



ARCHITECTURAL COMMITTEE RULES/ DESIGN GUIDELINES

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Little Whale Cove Homeowners Association, Inc.

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LWC RESOLUTION 20-01 Architectural Rules/Design Guidelines

IPHCA RESOLUTION 20-01 IPHCA Architectural Rules/Design Guidelines – Addendum 8.1

1. PURPOSE

These revised Architectural Committee (AC) Rules and Design Guidelines, (“Rules” or “ARG”) have been prepared to provide you with the information relevant to all landscape, improvements, alterations, changes, modifications, and new construction requirements to your parcel, dwelling or unit within Little Whale Cove, which includes Innisfree Patio Home Condominiums, Meadow House and The Pines Condominiums. These Architectural Rules/Design Guidelines have been established to help maintain the aesthetics, environment, quality of life and property values within all LWC Communities, while providing Residents a safe and enjoyable experience.

For clarity, a “Rule” is defined as one of a set of explicit or understood regulations or principles governing conduct within a particular activity or sphere, i.e., LWCHA. Rules often include words such as “shall” or “must”. A “Guideline” is a general rule, principle or piece of advice, i.e., a recommendation, and includes such words as “may”, “should”, or “recommended”.

There are three (3) sections in the Governing Documents which contain information relevant to improvements that require approval from the Architectural Committee, and some of the ARG may refer to those sections. The 2007 Restated Bylaws of Little Whale Cove, *Section 7.2* mandates that all additions, alterations or improvements, whether of a unit, or of a common area or private way, must be approved by the Architectural Committee. The 2007 Restated Declaration, *Article III– Land Classifications and Property Rights, Section 3.3 on Private Areas*, governs specific use limitations like trash and the general appearance of a lot, signs, lighting and noise making devices, structures to shield trailers and campers, and vegetation, all of which are subject to approval of the Architectural Committee. *Section 3.4 – Architectural Committee* mandates Architectural Committee approval of Major Construction and Minor Work. These rules, policies and guidelines about the administration and operation of the AC are authorized by *Article 3, Section 3.4.10* of the CC&R’s, and are adopted by unanimous vote of the AC.

The information herein supersedes all previously adopted resolutions, forms and documents related to architectural approval and Architectural Rules 2006, revised May 29, 2012, LWC Resolution 05-03 – Procedural Directive to the Architectural Committee, LWC Architectural Guidelines for Private Homes, Revised 1991, which have not been incorporated or included in their entirety in this document.

These revised Architectural Rules do not require changes to be retroactive for a parcel, dwelling or unit within LWC. Exceptions are structural/landscape changes which might impose possible safety concerns for residents, such as a fire risk.

However, any new request for Work (see Section 2.2) shall comply with this revised ARG. The AC will also use this revised ARG to request changes when appropriate to maintain the aesthetics, environment, quality of life and property values within all LWC Communities.

2 GENERAL RULES / DESIGN GUIDELINES

2.1 ARCHITECTURAL COMMITTEE ADMINISTRATION

2.1.1 Composition / Function of the Architectural Committee

The Architectural Committee (AC) shall consist of three (3) persons appointed by the Board of Directors of the Little Whale Cove Homeowners Association (LWCHA), referred to as Regular Members of the AC. In addition to the three (3) Regular Members, the Board of Directors may appoint up to three (3) Alternate AC Members. An Alternate Member shall serve only if two of the three Regular Members are unavailable or unable to participate, in which case the Board will request that an Alternate Member participate. All AC members are volunteers, serve for specific terms, and may be reappointed at the Board's discretion.

The AC shall perform the function for which it is given responsibility in the Declaration of Covenants, Conditions and Restrictions (CC&R's) of Little Whale Cove and Innisfree.

2.1.2 Architectural Representation from Innisfree (IPHCA)

Pursuant Article IV, Section 4.4.3 of the *LWCHA Declaration*, grants the Board of Directors *"Any additional or different powers necessary or desirable for the purposes of carrying out the functions of the Homeowners' Association pursuant to this Declaration or otherwise promoting the general benefit of owners of property within Little Whale Cove."* (*Emphasis added*). Accordingly, the Board of Directors adopted a policy establishing Alternate Architectural Committee Members. In order to ensure adequate representation and input from Innisfree Patio Home Condominium Association, a subdivision within the boundaries of LWCHA, the Board established the following: every reasonable effort will be made to ensure that a qualified IPHCA Member is either: 1) a Regular Member of the LWCHA Architectural Committee; or 2) an Alternate Member of the LWCHA Architectural Committee. *Refer to Addendum 8.1 – Innisfree Patio Home Condominium Association.*

2.1.3 Architectural Committee Discretion

The AC may withhold consent to any proposed Work if the Committee finds that the proposed Work is inappropriate for the particular parcel, dwelling, or unit, or is incompatible with these LWC design guidelines. Considerations such as siting, shape, size, color, design, height, drainage, or other effects on the enjoyment of the other

parcels, dwellings or common areas, disturbance of existing terrain and vegetation, and any other factors which the AC reasonably believes to be relevant, may be taken into account by the Committee in determining whether to consent to any proposed Work. If an initial Work request is denied, the AC will work with an Owner to suggest modifications to the Work request that the AC could approve. *Refer to Article 5 – Landscape Design Standards, Section 5.1 – Landscape Plans.*

2.1.4 Action

Any two (2) Regular Members of the AC shall have the power to act on behalf of the Committee. The Committee will render its decision in writing, setting forth the action taken by the Members consenting. No owner may rely on verbal assent from a Board or Committee Member.

2.1.5 Effective Period of Consent

AC consent on approved projects shall automatically be revoked one year after issuance, if Work has not commenced or the owner has not applied for and received an extension of time from the AC. A request for extension of time shall include the reason why Work has not commenced and a date by when the project will be started.

2.1.6 Project Completion Time

Any approved project or construction which is visible from any dwelling, unit or common area within Little Whale Cove or Innisfree, after being approved by the AC, shall be completed within one year after commencement of Work, unless an owner has applied for and received an extension of time from the AC. The AC may, in its discretion, revoke its consent and require a new Application to be submitted.

2.1.7 Failure to Act

In the event that the AC fails to render its decision with respect to any proposed Work within 30 calendar days, the Committee shall conclusively be deemed to have consented to the proposal on the 31st day, unless the AC has requested additional information. The 30-day period shall begin on the date of the next regularly scheduled AC meeting occurring after receipt of all required information and payment of any Architectural Fees. The decision periods shall begin only after ALL of the information requested by the AC is received. ***Please note that failure to submit all required information with the Application will result in a delay in the consideration of the project.***

2.1.8 Non-waiver

Prior consent by the AC to any matter proposed to it and within its jurisdiction under the CC&R'S shall not be deemed to constitute a precedent or waiver impairing its right to withhold approval as to any future similar matter proposed or submitted for consent.

2.1.9 Non-liability

Neither the AC, nor any Member thereof, shall be liable to any Owner or the Association for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the Committee or a Member thereof, provided only that the Member has, in accordance with the actual knowledge possessed by such Member, acted in good faith.

2.1.10 Requests for Advisory Opinion

From time to time an Owner or Prospective Owner may ask an AC Member for an advisory opinion with respect to a matter that may potentially fall within the Committee's jurisdiction. Any advisory discussion or advisory opinion expressed is **not binding** on the Committee and shall not be relied upon as a Committee action.

2.2 OWNER RESPONSIBILITY

No Owner shall construct, reconstruct, alter, refinish or maintain (see 2.2.3) any improvement upon, under or above any parcel or residential unit, or make any excavation or fill on a parcel or residential unit, or make any change in the natural or existing surface drainage of a parcel or residential unit, or install any utility line, outside antenna or other outside wire, unless the Owner has first obtained the consent thereto of the Architectural Committee. Any such activities (hereafter referred to as "Work") which are visible, affect health and safety, drainage or noise from any other parcel, roadways, pathways or neighboring properties within LWC shall require approval by the Architectural Committee. Work Application procedures and Architectural Fees are set forth in these Guidelines.

An Owner is totally responsible for all of his/her Contractors and Subcontractors actions, including assuring that the Owners' Contractor and Subcontractors have received the Architectural Design Guidelines. The Association is not responsible nor liable for any Contractor or Subcontractor action or violation of these AC Rules--- the Owner is. The Owner must ensure that all Contractors and Subcontractors are licensed, bonded and insured, and shall name the Association as an additional insured on all commercial general liability policies issued during any time Work is performed. The Owner shall be liable for any failure of compliance with the Rules, Guidelines or other LWCHA Governing Documents. Even if the Owner self-performs Work, the Owner must pay the Owner's deposit and sign the Owner's Deposit Agreement.

2.2.1 Major Construction/Work

In the case of any proposed new construction or exterior remodeling of a dwelling, the Owner shall provide the AC notice of the Owner's intentions and shall submit an Application, describing the project in detail and any Architectural Fees, if applicable, together with the required attachments. Required attachments are set out in *Article 6 – New Construction, Article 7 – Demolition / Tear Down, Article 9.2 Instructions, and/or Section 3.3 - Alterations or Additions to Existing Structures*, of these Guidelines. Thereafter, the Owner shall proceed to prepare and submit to the AC such plans and specifications for the proposed Work as the Committee may require, following the step-by-step process outlined in Architectural Application. *Refer to Article 9 – Application for Architectural Project.* "Major Construction" should be interpreted broadly and includes but is not limited to any Work that 1) requires a building permit from Lincoln County or the City of Depoe Bay; 2) requires excavation of soil or a change in grade of a Lot; 3) activities requiring the use of heavy machinery; 4) activities requiring an interruption in utilities; or 5) any exterior Work having a total cost in excess of \$10,000. An Owner may seek an Advisory Opinion as to whether a project is Major or Minor, or may also request the AC make a formal determination in writing.

