.4 Each Owner must maintain pools, spas, and ponds from seepage and outflow so as to not adversely affect the neighboring property.

Article IX

Architectural Detail Guidelines

The following architectural detail guidelines established aesthetic requirements such as building style, mass and scale, materials, color and detailing.

9.1 Style.

9.1.1 Residences must stylistically reflect a traditional northwest architectural vernacular best described as a simplified interpretation of turn-of-the century “Northwest Craftsman” or “Bungalow” styles and shall include the following key elements:

- (a)** Floor plans that are substantially articulated with enclosed balconies, porches, inglenooks, bays, breakfast nooks and offsets to give the residence extra space without over scaling the floor plan.
- (b)** Floor plans with a strong relationship to the outdoors.
- (c)** Front porches a minimum of five feet deep, with amply scaled columns that suggest strength, usually battered built up columns or a cluster of columns, resting on large column bases of solid masonry construction.
- (d)** An emphasis on structural elements that suggest strength and stability.
- (e)** Roofs moderately pitched, with large overhangs.
- (f)** Gabled structures articulated with intersecting roofs, dormers and sheds.
- (g)** Structural framing details highlighted as decoration, including exposed beams, rafters, deck and roof supports.
- (h)** Fenestration in a traditional style using divided light, trimmed sash type frames in casement, double hung, awning and hopper function with an emphasis or articulation on the top 1/3 of the window.
- (i)** Natural wood sidings of cedar shingles, board and batten, or lap siding, often with locally quarried stone or brick for foundations, column plinths, and fireplaces.
- (j)** Exterior finishes, weather paints, stains or naturally weathering materials, reflecting earth tone colors in simple, limited palettes. All exterior finishes must be approved by the Design Review Committee. No white or bright finishes will be allowed.
- (k)** Repetitive features of exposed rafter tails, window banding, and colonnades.

9.1.2 Secondary items that may also be required include:

- (a) Airplane Bungalows, or attic level rooms design to project above the peak of the main roofline and articulated with many windows.
- (b) Extensions of porch over driveway to form Porte-cocheres.
- (c) Wrap-around porches at corner lots.
- (d) Covered porches and other non-covered extensions.
- (e) Fireplaces as the focal point of the main living area, some having inglenooks with built in seating.
- (f) Wood brackets or knee-braces projecting under eaves.
- (g) Detached garages towards the rear of the lot.

9.2 Scale.

9.2.1 Maximum Lot Coverage: The aggregate projected roof area coverage should not exceed 60% of the site area.

9.2.2 Maximum Height: The overall height of structures as defined by the highest projecting element shall not exceed the maximum height limitation established for the site, excepting, however, that chimneys not exceeding 18 square feet in cross section plan area where they exceed the height limitation. Chimneys must satisfy the requirements of Article VIII of the *CCRs*.

9.3 Quality of Materials.

9.3.1 Residences shall be built of high quality, long lasting materials:

(a) Buildings must evoke a solid, well detailed, understated elegance, with quality, long lasting, timeless materials; naturally weathering or easily maintainable with a proven history of performance.

(b) An emphasis on over sizing structural elements to give a sense of strength, substance, and permanence is encouraged.

9.3.2 Residences shall be similar in appearance on all sides.

(a) Building materials shall be consistent on all facades of a structure.

(b) Changes in materials vertically must have a transition trim band a minimum depth of 10”.

9.4 Entry Porches. Porches shall be used to define primary entrances.

9.4.1 The porch and entry shall be the primary focus of the street façade and are encouraged to be asymmetrical to the building façade.

9.4.2 Entry porches shall be sheltered from the weather and be a minimum of 5 feet deep.

9.4.3 Two story tall entries are prohibited. Entry porches are encouraged to have masonry column plinths at the sides with over scaled columns resting on top of the plinth. Open structured ceilings are recommended.

9.5 Roofs. Roofs shall be gabled and slope a minimum of 4/12 and a maximum of 8/12. Additionally:

9.5.1 Shed dormer roofs shall slope a minimum of 4/12 and a maximum of 5/12.

9.5.2 Primary gabled roofs shall provide overhanging eaves that extend a minimum of 3 feet beyond the building wall. Rakes must extend a minimum of 2 feet. Secondary dormer and shed roofs shall have a minimum of 30 inch eaves and 18 inch rakes.

9.5.3 Roof ridge vents and gable end vents are permitted, with gabled end vents constructed of wood and integrated into the residence's façade character.

9.5.4 "Mushroom" type roof venting is permitted on non street side of roofs and is required to match color of roofing.

9.5.5 Flat roofs are prohibited.

9.5.6 Roof overhangs shall express the structure of the rafters and rakes. Soffits in roof overhangs shall not be permitted.

