



2025

# Architectural Control Policies



Sudden Valley

Community

Association 1/1/2025 v4



## Quick Reference

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## Quick Reference

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# ARCHITECTURAL CONTROL COMMITTEE POLICIES

## FOR DETACHED SINGLE-FAMILY RESIDENCES

In this document you will find the Architectural Control Committee (ACC) Policies (Policies) of the Sudden Valley Community Association. Policies are updated annually, as needed, by the ACC. All changes must then be approved by the Board of Directors.

These Policies guide the ACC in their review of proposed new construction and exterior alteration projects. The committee is comprised of volunteer property owners elected by the Community. The policies are enforced by the Association's General Manager and designated members of staff. Staff are also available to help property owners understand how to work within the Policy guidelines while achieving their individual goals for their homes.

All property owners are required to maintain their lots in a neat and clean manner and in accordance with the regulations of Sudden Valley. With voluntary compliance, costs are reduced, property values are maintained, and Sudden Valley remains a pleasant community in which to live.

Sudden Valley Community Association (SVCA) is a collaborative participant with Whatcom County and other local and regional governing agencies in the Lake Whatcom Watershed Management Program. Our ACC Policies, which reflect our Covenants, Conditions, and Restrictions (CC&Rs), contribute toward improving water quality and maintaining the aesthetic quality of the community.

Whatcom County issues all permits for construction in the watershed. Project-specific permits, issued by the County, are required by the ACC to ensure that proposed projects are compliant with relevant local, state, and federal regulations.

ACC approval is also required for all structures and improvements on a lot within the Sudden Valley Homeowners' Association. ACC approval is not part of the Whatcom County's permitting process. A project must satisfy ACC Policies, which may be more restrictive than those of Whatcom County. Your project may require a permit from Whatcom County in addition to approval by the ACC. You must apply for County permits separately.



# Definitions

**DEFINITIONS:** The following definitions shall apply for references in ACC Policies:

**Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure.

**Adult:** Any individual 18 years of age or older unless otherwise specified.

**A-Frame:** A structure whose roof members bear on the ground and carry most or all of the structure's vertical loads to the footings OR whose shape resembles a capital A.

**Attached:** A structure having all or part of one or more walls common to the dwelling, or a method of attachment approved by the Committee.

**Back Fill:** To place earth or selected material in any excavated void.

**Buffer Area:** An undisturbed, vegetated zone that separates manmade structures or activities from natural areas with functional value, usually creeks and wetlands.

**Building Area:** The total ground area occupied by each building and accessory buildings but not including uncovered entrance platforms, terraces, steps, and decks.

**Building Site:** The area surrounding the exterior of any structure extending a distance of ten (10) feet from such structure, except when the structure is less than ten (10) feet from the lot line, in which event the lot line shall define the edge of the building site.

**Detached:** A structure not having all or part of one or more walls common to the dwelling or to a covered porch attached to the dwelling. A structure surrounded by open space.

**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.

**Existing Grade:** The natural grade of a lot prior to tree clearing or excavation.

**Established Datum Point (Elevation):** Point of vertical elevation expressed in feet, which is used to calculate building height, driveway grade, and floor elevations. Information provided can be actual (e.g. feet above mean sea level), or relative to a fixed point, conventionally shown as 100 feet (such that downgrade points are not negative numbers).

**Finished Grade:** The lowest point of the finished surface of the ground, paving, or sidewalk within the area between the wall of the building and property line or, when the property line is more than five (5) feet from the wall of the building, between the wall of the building and a line five (5) feet out from the wall of the building.

**Floor Area:** The total area of all stories or floors finished as living accommodations.

**Height, Building** (see Appendix B):

- a) The vertical distance from the existing grade (see Definition) to the highest point of the coping of a flat roof or the peak of the highest gable of the pitch or hip roof; or
- b) The vertical distance measured from the highest point on the building site (see Definition) to the highest point of the coping of a flat roof or the peak of the highest gable of a pitch or hip roof.

**Improved Lot:** A platted lot on which presently exists a detached single-family home or upon which construction of such a detached single-family home has commenced.

**Interior Living Space:** The total area of all finished rooms within a structure (measured according to typical building trade conventions).

**Interior Sides:** The portion of any lot that lies along the street from which the property address is derived is considered the front side. The side of the lot opposite front is considered the back side. The remaining sides are considered the interior sides of the lot.

**Keyway:** Designated land to be used exclusively for ingress to, egress from, and utilities for the lots having any common boundary with the keyway; may also be used for ingress and egress to park areas.

**Lot Line:** A boundary line of a lot or parcel.

- a) **Front:** The property line separating any interior lot from a street right-of-way (ROW). In case of a corner or through lot, the owner may elect any lot line abutting on a street as the front lot line, provided such choice in the opinion of the Committee, will not be detrimental to existing or future development of adjacent properties.
- b) **Rear:** All lot lines that do not qualify as either front or side lot lines.
- c) **Side:** The two (2) lot lines marking the side limits of the lot and that intersect the front and rear lot lines. The side lot line may intersect the front lot line at any angle and may be of any length.

**Lots:**

- a) **Corner Lot:** A lot that abuts on two (2) or more intersecting streets.
- b) **Interior Lot:** A lot that fronts on one (1) street.
- c) **Through Lot:** A lot, other than a corner lot, adjacent to more than one street.

**Maintenance and Repair:** General upkeep, necessary removal, replacement or repair of any existing structural component, surface finish, non-native landscape element, etc., by methods considered conventional in the terms of the trade. Replacement with the same or nearly identical materials, colors, and textures.

**May:** Permission

**Manufactured Home:** A structure, designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. Manufactured home does not include a modular home.

**Modular Home:** A factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

**Open Space:** Unoccupied land that is open to the sky and that may include certain landscaping structures, i.e. retaining walls, planters, etc.

**Parking Space:** An area measuring ten (10) feet by twenty (20) feet, exclusive of all area used for maneuvering, which is used exclusively for motor vehicle parking.

**Privacy Screen:** A small section of vegetative or non-vegetative screening that is meant to conceal unattractive objects such as heat pumps, generators, garbage cans, etc. from the view of the street and neighboring homes. It is no larger than is necessary to conceal the specific object.

**REPA (Revocable Encroachment Permit Application):** A signed REPA allows residents to complete work in the SVCA right-of-way (ROW).

**Shall:** Obligation.

**Start Date of Construction:** The date on which vegetation, trees, ground cover, etc., are removed and/or excavation is commenced for construction of or addition to a commercial building, single-family home or condominium, or a structure accessory thereto.

**Topography:** The increase or decrease in elevation above or below the Established Datum Point expressed by lines of contour on a site plan. Slope is depicted by contour interval lines at each point where grade changes up or down by two (2) vertical feet of elevation.

**Variance:** A modification of the terms of these regulations that may be granted because of the unusual shape, excessive slope 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 hardships unnecessary to carry out the spirit and intent of these requirements.

**Viable Water Supply:** A reliable and sufficient source of water that can be readily accessed and utilized for firefighting purposes, ensuring an adequate amount of water available to suppress fires effectively during the construction or renovation phase of a building.

## 13. ARCHITECTURAL CONTROL COMMITTEE:

**13.1 STATEMENT OF PRINCIPLE:** In considering the geographic position of Sudden Valley within the Lake Whatcom Watershed, the program for any development within Sudden Valley should consider the rights and interests of its residents, balanced with legitimate concerns for preservation of environmental and aesthetic resources. In addition, the scale and character of the physical development should be consistent with the natural, forested setting in which the community exists. The following descriptions of the ACC and its functions are derived from the Restrictive Covenants (RC), which are binding upon all lots in platted divisions and designated condominium tracts within the boundaries of Sudden Valley.

**13.2 COMMITTEE STRUCTURE:** The ACC shall be composed of nine (9) members of the SVCA in good standing who are elected to serve until their successors are elected. Members of the Committee shall serve rotating three (3) year terms staggered such that only three (3) members are to be elected each year. Meeting shall be twice monthly on dates designated by the Committee (RC 4).

**13.3 POWERS:** The Committee shall have the right to disapprove any plans, specifications or details submitted to it in the event the same are not in accordance with all provisions of these Policies; if the design or color scheme of the proposed building(s) or other structure(s) is not in harmony with the general surroundings of such property or with adjacent buildings or structures; if plans and specifications are incomplete; or in the event the Committee deems the plans, specifications, details or any part thereof to be contrary to the interests, welfare or rights of all or any part of the real property subject hereto, or the owners thereof. The decisions of the Committee shall be final (RC 4). The Committee considers each property individually and variances granted in one situation may not be granted in another.

**13.4 COMMISSION:** Plans and specifications for any structure or improvement to be erected on platted property within the boundaries of Sudden Valley, the proposed location on the subject property, the materials, roofs, and exterior color schemes, any later changes or additions after initial approval, and any remodeling, rebuilding, alterations or additions thereto shall be subject to and require the written approval of the Committee before such work commences. **ACC approval requests for exterior alterations to a developed property shall be submitted to the SVCA Administration no later than noon seven (7) business days prior to a scheduled ACC meeting. Completed projects shall be revisited and reviewed by the Architectural Control Inspector (AC Inspector), Compliance Manager, or other designated member of SVCA Staff, to note the final project status and adherence to approved plan and specifications.**

**13.5 AREA OF RESPONSIBILITY:** The Committee shall concern itself with the overall planning, specific sites and building aesthetics. In no way shall the Committee confirm assumed geological condition, structural method proposed nor the general adequacy of safety of any proposed structure(s).

**13.6 PURPOSE:** The purpose of the Committee shall be to ensure the highest possible degree of harmony between natural and manmade systems, and that continued development does not unduly diminish the quality and aesthetic integrity of both the natural and built environments.

**13.7 OBJECTIVES:** The objectives of the Committee shall be:

- a) To create and maintain an aesthetically desirable community by encouraging sensitive architectural design of the individual residences, recreation retreats, signage, condominiums, commercial structures, and related facilities.
- b) To encourage maximum creative architectural response to each individual site as well as to the area and region.
- c) To protect individual property owners from the results of indiscriminate construction by others that would adversely affect surrounding property values and the general aesthetic quality of Sudden Valley.
- d) To review plans for any single-family home or condominium planned for Sudden Valley and the setting of each tract considering land use, environment, traffic and amenities, and other elements as delineated in the Restrictive Covenants for Sudden Valley Condominium Tracts and Commercial development regulations. (Information, Covenants, Rules and Regulations pertaining to Condominium and Commercial development are published under separate cover and are available through Administration.)

**13.8 CONDUCT OF MEETINGS:** ACC meetings are held on the first and third Thursday of each month, unless otherwise announced. To accommodate as many members as possible, the meeting on the first Thursday will be at 9:00 AM and the third Thursday will be held at 6:00 PM. A majority of all committee members shall constitute a quorum. Meetings are open to all members in good standing whose written and/or oral comments will be accepted and taken into consideration by the Committee during discussion and final decision of a proposal. The agenda is posted on the bulletin boards at the Administration office and the Clubhouse and is also posted on the SVCA website at least 24 hours prior to each regular meeting. Owners and residents are encouraged to stay informed about pending development activities through this process. Written notice of Committee decisions normally is available within fourteen (14) working days after the meeting date. Minutes of the meetings normally are posted to the SVCA website one (1) working day following the meeting at which they are approved. Decisions of the Committee are final (RC 4).

## 14. POLICIES FOR DETACHED SINGLE-FAMILY RESIDENCES:

**14.1 INTENT:** These policies are intended to help property owners design, build, and maintain single-family homes that will meet the intent of the Committee's objectives. One important aspect when selecting a design is the lot itself. Rather than reshaping the lot to fit the house, the size, shape, and topography of the lot should dictate design characteristics. Given the unique nature and variability of each lot, it should be possible to achieve diverse architectural designs while maintaining a high degree of sensitivity to the natural environment.

**14.2 SCOPE:** Changes that affect the exterior appearance of a house or lot including new construction, additions, parking spaces, fences, outdoor play equipment, sculptures, retaining walls, and any other exterior features shall require prior approval by the Committee. The community places a high value on preservation of healthy native trees and

natural features. With respect to the degree to which lot size and structure design affect tree removal, the Committee is empowered to deny approval of plans or require redesign or relocation of the structure on the lot based on tree preservation and/or environmental concerns. Manufactured Homes (see Definitions) will not be considered by the Committee, but Modular Homes (see Definitions) may be considered dependent on the site and configuration. The Committee recommends that property owners or contractors wishing to use new construction technologies or requiring significant variances first submit an in-concept request for pre-approval prior to making substantial investments in plans or permits (see Section 14.8.3). **It is recommended that all residents familiarize themselves with the contents to better understand the requirements pertinent to home structure and maintenance.**

**14.3 COMPLIANCE REVIEW:** To verify that all proper permits have been obtained, the property owner or his/her designee must provide to the Administration the original Whatcom County stamped and approved plan set and building permit prior to commencement of construction. Only after such verification and payment of the Completion Deposit will SVCA issue final approval to proceed, and such approval to proceed will include any conditions or reservations imposed by the Committee. Both Whatcom County AND Sudden Valley approved plans and permits must be consulted to ensure compliance to all regulations and permit conditions. **NOTE: Failure to obtain SVCA authorization to proceed prior to commencement of construction will result in issuance of a Stop Work Order and Notice of Violation to the owner.** *For Contractor's Checklist, see Appendix J.*

#### **14.4 CONTRACTOR AND OWNER/BUILDER REQUIREMENTS FOR CONSTRUCTION ACTIVITIES:**

**14.4.1. Licensing Requirements:** Other than direct employees of Sudden Valley, any individual or company performing work or providing contracting services within Sudden Valley shall possess a current and valid State of Washington General or Specialty Contractor's License and Bonding, and when requested, provide to the Association proof of such valid license and bond.

Any individual or company applying for approval of new construction, repair, or substantial remodeling projects within Sudden Valley shall provide to Administration Staff a current and valid State of Washington General Contractor's license (unless it is owner-built for owner use, in accordance with exceptions to state licensing requirements). A Certificate of Insurance evidence in general liability coverage of at least one million dollars (\$1,000,000) for new construction projects and five hundred thousand dollars (\$500,000) for additions shall also be provided.

- a) Any contractor working in Sudden Valley who violates on three (3) or more occasions the Bylaws, Restrictive Covenants, Rules and Regulations, or the ACC Policies such that his/her actions may be considered flagrant or is the subject of any criminal or civil action for license violations, breach of trust, fraud, or other illegal or unethical activities, may be subject to official censure by the Association's Board of Directors and thereafter limited or denied access to Sudden Valley property.
- b) Any unlicensed contractor or subcontractor performing work for compensation may be prohibited access to Sudden Valley until evidence of such licensure is verified.

- c) SVCA may report to the proper authorities any known or suspected incidence of illegal contracting activity.

**14.4.2 Portable Toilet:** The owner or contractor shall provide on the building lot one (1) temporary portable toilet facility, equivalent in sanitary effectiveness to a "Port-O-Let, placed no closer than five (5) feet from the roadway and in a location least offensive to people in adjoining homes or on the Golf Course. It shall remain in place until such time as the house toilet facilities are operable.

**14.4.3 Trash Removal:** The owner or contractor shall provide on the building lot an adequate container for the placement of trash. The contractor shall ensure that its workers, as well as those of its subcontractors, make proper use of the container. The contractor or owner shall be responsible for removal and proper disposal of all unwanted construction and clearing debris from the site, and such removal shall coincide with construction. Littering of the job site and adjacent properties with lot-clearing debris or builder's trash, bottles, cans, paper wrappers, plastic, etc., is strictly prohibited and subject to notice of violation. Burying trash or organic debris anywhere on or off the lot or adjacent properties is prohibited.

**14.4.4 Speed Limits:** The posted speed limits and all traffic laws must be observed by the builder and the subcontractors to preserve their privilege of access to Sudden Valley.