The AC shall render its decision with respect to the proposal for Major Construction within thirty (30) days after it has received the application and all necessary supporting materials.

2.2.2 Minor Work and Landscaping

"Minor Work" or "Landscaping" is any Work that is not "Major Construction" as described in Section 2.2.1 above, or which has been conclusively determined to be

“Minor Work” or “Landscaping” by the AC in writing. In the case of minor exterior changes, including changes to exterior color scheme or exterior building materials, substantial removal or planting of trees, shrubs or other vegetation (see Section 5.3), the Owner shall submit to the AC the Application and any Architectural Fees, if applicable, and such plans and specifications for the proposed Work as the Committee determines to be necessary to enable the Committee to evaluate the proposal. The AC shall render its decision with respect to the proposal for Minor Work or Landscaping within thirty (30) days after it has received the application and all necessary supporting materials.

2.2.3 Exterior Repair and Maintenance

The difference between repair and maintenance work is that repairs aim to restore functionality while maintenance looks to preserve functionality. Put simply, repairs are done after downtime to minimize losses, while maintenance is done to prevent unexpected asset downtime.

Simple exterior repairs, such as replacing a small area (<65 square feet) of rotten wood decking or siding, a few shingles, or a broken window do not need AC approval. If it takes longer than eight hours or costs more than \$300, it is not a simple repair, and does require AC approval. Similar types of repairs over a short (<30 days) time require AC approval.

Exterior maintenance, such as power washing, gutter, roof or window cleaning, and trimming of vegetation (not trees) or replacing with native plants does not require AC approval. All “other maintenance” items, such as painting, staining, tree limbing >10 feet or tree removal, and new plantings of more than 5 native plants do require AC approval.

2.2.4 Stop Work Order

A Stop Work Order may be issued for reasons including, but not limited to, the following:

- a. Any Work or change in Work that has not been approved in writing by the AC or is contrary to the plan approved by the AC;
- b. Failure to implement the recommendations of the Drainage Study;
- c. Minor Work which has not been approved by the AC
- d. Unauthorized tree-cutting, including but not limited to, tree removal or vegetation removal;
- e. Work affecting Common Area which has not been approved by the AC or Board;
- f. Excavation of a lot in a way that endangers trees, surrounding property or facilities;
- g. Violation of Construction Rules, Guidelines or the Owner’s Deposit Agreement, including failure to sign an Owner’s Deposit Agreement;

- h. Unsafe conditions on the site, as determined by LWCHA;
- i. Violation of law, code or ordinance regulating the Work;
- j. Work performed outside the permitted time for Work, or which is otherwise unreasonably disturbing to neighbors.

A Stop Work Order or subsequent approval to resume Work requires signatures of at least two (2) Regular Members of the AC; or one (1) Regular Member and one (1) Board Director; or any two (2) Directors.

If the Owner fails to stop Work, the AC may revoke the approval for the Work and any further construction shall be subject to penalties, including but not limited to fines, demolition and removal at Owners' expense, pursuant to *Article 2 – General Guidelines, Section 2.3 – Enforcement, Sub-Section 2.3.1 – Enforcement Authority*, in addition to any additional violations of *LWC Resolution – 16-02 – LWCHA Violations Enforcement Policy*.

Work may be resumed only after the Association Agent(s) that signed the Stop Work Order have confirmed in writing that the issues cited in the Stop Work Order have been corrected and that Work may resume. An authorization to resume Work will be issued after resolution of the issues that led to the Stop Work Order.

2.2.5 Notice of Completion

After completion of any Work, the Owner shall provide written notice of completion to the AC. The AC shall, within 30 calendar days after receipt of such notice, inspect the completed project and give written notice to the Owner if the completed Work fails to conform to the plans and specifications as originally approved by the AC. The AC shall specify in such notice a reasonable period, not less than 30 calendar days, in which the Owner may remedy the non-conformance. In the event that a Notice of Non-Conformance and requirement of cure is not given in the 30-day period, the AC shall conclusively be deemed to have consented to the Work as completed. The AC shall notify the Community Coordinator (CC) when completed construction is inspected and approved, and whether the AC is aware of any claims against the deposits, if any. Upon receipt of this information from the AC, the CC will determine the remaining amounts of deposits to be refunded.

2.2.6 Estoppel Certificate

Within 30 calendar days after written demand for an Estoppel Certificate by the Owner, the AC shall execute and deliver to the Owner an Estoppel Certificate certifying with respect to the property of the Owner, as of the date of the certificate, either: 1) all improvements and other Work upon said property comply with the Governing Documents; or 2) such improvements or Work do not comply for the reasons specified in the certificate. Any purchaser or mortgager of property within Little Whale Cove and/or Innisfree may rely on such certificate with respect to the

matters set forth therein, and such matters being conclusive against LWCHA, IPHCA and all other Owners within the Little Whale Cove communities.

2.2.7 Permits & Inspections

It is the Owner's responsibility to ensure that building permits, structural approvals, safety inspections and any other approvals required by county or municipal authorities are obtained.

2.3 ENFORCEMENT

A violation is any breach of these Architectural Guidelines or a failure to comply with a request by the AC based on these documents within a reasonable period of time. Complaints involving violations may be initiated by the Board of Directors, Architectural Committee, Community Coordinator or an Owner. Consideration of a complaint is within the discretion of the AC or Board.

2.3.1 Enforcement Authority

The LWCHA, as provided herein and by the Governing Documents and Rules adopted thereunder, shall enforce these Architectural Guidelines. An election by the Association to pursue any of the following remedies shall not prevent concurrent or subsequent exercise of another remedy permitted herein or otherwise by law.

Fines. Pursuant to Sections 6.4 and 8.5 of the Declaration, the Board may, after giving written notice and an opportunity to be heard, levy reasonable fines for violations of these Architectural Guidelines, pursuant to a schedule of fines or otherwise set forth herein. The current schedule of AC Fines is found at Addendum 8.11. If the Owner fails to pay, the Owner shall be in default and the amount not paid, pursuant *LWC Resolution 18-02 – Collection of Delinquent Assessments, Fees, Fines & Other Charges* shall become a lien on the parcel, dwelling or unit.

Opportunity to Cure/Right of Entry. Pursuant to Sections 3.4.6 and 8.2 of the Declaration, the Board, after written notice to the Owner may order the Owner to remedy nonconformance, or sixty (60) days after such written notice, may enter upon the offending parcel or residential unit and remove the cause of such violation, or alter, repair or change the item which is in violation, at the sole cost of the Owner.

Injunction. Pursuant to Sections 8.6 and 8.7 of the Declaration, should the Board, in its sole discretion, determine that a violation of these Architectural Guidelines will immediately give rise to continuing or irreparable injury that cannot be adequately compensated by damages, it may seek immediate injunctive relief against the breach or

threatened breach of any of these Architectural Guidelines, in addition to any other legal remedies which may be available, including recovery of attorney's fees and costs.

2.3.2 Violation of AC Approval

In the event an Owner constructs or permits any Work on their parcel, dwelling or unit an improvement not approved by the AC, or any Work contrary to an approval by the AC, the AC will notify the Owner in writing of the violation, and the Owner must remedy the situation within 60 calendar days. If the violation remains, the LWCHA may fine the Owner for each day or part of a day that the situation remains uncorrected, or may impose or seek any enforcement remedies set forth in Section 2.3.1.

In the event an Owner fails to submit an *Architectural Request for Approval*, the following procedure shall be enforced:

- If an Owner is found to have failed to submit a *Request for Approval* of Work performed, a one-time fine shall be assessed and the Owner shall be required to submit an after-the-fact *Architectural Request for Approval*;
- The AC shall send the Owner by USPS a Notice stating the amount of the onetime fine, the date by which the after-the-fact *Request for Approval* must be received in the Association Office, and the amount of the daily fine which may be assessed for failure to comply;
- A *Stop Work Order* also may be issued by the AC or the Association Agent(s) pursuant to these Guidelines;
- A copy of the *Notice* and *Stop Work Order* shall be provided to the Board of Directors from the AC;
- If the Owner complies by the date specified in the *Notice* the one-time fine may be waived in the sole discretion of the Board of Directors, upon a written request for waiver submitted by the Owner;
- The after-the-fact *Request for Approval* may be approved or disapproved in whole or in part, in accordance with these Guidelines, and the Owner may appeal the AC decision, in accordance with the appeals process. *Refer to Section 2.3.5 – Right to Appeal.*
- If an Owner fails to submit an after-the-fact *Request for Approval* by the date specified in the *Notice*, a daily fine may be assessed by the Board.
- The Board in its sole discretion, may limit the total amount of the accrued daily fines, if assessed;
- Fines are assessed and collected in accordance with Addendum 8.11 Fine Schedule, *LWC Resolution 16-01 – LWCHA Violation Enforcement Policy*, *LWC Resolution 18-02 – Collection of Delinquent Assessments, Fees, Fines & Other Charges and these Guidelines.*

- The Board may order an Owner to remove Work that has been disapproved, and restore the premises to its prior condition, or seek other remedies described in Section 2.3.1.