9.6 Building Materials. Exterior material and finish must comply with Article VIII of the CCRs. More specifically and in accordance therewith:

9.6.1 Siding and cladding materials shall be similar to those found typically in Bungalow style homes. More specifically:

(a) Residences are limited to three primary exterior materials.

(b) Natural materials that can be used in their natural finish or stained, that weather gracefully to exhibit a fine patina, are especially desirable. All stains, paints and sealers must be approved by the Design Review Committee.

(c) Natural wood materials are encouraged, including board and batten, shingles, and lap siding, with a maximum of 6 inch exposure.

(d) Non-natural composites are discouraged; T-111 (plywood), stucco, fiberglass, and metal siding, are prohibited.

(e) Stone, brick, or concrete shall be below the first floor plane and act as a base to the residence.

(f) Fireplace chases may be framed and sided, stone, cobblestone, or brick and may be battered.

(g) Cultured stone with earth tones are permitted.

(h) Corner trim must be a minimum of 4" nominal width or siding shall be mitered at corners.

(i) Horizontal lattice/venting, with a minimum of 3 ½" exposure, is encouraged in gable ends.

(j) Using a mix of siding materials and trim elements on a gable end wall reduces its perceived scale and is highly recommended.

9.6.2 The following roofing materials are permitted:

(a) Asphalt composition, wood shakes or shingles, natural slate and concrete bar tile.

(b) Asphalt composition roofs shall be earthen tones, dark grey or black tones and must be approved by the Design Review Committee.

(c) Wood shakes, slate, and concrete bar tile roofing shall either be left natural to patina with age or of subdued earthen tones.

(d) Standing seam metal and "Spanish" barrel style tile roofing are prohibited.

9.7 Doors and Windows. Doors and windows should be similar in scale to those found historically in the Northwest, subject to the following requirements:

9.7.1 Windows and doors shall not have light colored frames. Wood or wood-clad windows are encouraged.

9.7.2 Fenestration shall be traditional in style using divided light, trimmed sash type frames in casement, double hung, awning and hopper function.

9.7.3 To the extent possible, windows on the upper story of residences shall be vertically aligned or otherwise coordinated with the location of windows and doors on the ground level.

9.7.4 Windows shall be vertically proportioned wherever possible.

9.7.5 Repetitive banding of at least 3 windows is encouraged.

9.7.6 Shed and gabled dormers are required to have a minimum of 50% window in the end wall of the dormer.

9.8 Details.

9.8.1 Gutters and downspouts are required. Gutters and downspouts shall not be white; the color shall be compatible with the residence and must be approved by the Design Review Committee. Gutters and downspouts shall match the character of the residence.

9.8.2 Chimneys shall match the character of the residence. Exposed metal pipe stacks are not allowed.

9.8.3 Ornamentation and detail shall be simple in design, to reflect the traditional styles of bungalows.

(a) Cupolas, trellises, pergolas, window boxes, columns, eave details, and other architectural appurtenances and details are encouraged to be of a simple elegance and timeless design, well constructed and of materials appropriate for long service life requiring minimal maintenance in this region's climate.

(b) Avoid overly complex, delicate, or fanciful ornamentation.

(c) Repetitive rafters, colonnades, windows, railing stanchions are encouraged to give the sense of rhythm and structural stability.

9.8.4 Columns and beams.

(a) Built up columns or ganged columns with an exaggerated scale and clear structural vocabulary are recommended.

(b) Box beams shall rest on simple, non decorative column bases and caps at porches.

9.9 Color and Painting. Color schemes should be simple and must meet these guidelines:

9.9.1 Residences, garages, out buildings and accessory structures shall be consistent in color scheme.

9.9.2 Up to two base colors are permitted. No white paint will be permitted.

9.9.3 Up to two accent colors are permitted. No white paint will be permitted.

9.9.4 Select colors which are of generally muted, natural earth tones.

9.9.5 The main body of the improvement shall have one base color.

9.9.6 Trim work shall be earthen tones.

9.9.7 A wide range of pre-approved colors and color combinations are available for review in the Homeowner's Association office. All exterior colors shall blend and be compatible with the surrounding natural environment. There shall not be excessive contrast between any color combinations used including roof, masonry, siding, trim, doors, shutters, trusses or logs.

9.9.8 All deck screening, fascia, rails, balusters, benches, supports, stair risers and doors are to be stained or painted the same color as the approved house body.

9.9.9 A painted sample of the approved siding, such as wooden paint chips, or stir stick are required with all submittals.

9.9.10 Each year the Design Committee inspects all homes in Pacific Seawatch to determine which are in need of repainting. Homeowners are required to maintain their property.