**14.4.5 Track-type Vehicles:** Track-type vehicles (with either grouser or "street" tracks), concrete pump, or bucket truck metal outrigger pads shall not be permitted in direct contact with paved surfaces. Appropriate protection must be placed under the tracks or pads to prevent direct contact.

**14.4.6 Concrete Trucks:** Concrete trucks and pumps shall only be cleaned or washed out onto the jobsite property, within the impervious boundaries of the foundation. Such material shall not be discharged or permitted to flow onto roadways, driveways, undisturbed/natural, or landscaped areas, adjacent properties, ditches, or ROW. Also, due to the steep grade of many roads in Sudden Valley contractors and/or owners of the project must ensure that concrete trucks delivering in Sudden Valley do not overfill their drum, thus causing concrete to spill. Thus, it is suggested that one yard be reduced from the fill capacity of any drum. Any spillage must be cleaned up immediately. Citations may occur if spill is due to negligence.

**14.4.7 Fire Prevention:** Contractors shall have a fire extinguisher, rated not less than 2A, on site at all times. A spark arrestor must be installed on all relevant pieces of equipment used in construction. A viable water supply with an attached 3/4-inch hose of adequate length must be available at all construction sites as soon as combustible materials arrive on site.

**14.4.8 Violations:** It shall be the property owner's responsibility to ensure that any contractor performing work on the owner's behalf complies with these rules. Violations of the Restrictive Covenants, these Rules and Regulations, or the Architectural Control

Committee Policies will be called to the attention of the contractor and property owner, and a fine may be assessed accordingly. The property owner shall receive a Notice of Violation for infractions and shall be responsible for repair of any property damage resulting from actions of the contractor. Any outstanding violations or fines must be resolved or paid before new permits or change requests will be processed for either the contractor or the property owner. The property owner will ultimately be held responsible for any fines assessed.

**14.5 SITE AND LOT REQUIREMENTS:** For Whatcom County Stormwater Management Plan information please see Appendix K.

**14.5.1 Property Coverage and Open Space Requirements:** Measurements for determining these percentages shall be measured on a horizontal plane.

- a) Property Coverage Rule – The principle building and accessory structure footprint, inclusive of eave projections and driveways and exclusive of decks, shall occupy no more than thirty-five percent (35%) of the lot.
- b) Open Space Rule – At least fifty percent (50%) of the lot shall be kept free of all structures, including but not limited to all areas covered by weather-tight roof, decks, steps, driveways, hard surfacing, and parking areas.
- c) The minimum fifty percent (50%) open space as required herein shall be a continuing obligation. Such space shall be maintained with porous ground cover, and no parking or storage of materials shall be permitted in the open space.
- d) Special rules apply to Cluster lots (see Section 14.5.9).

**14.5.2 Minimum Setbacks:** Setbacks will be measured to the structure where roof projections and decks are defined as being included in the structure. Minimum setbacks for later platted divisions may be more restrictive. See the covenants for that specific division. The Whatcom County Zoning Ordinance (Title 20) shall apply in the event its minimum setbacks are greater (more restrictive). Prospective builders are urged to consult Whatcom County zoning officials prior to site plan preparation.

Minimum Sudden Valley setbacks are as follows:

- a) Front – Twenty (20) feet from ROW
- b) Rear – Five (5) feet
- c) Interior Side – At least five (5) feet; combined interior side setbacks must be at least twenty (20) feet
- d) Side Yard on an Adjacent Street – Twenty (20) feet from ROW margin, where feasible
- e) Cluster Lots – Special rules apply to Cluster lots (see Section 14.5.9)

Environmentally Sensitive Areas – Distances are subject to change. Please refer to Whatcom County for site-specific setbacks and most current regulations.

- f) Non-Fish Bearing Streams – Fifty (50) feet
- g) Fish Bearing Streams – One hundred (100) feet
- h) Shoreline Streams – One hundred and fifty (150) feet
- i) Shorelines – One hundred (100) to two hundred (200) feet depending on activity
- j) Ponds – Fifty (50) feet

- k) Lakes – One hundred (100) feet
- l) Wetlands – Twenty-five (25) to three hundred (300) feet depending on the wetland classification and activity

#### **14.5.3 Area and Density Regulations:**

- a) No building or structure, nor the enlargement of any building or structure, shall be permitted or located on any lot unless in conformity with these area regulations.
- b) No platted lot now existing or hereafter established shall be subdivided, reduced or diminished in size such that yards, open space or total area be made smaller than the minimum required by these regulations; nor shall any lot or parcel of land that is now smaller than the minimums required by the regulations be further reduced or diminished in size by any grant or action.

#### **14.5.4 Vision Clearance:**

- a) All corner properties shall maintain a clear triangle at the intersecting street right-of-way. This area shall contain no planting, fence, wall, vehicles, temporary or permanent obstruction exceeding thirty (30) inches in height, measured from the mean grade of the intersecting streets except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of ten (10) feet above grade.
- b) One angle of this triangle shall be formed by the intersecting street ROW. The sides of the triangle measured along the property lines from said angle shall be twenty (20) feet in length. The third side of such triangle shall be a straight line connecting the ends of the two aforementioned lines.

#### **14.5.5 Driveways:**

- a) Driveways must not intersect streets or thoroughfares within thirty (30) feet of an intersection.
- b) The first five (5) feet of any driveway connecting with an SVCA road shall be paved and flush with the roadway edge, using either asphalt or concrete to reduce "loose rock" damage to SVCA roads and reduce the hazard to two (2) wheeled vehicles.
- c) All driveways where the slope exceeds 10% (i.e. over 6 degrees uphill) must be paved from the edge of the paved ROW to the property line or fifteen (15) feet, whichever distance is greater.
- d) Where there is positive grade (uphill) from the street, driveway approaches should be properly configured to prevent storm water or domestic water from flowing onto the roadway below by construction of a swale, 4-inch minimum width strip drain, or other approved catch basin (see Appendix A). Similarly, where the grade of the driveway slopes downhill towards the home a strip drain must be installed in front of the garage, which connects to the home's footing drains.
- e) Driveways and keyways shall be constructed to minimum SVCA standards. Minimum driveway width is twelve (12) feet and maximum width is twenty (20) feet (see Appendix A).
- f) A maximum driveway slope shall not exceed 15%. A maximum driveway slope of up to 20% may be approved, dependent on the site, if the driveway is grooved or if other measures are taken to ensure that the driveway remains safe (see Appendix A).

- g) A driveway turn-around and/or curb may be required in situations with identified safety concerns.
- h) Treated timbers or other suitable edging shall be placed along crushed rock driveways to define access and parking areas and to contain and minimize the scattering of rock. Timbers treated with creosote are not permitted.
- i) Complete replacement of existing driveway requires ACC approval as well as on-site inspection by the Administration Staff prior to implementation.

**14.5.6 Parking:** Creating or installing additional parking capacity requires prior **ACC approval**.

- a) Each single-family dwelling shall have a minimum of two (2) parking spaces, at least one (1) of which shall be enclosed in an attached garage.
- b) Parking in the SVCA ROW is discouraged. If parking in the ROW or creating parking spaces in the ROW is proposed, the ACC approval must be obtained before it can be reviewed by the SVCA Maintenance & Facilities Manager. To obtain SVCA approval, apply through the REPA process (refer to SuddenValley.com).
- c) All garages shall be constructed to allow a minimum of twenty (20) feet of driveway between the garage door and the property line.
- d) Special rules apply to Cluster lots (see Section 14.5.9).

**14.5.7 Drainage/Biofiltration/Rain Gardens:** Grass or rock-lined open ditches shall be preferred over culverts (covered pipe systems), due primarily to the limitations of open ditches to capture runoff from the road surfaces and to provide for the energy dissipation and infiltration of runoff. Modifications to the existing ditch, including culvert installation or extensions, must be approved by the SVCA Maintenance & Facilities Manager before being considered by the Committee. This approval can be obtained through the REPA process (refer to SuddenValley.com).

- a) New culvert installations shall be the responsibility of the property owner.
- b) Within SVCA road ROW the abutting property owner is responsible for culvert maintenance, including keeping ditches and ends of culvert pipes clear of debris that could impede water flow. Should replacement or repair of any damaged or improperly installed culvert become necessary, it shall be the responsibility of the abutting property owner to replace, or repair said culvert upon notice from SVCA.
- c) The Drainage System Master Plan for SVCA (Bell-Walker, 1982) and Whatcom County Code, together with sound engineering principles, shall be the basis for establishing minimum culvert sizes, specifications, and other requirements for any given application.
- d) In addition, installation of all drainage culverts, culvert extensions, and diversions shall be subject to certain minimum standards judged appropriate to the site by SVCA. The culvert pipe shall be corrugated metal, concrete, double wall ABS, PVC, ductile iron, or HDPE pipe. The minimum diameter allowed is twelve (12) inches. Embankment next to the ends of the pipe shall be sealed or rip rapped to prevent erosion (Appendix A).
- e) A concrete catch basin, type one (1) with cleanout, shall be installed every 40 linear feet of culvert and at any change in the culvert's horizontal or vertical alignment.

**14.5.8 Storm Water Drainage:** Storm water drainage resulting from roof, parking, and driveway areas shall be diverted into an appropriate drainage system.

- a) For single-family residences, the storm drainage collected from roofs and driveway areas shall be piped into an on-site drainage retention/detention system which meets the minimum standards established by the SVCA engineer or other applicable public agencies (see Appendix C).
- b) Storm water (including system overflows and sump pumps) shall not be permitted to flow into the sewer collection system.
- c) System cleanout/sump shall be inspected and cleaned by the owner periodically to ensure proper functioning.
- d) Those systems found to be faulty, or malfunctioning shall be required to be repaired (at the owner's expense) to a level of function applicable to standards in effect at the time of original installation.
- e) Additions to existing homes, new garages, etc., may require construction, enlargement and/or other modification of a storm water retention system to ensure adequate capacity and function.

**14.5.9 Special Rules for Cluster Lots:** Cluster lots are defined as platted lots that are adjacent to a common platted parking area that usually serves four (4) or more lots.

- a) The thirty-five percent (35%) property coverage limitation shall not apply to cluster lots.
- b) The open space requirement remains at fifty percent (50%); however, for purposes of calculating the allowed coverage, the square-foot area corresponding to the undivided interest in the adjacent parking area is included in the calculation to determine the allowed coverage.
- c) The square-foot area corresponding to the undivided interest in the adjacent parking area used in the calculation cannot be greater than half the actual lot size.
- d) Cluster lot open space calculation method.

Example: For a 3,000 square foot (SF) cluster lot adjacent to a 4,000 SF parking area that serves four (4) cluster lots.

3,000 SF – Cluster lot size

1,000 SF –  $\frac{1}{4}$  undivided interest in 4,000 SF parking area ( $4,000 \div 4$  but not greater than  $3,000 \div 2$ )

4,000 SF – Total square footage used for calculating 50% rule.

Example: For a 3000 SF cluster lot, adjacent to an 8000 SF parking area that serves four (4) cluster lots. In this example the undivided interest in the parking area calculation is limited by the requirement of Subsection (c).

3,000 SF – Cluster lot size

1,500 SF –  $\frac{1}{4}$  undivided interest in 8,000 SF parking area ( $8,000 \div 4$  but not greater than  $3000 \div 2$ )

4,500 SF – Total square footage used for calculating 50% rule.

- e) Cluster lot minimum setbacks – Setbacks will be measured to the structure where roof projections and decks are defined as being included in the structure. The setback from the road ROW margin for a cluster lot is twenty (20) feet. When the house is facing the platted parking area and the driveway access is from the platted parking area, a side setback to the road ROW margin of less than twenty (20) feet

may be considered. All other setbacks are five (5) feet minimum to the eaves. Setbacks for cluster lots not adjacent to the road ROW margin are five (5) feet minimum to the eaves on all sides.

- f) Cluster lot parking requirements – Each single-family dwelling shall have a minimum of two (2) parking spaces, one of which shall be enclosed in the form of an attached garage. All garages shall be constructed to allow a minimum of twenty (20) feet of driveway between the garage door and the adjacent platted parking area where feasible.

## 14.6 STRUCTURE REQUIREMENTS:

**14.6.1 Minimum Interior Living Space:** For all new construction, a minimum finished interior footprint of one thousand (1,000) SF is required. Total interior finished living space across all floors must total 1,000 SF or more. Carports are discouraged. Variances to this requirement may be allowed for special circumstance.

**14.6.2 Height Regulations:** Maximum structure height shall be thirty (30) feet under Definition I or twenty (20) feet under Definition II (see Appendix B). Height limitations for platted divisions may vary according to the covenants for that specific division. Review of building heights are on an individual basis and shall not be based on any previous approval. Proximity to neighbors will be a consideration in determining height limits.

The owner, upon application, may elect either height definition, but structures shall not exceed the height limits as specified.

**14.6.3 Exterior Finishes:** Exteriors shall be composed of materials compatible to surroundings and in keeping with the Committee purposes and objectives (see Sections 13.6 and 13.7).

- a) House Numbers – For reason of safety and security, the house number must be clearly visible from the street.
- b) Paint Colors – The use of "subdued" exterior colors that are compatible with the neighborhood and environment is required. Approval of owner selections shall be discretionary with the Committee and be limited to specific site applications. Approval of a color in one location does not necessarily mean the color is deemed approved for all locations. Custom colors are approved or disapproved based on other criteria, including possible negative contrast with surrounding areas.
  1. Structures found to be in noncompliance with these color policies may be required to be repainted immediately following their discovery and notice of noncompliance from the Association.
  2. If painting is not completed within six (6) months of approval, applicant shall resubmit the request to the Committee.
  3. An approved color pallet is available at the Sudden Valley Administration Office. Should a resident choose a color from the approved pallet the General Manager or other designated member of staff may approve the request immediately upon receipt of the Exterior Alteration Request and then no further action is required prior to the commencement of work. Any colors not contained in the approved

color pallet (see Appendix O) require the ACC Committee review and approval prior to commencement of work.

4. Unless otherwise approved, garage doors and panels are considered part of the body of the house for paint purposes. Any color deviating from the body color of the residence requires prior ACC approval. Trim and accent colors are not approved garage door colors unless specifically approved by the ACC.
- c) Roofing – Roofing materials should be of fire-resistant materials and may consist of asphalt/fiberglass shingles, cement tiles, composites, metal and/or other specialized roofing materials subject to Committee approval. Wood shingles, shakes, or corrugated roofs are not permitted. Shake roofs with a Class-A fire rating may be permitted with prior approval from the Committee. Type and color choices for all materials shall be submitted to and approved by the ACC prior to application on any residence, addition, or accessory structure. The Committee will not approve a submission for partial re-roofing with a material or color that is different than the existing roof. The re-roofing of a structure using asphalt/fiberglass shingles in the shades black, grey, or brown shall be considered routine maintenance and not require committee approval.
- d) Siding– Siding may consist of wood or wood products, fiber-cement-based products, rock and/or brick veneers, and stucco (when combined with other approved siding types). No asphalt, aluminum, or vinyl materials shall be used or approved for use as siding. Samples of the proposed material may be requested by the Committee. Approval of any non-conventional material(s) shall be discretionary and may be limited to that specific site. All siding types and installation must meet current building codes.
- e) Foundation – Exposed concrete shall not exceed a maximum of 12" from level finished grades to bottom of siding. For stepped foundation walls, exposed concrete shall not exceed a maximum of 24" at any point or an average of 18" from sloped finish grades to bottom of siding. Where exceeding any of these maxima is unavoidable, foundations shall be finished in character consistent with Section 14.9.1(d). Painting the foundation wall the body color of the house is generally acceptable in small areas (see Appendix G).
- f) Miscellaneous – Metal chimneys, "B-vent," and plumbing stacks that exceed thirty (30) inches in height measured from the lowest point of roof penetration or that extend below the roofline on the exterior sidewall shall be enclosed in an approved box or "chase." That portion that is left exposed shall be painted flat black or brown.
  1. All other exposed metal flashing shall be painted an approved color.
  2. Code-approved spark arrestors MUST be provided on all chimneys connected to wood burning appliances.