2.3.3 Violation of Landscape Approval or Design Guidelines

In the event any Owner fails to submit an application for approval for Landscape, or fails to comply with the provisions of these Architectural Guidelines, the AC will notify the Owner in writing of the Maintenance Violation, and the Owner must remedy the situation within thirty (30) days. If the violation remains, the LWCHA shall issue a First Notice of Violation, and the Owner must remedy the situation within thirty (30) days. If the Owner fails to comply with the First Notice of Violation, the LWCHA may fine the Owner for each day or part of a day that the situation remains uncorrected beginning on the 61st day. Regarding removal of trees and shrubs, the Association may impose on such Owner a fine in an amount not exceeding \$50.00 for each shrub removed in violation and not to exceed \$50.00 per inch of the diameter of the stump of each tree removed in violation. See Addendum 8.11 for Fine Schedule. Beginning on the 61st day, the Association, or its agent or agents, may also restore the original landscape insofar as is reasonably possible, and charge the owner for the entire cost involved in such restoration. Such fines and costs shall be payable upon delivery by the Association to the owner of notice of the amount thereof.

2.3.4 Right to Appeal

If an Owner disagrees with an AC decision and/or recommendation, the Owner may appeal to the LWCHA Board of Directors. Appeal procedures are set out below, pursuant to *LWC Resolution 16-01*:

2.3.4.1 Appeals Process and Procedures

In the event that an Owner requests a Hearing, the Board will include a Hearing as an Agenda item on the next regularly scheduled Board of Directors meeting, as long as the request is received at least five (5) business days prior to the next meeting. The Board may accept testimony, evidence and witnesses from the appealing Owner and any other interested party, and render a decision, in writing within ten (10) business days. The Board may also schedule a Special Meeting for this purpose, or convene to Executive Session, if the nature of the offense makes it appropriate to do so.

Hearings are conducted in a manner so as to protect all parties in an impartial manner. The burden of proof is on the appealing Owner, but other interested parties may be asked to produce evidence and/or statement to support their

claims. Since Hearings are conducted by lay-people and not lawyers, a certain degree of informality and flexibility is permitted.

If the Owner is unable to or fails to appear, the Board may at their sole discretion:

- Conduct a Hearing without the presence of the Owner;
- Allow the Owner additional time to appear;
- Reschedule the Hearing to another day and time;
- Dismiss the Hearing request and proceed with fines or other enforcement options; or
- Dismiss the complaint, if any.

In lieu of a Hearing, an Owner may also submit a written explanation of the basis for appeal, and that written statement can be considered by the Board at a Board Meeting, prior to a determination.

Following a verbal explanation and any presented evidence, the Board has the sole discretion to re-evaluate any prior determination of an application denial, violation, fine, the required resolution of the violation or any other matter in open session and provide a written decision within 10 business days. The Board may also deliberate on the matter in Executive Session pursuant to ORS 94.460.

Fines are considered an assessment imposed on the Owners' account and are posted upon determination of violation. Fines remain on the Owners' account until paid or removed by the Board of Directors, or otherwise, in accordance with the above and/or pursuant to *LWC Resolution 16-01*.

In addition, to levying fines, Board actions may include but are not limited to:

- Seeking injunctive relief or declaratory relief against the Owner, tenants, guests or other occupants of the Owner (that is, to legally compel the Owner to immediately comply): and/or
- Taking immediate legal action as the Board finds reasonably necessary, to stop conduct that it determines is in violation of the Governing Documents or applicable state or federal law.

The Board may take the following additional actions:

- Upon request given to the Owner and any occupant, any person authorized by the Board may enter a lot:
- (A) To perform necessary maintenance, repair or replacement of any property for which the association has maintenance, repair or replacement responsibility under the declaration or bylaws or ORS 94.550 to 94.783; or
- (B) To make emergency repairs to a lot that are necessary for the public safety or to prevent damage to common property or to another lot.

- Requests for entry under this subsection must be made in advance and for a reasonable time, except in the case of an emergency, when the right of entry is immediate. An emergency entry does not constitute a trespass or otherwise create a right of action in the owner of the lot.

Mediation: ORS 94.630(4)(a) provides an opportunity for dispute resolution prior to litigation being initiated between the Association and any Member of the Association.

2.3.5 Inspection

All approvals of Work are conditioned on the right of any agent or Officer of the Association, at any reasonable hour or hours during construction or remodeling, to enter and inspect any construction or improvements to ensure that it complies with the LWCHA and/or IPHCA Governing Documents and these Guidelines. The entry for purposes of inspection by the Association, an Association representative/agent, Director or Officer thereof, shall not constitute a trespass or otherwise create a right of action in the owner of the lot.

2.3.6 Roadways

All the roadways in LWC are owned and maintained by the Association at significant expense to LWCHA Owners. The roadways are designed primarily for routine residential traffic. They are narrow and often winding, and are difficult for large vehicles to navigate. Large trucks and construction equipment result in heavy wear and tear and, frequently, damage to the roadways and Common Areas.

Vehicles over 50 feet in overall length (truck and trailer included) are prohibited on the roadways and Common Areas in Little Whale Cove. Emergency vehicles are exempt from this restriction.

2.3.7 Conditions Not Included

Any condition(s) or material(s) not included within these Guidelines shall become a matter of judgment on the part of the AC under the direction of the LWCHA Board of Directors.

2.4 FIRE RISK MITIGATION

Leave native species as natural as possible and landscape with native fire-resistant plants listed from the *Approved Pacific Northwest Plants, Trees and Shrubs*, as adopted

by the Association. *Refer to Addendum 8.5.* Any landscape Work should be done with as little soil disruption as possible to minimize loss of moisture retention. Removal of invasive species, such as English Ivy and Scotch Broom, is required on private lots by the Owner if such species is also encroaching on Common Area or neighboring property.

Refer to Addendum 8.7 – Noxious, Invasive and Poisonous Plants. The planting of nonnative grasses is prohibited.

2.4.1 Home Ignition Zone

The immediate home ignition zone is the house and 0 to 5 feet around the house including the deck and attachments. Limiting the amount of vegetation, choosing fire-resistant building materials and construction techniques, along with periodic exterior maintenance, increases the chances the structures will survive a wildfire when exposed to embers and/or a surface fire.

The following recommendations will reduce home fire risk:

- Clean roofs and gutters of dead leaves, debris and needles that could catch burning embers;
- Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration;
- Install 1/8 inch metal mesh (stainless steel) screening in vents to reduce the capture of airborne embers;
- Clean debris from exterior attic vents to reduce the capture of airborne embers;
- Never store flammable materials underneath decks or porches;
- Remove dead vegetation and debris from under decks/porches and between deck board joints;
- Move any flammable material at least five feet away from wall exteriors, e.g. mulch piles, plants, **firewood piles**, anything that can burn;
- Trim branches that overhang the dwelling, house, unit, porch, deck and any other structures to reduce ember ignitions and fire spread, with AC approval as required.
- *Refer to LWC Resolution 19-03 – Forest, Cove & Wetland Management Plan*, for additional information.

2.4.2 Emergency Responder Access

All dwellings, houses and units are recommended to have legible and clearly marked light reflective house numbers. Such reflective signs are available from the Depoe Bay Fire Department at nominal cost. All house numbers shall be

located on the property and clearly visible from the street. *Refer to Section 3.28 – House Numbers.*

The emergency “back gate” off Edgewater is the only other access point into or out of LWC. It has both a pedestrian gate and a double gate for vehicle access. The LWC Staff, Board members and select Safety Committee Captains will be issued keys for the double gates for an event requiring emergency access.

3 ARCHITECTURAL RULES / DESIGN GUIDELINES

3.1 AESTHETIC CONSIDERATIONS

The AC shall be bound by reasonable standards of aesthetics consistent with the existing character and style of Little Whale Cove and its subdivisions, and shall be mindful of protecting the environment, as well as the property values within Little Whale Cove. Design, materials, colors and construction should blend in with the natural coastal surroundings.

3.2 SITING

In the case of replacement, an addition to or remodeling of existing dwellings or units, the views of other dwellings shall be taken into consideration.

3.3 ALTERATIONS OR ADDITIONS TO EXISTING STRUCTURES

Structural additions or alterations to the exterior of any building shall conform to the materials, colors, character and detailing as established on the existing dwelling. The AC must approve any such changes. No portion of the Garage(s) on any dwelling or unit may be converted to living space, attached or unattached.

The AC and LWCHA reserve the right to restrict the hours of construction for certain types of Improvements. In general, working hours for a construction site shall be from 8:00 AM to 5:00 PM Monday through Saturday, unless other hours are approved and designated in writing by the AC or Community Coordinator (CC). Construction shall not be permitted on Sundays or the six major Federal holidays (i.e., New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day) and any other days as determined by the LWCHA Board of Directors. Additional restrictions and regulations on hours of construction may be determined at the discretion of the Board of Directors. Local and State guidelines may apply.

3.4 APPEARANCE

All residential structures and associated yards and driveways in LWC shall be well maintained and kept in good repair. Loose or damaged materials on structures must be repaired as soon as possible to return the structure to its original condition. Moss and vegetation shall not be allowed to accumulate on roofs, gutters or driveways. Per LWC Community Rules, leaf and yard debris shall be bagged/bundled (maximum limit per week of six bags/bundles not exceeding 30 lbs./bag or bundle), and put out on Sundays for weekly pickup.