9.9.11 All exposed metals such as exterior lighting, roofing, railings, flue pipes, fireplace chimneys and caps, plumbing stacks, miscellaneous flashing, spark arrestor, shroud, electric meter panel, gas meter, telephone box, gutters, chains, etc., shall be constructed of non-glare materials and must not be unsightly.

9.10 Garages. Garages shall be subordinate in scale to the residence and:

9.10.1 A maximum of 3 car garage is permitted per lot, and may not have a garage door opening larger than 16 feet wide and 10 feet high.

9.10.2 Garages shall be consistent with design themes, materials and colors established on the residence.

9.10.3 Carports are not permitted unless engaged with, and constructed similarly with primary or garage structure to form a porte-cochere style covering.

9.10.4 Wood garage doors with panels and an upper band of glass windows are encouraged.

9.10.5 All garages shall be constructed so there is a minimum of 20' of driveway between the garage eave and front property line to insure adequate vehicular parking spaces on owners' property.

9.11 Out Buildings. Out building shall be subordinate in scale to the garage and:

9.11.1 Out buildings shall be consistent with design themes, materials and colors established on the residence.

9.11.2 Out buildings are limited in size to 120 square feet.

9.11.3 Out buildings are limited to the rear yard.

9.12 Accessory Structures. Accessory structures shall match design character of the residence.

9.12.1 Accessory structures shall be subordinate to the residence.

9.12.2 Play structures shall be placed in rear yards, within setbacks, and are encouraged to be constructed of natural materials such as wood.

9.12.3 Play structures shall not exceed 10 feet in height.

9.12.4 Gazebos and patio covers shall be a maximum of 120 square feet in size and be proportional to the residence, with similar materials and colors. All gazebos and patio covers must be in the rear yard.

9.12.5 Deck carpeting is not permitted. Screening of the deck under structure may be required at the Design Committee's discretion. Unless otherwise approved, it is required that the underside of upper level decks areas be painted to match the house. This painting will include: The bottom of the deck, the deck support posts and beams, the galvanized joist hangers and post anchors and both sides of the stairs and stair stringers.

Article X

Accessory Construction

10.1 Procedure. The location and type of all Accessory Devices, Accessory Structures and Architectural Appurtenances are subject to Design Committee approval. Owners wishing to install such items shall submit the type of equipment or structure and specific location thereof for Design Committee approval.

10.2 "Accessory Devices". These include, but are not limited to:

10.2.1 Mechanical, electrical, plumbing or electrical devices that, by virtue of its intended function, must be fully or partially exposed to view, *e.g.* satellite dish, antenna, HVAC components;

10.2.2 Utilitarian and recreation devices (clotheslines, basketball hoops, swings, milk boxes, newspaper receptacles, trampolines).

10.2.3 Salutation devices (political or religious symbols, flagpoles, religious icons, signs and banners, and 3D artwork).

10.2.4 Outdoor furniture, bird baths/feeders.

10.3 "Accessory Structures". These include, but are not limited to: Unenclosed structures (porches, decks, patio covers, trellises, play structures, swing sets, gazebos, spas (under 10' diameter), permanent barbeque or exterior fireplaces, 3D artwork).

10.4 "Architectural Appurtenance". These include, but are not limited to: An element, device or construction projecting from or directly associated with a structure but not otherwise defined as an Accessory Structure. (Example: cornices, overhangs, awnings, chimney, bay windows).

Article XI

Privacy Screens and Trash Enclosures

11.1 Screening. Locations of hot tubs, dog runs, swimming pools, garbage cans and associated mechanical devices may require screening so that they may not be viewed from other

properties, roads or paths. Screening may be no larger than necessary to accommodate the functional use of the item required to be screened. Hot tubs may be required to be completely screened from view from all roadways, bike paths and other lots and residences. The color of hot tub covers must be approved if exposed to view from any other lot or public area.

11.2 Trash Cans. Every residence in Pacific Seawatch shall have trash cans concealed from view of roads, bike paths, lots, and residences, utilizing the standard “garbage enclosure” plan. Please request this plan from the Homeowner’s Association. Outside trash enclosures are to be the same color and siding as the existing residence and attached thereto. There is to be a gate with a latch for easy access. The enclosure is to be large enough for two 32-gallon garbage/trash cans and tall enough to conceal the trash can from view. No plans for new construction will be considered for review without location of garbage/trash enclosure being shown.

Article XII

Recreational Facilities/Commercial Buildings

These *Guidelines* do not apply to the Recreational Building, to future recreational facilities, to improvements in Commercial Areas or to Multi-Family Housing construction.