**14.6.4 Exterior Lighting:** The purpose of exterior lighting is to make safe movement possible and to enhance aesthetic qualities of the structure and its surroundings. Poorly designed lighting can extend well beyond the boundaries of the area in which it is installed and become a nuisance to neighbors. All existing and proposed exterior lighting must be directed downward and bulbs must be shielded from view using enclosures or frosted glass. All existing and proposed exterior lighting must conform to Appendix F, Section 1.

- a) Lights activated by motion detectors shall be adjusted where possible to minimize inadvertent or constant activation by normal adjacent activities.
- b) Flat panel LED style floodlights are prohibited.
- c) Exterior lighting found to be objectionable to neighboring residences or commercial interests may be appealed to the Committee for review.

**14.6.5 Accessory Structures:** All construction of sheds, storage areas, or other accessory structures requires prior ACC approval. Accessory structures must meet minimum setback requirements (see Section 14.5.2). In no case shall structures be supported by or attached to trees.

- a) All accessory structures (garage, storage, woodsheds, etc.) shall be consistent with the main structure in terms of architectural character, materials, and finishes.
- b) All outside storage areas must be screened from view of adjacent properties and roads. This includes areas for storage of trash and recycling containers, lawn equipment, garden tools, construction materials, and other maintenance supplies or equipment.
- c) Sheds may not exceed one hundred (100) square feet in area, nor can it reduce in area the required minimum fifty (50) percent open space (see 14.5.1).

**14.6.6 Solar Panels:** Installation of roof-mounted photo-voltaic solar panels requires prior ACC approval. The property owner must ensure that both local utility companies' and Whatcom County's requirements are addressed.

**14.6.7 Hot Tubs:** Installation of hot tubs may require building and plumbing permits from Whatcom County. Information may be obtained from the Whatcom County Planning Department. ACC approval of hot tub installation should be obtained before submitting for County approval. Hot tubs must be screened from view of adjacent properties and roads by a privacy panel or similar design consistent with the design of the main structure (house).

**14.6.8 Propane Tanks:** Installation/relocation of propane tanks requires prior ACC approval.

- a) If intended as fuel for a residence to be constructed, the plans and specifications shall include location of the propane tank on the site plan with details for appropriate tank screening. Free-standing propane tanks will not be allowed in front of the house or on any side of the property facing a street unless they are buried, or a variance is given. Smaller, vertical propane tanks may be mounted on the side or rear walls of the residence with appropriate screening.
- b) Screening may consist of an appropriate enclosure and/or deer resistant vegetation. Solid screening is not recommended unless design meets local fire code. The enclosure must be open on the top and have at least four (4) inches of clearance above the ground for proper ventilation. Design and color treatment of the enclosure must have Committee approval. Deer resistant plant materials utilized as screening must be of a perennial, evergreen species of sufficient initial height and fullness to provide complete screening of the tank at the time of final inspection.
- c) Propane tank and screening installations shall meet all federal, state, and county regulations (see Appendix H).

**14.6.9 Fences:** Construction or installation of fences requires prior ACC approval. The design and concept of Sudden Valley is one that promotes and emphasizes continuity of open space for the benefit of both human and wildlife populations. Applicants are strongly encouraged to notify their neighbors of proposed fences prior to applying to the ACC for approval. Each submittal will be treated on a case-by-case basis. The decision shall be based on the following criteria:

1. Topography of the lot
2. Lot size and shape
3. Intended use, i.e. privacy, protection, animal enclosure
4. Additional considerations specific to the proposal (positive or negative impacts to neighboring properties)
5. Aesthetics and staked outline of fence

No wire fences will be approved except as listed in Appendix D.

a) **Design Elements and Placement Requirements** (see Appendix D):

1. Existing vegetation may not be removed to accommodate any hedge or fence without prior approval; if requested, it must be included in the original Fence Request Form.
2. No tree shall be used for the attachment or support of any fence of any kind.
3. Yard perimeter fences are discouraged.
4. Fences shall not encroach into setback areas (see Section 14.5.2) without requesting a variance.

b) **Living (Vegetative) Fences:** Where there is a desire for privacy between or among adjacent properties, living fences, or hedges are encouraged. Such hedges may be planted or cultivated only to the extent that they can be and are maintained by the applicant property owner and will not encroach onto the neighboring lot nor grow to excessive heights (height limits may be imposed to preserve views enjoyed by adjoining properties).

c) **Non-Vegetative Fences:**

1. Solid fencing will be discouraged for most situations within Sudden Valley.
2. No non-vegetative residential fence may exceed five (5) feet in height from ground level. Fences on constructed or natural berms shall not exceed five (5) feet, including the height of the berm. Where the lot abuts on a county road, the height limit may be six (6) feet. All residential non-vegetative fencing shall be composed of materials that blend with the native background. Approval will depend upon fence style, aesthetic qualities, and structural integrity of each individual proposal, and with an emphasis on consistency within the local neighborhood area (see Appendix D).
3. Vegetative screening may be required to break up the outline of the fence from adjacent lots and the street.
4. **Above-ground electric fences are not allowed in Sudden Valley.** Underground electric fences, such as Invisible Fence, are acceptable for pet enclosures and do not require prior ACC approval.
5. Temporary fences to protect individual trees or plants from animal damage do not require ACC approval. Green, brown, or black wire is encouraged for these fences. Homeowners must remove such fences within one (1) year or apply to the Committee to keep them for a longer period.

- d) **Privacy Screens:** The recommended size of a privacy screen shall be six (6) feet high by eight (8) feet long but may vary depending on the size of the object being screened. Solid screens are discouraged.
- e) **Submittal Process:** Fences, hedges, pet enclosures, privacy screens, etc. require prior approval from the ACC. Landscape plans are not to include fencing; separate application must be submitted for fencing requests. Review of fence requests are on an individual basis and shall not be based on any previous approval or pre-existing fence. Application forms are available from the SVCA administration office or SVCA website. Applications to the Committee should have the following:
  - 1. Name, date, division/lot, street address, mailing address, and phone number.
  - 2. Description (including dimensions) of fence or hedge material and design.
  - 3. Description of intended use of fence or hedge.
  - 4. Submittal of a site plan depicting the location on the lot of the proposed hedge or fence with dimensions of both the fence and the distance from the fence to property line.
 Also required:
  - 1. Corners of the proposed fence need to be staked prior to submittal.
  - 2. Complete a utility locate before breaking ground.
  - 3. If fences are not completed within six (6) months of approval, applicant shall resubmit the request to the Committee.

#### **14.7 COURSE OF CONSTRUCTION ACTIVITY:**

**14.7.1 Hours of Operation:** Contractors performing work that generates noise beyond their property boundaries are seasonally restricted to specific hours during the year.

- a) Summer hours are in effect May 1 through October 31
  - Monday through Friday: 8:00 AM to 6:00 PM with exception of concrete work
  - Saturday 8:00 AM to 5:00 PM with exception of concrete work
- b) Non-summer hours are in effect November 1 through April 30
  - Monday through Saturday 8:00 AM to 5:00 PM
- c) Work crews may begin preparation no earlier than 30 minutes before starting time
- d) Sunday, holiday, and evening work shall be limited to activities that exclude all machinery noise, i.e., chainsaw, excavators, power tools, etc., unless such tool use cannot be detected beyond the property boundary
- e) Concrete placement hours (full year)
  - Monday to Saturday: Mobilization and placement 8:00 AM to 6:00 PM
  - Exceptions can be made; please contact Administration
- f) Contractor notification requirement for concrete placements:
  - 1. 48-hour notice to all homes directly adjacent, diagonal, and opposite work location. Additionally, if a full road closure is needed and will block egress for other homes, those homes must also be notified.
  - 2. Notice must be provided in writing; signs must be placed on doors 48 hours in advance of earliest pour date. For closures affecting large numbers of residents, a traffic control plan and road signs may be required. Consult with Administration.

3. Window is three (3) days after the 48 hours to pour, after five (5) days the notification process must be restarted. Failure to issue proper notification will result in fines.
4. Example of sign is provided in Appendix P.
5. Communication requirement with Administration – Contractor is responsible for contacting and confirming the dates/time of anticipated concrete placements with Administration. Preferred contact method for Administration is an email; a phone call or voicemail is not acceptable. Contractor must receive an email response to confirm that contact has been made. It is the responsibility of the contractor to ensure that contact is made within the required timeline. Receipt of notice cannot be confirmed during weekends or holidays.
6. WA State certified flaggers are required for any partial or full blockage of roads and both Security and Administration must be notified of such blockage and approximate time of said blockage.
7. Fines will be assessed for failure to notify the defined surrounding properties.

**14.7.2 Lot Clearing and Excavation:** It is extremely important that those persons doing the work know in advance what has been agreed upon among the Committee, contractor, and property owner, and that all parties are informed of any changes that deviate from the original agreement prior to commencement of excavation.

- a) Approval of final or amended plans by the Committee shall constitute agreement among the parties as to location of the structure on the lot, number and location of trees to be removed/retained, driveway location, and other site plan details. Special provisions or conditions made part of the approval shall be specified in the initial or subsequent letter of approval to the owner. **Staff must be contacted beforehand if the excavation/tree removal plan is to be altered in any way.**

Hazardous Tree Authority During Construction: Authority for onsite hazardous tree evaluation to be granted to the SVCA Maintenance & Facilities Manager based on the SVCA Hazardous Tree Removal SOP with the contractor/owner to replant at a ratio of 3 to 1 and new trees added to the approved landscaping plan.

- a) Land-defacing and excavating shall be kept to a minimum during and after house construction or addition. Natural growth shall not be disturbed excessively or unnecessarily. IMPORTANT NOTE (see Section 14.9.1(b)).
- b) Hauling away and/or shredding branch and stump debris is required.
- c) No outdoor burning is allowed in Sudden Valley except as provided in SVCA Rule and Regulation Section 1.6.
- d) Piling of dirt from excavation and rough grading during and after construction shall be done in a manner to avoid damage to trees and other natural foliage, and all such activities must be confined to the lot. **No dirt shall be piled against or beneath the dripline of any tree.**
- e) Encroachment by machinery or storage of materials on adjoining lots constitutes trespassing and shall not be condoned. Such cases may be subject to Notice of Violation and may be reported to the adjoining lot owner.
- f) Care must be exercised during the clearing of trees and construction to avoid damage to vegetation on adjoining properties. In some cases, the ACC may require

- that the trees be removed in sections to avoid such damage. Broken branches must be properly removed back to the trunk (to the root collar) or main branch.
- g) Onsite equipment storage will be limited to 30 days from commencement of excavation. After such time equipment shall be removed from the worksite.

**14.7.3 Erosion/Environmental Impact Control:** Approved and effective silt screening devices must be placed appropriately within the job site and adjacent to any stream, lake, pond, trench, ditch, or intermittent channel that drains to a flowing watercourse.

- a) Such devices shall be composed of materials specifically designed for use in silt retention and be properly installed and maintained during construction (see Appendix E).
- b) Straw bales, check dams, or sand bags may be required before excavation commences and used as primary filters in addition to or in place of silt fences.
- c) Mulch, straw, or plastic shall be used to cover areas and piles of exposed soil.
- d) Installation of a construction entrance surfaced with quarry spall is required.
- e) The Department of Ecology Storm Water Manual should be used for additional information and clarity of these and other Best Management Practices (BMPs).

**14.7.4 Contractor Parking:** General contractors must provide temporary on-site parking for themselves and sub-contractors, and/or designate, in consultation with staff, an alternative off-site parking area. Disturbance of soil and/or vegetation shall be kept to a minimum, and off-site areas shall be restored to their pre-construction conditions prior to completing the final inspection. No on-site construction parking shall be made permanent without prior ACC approval.

**14.7.5 Inspections:** There are several required inspections by Administration Staff during the construction period. Following 24-hour advance notice by the property owner or their designee, staff will perform on-site inspections prior to the following stages of construction:

- a) **EROSION CONTROL:** Review of erosion control measures and no-entry barriers for tree and native-growth protection to ensure they are installed properly; this includes but is not limited to:
  1. Silt fences and other silt screening must be installed correctly (see Appendix E).
  2. The root zone of all trees designated to remain must be surrounded by a no-entry barrier in accordance with Policy 14.9.1(b).
  3. Areas of exposed soil that will not be modified within 24 hours must be covered with mulch, straw, or plastic sheeting.
  4. Soil piles that will not be used within 24 hours should also be covered.
  5. Additional materials should be available onsite to implement additional erosion control as needed or required.

No soil disturbance shall occur until this inspection has been done. Further visits by staff or administration staff to confirm proper functioning of these installations may occur at any time until completion. Erosion control and tree protection measures shall remain in place until the end of construction or when final mulch and landscape planting is complete. Failure to meet erosion control or tree protection

Best Management Practices will require immediate correction and a twenty-four (24) hour re-inspection.

- b) **SETBACKS:** Location of the building on the site as approved by the ACC will be confirmed by an inspection when forms have been set, but prior to the pouring of concrete foundation footings. Lot boundaries and foundation wall lines must be clearly marked to allow determination of approved setbacks. Any revisions require prior ACC review and approval.
- c) **DRIVEWAY:** Driveway configuration will be confirmed by an inspection when forms have been set but prior to pouring the driveway. Refer to Section 14.5.5 for driveway design standards and illustration for more details. Any revisions require prior ACC review and approval (see Appendix A).
- d) **FINAL:** Inspection for release from Committee jurisdiction will be in conjunction with Whatcom County Final Inspection and sign off and a copy provided to AC Inspector. Release will also be contingent on the owner or developer's request prior to occupancy of the structure and no later than twelve (12) months from date of start of construction, unless an extension has been granted. Extensions of time or other variances from this provision must be requested in writing and approved by the ACC. Occupancy prior to final inspection will result in loss of all or part of the construction completion deposit (see Section 14.7.7).
- e) **TIME EXTENSIONS:** Construction of a new home is expected to occur within one year from ACC approval date. Written applications are mandatory for every Extension and fees will apply. Failure to apply for an extension before the current permit expires will result in fines (refer to SVCA Fines & Fees Schedule). The SVCA construction timeline is outlined as follows:
  1. SVCA's Construction Permit (REPA) is issued after ACC approval is granted. The start date of the SVCA Permit is set during the compliance meeting with the AC Inspector. SVCA's REPA must also be approved before construction can begin.
  2. Construction is expected to complete within twelve months of the permit start date. If needed, a 1st permit extension of up to six (6) months may be granted.
  3. If construction will not be completed within 18 months, a 2nd permit extension of up to six (6) months may be granted.
  4. If construction will not be completed within 24 months, a 3rd and final permit extension of up to twelve (12) months may be granted.
  5. No extensions will be granted after 36 months. The project will have to resubmit for ACC approval, paying an additional new construction application fee, and the original building deposit will be exhausted. A new deposit must be made before construction can continue.
  6. Failure to obtain ACC approval for a New Construction time limit extension before the current permit expires may result in a fine. An extension must be requested in writing at least one month before expiration of the current permit.
  7. SVCA extension timeline is not bound to the Whatcom County extension schedule.
- f) **TIMELINESS OF EXTENSION REQUESTS:** Contractor/Owner shall apply for extension and receive approval from ACC before existing completion date. If after applying after existing completion date, the ACC may grant approval

with assessment of fines based on existing SVCA fees and fines schedule. As a courtesy, Administration may send out notices of time remaining on construction period or extensions one (1) month prior to existing completion date.

**Failure to receive a notice from Administration in no way removes the Contractor/Owner from responsibility for a timely request for an extension.**

**14.7.6 Re-Inspections:** Staff will re-inspect work associated with necessary or recommended changes following initial inspection. Costs for repetition of review, without considerable progress or completion, missed appointments, or subsequent inspections due to actions of the applicant for foreseeable problems may be reasonably charged to the property owner for each re-inspection.