3.5 PRESERVATION OF TREES AND VEGETATION

Property values in Little Whale Cove depend in part on our forested environment. No trees greater than six inches in diameter, measured 48 inches or DBH (Diameter at Breast Height) above the ground, or major vegetation shall be removed from or planted on a lot or parcel, except as permitted by the AC, an Association agent and/or the Board of Directors. *Refer to Section 5.4.5 – Tree Limbing, Removal and Lot Clearing.*

Trees to be saved shall be mapped and tagged with flagging tape on-site for the duration of construction and landscaping. The Association may require additional tagging at its discretion. Trees or vegetation removed without AC approval shall be replaced with new trees and vegetation of similar size and location (if applicable). If the Owner desires to remove and/or replace low vegetation, a landscape plan shall be submitted prior to the clearing. An Owner is not required to submit a landscape plan for routine maintenance (e.g., trimming and removal of dead and downed limbs and branches, removing invasive species) of the existing landscape. The cost of replacing natural growth with indigenous materials shall be borne by the Owner. *Refer to Section 5.4.5 – Tree Limbing or Removal and Clearing and the LWCHA policy Common Area and Common Grounds.*

Construction shall be conducted in a manner so as to minimize harm to all natural vegetation and protect the surrounding environment. To protect trees from damage or dying, no dirt, sand or other materials shall be piled around tree trunks or roots. Care shall be taken to minimize damage to tree trunks or roots during excavation.

In the event trees or vegetation marked for retention on the building site or trees or vegetation on adjacent properties are damaged or die due to construction activities, the AC or an Association Agent may require removal and/or replacement at the Owner's expense. The AC may recommend a preferred size and placement of the tree or vegetation. *Refer to Section 2.3 – Enforcement, Sub-Section 2.3.1 – Enforcement Authority.*

3.6 EXCAVATION

Clearing of a lot for excavation shall begin only after the AC has approved plans in writing, the Owner-paid Drainage Impact Study has been completed, and the building permit obtained from the City of Depoe Bay. The building permit must be posted on the lot, and all property lines identified prior to excavation. All projects involving excavation Work that may contribute to soil erosion off the building site into creek beds or drainage systems, or other common or private areas, shall provide temporary sediment fences that comply with the requirements of *Section 3.7 – Temporary Sediment Fences.* Debris, fill or other construction materials shall not be placed on adjacent Common Areas without prior written permission of the Association Agent, or on private property without prior written permission from the Owner of the property. Trees over six inches

in diameter, measured 48 inches or DBH above the ground shall not be cut without prior written approval from the AC or Association Agent. Trees to be saved will be mapped and tagged on site by the AC or an agent of the Association. *Refer to Section 3.6 – Preservation of Trees and Vegetation for additional Guidelines.* Any tree or other vegetation located in the immediate area of the property line between private lots and Common Area must be preserved. Damage to root systems or tree limbs is not allowed. Cutting the roots of trees not approved for removal on the parcel under excavation, on adjacent parcels, or Common Area may result in a fine. Those trees damaged, or identified as a potential hazard to personal safety and/or property damage, will be removed and replaced by a tree of size recommended by the AC, at the expense of the Owner whose lot is under excavation.

3.7 TEMPORARY SEDIMENT FENCES

Sediment fences, which reduce the transport of sediment from a construction site by providing a temporary physical barrier to sediment and reducing runoff velocities, shall be used in situations including but not limited to the following:

- Down-slope of disturbed areas where runoff occurs as sheet runoff;
- At the toe of soil stockpiles and areas of fill material;
- At intervals of 7.5 feet to 10 feet as slopes increase from 10 percent to 50 percent along the contours of large disturbed areas of ground;
- At grade breaks exceeding 20 percent;
- Following discharge from a sediment trap or pond.

Sediment fences require prior approval of the AC, and shall be constructed and maintained for the duration of the excavation and fill of the project. Sediment fences shall be noted on the site plan as to their location and nature. Sediment fences shall not be removed without permission of the AC.

Sediment fences shall not be installed across streams.

The following Design Criteria/Specifications must be followed:

- Selection of filter fabric tensile and bursting strength depends on the slope characteristics. The use of standard or heavy-duty filter fabric shall meet ASTM standards. Synthetic filter fabric shall contain ultraviolet ray inhibitors and stabilizers to provide a minimum of six months of expected useable construction life at a temperature range of zero degrees to 120 degrees Fahrenheit. Selection shall be based upon standard engineering principles for design.

- Standard or heavy-duty sediment fence shall have manufactured stitched loops for 2" x 2" post installation. Stitched loops shall be installed on the uphill side of the sloped area, with posts spaced a maximum of six feet apart.
- Sediment fence shall have a minimum vertical burial of six inches keyed into the existing grade. Where toeing in is not possible, number-six galvanized wire shall be used to make an eight-inch "hairpin" to attach the bottom of the fence to the ground. The six-inch piece that would otherwise be buried shall be laid on top of the soil and pinned at six-inch intervals. All excavated material from the sediment fence installation shall be firmly re-deposited along the entire trenched area on the uphill side of the fence. Sediment fence that is not keyed in according to the above-described detail will not be considered as an "installed" erosion control measure and may result in violation of this sediment fence Guideline. If soil conditions prevent "keying" fabric fence, then appropriate metal stakes must be used as noted below.
- The physical integrity of all materials shall be sufficient to meet the requirements of their intended use and withstand normal wear and tear.
- Where practical, the filter fabric shall be purchased in continuous roll to the length of the barrier to avoid use of joints. When joints are necessary, 2" x 2" posts shall be interlocked with each other and be attached securely.
- Sediment fences shall be inspected by owner immediately after each rainfall and at least daily during prolonged or heavy rainfall. Any required repairs, relocations or additions shall be made immediately.
- At no time shall more than one-foot depth of sediment be allowed to accumulate behind a sediment fence. Sediments shall be removed and regraded into on-site slopes. The sediment fence shall be examined for fiber separation, raveling, rips, tears, etc., and repaired or replaced immediately if any such damage is present.
- In areas of high wind exposure, all filter fences shall be reinforced with wire mesh and use of metal stakes every 18 inches. Owner shall inspect the sediment fence daily during high wind events and immediately thereafter. Any required repairs, relocations, or additions shall be made immediately.

Bio-Filter Bag Sediment Barrier:

- To reduce the transport of sediment from a construction by providing a temporary physical barrier to sediment and reducing runoff velocities, bio-filter bags may be used to divert runoff around active Work areas or onto sediment filtration/sedimentation areas.
- Straw bales shall not be considered a means of filtering sediment nor shall they be an allowed usage for sediment or erosion control. Straw bales found installed on-site shall be required to be removed and replaced with an approved sedimentation erosion control device as specified in this Architectural Guideline.

Bio-Bags:

- Bio-bags may be used for slope protection in construction or site development activities as approved, or as prescribed by the Architectural Committee. They may be used at the toe of stockpiles, or in newly constructed or existing drainage ditches or swales.

When Wetlands Are Involved:

- If a site contains identified wetlands according to the Lincoln County Wetland Inventory Map, the owner will need to procure the appropriate permits from both the Division of State Lands and Army Corps of Engineers, Lincoln County and the City of Depoe Bay, in addition to Architectural Committee approval
- Owner must notify the Community Coordinator 48 hours prior to starting any Work that involves a wetland so the -Grounds Supervisor may monitor erosion control measures and fill/excavation procedures.

3.8 BUILDING MATERIALS

Restrictions as to what materials are allowed to be used in home construction and any exterior remodeling/renovation/repair are outlined in the below Sections.

The AC encourages indigenous natural materials and high quality design and construction that blend in with the natural coastal surroundings, which may include stone, brick, or cement products, as well as wood.

Garages in lieu of carports are required for homes built after July 1, 1997.

All building materials are subject to approval by the AC. As materials that appear similar to materials otherwise approved are developed, they will be considered on a case-by-case basis.

3.9 SIDING

Approved materials are cedar, redwood, Hardie Plank products and similar fiber cement products. Plywood siding is not allowed, except on buildings where plywood is the existing siding as of Nov 11, 2005, and then only with AC approval. T1-11 OSB products are not allowed. Other materials will be judged on their aesthetic harmony with surrounding structures and natural landscape. Double-wall construction is required.

3.10 ROOFING

Approved roofing materials are clay or concrete, tile, copper, slate, standing seam metal and 30-year or better warranted, asphalt composite shingles or three-dimensional, class “A” (architectural) shingles. Color is subject to approval by the AC. Corrugated roofing materials, tin, and roll composition roofs are not allowed. Cedar shakes and shingles are not allowed for new or replacement roofs due to fire hazard.

3.11 DOORS, WINDOWS AND EXPOSED METALS

Mill-finished aluminum frames and screens are not allowed. Wood frames must be painted or stained to blend with the structure. Other exposed metals such as flashing, plumbing stacks, flue pipes, etc. shall be stainless steel or painted a color approved by the AC. Windows may be tinted, but no reflective materials shall be used to create a mirror effect from the outside. Vinyl clad windows are permitted.

3.12 FENCES, PRIVACY SCREENS AND WINDBREAKS

Fences, privacy screens and windbreaks are not allowed except under special circumstances, subject to AC approval. An application for a fence, privacy screen or windbreak must be accompanied with an explanation of such circumstances. The AC will consider the design, impact on views, appropriateness to Little Whale Cove, its subdivisions and needs of the Owner.

3.13 PET CONTAINMENT AREAS / DOG RUNS

LWC Owners, renters, guests and visitors, are required to keep their pets leashed and under control when outside the property boundaries of their residences. Pet owners should use the pathways and streets to exercise their pets and are required to pick up pet waste with litter bags from home or with bags provided at numerous pet waste locations around the community.

Electronic pet containment systems may be installed on residential properties, if approved by the Architectural Committee. Fences are prohibited in LWC, *Refer to Section 3.12 – Fences, Privacy Screens and Windbreaks*, including those for pet containment, whether permanent or temporary. However, an exception may be granted in accordance with Federal Housing Guidelines. Written certification by a doctor or other qualified professional will be required and submitted to the AC before final approval is granted.