Article XIII

Miscellaneous

13.1 Manufactured homes/mobile homes are not permitted in the Subdivision.

13.2 Holiday decorations, regardless of size, shall not be installed earlier than 30 days prior to and shall be removed within 30 days after the applicable holiday.

13.3 House numbers of contrasting color are to be located on the house under a light source, and/or on a post at the lane, adjacent to the driveway at the Design Committee’s discretion.

13.4 Exterior mounted sound system speakers are discouraged. They shall be submitted for Design Committee approval and if approved, shall be painted to match the siding color where attached.

13.4 These *Architectural Guidelines* may be amended by a majority vote of the Board of Directors of the Pacific Seawatch Homeowners’ Association.

Article XIV

Attachments

Appendix A: SCHEDULE OF FINES AND ENFORCEMENT PROCEDURES

Appendix B: REQUEST FOR PRE-DESIGN CONFERENCE

Appendix C: APPLICATION FOR SCHEMATIC PLAN SUBMITTAL

Appendix D: APPLICATION FOR FINAL PLAN SUBMITTAL

Appendix E: REQUEST FOR PROJECT COMPLETION REVIEW

Appendix F: APPLICATION FEES

Appendix G: APPROVED PLANTS

Appendix A.

DESIGN COMMITTEE SCHEDULE OF FINES AND ENFORCEMENT PROCEDURES

Article IX of the *CCRs* authorize the Board of Directors to establish and impose fines with respect to violations of the *CCRs* and these *Architectural Guidelines*. An Owner will be notified of any violation and proposed fine in a "Notice of Violation" by the Board of Directors. A Notice of Violation shall be mailed to the Owner's address of record with the Association. Appeal rights are stated in the *Enforcement Procedures* section of this Schedule. The appeal rights and enforcement procedures set forth in this Appendix apply solely to the imposition of the fines set herein and do not apply to an appeal of the Design Committee's action with respect to plan approval.

Enforcement Procedures

Any act or failure to act by an Owner or any other person or entity which is contrary to the requirements of the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Pacific Seawatch, including amendments thereto, or the *Architectural Guidelines* constitutes a violation. Upon the occurrence of a violation, the Board of Directors may take such action as permitted by the *CCRs*, the Association's *Bylaws* and the *Architectural Guidelines*.

If the violation is not corrected within a stated correction period the applicable fine is due and payable immediately upon expiration of the correction period or immediately upon the conclusion of an appeal, whichever is later. Fines are to be paid by check made payable to the Pacific Seawatch Homeowners' Association, Inc. Interest shall accrue at the rate of 10% per annum from the due date until paid in full.

The fine stated below for each category of violation is the maximum fine for that category. These fines are not the exclusive remedy for violations of the *CCRs* or of the *Architectural Guidelines*.

Class 'A' Violation Fine: \$5,000

Class 'B' Violation Fine: \$2,500

In addition, the Board of Directors may issue a construction Stop Work Order and may seek a court order prohibiting construction until compliance with the *CCRs* and the *Architectural Guidelines* occurs.

Class 'A' Violations

Class 'A' Violations include an owner's general failure to comply with *CCRs* Article IX and the approval process and construction standards set forth in the *Architectural Guidelines*. The following are Class 'A' Violations:

- ▶ Violations of the following sections of the *CCRs*:
 - 8.1: Improvements on Lots
 - 8.2: Completion
 - 8.5: Owner's Responsibilities
 - 8.11: Height Restrictions
 - 9.6: Violation of *CCRs* or *Architectural Guidelines* by Non-Qualifying Improvements
 - 9.7: Violation of *CCRs* of *Architectural Guidelines* Relative to Landscaping

- ▶ Violation of the following sections of the *Architectural Guidelines*
 - 3.5: Written Approval
 - 3.8: Specific Considerations
 - 6.2: Height Inspections
 - 7.2: Stop Work Order

Class 'B' Violations

Class 'B' Violations include an owner's failure to comply with any section of the *CCR's* or Design Committee *Architectural Guidelines*, except for those specified as Class 'A' Violations above.

1. Identification of Violation. Any person may notify the Design Committee or the Board of Directors, in writing, of any violation of the *CCRs* or the *Guidelines*. The Design Committee shall provide all notifications it receives to the Board of Directors. Any notification to the committee shall identify the *CCRs* or *Guideline* provision alleged to have been violated and shall include the name, address and telephone number of the person alleging the violation. If a violation is identified through the design review process, this notification of the violation will not be involved. The Design Committee, at its own initiative, may identify non-compliances with the *CCRs* and the *Guidelines*.