**14.7.7 Completion of Construction/Time Limits:** The construction of any single-family detached residence or addition on any platted property in Sudden Valley, the plans for which are approved by the Committee, must begin within ninety (90) days after approval, and the exterior (including exterior finish and minimum landscaping) and final inspection must be completed no later than twelve (12) months after start of construction.

- a) Failure to commence construction of any single-family residence within ninety (90) days after ACC approval will require that the plan be re-approved by the ACC.
- b) Consistent progress must be made throughout the construction project. The ACC shall specify to the property owner what constitutes a violation under this section and shall issue a Notice of Violation or Non-Compliance which may result in penalties and/or increased construction deposit requirements.

Failure to complete construction by the twelve (12) month deadline can result in penalties (see Section 14.8.9).

## **14.8 CONSTRUCTION SUBMITTALS:**

**14.8.1 Process of Approval for Construction of an Addition or a Detached Single-Family Residence:** All construction projects undertaken in Sudden Valley are subject to Whatcom County, state, and any other applicable permitting requirements. The ACC recommends that property owners contact Whatcom County for information or requirements for their specific project. For all new single-family homes, permit applications may be made with the Association and Whatcom County concurrently; however, ACC approval and verification of a Whatcom County Building Permit are required prior to construction.

Any and all member(s) delinquent in the payment of annual dues, assessments, special assessments, or any other charges associated therewith shall be suspended from all membership privileges:

- a) Including the ability to submit or have considered, directly or indirectly, plans, specifications, and/or details for improvements to real property, by the Committee, and
- b) The ability to obtain an encroachment permit to perform work within SVCA owned roads, rights of way, parks, greenbelts, or common areas (collectively the “common

areas), to connect to public and private utilities such as water, sewer, etc., or to construct either temporary or permanent improvements within such common areas.

**14.8.2 Construction Application:** All documents shall be submitted in electronic pdf form in addition to the standard paper submissions. The following items shall be submitted and/or completed at time of application:

- a) SVCA Construction Application and Checklist shall be signed by property owner
- b) Application fee (see Section 14.8.8)
- c) Copy of survey by a licensed surveyor including topography, trees, and square footage (see Section 14.8.10)
- d) Two (2) sets of construction plans (including floor plan, elevations, and finished grade)
- e) Two (2) copies of site plan @ 1"=10' scale (see Appendix I for sample)
- f) Two (2) copies of landscaping plan @ 1"=10' scale
- g) Driveway cross-section, showing road edge to garage slab
- h) One (1) copy of specification sheet including paint chips, roof color, lighting sample
- i) Proof of insurance shall be provided for general aggregate liability coverage (see Section 14.4.1)
- j) One (1) copy of water/sewer availability
- k) Property and building corners must be staked as described in Section 14.8.11.
- l) ALL trees requested for removal must be clearly ribboned and indicated on site plan
- m) Written application for variance, if any
- n) A refundable Completion Deposit is due during permit compliance review meeting (see Section 14.8.9)

**14.8.3 Preliminary Review:** To help property owners and potential property owners in Sudden Valley avoid unnecessary expenses, the ACC will consider partial submittals for unusual or questionable projects (see Section 14.8.13). These submittals would be for approval "in concept only" and a complete submittal would be required prior to final approval being granted. Any approval of these submittals is non-binding.

**14.8.4 Submittal Deadline and Completeness:** Plans submitted to the Committee for consideration must be complete as to the content specified below and must be received at least ten (10) working days (excluding holidays) prior to the scheduled meeting of the Committee at which the request is to be considered. A submittal meeting must be scheduled with the Administration Staff.

**14.8.5 Other Submittal Requirements:** Any individual or company making application for new construction, repair, or substantial remodeling within Sudden Valley shall provide to the ACC:

- a) A current and valid State of Washington General Contractor's license, unless owner-built for owner use in accordance with exceptions to state licensing requirements (see Section 14.4)

- b) Certificate of Insurance evidencing general liability coverage of at least one million dollars (\$1,000,000). Additions are required to have coverage of at least five hundred thousand dollars (\$500,000)

**ACC Compliance Review and Disposition: Whatcom County and SVCA permits are required for all construction activity in Sudden Valley. Both Whatcom County and Sudden Valley approved plan sets and permits must be consulted during construction to ensure compliance to all regulations and permit conditions. Failure to obtain SVCA authorization to proceed prior to commencement of construction will result in issuance of a Stop Work Order and Notice of Violation to the owner. The Committee shall approve or disapprove accepted plans, specifications, and details within thirty (30) days from receipt thereof or shall notify the person submitting them when an additional period of time, not to exceed an additional thirty (30) days, is required for such approval or disapproval.**

**14.8.6 Plans:** Plans submitted shall be retained by the Association.

**14.8.7 Quality and Content of Submittals:** The Committee requires a series of plans and forms to determine if the building project meets all of the Sudden Valley Covenants and Policies. All of these plans and forms must be submitted in the detail required for the building application to be considered. Building documents submitted to the Committee for approval shall be accurate, near as possible to "professional quality," and shall include:

- a) **Site Plan** using 1-inch = 10-foot scale depicting:
  1. The SVCA division, lot and **street address**
  2. Property boundaries including the road ROW
  3. Location of the proposed structure on the lot showing roof line (solid) and wall lines (dashed)
  4. Proposed setbacks from the property boundaries to eaves
  5. Proposed location of walks, decks, patios, and driveway
  6. Proposed location of any turn-around and/or permanent, non-driveway parking (such as may be desired for inclement weather conditions)
  7. Accurate location of all trees (six (6)-inch diameter or larger) on lot indicating species and size
  8. Trees that the developer proposes to remove should be so designated
  9. Rock outcroppings or other major geological features
  10. Abutting wall line of existing homes on adjacent lots
  11. Location of water courses, natural drainage areas, and standing water
  12. Existing lot contour lines shown at two (2) foot vertical intervalsSee Appendix I for a sample site plan.
- b) **Landscaping Site Plan** using 1-inch = 10-foot scale depicting:
  1. The SVCA division, lot, and **street address**
  2. Property boundaries including the road right-of way
  3. Location of the proposed structure on the lot showing roof line (solid) and wall lines (dashed)
  4. Proposed setbacks from the property boundaries to eaves
  5. Proposed finish grade at each wall (expressed as ft. in elevation, consistent with topography)

6. Proposed elevation of garage floor (expressed as ft. in elevation, consistent with topography)
  7. Proposed finished grade contour lines shown at two (2) foot vertical intervals
  8. Proposed location and composition of walks, decks, patios, and driveway
  9. Proposed location and composition of turn-around and permanent, non-driveway parking
  10. Location and details of proposed retaining structures
  11. Location of all proposed outdoor lighting
  12. Proposed location of utilities
  13. Proposed location of accessory structures
  14. Proposed location and screening details for propane tanks and trash receptacles
  15. Proposed location of storm water retention system, main sump, and clean-out (see Section 14.6.5)
  16. Locations of water courses and natural drainage areas
  17. Proposed placement and description of plant materials, rock, fencing, etc. (see Section 14.9)
  18. Proposed landscaping changes within the road ROW shall be included in the plan
- c) **Elevations Drawings** using 1/4-inch = 1 foot scale depicting:
1. Proposed structure location on the lot, two (2) cross sections may be required on complex slopes
  2. Scaled cross section elevations of proposed retaining structures
  3. Scaled cross section drawings of the lot and road ROW depicting the slope.
- d) **Typical Exterior Building Sections** using 1/4-inch = 1 foot scale depicting:
1. All sides of the structure sufficient in detail to show accurate depiction of construction and materials
  2. Proposed finish grade at each wall (expressed as feet in elevation)
- e) **Floor Plans** for all interior living space using 1/4-inch = 1 foot scale
- f) **Roofing Layout Plan** using 1/4-inch = 1 foot scale
- g) **Driveway Cross Section** using 1-inch = 10-foot scale depicting:
1. Driveway from the road edge to the garage slab with degree of slope indicated
- h) **Variance Request** as may be applicable, in writing.
- i) **SVCA Application and Checklist Forms** completed with signed statement that documents site preparation are sufficient to allow adequate review by the Committee

**14.8.8 Application Fees:** Payment of the required submittal fee shall accompany the submittal of plans for new single-family detached structures and additions. If the additional square footage of an addition project is equal to or greater than the existing structure it will be considered a new home construction project, subject to applicable fee and deposit requirements. Except as stated below, no additional fee shall be required for re-submittal of plans revised in accordance with Committee requirements or recommendations. Any approval for which an extension beyond the 90-day start of construction deadline has been properly obtained, the work on which has not been

commenced within one (1) year from the original approval date shall be considered void. Such plans shall require complete re-application along with the appropriate fees.

<u>Type of Submission</u>	<u>Fee</u>
a) New Construction	Contact Administration
b) Additions (smaller than existing home)	Contact Administration
c) Refundable new construction Completion deposit	Contact Administration
d) Refundable addition/remodel/completion deposit	Contact Administration
e) Fees paid for plans permanently withdrawn prior to Committee action are refundable up to eighty percent (80%).	
f) Sudden Valley Tier Structure for Residence Additions and Structural Changes (see Appendix N)	

**14.8.9 Completion Deposit:** A completion deposit is required for new home construction projects in an amount to be set by the SVCA Board. For deposit amount for additions to existing homes contact Administration. Deposit is payable by the property owner or authorized agent upon plan approval prior to start of construction. In the event the project is completed in a timely manner as evidenced by Sudden Valley final inspection and the property owner has complied with all applicable requirements and procedures, the SVCA, upon written request from the property owner, shall promptly return the completion deposit and release the project from Committee jurisdiction.

- a) The deposit shall be for the purpose of ensuring that all sums that may become due to SVCA between the date of issuance of a construction permit and the issuance of a certificate of completion are paid in full.
- b) Deposit may be increased for individuals, either owner or contractor, who have exhibited a record of flagrant and/or consistent rules violation.
- c) Non-compliance within the ACC approved time limit, non-approved changes, un-repaired damage to Sudden Valley property, **occupancy without final inspection** or failure to pay any outstanding fines related to the project may result in the total or partial forfeiture of the deposit.
- d) At the discretion of the SVCA Board, amounts forfeited under the completion deposit provision may be used to rectify problems on the site to the extent allowed by law but shall not be considered liquidated damages.

**14.8.10 Survey Requirements:** The Committee will require that the site plan as submitted reflect the results of an accurate survey. Therefore, prior to plan submittal, it shall be the responsibility of the developer or his/her designee, to have **a licensed surveyor** accurately locate the property corners, determine square footage of the lot, map contour lines for the lot at two (2) foot vertical intervals and accurately locate all trees (six (6)-inch diameter or larger) on the lot indicating species and size.

- a) Staff shall determine the adequacy of survey information during the pre-meeting site review. Survey stakes shall not be disturbed unnecessarily during construction.
- b) Stakes that are buried or otherwise obliterated shall be reestablished at the owner's expense by a licensed surveyor upon completion and prior to final inspection.

Due to Sudden Valley's location in the Lake Whatcom Watershed, it is advised that physical characteristics of the site be reviewed to identify environmentally sensitive areas, such as

streams, wetlands, forests, and wildlife features. If any are found, the applicant should contact Whatcom County immediately to discuss any potential buffers or restrictions.

**14.8.11 Pre-Meeting Site Preparation:** For inspection prior to the Committee meeting at which the project is to be considered, **corners of the proposed structure (including eaves) shall be staked** and roof lines indicated with string; roof corners in one color and decks in a different color. ALL trees designated for removal shall be marked on site using surveyors' tape (NOT spray paint) and shall be consistent with those noted on the site plan submitted. Such preparation must be completed at time of submittal.

**14.8.12 Utility Locate:** Prior to excavation, a utility notification center must be contacted.

**14.8.13 Variances:** It is realized that, with the passage of time, these policies may change in keeping with updated building materials technology, methods of construction, and style, or architectural concepts.

The Committee may allow reasonable variances and adjustments of these restrictions in order to overcome practical difficulties and to prevent unnecessary hardships in the application of the provisions contained herein; provided that such is done in conformity with the intent and purposes hereof and that in every instance such variances or adjustments will not be materially detrimental nor injurious to other properties or improvements in the neighborhood, the unit or subdivision (see Section 14.8.3).

- a) Requests for a variance must be made in writing to the ACC.
- b) Any stand-alone variances approved by the Committee prior to submittal of a complete application shall expire 180 days after the date of approval.

**14.9 LANDSCAPING:** Landscaping alters the appearance of a property and requires prior ACC approval. Because well designed and maintained landscaping increases both individual and community property values, the Committee requires certain minimum landscaping standards for all developed property in Sudden Valley. These policies attempt to integrate the aesthetics of the site with the natural environment, protect native features, and provide for adequate soil stability. The SVCA shall specify to the resident what constitutes a violation under this section and shall issue a Notice of Violation or Non- Compliance in accordance with the Covenants, Rules and Regulations, and these Policies. Any proposed landscaping that requires tree removal, significant removal of native vegetation, re-shaping, or grading of soil, retaining walls, etc. require prior ACC approval. Landscape plans are considered on an individual basis and their approval/disapproval shall not be based on any previous approval or pre-existing landscape plan.

**14.9.1 Landscape Policy:**

- a) SVCA encourages the planting of native vegetation to the greatest extent possible when formulating the landscape plan (provided it is healthy and suitable for the site).
- b) Preserved trees on the lot and in the road ROW shall be protected from damaging construction activities by placement of no-entry barriers around the tree protection zones. For every inch of trunk diameter (diameter at breast height, DBH), extend protection by one (1) foot in radius, or to the drip line, whichever is less. Tree protective fencing shall be a minimum height of three feet, visible, and of durable

- construction; orange polyethylene laminar fencing is acceptable; and signs must be posted on the fence reading “Tree Protection Area.” Other tree protection may be requested by the ACC for more vulnerable trees. Owners may be fined for unauthorized tree limbing/removal when trees are damaged or destroyed by such activities and where there is sufficient evidence of negligence in protecting such trees (see Section 14.10). Any significant trees identified in a landscape plan to be retained, and subsequently damaged or removed during site development shall be replaced at a rate of three trees for each one damaged or removed. Replacement coniferous trees shall be at least eight feet in height; replacement deciduous trees shall be at least two and one-half inches in diameter (DBH) and shall be species native to western Washington. Installation, maintenance, and care of required replacement trees shall be in accordance with the International Society of Arboriculture’s best management practices for arboriculture including, but not limited to, soil assessment, sampling, amendments and conservation, and spacing, which ensure the tree’s long-term health and survival. Replacement trees shall not be topped or otherwise be prohibited from their natural growth.
- c) All cuts and fill slopes on developed lots greater than 2:1 (Horizontal:Vertical) in slope that are judged by staff or the ACC to be unstable, whether they are pre-existing, created by driveway cuts, or other general lot excavation, must be corrected by the construction of retaining walls or grading plans meeting the approval of the Committee. Cuts and fill slopes of less than 2:1 (H:V) shall, at the minimum, require matting and planting with suitable materials or employment of other methods to maintain soils in place and such erosion prevention measures shall be used throughout construction (see Section 14.7.2).
  - d) Retaining walls shall be composed of materials that are consistent or harmonious with other site elements and the residence. Cinderblock walls and plain concrete walls (non-exposed aggregate type) will not be approved without the inclusion of wood screening or vegetation. Other structures shall be built using materials that are rated, graded, or stamped for use in contact with the ground.
  - e) All construction and landscaping debris, slash, removed stumps, brush, and trees must be removed from the lot. That which is usable (i.e. firewood) shall be neatly stacked and stored. No landscape debris may be dumped anywhere within Association property.
  - f) All disturbed soils must be graded, smoothed, and compacted where necessary to prevent erosion. Bare earth must be seeded, covered with mulch, or planted with trees or ground covering plants in order to counteract erosion and provide for aesthetics.
  - g) To enhance groundwater infiltration, plastic under landscaped surfaces is prohibited. Only porous landscape fabrics or specialized matting materials may be utilized. The use of ground rubber mulch is prohibited.
  - h) On sites where mature native trees require removal for even minimum construction, such trees may be required to be replaced by a tree(s) at a suitable location upon the lot, and the replacement of such trees may be required by the Committee as a condition of approval for the home submittal. Replacement coniferous trees shall be at least eight (8) feet in height; replacement deciduous trees shall be at least two and a half (2.5) inches in diameter (DBH).