If a fenced pet containment area is allowed, the design, materials and size of the area must be approved by the AC, and not be visible from a public street or pathway. Native

plants, chosen from the approved plant list, should be used to aid in integrating the area into the surrounding landscape.

The pet owner must agree that animals will not be left unattended at any time. The area must be kept sanitary and odor free. Dog barking or other offensive noises will not be tolerated. Infractions of these standards may be subject to fines and/or removal of pet containment area, and in extreme cases the pet(s).

When the need for the containment area is no longer required, or when the property changes ownership, it shall be removed and the area returned to its original condition at the expense of the owner/resident.

3.14 DRIVEWAYS, CULVERTS AND WALKWAYS

All driveways installed or improved after July 1, 2020 shall be constructed of concrete, asphalt, pavers or other appropriate hard material. Gravel, shells, dirt or grass may not be used as a new driveway surface. New construction, extensions or additions to driveways must be approved in advance by the AC. Residential parking must be on an approved driveway, and not on roadway shoulders, unpaved areas on a private lot or upon common property.

Private walkways around residences should look natural and merge seamlessly into the natural landscape. A walkway consisting of wood chips or bark mulch over a compacted rock base, or small rock/gravel, are preferred construction options. All walkways must be approved by the AC before installation.

Owners are responsible for installation, maintenance and repair of their residential driveways, hardscapes, walkways and culverts installed under their driveways and/or walkways, even if they extend into the Common Area. *Refer to Section 3.20 – Drainage*, for additional Guidelines.

3.15 PATHWAYS – PRIVATE PARCEL TO COMMON AREA

Pathways extending from private parcels through Common Areas require Architectural Committee approval.

Paths should be narrow, unobtrusive, and designed to move around existing landscape features and vegetation. Obvious straight line pathways should be avoided whenever possible and cannot be lighted at night.

Pathways shall be no wider than 24 inches and shall consist of woodchips or bark mulch over a compacted rock base, or small rock/gravel, and should provide a natural

appearance. Steps, rocks as stepping stones or other materials will only be considered in special circumstances.

3.16 DECKS AND PATIO ADDITIONS

Decks and patio additions are subject to the approval of the AC. Detailed plans must be submitted with the AC Application. Proposed materials should be similar to and complement the existing structure. Second floor deck additions will be reviewed by the AC on an individual basis. The AC will consider the impact on neighboring views and proximity to adjacent homes in their decision.

3.17 OTHER STRUCTURES / ENCLOSURES / HOT TUBS & SPAS

Other structures or enclosures (e.g., storage shed or greenhouse) are not allowed except under special circumstances, subject to AC approval. An application for a structure or enclosure must be accompanied with an explanation of such circumstances. If allowed, any kind of structure or enclosure must be sited to minimize any negative impact on surrounding residences and be finished in a manner that complements the residence.

Guest Houses are permitted **only** on those parcels specifically outlined in the Declaration. *Refer to Declaration (CC&R's) Section 3.3.4 – Single Dwelling.*

Installation of exterior hot tubs and spas must be approved in advance by the AC. Exterior hot tubs and spas must be located to the rear of the property adjacent to the home. The incorporation of hot tubs and spas as a feature of decks and patios is permitted. The exterior finish of an elevated hot tub or spa shall blend with the exterior finish of the home, deck or patio to which it is attached or most closely related.

3.18 EXTERIOR PAINTING AND STAINING

All exterior painting and staining projects require Architectural Committee approval. The AC will consider how the submitted colors harmonize with other structural materials such as roofing, brick or stone work, as well as nearby homes or features in the landscape. Gutters and downspouts shall match or blend in with the house and trim colors.

Paint and stain colors should be subdued earth tones that harmonize with the natural environment and other homes in Little Whale Cove.

Paint colors from the Little Whale Cove Residential Exterior Paint Color Palette are strongly encouraged. The Palette display board and the Palette hand-held "Color

Selector” can be viewed in the Association Office. The “Color Selector” can be checked-out and taken to the project site.

The AC will consider approving a paint color with a color value slightly lighter or darker than what is represented on the Palette. For Owners that wish to repaint with a color that is currently on their residence, dwelling or unit, the AC will evaluate the request by comparing it to the Color Palette for compatibility.

Black, white, bright or pastel colors will not be approved for the body color of any house.

All painting requests must include the submission of a color chip(s) with the paint or stain brand and color identification or formulary, unless the selected color(s) are from the LWC-approved Color Palette. Palette Colors must be identified on the application, do not need a chip, and should receive approval from the AC unless combined in unintended schemes, e.g., body and trim colors do not complement each other. An Architectural Application must be submitted to the AC for formal approval of any exterior painting

If a color is requested that is not on the Color Palette, the homeowner shall submit a painted or stained sample of the siding and/or trim material with the requested color or colors. The sample should be of sufficient size to demonstrate how the color will look on the residence, dwelling and/or unit. In addition, it is strongly suggested that the paint color also be applied to the structure to assist the homeowner in their consideration.

3.18.1 COLOR PALETTE – LITTLE WHALE COVE

Refer to Addendum 8.4 – LWC Residential Exterior Paint Color Palette

3.18.2 COLOR PALETTE – INNISFREE PATIO HOME CONDOMINIUMS

Refer to Addendum 8.1 – Innisfree Patio Home Condominium Association

3.18.3 COLOR PALETTE – MEADOW HOUSE CONDOMINIUMS *Refer to Addendum 8.2 – Meadow House Condominiums*

3.18.4 COLOR PALETTE – THE PINES CONDOMINIUMS

Refer to Addendum 8.3 – The Pines Condominiums

3.19 GUTTERS AND DOWNSPOUTS

Gutters and downspouts shall match or harmonize with the rest of the home. Downspouts shall drain water away from the structure and carry the water to the area

or areas specified in the Drainage Impact study. Rain chains may be permitted, however, approval from the AC is required prior to installation.

3.20 DRAINAGE

Drainage shall be maintained so that water is channeled into Common Area outlets and not onto other neighboring land parcels and/or Common Area. Any change in drainage is subject to review and approval by the AC, prior to any modification and/or Work to the existing drainage plan on the parcel. If Common Area is involved, written approval must be obtained from the Grounds Supervisor and the AC. Where existing water naturally flows across or from an Owner's parcel, provisions must be made to accommodate the flow when the lot is developed.

For any new or additional construction, or for any other project that may affect drainage, a Drainage Impact Study is required, to be ordered through the Association and paid for by the owner. *Refer to Addendum 8.8 – Storm Water Drainage Guidelines for additional Guidelines.*

The Owner is liable for assuring that the instructions and recommendations in the drainage study are followed.

3.21 UNDERGROUND UTILITIES

All utilities (i.e., electrical, gas, water and sewer, telephone, cable/internet) within Little Whale Cove are underground. There will be no above ground utility installation, extension or adaptation permitted.

3.22 NOISE-MAKING DEVICES

No noise-making devices, exterior burglar alarms, or other exterior security devices shall be installed, modified, or maintained on a parcel without the approval of the AC.

3.23 ANTENNAS AND SATELLITE DISHES

The AC shall regulate the placement, installation, and use of all outside aerials, antennas, and satellite dish antennas. Prior written approval by the AC shall be required prior to the placement or installation of any aerial, antenna, or satellite dish antenna upon any property governed by the Association. All written requests for the placement and installation of any aerial, antenna, or satellite dish antenna shall include a detailed diagram of the dimensions of the aerial, antenna, or satellite dish antenna and the proposed location of the placement or installation of the aerial, antenna, or satellite dish antenna.

Approval by the AC of any proposed placement or installation shall be conditioned upon compliance with the following guidelines, including any such guidelines as may hereafter be adopted by the Association:

- All outside radio aerials/antennas, as well as satellite dish antennas greater than thirty-nine (39) inches in length or diameter, are prohibited;
- Satellite dish antennas may be located below eaves, chimneys, or on a ground-level pedestal;
- Poles or masts may be used to mount aerials, antennas, or satellite dish antennas provided the same do not rise more than 12 feet above the uppermost level of the roof itself;
- Poles or masts must be secured with at least 4 guide wires.
- Aerials, antennas, or satellite dish antennas shall under no circumstances be mounted on trees;
- Brightly colored aerials, antennas, or satellite dish antennas are prohibited; neutral gray colors and colors matching the building to which aerials, antennas, or satellite dish antennas are to be attached are permitted;
- No new replacement antennas, aerials, or satellite dish antennas may be installed before any prior antenna that is being replaced is removed.

The AC shall work closely with the Owner/Resident in an attempt to ensure that the location for installation is the best possible for reception, while minimizing impact to the Common Areas and neighboring properties.

- No trees may be removed for installation without prior written approval of the AC;
- Placement will not be permitted on any Common Area. Unless the only possible site for reception of signal, no aerial, antenna or satellite dish antenna will be permitted in an area visible from street view and requires written approval from the AC.

3.24 ALTERNATIVE ENERGY COLLECTION DEVICES

Written approval by the AC shall be required prior to the installation of any private alternative energy collection device (e.g., solar, wind, geothermal, etc.) upon any property governed by the Association. All written requests for the placement and installation of any alternative energy collection device upon any property governed by the Association shall include a detailed diagram of the dimensions of the alternative energy collection device and the proposed location of the placement or installation of the alternative energy collection device.

3.25 WINDOW TINTING

Windows may be tinted in residential units, but no reflective materials may be used to create a mirror effect from the outside, subject to AC approval prior to installation.