2. Investigation of Violation. A current member of the Design Committee shall investigate the alleged violation within 15 days of the identification of the alleged violation. During the course of the investigation, an attempt shall be made to resolve the violation issue without the imposition of a fine or stop work order. If the parties are unable to resolve the issue or the person or entity alleged to have committed a violation is not reached or does not respond, and if a violation appears to have occurred or to be present, the Board of Directors shall send a letter (the "Notice of Violation") to the Owner at the address on file with the Homeowners' Association by certified mail, return receipt requested. The letter shall identify the violation, the *CCR* or *Architectural Guidelines* alleged to be violated, the date by which compliance is to occur, and the fine to be imposed upon a failure to correct the violation.

3. Hardship Extension. The Owner may contest, in writing, within 14 days of the date of the Notice of Violation, a hardship extension of the stated compliance date. Extensions are solely within

the discretion of the Board of Directors. If an extension is granted, it shall be given in writing with a new compliance date.

4. Appeal. The Owner may appeal, in writing, within 14 days of the date of the Notice of Violation, whether the violation occurred, or the proposed fine. Any appeal shall identify exactly what the Owner is protesting.

5. Hearing. If an appeal is filed by an Owner then the Board of Directors shall hear the appeal within 21 days, unless the Owner states in the appeal that it can be determined without the Owner present. The Board shall notify the Owner of the date, time and location of such hearing at least 7 days before the hearing date. At the hearing the Owner may present argument and evidence in support of the Owner's position. The manner of presentation shall be as determined by the Board. The decision of the majority of the Board of Directors shall be final and binding with no right of appeal to any court or other authority.

Liens

If the Owner does not pay any fine imposed within 30 days after it is due, a penalty in the amount of the fine shall be assessed against the Owner's property. Each 30 days that the fine(s) is not paid shall result in an additional penalty of the same amount being assessed against the Owner.

Fines and penalties are deemed an "assessment" as that term is defined in ORS 94.550 (1). The Pacific Seawatch Homeowners' Association, Inc. may record a lien against the Owner's property for any fine (including penalties thereon) not paid within 30 days of the date the fine is due. Liens shall be recorded with the Tillamook County Clerk and shall accrue interest at the rate previously prescribed. The lien and lien foreclosure procedures utilized will in all instances conform to the requirements of ORS 94.704, 94.709 and 94.716 et seq.

Under Oregon law, the *CCRs* and the *Bylaws*, in any action by the Homeowners' Association to foreclose a lien or to collect a delinquent assessment, the Homeowners' Association shall be entitled to recover its reasonable attorney's fees therein and in any appeal therefrom.

Appendix B

REQUEST FOR PRE-DESIGN CONFERENCE

Date: _____

Lot: _____

Requested by: _____

Phone: _____

E-mail: _____

Owner: _____

Phone: _____

E-mail: _____

Architect: _____

Phone: _____

E-mail: _____

Conference Date: _____ (Schedule and Notify)

Appendix C

APPLICATION FOR SCHEMATIC PLAN SUBMITTAL

Date: _____

Lot: _____

Owner: _____

Phone: _____

Address: _____

E-mail: _____

Architect: _____

Phone: _____

Address: _____

E-mail: _____

This application will be considered complete only if the following are submitted:

5 Copies of a written explanation of your design approach and 5 copies of a graphic explanation of the design concepts.

A filing fee of \$1,500.00 (Non-Refundable) and a \$2,000.00 (Refundable) Deposit must be submitted at this time. Site staking of building corners, driveway and other improvements must be done at this time for the Design Committee approval.

For the Design Committee use only:

Submittal Date: _____

Meeting Date: _____

Notice Date: _____

NOTICE TO OWNER:

Following your Schematic Plan Submittal, the Design Committee:

Approves your Schematic Plan

Approves your Schematic Plan with the following conditions:

Disapproves your Schematic Plan for the following reasons and requires a revised submittal:

Signed: _____

Note: Approval and compliance with conditions is a pre-condition to filing an application for Final Plan Submittal.

Appendix D

APPLICATION FOR FINAL PLAN SUBMITTAL

Date: _____

Lot: _____

Owner: _____

Phone: _____

Address: _____

E-mail: _____

Architect: _____

Phone: _____

Address: _____

E-mail: _____

This application will be considered complete only if the following are submitted:

5 Copies of Each:

- (1) Vicinity Map (1"=50'-0" minimum)
- (2) Site Plan (1"=10'-0" minimum)
- (3) Floor Plans (1/4"=1'-0" minimum) and Roof Plan (1/8"=1'-0" minimum)
- (4) Exterior Elevation and Details (1/4"=1'-0" minimum)
- (5) Building Sections (1/4"=1'-0" minimum)
- (6) Landscape Plan (1"=10' minimum)

For the Design Committee use only:

Submittal Date: _____

Meeting Date: _____

Site Inspection: _____

Notice Date: _____

NOTICE TO OWNER:

Following your Design Development Plan Submittal, the Design Committee:

- () Approves your Design Development Plan
- () Approves your Design Development Plan with the following conditions:

- () Disapproves your Final Plan for the following reasons and requires a revised submittal:

Signed: _____

Note: Approval and compliance with conditions is a pre-condition to beginning construction.