- i) Treated timbers or other suitable edging shall be placed along crushed rock driveways to define access and parking areas and to contain and minimize the scattering of rock. Timbers treated with creosote are not permitted.
- j) Any proposed landscaping that extends into the road ROW shall be done at the property owners' risk and if approved by the Committee, shall be maintained by the property owner. Road ROW remain SVCA property and use of such ROW shall remain available for any SVCA member. Improvements may be removed without notice by SVCA for access to utilities, etc. In addition, SVCA may require an encroachment agreement.
- k) Residents shall abide by noxious weed laws (RCW 10.17 and WAC 16-752) and exercise care not to introduce noxious or invasive weeds into Sudden Valley. A list of noxious and invasive plants can be found online (see Appendix K).

**14.9.2 Landscape Plan Submittal:** Any proposed landscaping that requires tree removal, significant removal of native vegetation, re-shaping, or grading of soil, retaining walls, etc. requires prior ACC approval. Landscape plans are considered on an individual basis and their approval/disapproval shall not be based on any previous approval or pre-existing landscape plan. Submittal shall include the following information:

- a) Application with name, date, division/lot, street/ mailing address, phone number.
- b) Submittal of a site plan including:
  1. Location of all structures, driveway, trees, etc.
  2. Trees proposed for removal clearly identified (see Section 14.10)
  3. Location and dimensions of retaining walls
  4. Proposed landscaped areas clearly marked
  5. Proposed changes within road ROW
- c) Narrative describing landscape proposal including tree, vegetation, and material descriptions, drainage concerns, and any additional considerations you would like the Committee to consider.
- d) If landscaping is not completed within six (6) months of approval, applicant shall resubmit the request to Committee.

**14.10 TREE REMOVAL AND LIMBING:** Protection and preservation of property values may be accomplished by appropriate control of growth of trees, shrubs, and naturally occurring vegetation; however, such actions shall be weighed against preservation of wildlife, protection of soil stability, water quality, and related aspects of drainage, and adherence to the overall concept of Sudden Valley, which includes protection of the natural forested beauty of the area and taking fire preventive measures into account. For additional Firewise information, see Appendix K.

Within an individual's clearly marked property boundaries, routine maintenance can be performed and is encouraged without ACC approval. This includes conversion of lawns to naturalized landscaping, maintenance of plantings, removal of undesirable landscape and non-native trees and shrubs, removal of dead branches, and pruning of tree branches where appropriate that are 6 inches or less in diameter. Removal of branches may not exceed 30% of the foliage density of any individual specimen without written approval of the ACC. To provide adequate air circulation and mitigate fire risk; small trees, branches, and vegetation within 10 feet of a residential structure may be removed without ACC approval. Large conifers growing in this 10-foot buffer, with a

diameter of 10 inches or greater may only be removed with prior ACC approval, and debris must be removed immediately.

To provide room for growth, light, and nutrients to more mature conifers and native evergreens, trees can be limbed or windowed according to the Washington Department of Ecology guidelines (see Appendix K) with ACC approval.

**14.10.1 Tree Removal and Limbing Criteria:** Many criteria are used in evaluating requests for tree removals or limbing. These include, among others:

- a) Immediate safety concerns including trunk and/or branch failure potential
- b) Fire prevention and lack of air circulation from trees overhanging roofs, near chimneys, or structures
- c) Future safety concerns such as retaining a solitary tree in a cleared area (orphan) or retaining a leaning or oddly shaped tree on the edge of a cleared area or next to a roadway
- d) Encroachments where trunk, branches, or roots would be or are in contact with main or accessory structure(s) or where utilities would unavoidably cut through root system
- e) Health of the tree and/or those adjacent where there are obvious signs of infestation, incurable disease, or stress that likely would lead to early or premature death or trunk/root failure
- f) Maintenance of property values where vegetation has been allowed to grow unchecked and now poses aesthetic concerns for neighbors
- g) Creation or maintenance of view corridors (vertical and/or horizontal) where vegetation has grown unchecked and now obstructs views once enjoyed by the lot owner or neighboring lot owners
- h) Consideration of privacy concerns where a request is made to remove or limb a tree that might substantially reduce existing and highly valued screening between neighboring properties
- i) Prevailing wind direction
- j) Specific characteristics of different tree species
- k) Maturity, health, and growth potential of existing trees and vegetation in the surrounding environment
- l) Soil stability and potential erosion
- m) Protection and preservation of property values

**14.10.2 Tree Removal and Limbing Submittal:** Except where provided above, all proposed tree removal or limbing requires prior ACC approval. Proposed tree removal and limbing requests are considered on an individual basis. Application forms are available from the SVCA administration office or SVCA website: [www.suddenvally.com](http://www.suddenvally.com) under forms. Tree removal and limbing applications will be considered by the Committee subject to the following:

- a) Applications to include the property owner's name, submittal date, division/lot, street address, mailing address, and contact phone number
- b) Submittal of a clearly marked site plan depicting the following:

1. Location of all existing structures, driveway, property lines, significant landscaping, etc.
  2. Trees proposed for removal or limbing must be clearly identified. To give neighbors notice whenever tree removals or limbing might affect them directly, trees to be limbed or removed must be clearly ribboned. Ribbons must be brightly colored and wrapped fully around the tree's trunk at eye level for at least one (1) week in advance of the ACC meeting except in cases of hazard trees which can be dealt with on an emergency basis. For requests involving more than one tree, ribbons shall be numbered corresponding to the numbering on the request site plan. Trees not appropriately ribboned will not be reviewed by the ACC. (Spray paint or any other permanent marking or flagging is prohibited.)
- c) **Narrative Description:** Reasons for the removal or limbing and any additional considerations you would like the Committee to consider.
  - d) If the tree removal or limbing is to occur on a lot not belonging to the applicant, written consent of the owner(s) is required prior to submission of the request. Unless otherwise specified, removal of debris will be the responsibility of the applicant requesting the removal/limbing.
  - e) It is important that persons doing the work know in advance what has been agreed upon between the Committee and property owner, and that all parties are informed of any changes that deviate from the original request and/or agreement prior to commencement of any tree pruning or removal.
  - f) If action is not completed within 180 days of receiving approval, applicant shall resubmit the request to the Administration Staff for review and re-approval.

**14.10.3 Tree Removal and Limbing General Practices and Policies:**

- a) Care must be exercised during clearing of trees to avoid damage to surrounding vegetation. In some cases, the ACC may require that trees be removed in sections to avoid such damage. Broken branches on adjoining trees must be properly cut back to the main lateral or "parent" branch or the trunk's branch collar if appropriate, with prior approval from the Committee.
- b) If trees are to be climbed to complete approved limbing, climbing spurs should only be used when absolutely necessary.
- c) To increase safety for pedestrians, bikers, and drivers and to maintain clear lines of sight along both sides of the roadside, branches, and vegetation shall be removed as determined by SVCA staff. Wood acquired by the Sudden Valley Maintenance Department may be available to residents, either on the site or at designated areas such as the Area Z woodcutting site.
- d) Requests to remove vegetation in wetlands or other environmentally sensitive areas may require approval from Whatcom County as well as from the Committee.
- e) The ACC shall have the authority to approve or disapprove tree removal/limbing requests on commercial and condominium tracts and platted lots. SVCA staff shall make determinations for trees on the ROW and common areas.
- f) Authorization from the Administration Staff must be received prior to the mechanical clearing of any property in Sudden Valley.
- g) A tree request denied by the ACC may be reconsidered if the applicant provides the Committee with a written report, including an executive summary of recommended

actions, from an ISA-certified arborist. A list of available local resources may be obtained from the Administration.

**14.10.4 Pruning Conifers:** Skirting-up, Interlimbing, Windowing (WA. Dept. of Ecology see Appendix K). All debris must be removed immediately.

- a) Skirting-up: Limbing the tree up from the bottom allows a clear line of sight. Relatively more branches can be removed with this technique because the lower branches contribute fewer nutrients to the tree than the higher branches.
- b) Interlimbing: The removal of entire branch whorls or individual branches throughout the canopy allows more light to pass through, as well as reducing wind resistance of the tree. This practice can be used in conjunction with windowing to improve views.
- c) Windowing: This pruning practice allows a view "window" through the existing foliage of the tree's canopy. In pruning major limbs and branch whorls, sections that obscure a view are removed. This practice should be minimized as it can impose significant stress on mature trees.
- d) Topping: Topping of trees is strongly discouraged in Sudden Valley. Topping and windowing of trees is prohibited on SVCA owned property, as it has been recognized by the International Society of Arborists (ISA) as injurious to the health of the tree. SVCA will utilize alternative remedies and practices to address tree limbing and maintenance, following ISA Best Management Practices for appropriate techniques and procedures. (If homeowners wish to utilize these practices for their own trees, the ISA guidelines will be available from the Administration.)

**14.10.5 Emergency Hazardous Tree Removal:** The Whatcom County Planning Department defines a hazard tree as “any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.” (Whatcom County, Planning Department, (2009) Section 23.110.080).

If a property owner’s tree begins to fail due to severe weather or other natural disasters and a fall is imminent, it can be removed on an emergency basis if the stump is left in the ground and photographs and a description of the circumstances are submitted to the ACC as soon as possible.

If a property owner desires to have a tree on SVCA property removed or limbed, an application shall be submitted to Administration using the same form used for all tree requests. The purpose for the removal shall be clearly stated, for example, a hazardous tree, sight line restoration, or improvement, etc.

Upon receipt of the application, Administration shall refer the issue to the Maintenance & Facilities Manager, who shall investigate the request and report to the ACC. The ACC shall prepare a recommendation for the consideration of the Board of Directors. The Committee evaluation shall include recommendations concerning the advisability of the requested action and the party responsible for the expense of the action. In the event the tree is located on golf course property, the opinions of the Golf Course Superintendent, Golf Director, and General Manager shall be included in the Committee report.

Only SVCA employees or licensed and bonded tree service personnel shall be permitted to perform such actions on SVCA property.

The Board of Directors may direct the replacement of any removed tree.

**14.11 PROPERTY MAINTENANCE:** The SVCA shall specify to the resident what constitutes a violation under this section and shall issue a Notice of Violation or Non-Compliance in accordance with the Covenants, Rules and Regulations, and these Policies. Basic maintenance of developed property such as repair or replacement of existing approved exterior elements on a like-for-like basis and re-staining or re-painting with existing colors may be approved by the General Manager or a designated member of SVCA staff without the need for Committee review.

**14.11.1 Developed Property:** All developed property, whether occupied or unoccupied, and all improvements (buildings, accessory structures, fences, etc.) and landscaping shall at all times be maintained in such a manner as to prevent their becoming unsightly due, but not limited to: deteriorating exterior materials and finish(es) (siding, roofing, decks, paint, etc.), unchecked growth of common or invasive weeds, accumulation of rubbish (i.e., household garbage, recyclables, pet waste, oil/gas cans, palettes), improper outside storage (i.e., ladders, lawn equipment, automotive parts, play equipment), or brightly colored tarps and coverings.

**14.11.2 Tree and Brush Maintenance:** All property owners shall be responsible for the removal and clean-up of dead or hazardous trees, limbs, and dead brush on their property (see Section 14.10). Spread of fire, especially on undeveloped lots, is a significant danger.

**14.11.3 Storm Water Control:** Gutters, downspouts, driveway strip drains, and the storm water retention system shall be maintained so as to function correctly. The storm water retention system cleanout should be emptied of debris at least annually (see Section 14.5.8).

**14.11.4 Street Address:** The street address shall be kept clearly visible for all developed property within Sudden Valley (see Section 15.2).

**14.11.5 Exterior Storage:** All outside storage areas must be screened from view of adjacent properties and roads. This includes areas for storage of trash and recycling containers, under decks where such areas are used to store any type of materials, or any area on the lot where materials are being stored.

**14.11.6 Replacement of Damaged Structures:** No improvement which has been substantially or totally destroyed by fire, earthquake, wind damage, or other means shall be allowed to remain in such state beyond the minimum time period necessary to secure inspections and permits allowing removal of the debris or to begin repair of the structure. In no event shall this period exceed four (4) months from the date of such destruction or loss unless it can be shown that such delay is beyond the control of the owner. If a damaged

structure is to be rebuilt or replaced, all requirements for approval of plans by the Committee, time limits for completion, and other rules as specified elsewhere in these Policies shall apply.

## 15. POLICIES FOR SIGNS ON PLATTED LOTS:

**15.1 GENERAL:** One (1) permanent identification sign shall be permitted on each lot, not more than one (1) square foot in size, stained a natural color with wooden or metal letters or numbers that may depict the name of the owner and the street address. **Signs may NOT be attached to trees.**

**15.1.1** For the Purpose of these Policies, the term “Sign” shall mean and include any exterior or visible from the exterior, written or pictorial message intended to be read or observed by others, from adjacent lots, parcels, or roads. Home security warnings and decorative yard placards not exceeding one square foot in area shall be permitted and shall not be considered to be signs.

**15.2 ADDRESS:** All homes shall have street address numbers that are visible from the main street. These numbers shall contrast with their background, be Arabic numerals and/or alphabetical letters, and be a minimum of 5 inches high. Address numbers shall be posted on the structure unless the structure is not visible from the street, in which case a monument, pole, or other means, subject to prior Committee approval, shall be placed adjacent to the access to identify the structure. In no case shall numbers be attached to trees.

**15.3 FOR SALE AND FOR RENT SIGNAGE:** Sudden Valley owners wishing to display their Homes or Lots for sale or their homes for rent may do so provided that the sign is 8 ½ by 14 and is in the format of Exhibit M and as described below (see Section 15.3.1) and is posted in full view on each property. Other information materials may be placed outside the residence provided it is contained within an approximate 9” by 12” plastic box equivalent to the IDC Inc. "Info Center." Specific Realty Company signs i.e., ReMax, Coldwell Banker, etc. are not allowed in Sudden Valley. Signage may be obtained from Sudden Valley staff for a nominal fee. Absolutely no Signage shall be attached to trees or vegetation.

**15.3.1** Signs may be purchased from the SVCA Administration office that display the Sudden Valley logo, list the Division and Lot number, the name of the property owner or contact person (if desired), and a telephone number. These signs may be posted no closer than five (5) feet from the edge of the asphalt of an adjoining SVCA road.

**15.3.2** Owners of multiple lots for sale may contract for the manufacture of such signs, rather than ordering them from the SVCA, provided such signs are in accordance with Exhibit M and are accurate facsimiles in terms of size, coloring, logo, and lettering. Owners or agents may reuse signs by changing the information, provided that the lettering is consistent in style, color, and size with those produced by SVCA.

**15.4 OPEN HOUSE SIGNS:** Portable open house signs may be placed to direct people to a particular home for sale. Only one (1) such sign for each open house shall be permitted at any one (1) street intersection. The owner(s) or qualified sales agent must be present at the open house during any period when such signs are in place.

**15.5 CONSTRUCTION SIGNS:** Prior to commencement of and during any New Construction, addition, or major landscaping, a sign per Appendix L, not to exceed 8 ½ by 14 inches in size shall be placed on the property where the work is being performed. The sign shall contain all pertinent information illustrated by Appendix L and shall be of a style and character that does not diminish the aesthetics of the surrounding area as determined by the Committee. Signs may be obtained from the Sudden Valley office after ACC grants approval for the project. The sign shall be placed facing the road in plain view, no nearer than five (5) feet and no further away than ten (10) feet from the paved surface. The sign must be removed from the site within ten' (10) days following completion of the work and/or final inspection of the structure by the Administration Staff. The property owner may be subject to fines for failure to place the sign during the approved work period and or remove any sign following the ten (10) day period at completion. **Signs may not be attached to trees or vegetation.**

**15.6 OTHER SIGNS:** Permission must be obtained from SVCA Security prior to posting any type of temporary flyer, including garage sale or directional signs. Where specifically permitted, such signs may not be affixed to trees or to traffic signs and may not be posted prior to the day of the sale or event and must be removed promptly (the same day) after the sale or event concludes. Signs may not be attached to trees.