3.26 FLAGPOLES

No free-standing flagpoles shall be installed without the approval of the AC. Freestanding flagpoles that cannot be easily removed (i.e., cemented into the ground) are specifically discouraged. Flagpoles shall not be lighted without specific written approval for such lighting from the AC. A temporary flagpole staff that does not exceed six feet in length and is attached at an incline to the wall, deck or entrance area of the home does not require AC approval.

3.27 FIREWOOD

Firewood must be split and neatly stacked and shall be located to the rear of the home and in such a manner as to avoid any adverse visual impact on neighboring homes. Any screening/covering must be dark or harmonize with the residence---bright colors are not permitted. Any screening structure requires written approval from the AC. Firewood should not be stacked next to the home.

3.28 HOUSE NUMBERS

All residential units are recommended to have light reflective street numbers located in such a manner on the property to be clearly visible from the street by emergency vehicles (available from Depoe Bay Fire Department). If numbers mounted on the structure cannot be seen from the street, the owner may locate the numbers elsewhere, subject to approval by the AC. On new construction, numbers SHALL be posted during construction so as to identify the location for subcontractors and vendors.

3.29 MAIL AND NEWSPAPER BOXES

Mail boxes are prohibited in Little Whale Cove, as all mail delivery is at the centrally located mail boxes at the Recreation Center and the Innisfree location. Newspaper Boxes shall be of a design approved by the AC.

3.30 SIGNS AND SIGN REMOVAL

All signs, except for sale or lease signs, are subject to approval by the AC. No sign shall be placed or kept on any parcel or dwelling or unit other than to identify the owner, or advertise that the parcel or lot is for sale or the dwelling or unit is for sale or lease, or to identify the Contractor constructing the home. There shall be no more than one sign for each such purpose, and no sign shall be larger than five square feet.

Signs that advertise the parcel or the lot for sale or the dwelling or unit for sale or lease shall be removed no later than one week after closing or lease. Contractor identification signs shall be removed no later than one week after notice of completion.

3.31 OUTDOOR FIRE SOURCES /FIRES

Exterior wood burning fires and fire pits are strictly prohibited on any parcel or lot. Community fires may be allowed from time to time on community property, as permitted by Association rules.

Barbeque grills are allowed and must be placed in an area behind a residence and away from adjacent property lines. BBQ's must be kept a safe distance from structures, trees and vegetation and ideally placed on a non-flammable surface. Barbeque covers must be of a dark color or a color that harmonizes with the color of the residence. Bright colored covers are not permitted. Permanent built-in barbeque grills require AC approval.

Commercially made propane or natural gas fire tables and fire pits require AC approval, and must meet all of the following conditions: 1) they must be located in an outside location that is open and well ventilated; 2) they cannot be placed in a room or an enclosed space; 3) they must carry a UL certification; 4) they must be installed and maintained according to the manufacturer's specifications; 5) they must not be used for burning combustibles of any kind, other than the gas it was designed for; and 6) a fire extinguisher must be located nearby. Do-it-Yourself and homemade fire table or fire pit kits will not be approved.

4. EXTERIOR LIGHTING GUIDELINES

Contributing to the aesthetics while protecting the environment, Little Whale Cove has adopted the “Dark Sky” concept of outdoor lighting to minimize the harmful effects of light pollution, and to enhance the quality of life and benefits of living in a coastal-forested environment. *Refer to Addendum 8.9 – Approved / Recommended Exterior Lighting.*

As such, outdoor lighting should:

- Only be on when needed;
- Never be left on overnight or 24/7;
- Only light the area that needs it;
- Be no brighter than necessary;
- Minimize blue light emissions
- Be fully shielded (pointing downward).

LWC is considered a low ambient lighting zone. This means that lighting may be used for safety and convenience, but it is not necessarily uniform or continuous.

4.1 EXTERIOR LIGHT SOURCES

Incandescent, compact fluorescent and LED light sources are allowed for exterior use in LWC provided they comply with the criteria below. Long lasting compact fluorescent bulbs and LED lights consume very little electricity and last for several years. Exterior light bulbs must meet the following criteria:

- Color Temperature: between 2700 -3000 degrees Kelvin (do not use lamps that exceed 3000 degrees Kelvin, as they are “cooler” in color and not desirable);
- Color: warm white;
- **Lumens: maximum of 800 lumens (equivalent of a 60 watt incandescent bulb). Bulbs that are 450 lumens or less are preferred (equivalent of a 40 watt incandescent bulb).**

Incandescent light bulbs are sold by number of watts, which is a measure of energy used, a rather poor measure of how much light you are buying. The better indicator is lumens, which is a measure of how much light you get from a given bulb. More lumens mean it’s a brighter light; fewer lumens means dimmer light. Old technology incandescent bulbs provide 15 lumens/watt, while new technology LED bulbs provide 60 lumens/watt— about a four (4) to one (1) improvement in efficiency. One other measure you may see is Kelvin, a measurement which describes the color temperature of a light source. Lower temperatures (2700 – 3000 degrees Kelvin) mean warmer light, while higher temperatures (5000 – 6500 degrees Kelvin) represent cooler (blue) light.

INCANDESCENT BULB (WATTS)	LED BULB (LUMENS)
100	1600
75	1100
60	800
40	450

The following conversion table from incandescent to LED bulbs is provided for information.

4.2 EXTERIOR LIGHTING

All exterior lighting must be shielded to minimize glare and light spill to adjacent parcels and streets. Spotlights and floodlights are prohibited except for those with proper shielding that are aimed at specific location on the parcel and activated by a motion detector, and only when specifically approved by the AC. The use of colored lighting is prohibited (except for allowed Seasonal Holiday Lights). Exterior lighting shall not utilize a lamp with wattage larger than 60 watts (800 lumen output), unless otherwise approved by the AC. Pole or post-mounted lights are prohibited, except for landscape lights under twenty four (24) inches tall or less. In general, exterior lighting should be used for outdoor living spaces, entries, patios, courtyards, porches, decks and other “useable” spaces. Exterior lighting should not be used to illuminate the face of a building for decorative purposes. All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not visible from neighboring parcels; no bare or exposed lamps will be permitted. Solar “dusk-to-dawn” lighting will not be approved.

All exterior architectural and landscape lighting in the front yard (or a side yard facing the street on a corner lot) shall be limited to a cumulative maximum of 250 watts or 3800 lumens (whichever is less) unless otherwise approved by the AC.

4.3 DRIVEWAY OR WALKWAY LIGHTING

In general, the lighting of driveways and walkways, or along the edges of driveways and walkways, is not recommended, due to the negative visual impact from the overall community and the likelihood of such lights to be damaged by vehicles or equipment. Any driveway or walkway lighting must be approved by the AC prior to installation. The AC reserves all rights to create specific stipulations on a case-by-case basis, based on their

review of a specific application. If approved, driveway or walkway lighting must comply with the design criteria below.

- Driveway lighting should not “line” the driveway with fixtures, and may not look like a “runway”. If approved, light fixtures along a driveway may not have a spacing of less than ten (10) feet apart on each side of the driveway;
- Pole mounted down lights that are taller than 24 inches above the pavement surface are not allowed. Driveway or walkway light fixtures, if approved, shall be low voltage and fully shielded to conceal the light source and eliminate glare. Bulbs are limited to three (3) watts or less;
- Approved driveway or walkway lighting must be controlled by a switch. Any wiring must be buried below grade per the manufacturer’s requirements;
- Driveway or walkway light fixtures shall be constructed of a durable material such as aluminum or copper;
- In an effort to minimize light pollution, in accordance with our Dark Sky policy, driveway or walkway lighting should be turned off when not needed and should be turned off completely during extended times in which the home is unoccupied;
- Driveway or walkway lighting must be maintained in an attractive manner. If the appearance of the driveway or walkway lights becomes unsightly, the homeowner shall immediately remove the lights.

4.4 WINTER HOLIDAY LIGHTING AND DECORATIONS

Winter holiday lighting and decorations are allowed during the holiday season. Lights must not be excessively bright, nor directed towards neighboring homes, and must not be on all night. Lighting powered by generators, displays that produce audible sounds, rooftop displays and inflatable holiday figures and objects are not permitted.

Lighting and decorations may be displayed beginning on the day after Thanksgiving and shall be removed by January 6th of the following year.

4.5 SEASONAL HOLIDAY LIGHTING AND DECORATIONS

Lighting displays and decorations for seasonal holidays and special occasions such as Valentine’s Day, Easter, 4th of July, Labor Day, Halloween, Thanksgiving and New Year’s Eve shall be confined to residential porches and private areas.

Such lighting and decorations can be displayed one week before the seasonal observation and must be removed within one week after the seasonal event.

4.6 PROHIBITED EXTERIOR LIGHTING

- Exterior lighting that is mounted higher than the eave line of the house or ten (10) feet above adjacent finished grade (whichever is the smaller dimension) is not allowed, unless otherwise approved by the AC;

- Pole or post-mounted lights are prohibited, except for low voltage pole mounted driveway or walkway lights that are 24 inches tall or less;
- Colored lights are not allowed (except as allowed for Seasonal Holiday Lighting);
- Lights that flash, flicker, blink, twinkle, strobe, move, animate or similar are not allowed (except as allowed for Seasonal Holiday Lighting);
- “Rope Lights” that are exposed or visible from any street, walkway, Common Area or adjacent parcel are not allowed, except for Seasonal Holiday Lighting;
- “Mini Light Strings” like those commonly used for holiday decorations that are exposed or visible from any street, walkway, Common Area or adjacent parcel are not allowed (except as allowed for Seasonal Holiday Lighting);
- Metal halide, high-pressure sodium, and mercury vapor lights are not allowed; ➤ Unshielded floodlights or spotlights are not allowed;
- “Up-lighting” of trees, shrubs or structures is not allowed.
- Solar “dusk-to-dawn” lighting will not be approved.