Appendix E

REQUEST FOR PROJECT COMPLETION REVIEW

Date: _____

Lot: _____

Requested by: _____

Phone: _____

E-mail: _____

Owner: _____

Phone: _____

E-mail: _____

Architect: _____

Phone: _____

E-mail: _____

Date of Occupancy Permit Inspection: _____

Notice Date: _____

NOTICE TO OWNER:

Following your request for Project Completion Review, the Design Committee feels that your final building and site construction:

() Conforms to the plans and specifications approved in your final submittal. Your \$2,000.00 deposit will be refunded shortly.

() Does not conform to the plans and specifications approved in your final submittal. Additional inspections will be made for \$75.00 each.

Signed: _____

Appendix F

APPLICATION FEES

(Subject to change without notice)

Outlined below is the Pacific Seawatch Design Review Fee Schedule for architectural review and inspection within the subdivision, as is required by the Pacific Seawatch (CCRs), effective April 21, 2006.

1. Complete Plan Review and inspection fee for a new residence	\$1,500
2. Refundable Construction Deposit	\$2,000
3. Resubmittal Fees for incomplete or non-compliant submittals- Actual Cost plus	\$ 200
4. Re-review of previously approved Design Development plans, when construction starts more than 12 months after initial approval of the plans	\$ 750
5. Plan Review and inspection for remodels, additions and redesigns to existing residences exteriors or landscaping. Exact amount of fee depends on the extent of the work planned	\$ 500 to \$1,500
6. Minor additions or changes – deck enclosures, exterior lighting, permanent sports equipment, spas or minor landscaping/irrigation changes	\$ 200
7. Minor repairs, repainting or restating with existing colors	No Charge
8. Resurfacing existing driveway, replacing landscape material (no change of materials)	No Charge
9. Property for sale inspection	\$ 100

Appendix G

APPROVED PLANTS

Common Name	Botanical Name
Glossy abelia	Abelia grandiflora
Vine Maple	Acer Circinatum
Amur Maple	Acer Ginnala
Norway maple	Acer platanoides
Sycamore maple	Acer pseudoplatanus
Wild Yarrow	Achillea sp.-
Monkshood	Aconitum Napellus
California buckeye, Common horse chestnut, Red horse chestnut	Aesculus sp.
Basket of Gold	Alyssum saxatile
Serviceberry	Amelanchier canadensis
European Beach Grass	Ammophila Arenaria
Pearly Everlasting	Ana m.
Japaneses Anemone	Anemone Japonica
Golden Marguerite	Anthemis sp.-
Rockcress	Arabis sp. -
	Arbutus unedo
Hairy manzanita	Aretostaphylos columbiana
Common manzanita	Aretostaphylos manzanita
Kinnikinnick (Bearberry)	Aretostaphylos uva-ursi
Thrift	Armeria sp.-
Sandhill sage	Artemesia pycnocephala
Mugwort	Artemisia sp.-
Madrone	Artubus menzicsii
Aster	Aster Lateriflorus
Saltbush	Atriplex sp.
Four-wing saltbush	Atriplex canescens
Mediterranean saltbush	Atriplex halimus
Japanese aucuba	Aucuba japonica
Chapparral broom	Baccharis pulularis
Coyote Brush	Baccharis pilularis
Twin Peaks' Dwarf Coyote Brush	Baccharis Pilularis 'Twin Peaks'
Darwin barberry	Berberis darwinii
Evergreen barberry	Berberis wilsonae
	Bergenia crassifolia
Common boxwood	Buxus sempervirens
Scotch heather	Calluna sp.
Incense Cedar 'Columnaris'	Calocerdrus Decurrens 'Columnaris'
Cat's Ear (yellow flowers look like dandelions)	Calochortus tolmiei
Siberian peashrub	Caragana arborensens
Blue Sedge	Carex Flaca / Carex Glausa
Slough sedge	Carex obnupta
Fittleaf ceanothus	Ceanothus arboreus
Dark Star Ceanothus	Ceanothus 'Dark Star'
Point Reyes Ceanothus	Ceanothus gloriosus
Blue blossom	Ceanothus thyrisiflorus
Port Orford cedar	Chamaecyparis lawsoniana