**15.7 DISPLAY OF POLITICAL SIGNS:** Political signs which are defined as signs supporting or opposing any candidate, proposition, measure, or resolution to be voted on at a special or annual meeting of the SVCA or primary or general municipal, state, or national election may be displayed within Sudden Valley Community Association as follows:

**15.7.1 Period of Display:** Political signs may be displayed no more than 45 days before the election to which they refer and shall be removed within 48 hours after the election

**15.7.2 Display of Signs:** Maximum size for any such sign is 18”X 24” with an aggregate total area of no more than 18 square feet per lot. Signs may not be lighted, animated in any way or adorned with reflective ribbons, streamers, banners, balloons, or similar devices to attract attention.

**15.7.3 Location of Signs:** Political signs may be placed only on the owner’s private lot. Signs may not be placed on Association property, the property of others, or within the road right- of-way. Signs must not be placed in such a manner as to create a vision restriction for persons entering or leaving a driveway or traveling on Association roadways.

**15.7.4 Removal of Signs:** Any signs placed within the Association’s road right-of- way or on Association property will be removed and disposed of without notice.

**15.8 DISPLAY OF THE AMERICAN FLAG:** The display of the American Flag shall be permitted in accordance with State and Federal law (RCW 64.38.033 and the Freedom to Display the American Flag Act of 2005). Any display of the American flag in conjunction with any lettering, symbol, object, or depiction of a person shall be deemed to be a political sign and shall be regulated as such. The installation of a flag pole is considered an exterior alteration and must be submitted for approval to the Committee.

**15.9 PENALTIES FOR SIGN RULE VIOLATIONS:** Violation of the sign rules of the Sudden Valley Community Association shall be subject to the current fine schedule.

## **16. ENFORCEMENT:**

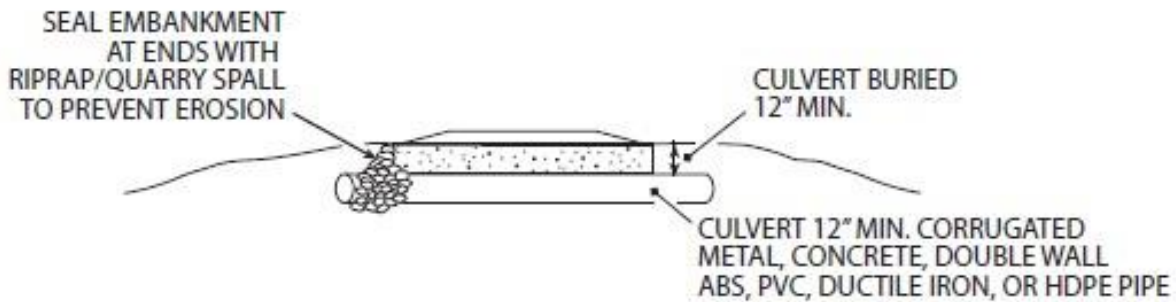
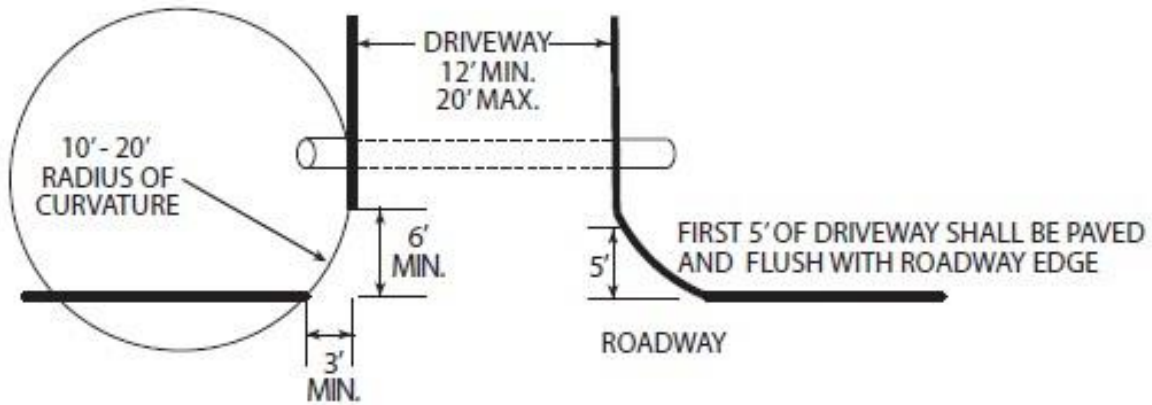
For information about enforcement, please contact Sudden Valley Community Association Administration Staff.

## **17. FINES:**

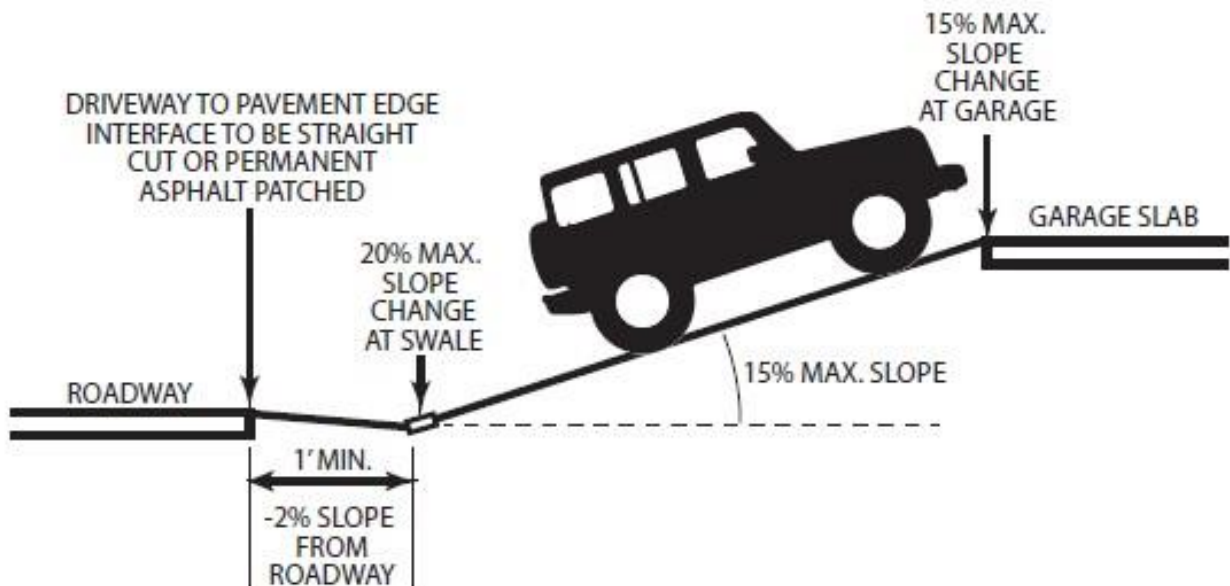
For information about fines, please contact Sudden Valley Community Association Administration Staff.

# APPENDIX A

## Driveway and Culvert Specifications



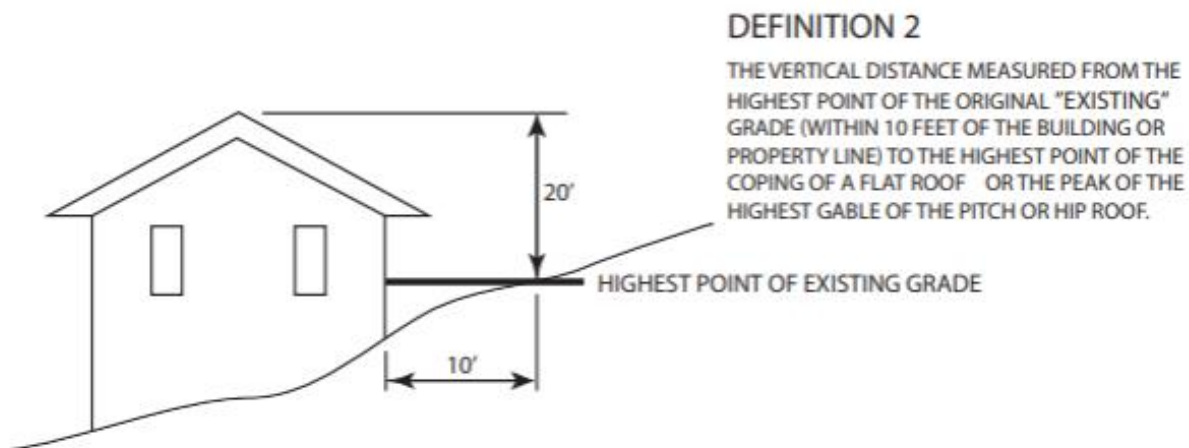
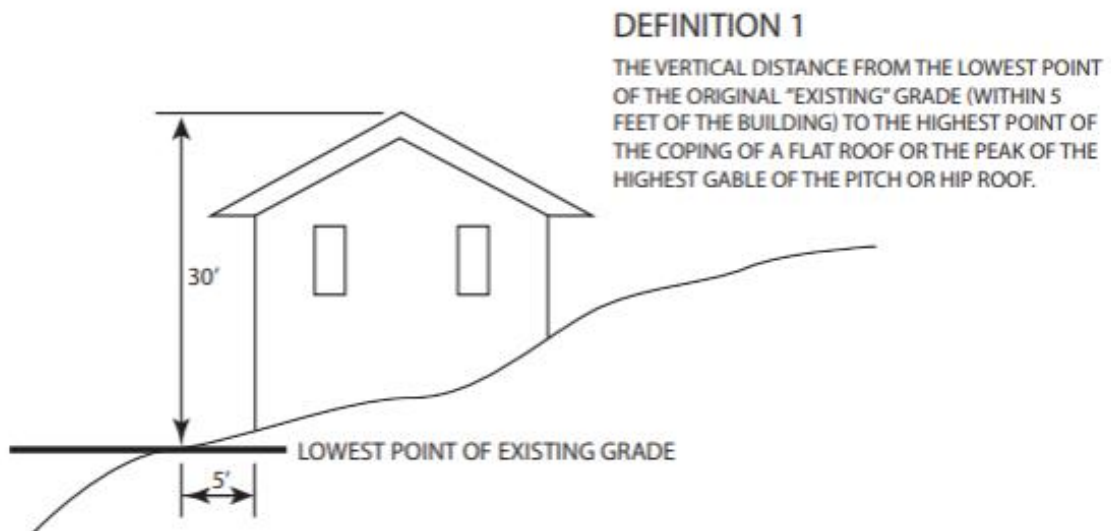
A CONCRETE CATCH BASIN, TYPE 1 WITH CLEAN-OUT, SHALL BE INSTALLED PER 40 LINEAL FT. OF CULVERT INSTALLED AND/OR AT A HOR. OR VERT. CHANGE IN CULVERT ALIGNMENT.



# APPENDIX B

## Height Regulations and Definitions

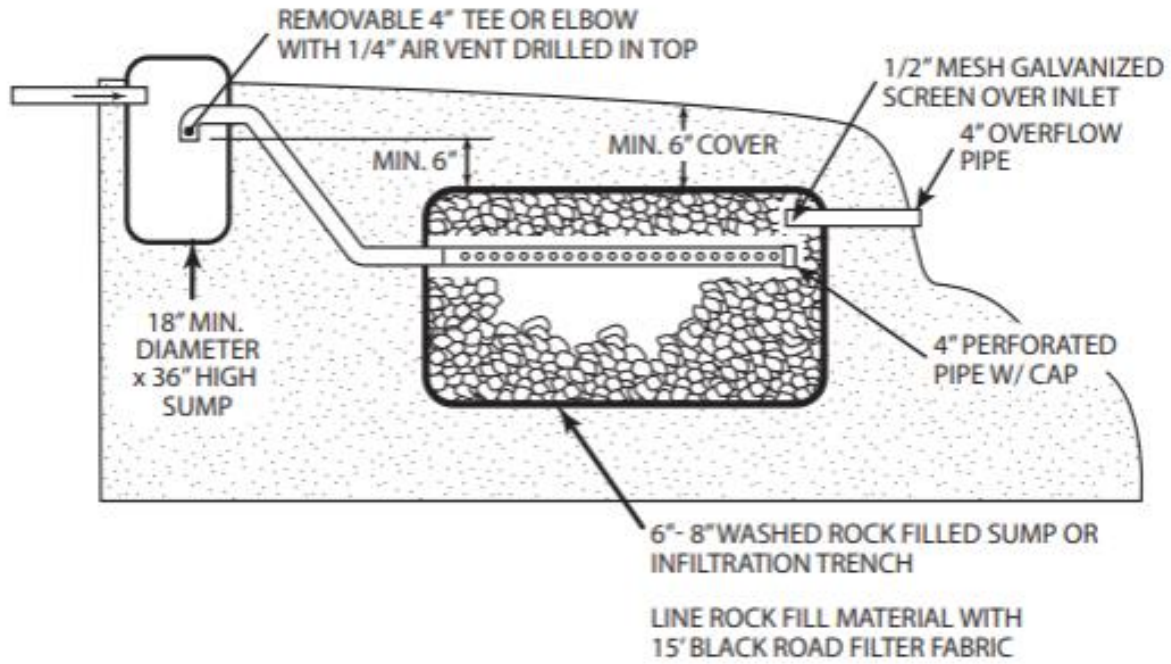
Height Regulations: Maximum structure height in Divisions one (1) through thirty-four (34) shall be thirty (30) feet under Definition I or twenty (20) feet under Definition II (see section 14.6.2). Height limitations for later platted divisions may vary according to the covenants for that specific division. The owner, upon application, may elect either height definition, but structures shall not exceed the height limits as specified.