4.7 NEW LIGHTING TECHNOLOGY

New lighting technology will be reviewed by the AC on a case-by-case basis, any new lighting technology must meet the Dark Sky standards outlined in these Guidelines.

5. LANDSCAPE DESIGN GUIDELINES

The adopted Landscape Philosophy of Little Whale Cove is to preserve and protect the unique coastal environment and various ecosystems existing throughout the Community. The present and future of our Community depends in a large part on the unique coastal environment of LWC.

The foremost goal for landscape design in Little Whale Cove is the concept of integration. Landscaping within lots or unit boundaries shall appear to be an extension of the surrounding natural environment in a manner that integrates structures to the land and its natural context. The LWCHA endeavors to preserve desirable native plants that are part of the indigenous vegetation while allowing Owners to enhance their private areas, according to their individual preferences. Landscape projects, whether for new construction or for significant changes to existing landscaping, requires a Landscape Plan which must be submitted to and approved by the Architectural Committee, prior to any landscape Work being started.

5.1 LANDSCAPE PLANS

All landscaping shall have a site plan. The Plan shall show the property line(s) between neighboring parcels, lots, unit boundaries and/or adjoining common areas, walkways, and streets. Landscaping plans shall be submitted for approval by the AC. Upon completion, the Owner shall notify the AC and request final inspection.

Landscape plans shall blend in with the natural environment and shall use plants and trees commonly found on the Oregon Coast. Plans shall strive for a balance of landscaping elements. Raised planting beds require AC approval. Prior to developing a Landscape Plan, Owners are encouraged to consult the *Approved Plant, Invasive Species and Prohibited List (Addendum 8.5, 8.6 and 8.7)*. It will assist in choosing plants that will grow well in Little Whale Cove.

5.2 NEW CONSTRUCTION LANDSCAPING

A Landscape Plan shall be submitted to the AC within six (6) months of completion of construction. After receiving AC approval, the Owner shall complete landscaping within one (1) year.

5.3 EXISTING LANDSCAPE DESIGN CHANGES

A new landscape site plan is required to be submitted to the AC if the Owner plans to add six or more plants from the Approved Plant List, *refer to Addendum 8.5, 8.6 and 8.7*, or remove six or more plants from an existing approved landscape plan. (Note Innisfree requirement in Addendum 8.1 is more than three plants) Approval is also required to remove trees greater than six (6) inches in diameter, measured at four feet above ground level. *Refer to Sub-Section 5.4.5 – Tree Limbing, or Removal and Lot Clearing of these Guidelines*. Architectural Committee approval is not required for planting annuals, bulbs or vegetables, subject to the Guidelines set forth in *Section 5 – Landscape Design Guidelines* of these Guidelines.

5.4 PLANTS AND OTHER LANDSCAPE FEATURES

5.4.1 APPROVED PACIFIC NORTHWEST PLANTS

For a list of native plants that thrive in our climate, refer to *Addendum 8.5 – Approved Pacific Northwest Plants, Trees and Shrubs*. Native plants are essential to supporting insects and wildlife within our forested environment, while alien non-native plants, favored for the “pest-free” characteristics, are largely unpalatable and non-supportive. They may also be non-fire resistant.

5.4.2 NOXIOUS, INVASIVE AND POISONOUS PLANTS

Noxious, invasive or poisonous plants are those identified by the State of Oregon as being potentially injurious to public health, agriculture, wildlife and property. Native and nonnative invasive plants spread vigorously and can easily extend beyond the parcel, lot or unit boundary and crowd-out existing native plant species. English Ivy, Himalayan Blackberry and Rosa Rugosa are prominent examples. A list of prohibited plants is provided in *Addendum 8.7 – Noxious, Invasive and Poisonous Plants and LWC Resolution 19-03 – Forest, Cove & Wetland Management Plan*.

5.4.3 CONTAINERIZED PLANTS

Containerized plants used as a landscape feature are allowed, in moderation, within the landscape. Native flower and plant species from the Approved List (*Refer to Addendum 8.5, 8.6 and 8.7*), shall be used in this application.

Containers featuring ornamental or accent flowers and plants shall be limited in number and placed on decks, patios, or in private areas only. Placing containerized plants along driveways or walkways is not allowed.

5.4.4 DECORATIVE YARD ORNAMENTS AND FEATURES

The placement of decorative yard ornaments in the landscape that are visible from roadways, pathways, common areas and neighboring homes are subject to AC approval. Examples are statuary, birdbaths, decorative signs, flags and banners, fishing gear (e.g., nets, ropes and floats), driftwood, nautical items (e.g., anchors, chains, pilings, surfboards and oars), as well as ocean starfish, coral and shells are all subject to AC approval before installation.

All decorative landscape features are subject to AC approval before installation. Examples include ponds, fountains, and the placement of rocks. Features or areas that utilize various sizes of gravel, river or drainage rock for the creation of dry creek beds, creek banks, or other rock features not required for drainage are strongly discouraged and must obtain AC approval before installation.

5.4.5 TREE LIMBING OR REMOVAL AND LOT CLEARING

Approval of the Architectural Committee is required for removal of tree limbs more than ten (10) feet above the ground. Trees six (6) or more inches in diameter at DBH shall not be removed from any parcel, lot or unit boundary without prior written approval by the AC. Trees or vegetation removed without AC approval shall be replaced at Owner's expense with new trees or vegetation, the size, species and placement of which shall be determined by the AC. In addition, the Owner may be subject to fines or other penalties under the *LWC Resolution 16.01 - LWCHA Enforcement Policy* and *Section 2.3 - Enforcement* of these Guidelines.

5.4.6 LAWNS

Mowed and manicured lawns are not permitted in the community, with the exception of designated landscaped common areas and Association property, such as the Recreation Center Complex, Gate House, Monument sign, etc. Natural grasslands shall be maintained so as not to create a fire hazard. Private lawns located on lots 169, 170, 171, 172 and 173 (The Pines) and lot 0021, in existence prior to November 11, 2005 are permitted to remain. If a major landscaping change is made, these existing lawns shall be removed.

5.5 VIEWS AND PRIVACY

Plantings from *Addendum 8.5 – Approved Pacific Northwest Plants, Trees and Shrubs* may be used to reasonably screen residences for privacy.

There is no right to a view in LWC, however, trees and other vegetation should be kept trimmed and maintained on parcels and/or lots that could obstruct neighboring views. Trimming is subject to *Section 5.4.5 – Tree Limbing or Removal and Lot Clearing* above. In the event of a dispute between Owners over view obstruction alleged to be caused by trees and/or vegetation, the LWC Board of Directors shall determine the amount of appropriate pruning or removal, if any. The Board may consider competing interests in maintaining the native coastal woodland appearance, the extent of any view blockage, and what locations from which to consider view blockage, and any other criteria the Board deems relevant to the particular lots. The property Owner is responsible for the cost of all trimming and maintenance on the Owners' parcel or lot.

5.6 MAINTENANCE AND SAFETY

Plantings must be maintained within a parcel or lot and are not allowed to grow into Common Areas, walkways, or neighboring parcel(s), lot(s) or unit boundaries. This includes, keeping driveways, walkways, decks, roofs and gutters clear of debris; weeding; trimming and controlling overgrowth of plants and shrubs; and cleaning up downed limbs and branches. Parcel, lots and/or unit boundaries shall be maintained so as not to create a fire hazard. Vegetation should be trimmed away from structures, including decks.

Preserving the appearance of the native coastal woodland requires maintaining it in its existing natural state. Hedging or shearing landscape plants is not compatible with the natural look that is so important to our community. Trimming and shaping vegetation into unnatural shapes, creating formal hedges or hedging individual plants is not permitted with the exception of designated landscaping in Common Areas and on Association property, such as the Recreation Center Complex, Gate House, and Monument Sign.

New plantings, such as *Escallonia*, that require frequent labor-intensive hedging to control their growth or appearance will not be approved.

Composting plant waste materials on parcels, lots or unit boundaries is permitted only with AC approval. Compost containers must be adequately screened from neighboring properties and common areas.

Trees that present a safety hazard within a parcel or lot shall be evaluated by the Association. With approval by an Association Agent and the AC, the hazard shall be removed at Owners' expense.

5.7 COMMON AREA

Trees, shrubs or other vegetation, as well as landscaping materials such as soil, rocks and gravel shall not be added or removed from any Common Area without prior written approval from the AC and Grounds Supervisor. Owners may work with the AC to incorporate the Common Area landscape adjacent to their parcel or lot into their Landscape Plan. If the AC approves a Landscape Plan that includes Common Area, it may be conditioned upon the Owner accepting responsibility for maintenance of the included Common Area.

5.7.1 PATHWAYS – PRIVATE PARCEL TO COMMON AREA

Pathways from parcels, lots or unit boundaries onto or through Common Areas to common pathways or roadways require Architectural Committee approval.

Paths should be narrow, unobtrusive, and designed to move around existing landscape features and vegetation. Obvious straight line pathways should be avoided whenever possible and cannot be lighted at night.

Pathways shall be no wider than 24 inches and shall utilize wood chips or bark as a base, which will provide a natural appearance. Steps, gravel, rocks as stepping stones or other materials will only be considered in special circumstances.