Mediterranean fan palm	<i>Chamaerops humilis</i>
Hinoki false cypress, Golden Hinoki false cypress	<i>Chameacyparis obtusa</i>
Mexican orange	<i>Choisya ternata</i>
	<i>Chrysanthemum coccindum, frutescens, superbum, maximum</i>
Rockrose	<i>Cistus sp.</i>
Farewell-to-spring (bright pink flowers)	<i>Clarkia amoena</i>
	<i>Corokia cotoneaster or cornubia</i>
Tom Thumb Rockspray Cotoneaster	<i>Cotoneaster horizontalis 'Tom Thumb'</i>
	<i>Cotoneaster sp.</i>
Hawthorne	<i>Crataegus sp.</i>
Japanese Cryptomeria	<i>Cryptomeria japonica</i>
	<i>Cupressocyparis leylandii</i>
Monterey Cypress	<i>Cypressus macrocarpa</i>
Brooms	<i>Cytisus genista, spartium</i>
Irish heath	<i>Daboecia sp.</i>
(pink)	<i>Dianthus sp.</i>
	<i>Elaeagnus sp.-</i>
American Dune Grass	<i>Elymus Mollis</i>
White Flowering Enkianthus	<i>Enkianthus Campanulatus 'Albiflorus'</i>
Heath, heather	<i>Erica sp.</i>
Coast buckwheat Beach aster, seaside daisy	<i>Erigeron speciosus Erigeron glaucus</i>
	<i>Escallonia (all species: white, red, etc.)</i>
California Poppy (orange flowers)	<i>Eschscholzia californica</i>
	<i>Euonymus fortunei</i>
European Beech	<i>Fagus sylvatica</i>
Bule Marguerite	<i>Felicia sp.-</i>
Eastern Form Dwarf Fothergilla	<i>Fothergilla Gardenii 'Eastern Form'</i>
Wild Strawberry (Beach Strawberry) (Coast Strawberry)	<i>Fragaria virginianum Fragaria chiloensis</i>
Hardy fuchsia	<i>Fuchsia magellanica</i>
Coast silktassel	<i>Garrya elliptica</i>
Salal	<i>Gaultheria shallon</i>
	<i>Gazania sp. -</i>
Philippe Vapelle Geranium	<i>Geranium 'Philippe Vapelle'</i>
Honey locust	<i>Gleditsia triacanthos</i>
	<i>Hebe pinguifolia</i>
	<i>Hebe sp.</i>
	<i>Hedychium sp. -</i>
Sunrose	<i>Helianthemum sp.</i>
	<i>Helichrysum petiolatum</i>
Day Lily	<i>Hemerocallis sp. -</i>
June Bride Coral Bells	<i>Heuchera X Brizoides 'June Bride'</i>
Sea buckthorn	<i>Hippophae rhamnoides</i>
Oceanspray	<i>Holodiscus discolor</i>
Bigleaf hydrangia - fair tolerance	<i>Hydrangea macrophylla</i>
English holly	<i>Ilex aquifolium</i>
Tapered rush, Baltic rush, Bolander's rush, Dagger leaf rush, Salt rush, Sickle- leaf rush	<i>Juncus accuminatus, juncus balticus, juncus bolanderi, juncus ensifolius, juncus lesvevrii, juncus falcatus</i>
	<i>Juniperus (ground cover forms) ex. J. Sargentii, J. Conferta, J. Horizontalis</i>
Red hot poker	<i>Kniphofia uvaria</i>

Laural	Laurus nobilis
English Lavender	Lavendula spica
Pacific Labrador tea	Ledum glandulosum
Glossy Privet	Ligustrum lucidum
	Lithospermum sp.
Black twinberry	Lonicera involucrata
Halliana, Japanese honeysuckle	Lonicera japonica
Privet honeysuckle	Lonicera pileata
Bird's-foot Trefoil (yellow flowers)	Lotus corniculatus
Bush Lupine, Tree Lupine (Yellow flowers)	Lupinus arboreus
Crabapples	Malus sp.-
Creeping wire vine	Muehlenbeckia axillaris
Western wax myrtle	Myrica californica
Bayberry	Myrica pensylvanica
Evening Primrose (yellow flowers)	Oenothera
Daisy bush	Olearia haastii
Parrotia Tree	Parrotia Persica
	Parthenocissus Quinquefolia 'Engelmannii' Virginia Creeper
	Phillyrea latifolia
	Phillyrea sp.
Jerusalem sage	Phlomis fruticosa
	Phlox sp. -
New Zealand flax	Phormium texax
	Photinia fraseria and glabra
Sitka spruce	Picea sitchensis
Shore pine	Pinus contorta
Mugo pine	Pinus mugo
Bishop pine	Pinus muricata
Austrian pine	Pinus nigra
Maritime pine	Pinus pinaster
Italian stone pine	Pinus pinea
Ponderosa pine	Pinus ponderosa
Monterey pine	Pinus radiata
Scotch pine	Pinus sylvestris
Japanese black pine	Pinus thunbergiana
Solomon's Seal	Polygonatum Biflorum
Silver lace vine	Polygonum aubertii
Sword Fern	Polystichum Munitum
Bolleana poplar	Populus alba pyramidalis
Lombardy poplar	Populus nigra "Italia"
	Potentilla fruticosa
Pacific Silverweed (bright yellow flowers - looks like buttercups)	Potentilla pacifica
	Primula sp.-
Cherry laurel	Prunus caroliniana
Laurel	Prunus laurocerasus
Portuguese laurel	Prunus lusitanica
Douglas fir	Pseudotsuga menziesii
Chinese wingnut	Pterocarya stenoptera
Firethorn	Pyracantha sp (several low growing species)
Cypress vine	Quamoclit pennata
Holly oak or helm oak	Quercus ilex