PROXIMITY TO NEIGHBORS WILL BE A CONSIDERATION  
IN DETERMINING HEIGHT LIMITS

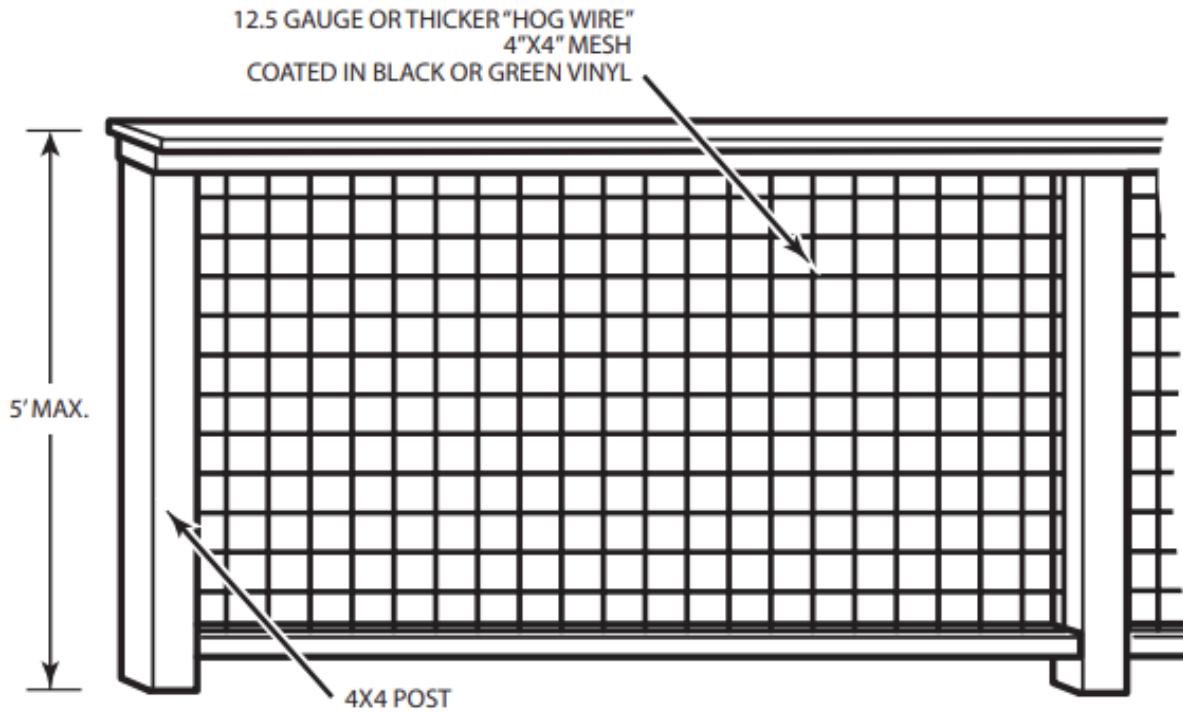
# APPENDIX C

## Storm Water Retention System Design

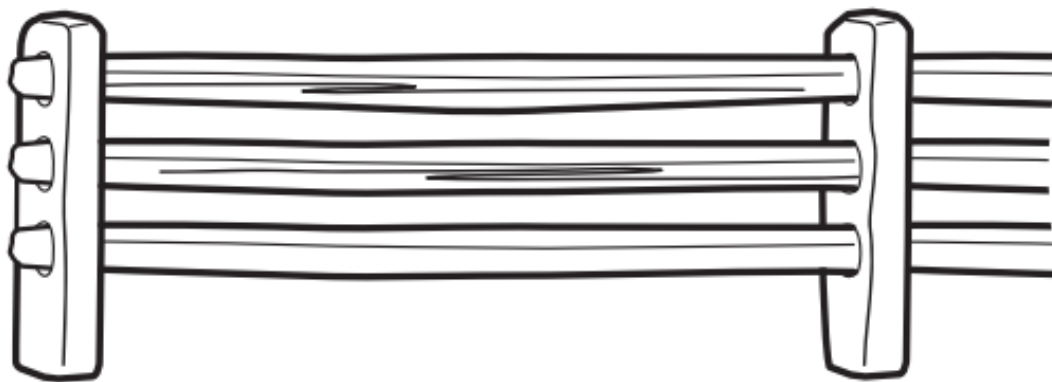


# APPENDIX D

## Fence Designs



WOOD AND WIRE FENCE

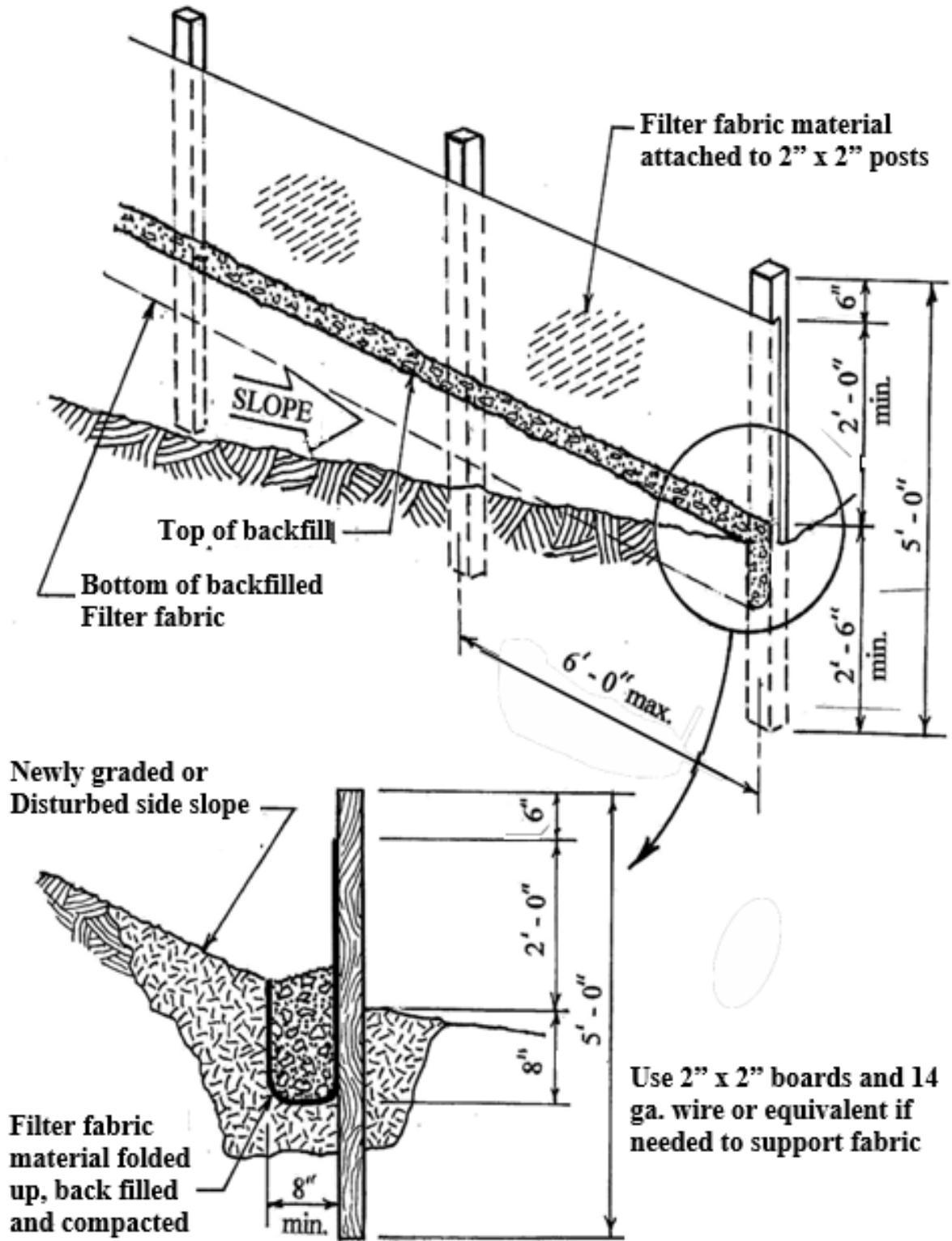


SPLIT RAIL FENCE

APPLICANTS ARE STRONGLY ENCOURAGED TO NOTIFY  
THEIR NEIGHBORS OF PROPOSED FENCES PRIOR TO  
APPLYING TO THE ACC FOR APPROVAL.

# APPENDIX E

## Erosion Control



# APPENDIX F

## Exterior Lighting Specifications

1. Suggested styles of lighting fixtures that are down directed and where the bulb itself is shielded from view.



2. Recessed canister lights built into the eaves or canopy of a house, garage, or other building is the first choice of lighting building exteriors.

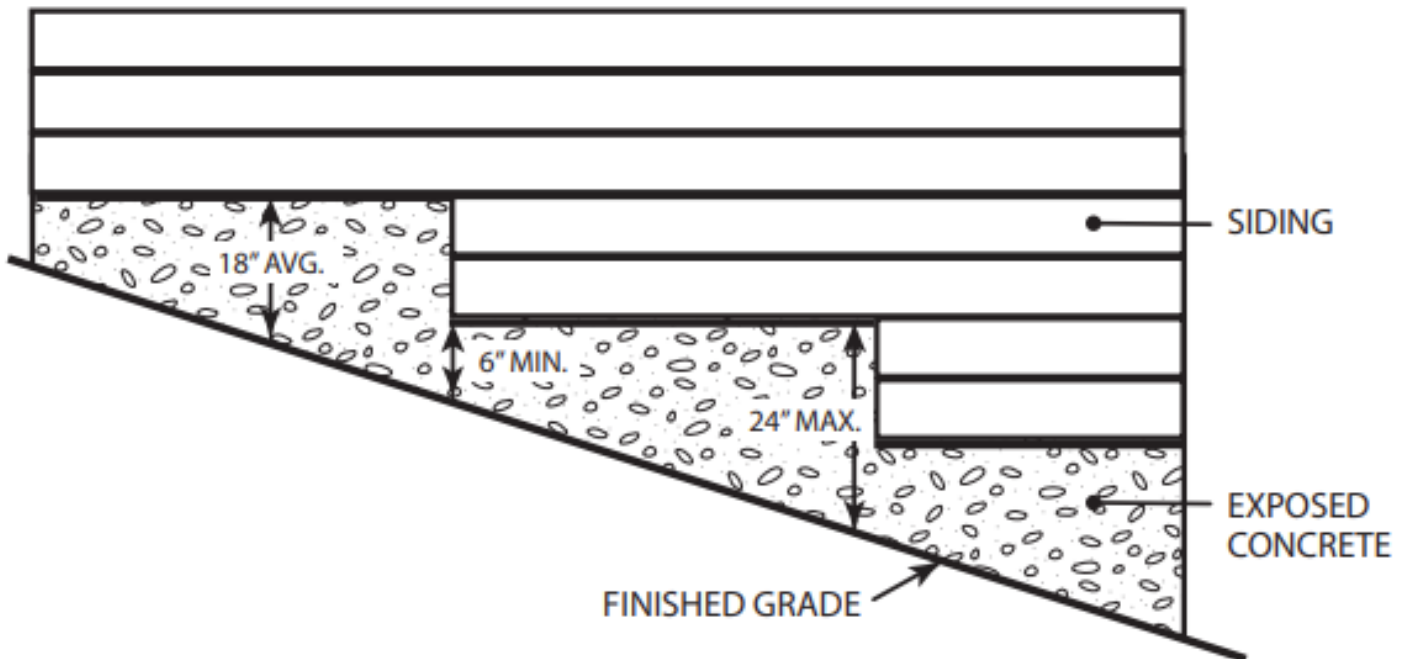
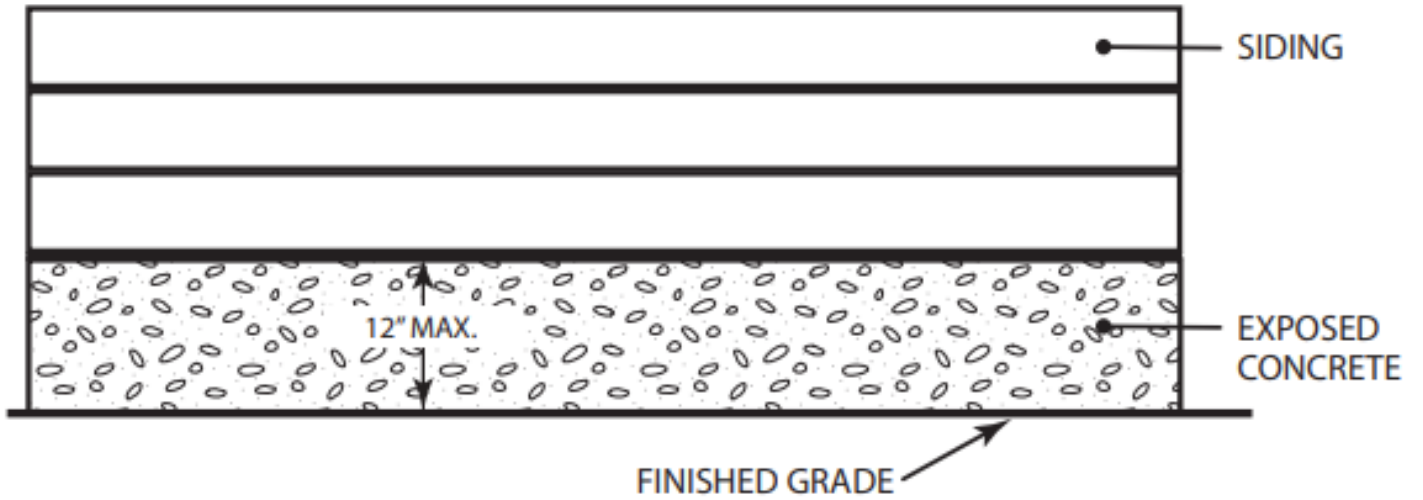


3. Flood or spot lights must be direct downward and shielded so that the bulb itself is not visible from anywhere other than the owner's property.



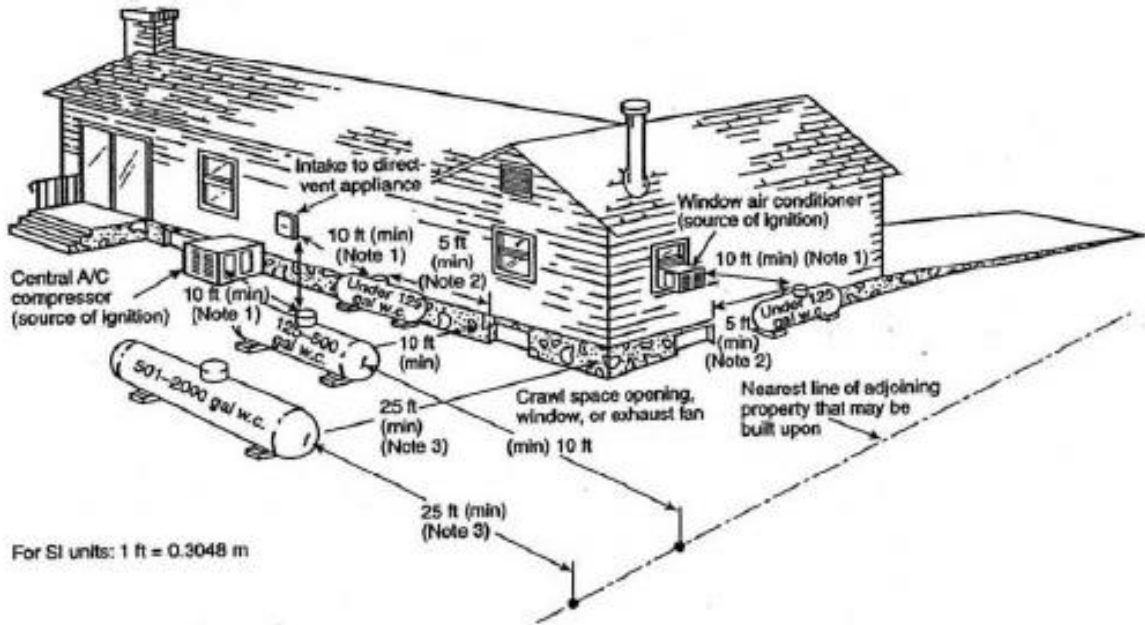
# APPENDIX G

## Exposed Concrete Specifications



# APPENDIX H

## Propane Tank Regulations

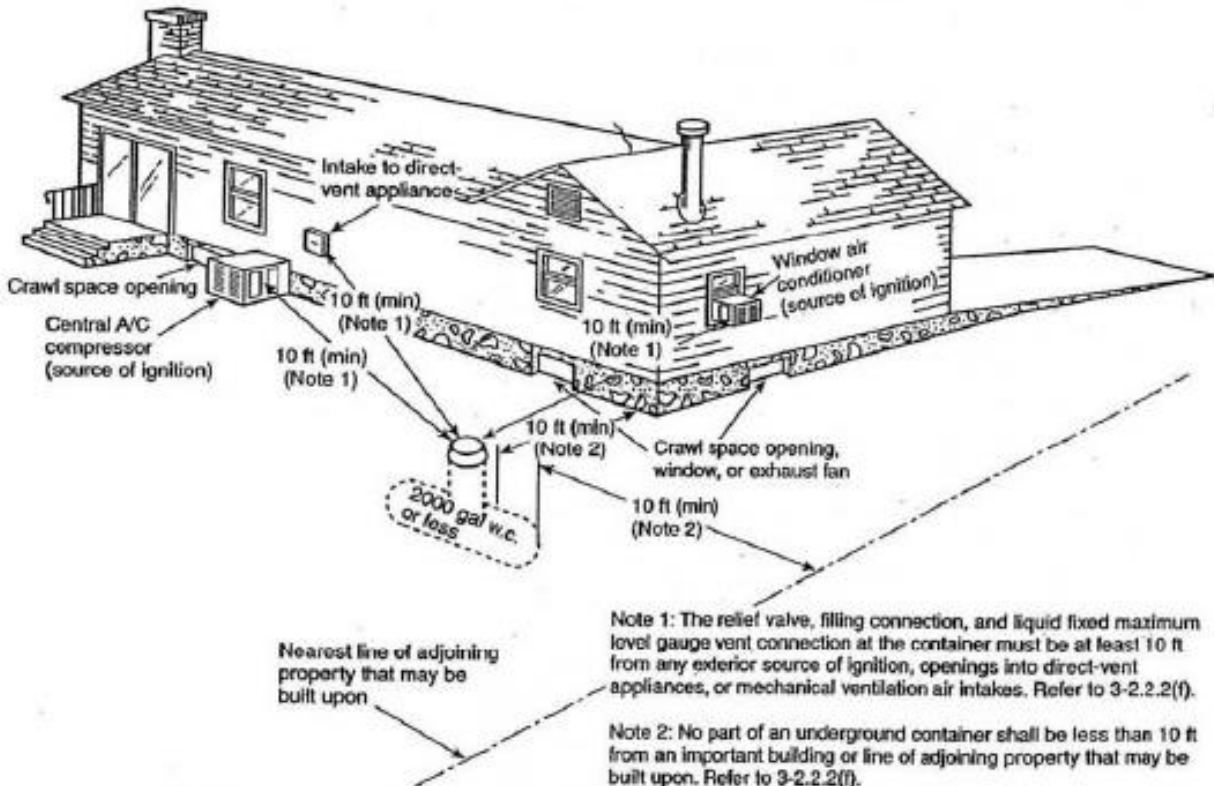


For SI units: 1 ft = 0.3048 m

**Note 1:** Regardless of its size, any ASME container filled on site must be located so that the filling connection and fixed maximum liquid level gauge are at least 10 ft from any external source of ignition (e.g., open flame, window A/C, compressor), intake to direct-vented gas appliance, or intake to a mechanical ventilation system. Refer to 3-2.2.2(d).