English oak	<i>Quercus robur</i>
Small creeping buttercup	<i>Ranunculus fammula</i>
	<i>Redbeckia fulgida</i>
Italian buckthorn	<i>Rhamnus alaternus</i>
Coffeeberry	<i>Rhamnus californica</i>
Western Azalea (white flowers that are tinged with pink & yellow)	<i>Rhododendron occidentale</i>
	<i>Rhododendron (Large)</i>
	<i>Rhododendron (Small)</i>
Pacific Rhododendron (bright pink flowers)	<i>Rhododendron macrophyllum</i> (or <i>r. californicum</i>) (Rarely sold in NW, collect only w/ permitted.)
Currents	<i>Ribes aureum, sanguineum</i>
Locust	<i>Robinia "Idaho"</i>
Black locust	<i>Robinia pseudoacacia</i>
Bald-hip rose	<i>Rosa gymnocarpa</i>
Nootka rose	<i>Rosa nutkana</i>
Wild roses	<i>Rosa rugosa</i>
Wood rose	<i>Rosa woodsii</i>
Rosemary	<i>Rosmarinus officinalis</i>
Hooker's willow	<i>Salix hookeriana</i>
Pacific red willow	<i>Salix lasiandra</i>
Corkscrew willow	<i>Salix matsudana tortuosa</i>
Red Elderberry	<i>Sambucus Racemosa</i>
Red elderberry	<i>Sambucus callicarpa</i>
Lavender cotton	<i>Santolina chamaecyparissus</i>
	<i>Santolina virens</i>
	<i>Saxifraga sp.</i>
Hebes	<i>Scrophulariaceae</i>
	<i>Sedum sp.</i>
	<i>Senecio greyii</i>
Dusty Miller	<i>Senecio cineraria</i>
	<i>Senecio sp.</i>
Coast redwood	<i>Sequoia sempervirens</i>
Goldenrod	<i>Solidago</i>
	<i>Spiraea sp.</i>
<i>Sedum spathulifolium</i>	Stonecrop
Tamarish	<i>Tamarix tetrandra</i>
Wester red cedar	<i>Thuja plicata</i>
Spring-bank clover	<i>Trifolium wormskjoldii</i>
Sessile trillium, Western trillium	<i>Trillium p., Trillium o.</i>
Canada Hemlock	<i>Tsuga Canadensis</i>
Western Hemlock	<i>Tsuga heterophylla</i>
Evergreen Huckleberry	<i>Vaccinium ovatum</i>
Red Huckleberry	<i>Vaccinium parvifolium</i>
Pink Sand Verbena, Yellow Sand Verbena	<i>Verbenaceae</i>
Speedwell	<i>Veronica sp.-</i>
	<i>Viburnum Plicatum Tomentosum 'Summer Snowflake'</i>
	Doublefile <i>Viburnum</i>
	<i>Viburnum tinus</i>
Vetch	<i>Vica spp.</i>
Violets	<i>Viola</i>
Adam's needle	<i>Yucca filamentosa</i>

	Yucca flaccida
Beach Pea (purple flowers)	Z
Beach Primrose (yellow flowers)	Z
Beach Silvertop (yellowish flowers)	Z
Cow Parsnip (white flowers)	Z
Dune Goldenrod (yellow flowers)	Z
Gumweed (yellow flowers that look like dandelions)	Z
Japanese Black Pines	Z
Menzies' Wallflower (yellow flowers)	Z
Seaside Plantain	Z
Seashore Lupine (purple flowers)	Z
Silky Beach Pea (magenta flowers)	Z