**Note 2:** Refer to 3-2.2.2(c)

**Note 3:** This distance may be reduced to no less than 10 ft for a single container of 1200 gal (4.5 m<sup>3</sup>) water capacity or less, provided such container is at least 25 ft from any other LP-Gas container of more than 125 gal (0.5 m<sup>3</sup>) water capacity. Refer to 3-2.2.2(e).



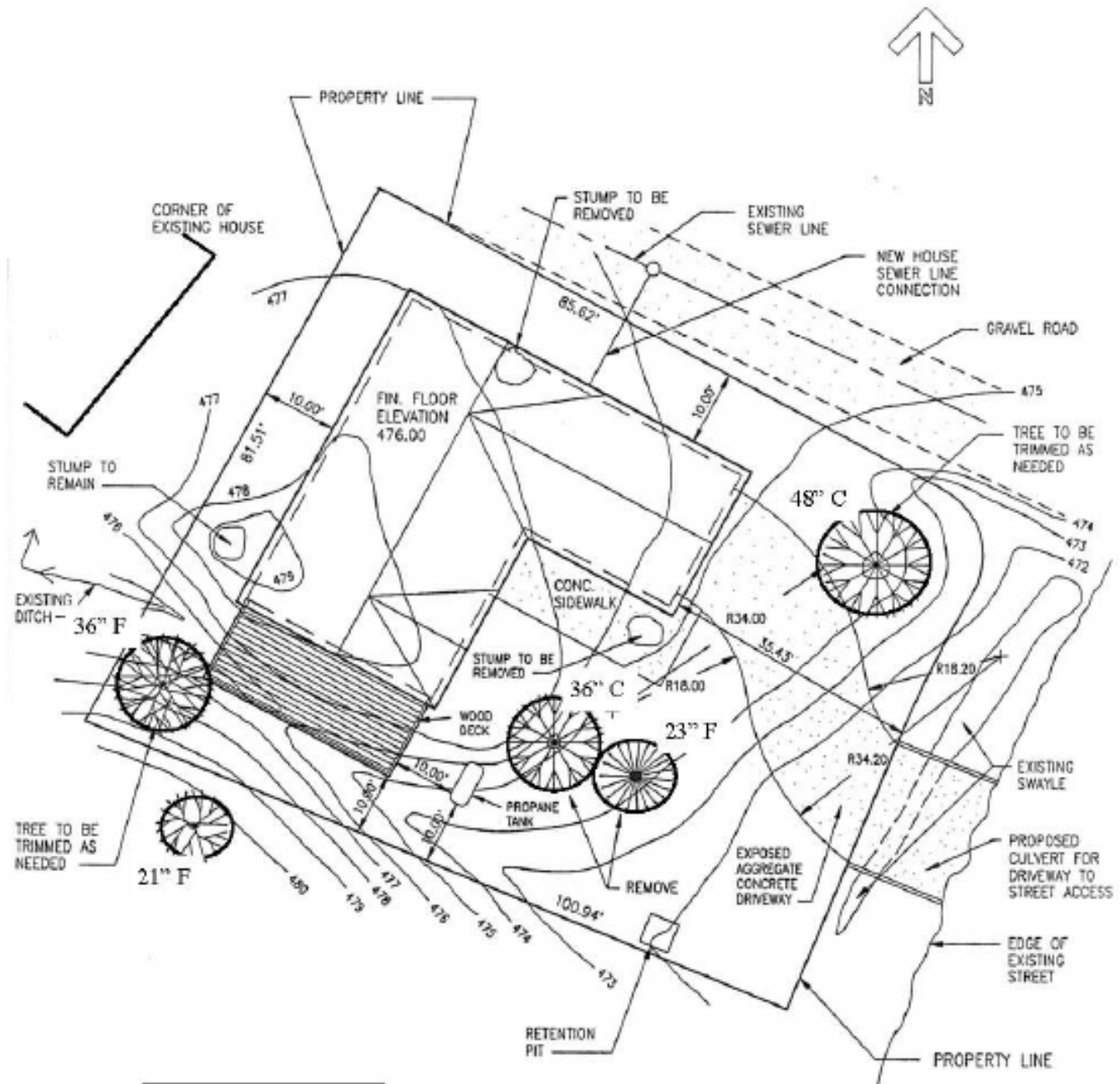
Nearest line of adjoining property that may be built upon

**Note 1:** The relief valve, filling connection, and liquid fixed maximum level gauge vent connection at the container must be at least 10 ft from any exterior source of ignition, openings into direct-vent appliances, or mechanical ventilation air intakes. Refer to 3-2.2.2(f).

**Note 2:** No part of an underground container shall be less than 10 ft from an important building or line of adjoining property that may be built upon. Refer to 3-2.2.2(f).

# APPENDIX I

## Sample Site Plan



**SAMPLE SITE PLAN**

**SCALE: 1" = 10'**

**NOTES:**

FOR ADDITIONAL SITE INFORMATION  
SEE ATTACHED TOPOGRAPHIC SURVEY

PROPANE TANK MUST BE PROPERLY LOCATED  
AS PER ARTICLE B2 OF THE UNIFORM FIRE  
CODE AND CANNOT BE LOCATED WITHIN THE  
FRONT SETBACK OF THE PROPERTY AND MUST  
MUST BE A MINIMUM OF 10 FEET FROM THE  
PROPERTY LINE AND ANY STRUCTURE.

DRAWN BY:  
CSD SERVICES / SUE BRAWARD

# APPENDIX J

## Owners' and Contractors' Checklist

Site Plan Including Landscape Details

All Plans to Include the following Information Legend

Prepared By
Phone Numbers
Owners' Name(s)
Site Address Including Tax Parcel and Division & Lot

Lot Area SF
House Footprint SF
Vertical Height
Living Area SF
Garage Area(s) SF
Total Impervious Surface
Driveway and Walkway SF
Driveway Slope %
Deck(s) SF
Open Space %
Defined Setbacks
Elevation Landmarks
Colors for House, Trim, Accent, Garage Door, Roof, Lights
Detailed Landscape Plan to Include Tree Removal / Replanting
Whatcom County Planning Review

# APPENDIX K

## HOA and Additional Information

### HOA Information

The Washington Non-Profit Corporation Act (Revised Code of Washington {RCW} 24.03)

<http://apps.leg.wa.gov/RCW/default.aspx?cite=24.03>

The Homeowners' Association Act, (Revised Code of Washington {RCW} 64.38) became effective July 23, 1995 and takes precedence over SVCA Bylaws.

<http://apps.leg.wa.gov/RCW/default.aspx?cite=64.38>

### Additional Information

Whatcom County Stormwater Management Plan - Chapter 15.42

<http://www.codepublishing.com/wa/bellingham/html/Bellingham15/Bellingham1542.html>

Washington State Department of Ecology

<http://www.ecy.wa.gov>

Whatcom County Weed List

<https://www.whatcomcounty.us/923/Current-Weed-List>

National Fire Protection Association

<http://firewise.org>

**Note: The above sites and information are subject to change.  
Please contact SVCA staff for updated information.**

# APPENDIX L

## New Construction Sign

Sign placement shall be in accordance with SVCA Policy 15.5

<p style="text-align: center;"><b>THIS IS A SUDDEN VALLEY ACC-APPROVED PROJECT</b></p> <p style="text-align: center;"><b>PROPERTY ADDRESS</b></p> <p>Property Address: _____</p> <p>Whatcom County Code and SVCA Regulations must be complied with Plans and related documents are required to be on site and are subject to review upon request by General Manager, Security &amp; Compliance Manager or Construction Consultant at any time.</p> <p>To report suspected violation of SVCA regulations, please contact the Security &amp; Compliance Manager (360) 746-8437. For suspected urgent violations (blocking traffic without signs/flaggers, pouring of cement on roads, spills of potentially hazardous materials, unreasonable noise), contact Security (360) 319-8200.</p> <p><b>Contractor Information: BUILDER NAME HERE</b></p> <p><b>Approved Scope:</b> New Construction – Single Family Residential</p> <p><b>ACC Approval Date: DATE ACC APPROVED HERE</b></p> <p><b>Start of Construction Date: AGREED ON START DATE HERE</b></p> <p><b>ACC Approved Completion Date: AGREED ON COMPLETION DATE HERE</b></p> <p><b>Hours of Operation:</b> Monday through Saturday, 8 a.m. to 6 p.m. Work crews may begin preparation no earlier than 7:30 a.m. weekdays and 8 a.m. Saturday, Sunday, holiday, and evening work shall be limited to activities that exclude any and all machinery noise, i.e., chainsaw, excavators, power tools, etc., unless such tool use cannot be detected beyond the boundaries of the lot.</p> <p style="text-align: center;"><b>THIS SIGN IS REQUIRED TO BE DISPLAYED ON THE PROPERTY AT ALL TIMES UNTIL COMPLETION.</b></p>
--

## **APPENDIX M**

### Realtor Sign

Sign placement shall be in accordance with SVCA Policy 15.5



# **FOR SALE**

## **Realtor Name**

### **Realty Company Name**

## **Realtor Phone**

### **Realtor Email**

# APPENDIX N

## Tier Structure for Residence Additions & Structural Changes

See SVCA Fines and Fees Schedule for applicable fees.

### Defined Criteria for Additions:

- a) Raising Roof or Increasing Height of Structure requiring detailed Height Review
- b) Significant Lot Encroachment (e.g., installing a garage or carport) requiring detailed Property Coverage and/or Open Space Reviews
- c) Pushing Out a Wall such to require Reviews of Setbacks, Coverages and/or Exposed Concrete
- d) Any Actions requiring the lot to be Resurveyed
- e) Any actions affecting the Driveway and its Interface with Sudden Valley roads
- f) Installation of new Fuel Sources for items such as Generators, Heat Pumps, etc. requiring additional reviews/inspections
- g) Retaining Wall Installations that would require reviews/inspections
- h) Any actions affecting Sudden Valley ROW

### Tiers and Reviews/Inspections

**Tier 1** – Additions Not affected by Defined Criteria

**Tier 2** – Additions that are affected by not more than three (3) defined criteria excluding Driveway Changes

**Tier 3** – Additions that are affected by four (4) or more defined criteria and/or Driveway Changes.





	Preliminary	Compliance	Setback	Driveway	Final
Tier 1	<b>N</b>	<b>Y</b>	<b>P</b>	<b>N</b>	<b>Y</b>
Tier 2	<b>Y</b>	<b>Y</b>	<b>P</b>	<b>P</b>	<b>Y</b>
Tier 3	<b>Y</b>	<b>Y</b>	<b>P</b>	<b>P</b>	<b>Y</b>

*P = Possibly depending on project*

# APPENDIX O

## Pre-Approved Sherwin Williams Exterior Paint Colors

For Trim:

 <p>Trim 1 <b>Neutral Ground</b> SW 7568 Select Color <input type="checkbox"/></p>	 <p>Trim 3 <b>Pure White</b> SW 7005 Select Color <input type="checkbox"/></p>
 <p>Trim 2 <b>Drift of Mist</b> SW 9166 Select Color <input type="checkbox"/></p>	 <p>Trim 4 <b>Alabaster</b> SW 7008 Select Color <input type="checkbox"/></p>

For Body:

 <p>Body 1 <b>Olympic Range</b> SW 7750</p>		 <p>Body 8 <b>Urbane Bronze</b> SW 7048 Select Color <input type="checkbox"/></p>	 <p>Body 16 <b>Naval</b> SW 6244 Select Color <input type="checkbox"/></p>
		 <p>Body 9 <b>Hickory Smoke</b> SW 7027 Select Color <input type="checkbox"/></p>	 <p>Body 17 <b>Peppercorn</b> SW 7674 Select Color <input type="checkbox"/></p>
		 <p>Body 10 <b>Universal Khaki</b> SW 6150 Select Color <input type="checkbox"/></p>	 <p>Body 18 <b>Clary Sage</b> SW 6178 Select Color <input type="checkbox"/></p>
		 <p>Body 11 <b>Roycroft Copper Red</b> SW 2839 Select Color <input type="checkbox"/></p>	 <p>Body 19 <b>Pewter Green</b> SW 6208 Select Color <input type="checkbox"/></p>
		 <p>Body 12 <b>Repose Gray</b> SW 7015 Select Color <input type="checkbox"/></p>	 <p>Body 20 <b>Jade Dragon</b> SW 9129 Select Color <input type="checkbox"/></p>
		 <p>Body 13 <b>Shade-Grown</b> SW 6188 Select Color <input type="checkbox"/></p>	 <p>Body 21 <b>Dried Thyme</b> SW 6186 Select Color <input type="checkbox"/></p>
		 <p>Body 14 <b>Westchester Gray</b> SW 2849 Select Color <input type="checkbox"/></p>	 <p>Body 22 <b>Double Latte</b> SW 9108 Select Color <input type="checkbox"/></p>
		 <p>Body 15 <b>Taupe Tone</b> SW 7633 Select Color <input type="checkbox"/></p>	 <p>Body 23 <b>Underseas</b> SW 6214 Select Color <input type="checkbox"/></p>



## 48-Hour Notice

A concrete pour will be taking place within the next three (3) days between the hours of 8 AM – 6 PM

(Address) \_\_\_\_\_

### 3-Day Pour Window:

(Date) \_\_\_\_\_ to \_\_\_\_\_ (Date)

*This notice is given as required by SVCA to neighbors adjoining, diagonal and across from new construction of single family dwelling. If concrete placement is not commenced within the dates provided, then the process must be restarted with a second 48-hour notice.*

**Please contact SVCA Administration with questions @ 360-734-6430**



## 48-Hour Notice

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**Please contact SVCA Administration with questions @ 360-734-6430**



If you have any questions about these Architectural Control Policies, please contact the Sudden Valley Community Association either:

- **By Phone:** 360-734-6430
- **By Email:** [accadmin@suddenvalley.com](mailto:accadmin@suddenvalley.com)

Thank you!