5.8 THE PINES CONDOMINIUMS

Please refer to *Addendum 8.3 – The Pines Condominiums* for Landscape Design Guidelines unique to The Pines Condominiums.

5.9 MEADOW HOUSE CONDOMINIUMS

Please refer to *Addendum 8.2 – Meadow House Condominiums* for Landscape Design Guidelines unique to the Meadow House Condominiums.

5.10 INNISFREE PATIO HOME CONDOMINIUM ASSOCIATION

Please refer to *Addendum 8.1 – Innisfree Patio Home Condominium Association* for Landscape Design Guidelines unique to IPHCA.

6. NEW OR MAJOR CONSTRUCTION/WORK

As part of any approval to construct or install any Improvement on any parcel or lot within Little Whale Cove, the following Construction Guidelines shall apply during the construction or installation period. These Construction Guidelines shall apply to each Owner, vendor, consultant, agent and employees related to such Improvement Work. It is recommended that Owner's make these regulations a part of the construction contract documents for any Improvements on a parcel or lot. All Owners shall be bound by these Construction Guidelines, and any violation shall be deemed to be a violation by the Owner of the parcel or lot. An onsite, **pre-construction meeting** with the Owner, the General Contractor, and the AC **must** be held prior to initiating any Work.

6.1 CODES, ORDINANCES, PERMITS AND APPROVALS

The Owner is responsible for ensuring that all necessary reviews, approvals and permits from the City of Depoe Bay and any other governing agency are obtained. The Owner is responsible for complying with all codes, ordinances, regulations and guidelines which apply to any proposed Improvement on a parcel or lot. Permits must be displayed on the parcel in accordance with City of Depoe Bay ordinance. A copy of the building permit(s) should be provided to the AC with the project application, or as soon as available. The Owner is also responsible for ensuring that LWCHA is named as an additional insured under the Contractor's General Liability Policy, and provide a copy of said endorsement to the Gatehouse prior to beginning any Work.

6.2 CONSTRUCTION ACCESS

In general, construction access shall occur across the front of the parcel and shall be contained within the property boundaries of the parcel. Construction access is not allowed over Common Areas unless specific approval is granted in writing by the AC.

When a new home is being built in Little Whale Cove, great attention must be given to tidiness and appearance of the entire property. All construction areas must be kept clean and orderly at all times. Trucks should not block roads unnecessarily. Materials should be stored/stacked on the individual parcel or lot in an orderly fashion in the AC-approved location, and not on the road. Trash and debris should be kept to a minimum. All unused equipment should be removed from the community when no longer needed for the job.

6.3 CONSTRUCTION VEHICLES AND PARKING AREAS

Vehicles related to construction activities shall be parked so as not to inhibit traffic on adjacent streets. Each Owner or Contractor shall be responsible for protecting and repairing any damaged landscaping along the streets. Parking of construction vehicles,

trailers and equipment on the streets overnight is prohibited, unless otherwise specifically approved in writing by the Community Coordinator. A specific parking plan for the project will be developed by the AC and presented during the Pre-construction meeting.

6.4 CONSTRUCTION/WORK HOURS

The AC and LWCHA reserve the right to restrict the hours of construction for certain types of Improvements. In general, working hours for a construction site shall be from **8:00 AM to 5:00 PM Monday through Saturday**, unless other hours are approved and designated in writing by the AC or CC. Construction shall not be permitted on Sundays or the six major Federal holidays (i.e., New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day) and any other days as determined by the LWCHA Board of Directors. Additional restrictions and regulations on hours of construction may be determined at the discretion of the Board of Directors. Local and State guidelines may apply.

6.5 DAMAGE TO PROPERTY OF OTHERS

Care should be taken to avoid damage to property of others. Damage to property of others, including, but not limited to, Common Area, landscape, utilities, other parcels, lots, roads, driveways, walking paths, and/or other improvements shall be repaired and/or restored promptly at the expense of the Owner in a manner that restores the damaged property to its original condition.

6.6 DEBRIS AND TRASH REMOVAL

Owners and their Contractors are required to provide trash and waste receptacles as needed for the scale of the Improvements proposed. For larger projects, a dumpster may be required. The Owners and their Contractors shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Owners and Contractors are strictly prohibited from dumping, burying or burning trash anywhere within Little Whale Cove, and are strictly prohibited from using LWC trash collection areas. During the construction period, each construction site shall be kept neat and clean, and shall be properly maintained to prevent it from becoming a public eyesore or affecting other parcels, lots or any Common Area. Unsightly dirt, mud or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up. Roadways shall be kept clear of mud and debris at all times and at Owner's expense. Dumpsters or other waste receptacles, if any, must be located within the parcel or lot and may not be located on any Common Area, including but not limited to, the street or median, unless otherwise approved.

6.7 DESIGN APPROVAL PRIOR TO CONSTRUCTION

Pursuant to these Guidelines, all Improvements require approval of the AC prior to construction or installation.

- No Work shall commence until such design approval is granted in writing by the AC;
- All design documents shall be subject to AC approval;
- The outline of the structure or addition is to be visibly marked with string or other material close to the ground, inspected and approved before construction;
- Any proposed changes or deviations from approved documents must be resubmitted to the AC for approval prior to implementation by the Contractor.

6.8 EXTERIOR MATERIALS

Once exterior materials are approved by the AC, no deviation or substitutions will be allowed without prior AC approval.

6.9 DUST AND NOISE

The Owner and their Contractor shall be responsible for controlling dust and noise, including without limitation, music or talk radio on the construction site. The LWCHA may impose additional rules and regulations regarding dust and noise, as needed.

6.10 EXCAVATION MATERIALS

Excess excavation materials must be removed from LWC and disposed of properly. Dumping of excess excavation materials anywhere within LWC is prohibited.

6.11 FIRE PROTECTION

Each construction site should have at least one (1) full and operable 7-pound ABC-rated dry chemical fire extinguisher present and available in a conspicuous place at all times. The use of any equipment, which may produce a spark, flame or significant heat, must be done within reach of a fully charged and working fire extinguisher.

6.12 MISCELLANEOUS AND GENERAL PRACTICES

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, contractors, and subcontractors while at LWC. The following practices are prohibited:

1. Removing any vegetation, plant material, topsoil, rocks or similar items from any property of others within LWC, including other construction sites or other undeveloped parcels;
2. Use of any firearms, trapping, fishing or hunting within LWC;
3. Careless disposition of cigarettes or other flammable material;
4. Use of, or transit over, any Common Areas, including but not limited to, paths, boardwalks or trails;
5. Use of, or transit over, or access to, any undeveloped portions of LWC;
6. No dogs or other pets may be brought into LWC by construction personnel;
7. Exceeding the posted speed limit on any street within LWC;
8. No building may be occupied during the original construction, nor may construction personnel stay overnight in campers or mobile homes on the property;
9. Any open fire;
10. Any activity that is detrimental to the health and well-being of the wildlife and resident animals within LWC (e.g., discarding meal leftovers, hazardous liquids, etc.);
11. Use of, or under the influence of, alcohol or any controlled substance in the course of performing any Work relating to an Improvement on the parcel or lot;
12. Using any LWC dumpster or recycling container to dispose of construction debris.

6.13 SAFETY

It is the responsibility of all Owners and their Contractors to comply with all applicable local, State and Federal safety regulations and standards at all times, including applicable regulations and guidelines of the Occupational Safety and Health Act (OSHA).

6.14 SANITARY FACILITIES

Each Owner or their Contractor shall be responsible for providing and maintaining adequate sanitary facilities (i.e., portable toilets) for its construction workers. Portable toilets shall be located within the parcel. If portable toilets are needed, they must be located to minimize visual and odor impacts to adjacent parcels or lots. The location and duration of portable toilet use requires the specific approval of the AC prior to being delivered.

6.15 STORAGE OF MATERIALS

All materials related to an Improvement shall be stored within the parcel or lot, unless otherwise approved by the AC or the CC. Such materials may only be stored for the period of time needed to install or place such material. Once an improvement, or phase of an Improvement, is complete, any remaining materials must be removed. Materials

may not be stored on streets or Common Areas without specific approval of the AC or the CC.

6.16 TEMPORARY CONSTRUCTION SIGNAGE

Temporary signage (other than the Contractor's company name and posted permits) is not permitted unless otherwise approved by the AC. The Contractor's company sign, no larger than 5 sq. ft., must be posted in the same location as the permits, and be removed no later than one week after notice of completion.

6.17 WASHOUT AND CLEANING

Washout of concrete trucks or the washout and cleaning of any equipment by masons, plasterers, painters, drywall contractors, etc. must be contained within the parcel, and in areas intended for permanent hard surfaces. Washout or cleaning residue shall not be allowed to flow off of the parcel or into streets, Common Areas, or adjacent parcels or lots.

6.18 INSPECTION

All approvals are contingent on the right of any agent or officer of LWCHA, at any reasonable hour or hours during construction or improvement, to enter and inspect any construction or improvements to ensure that it complies with LWC CC&Rs and Architectural Guidelines. The entry for purposes of inspection by an Association representative/agent thereof, shall not constitute a trespass or otherwise create a right of action by the owner of the lot.

Failure to comply with these Guidelines may result in a "Stop Work" order, fines, liens or other actions by the LWCHA, as allowed under Oregon Statute and these Guidelines.

7. DEMOLITION / TEAR-DOWN

Little Whale Cove is one of the most desirable established developments along the Central Oregon Coast, with few remaining undeveloped lots. Since LWC housing construction began in 1976, it is conceivable that a prospective new owner would rather tear down and build a new home than undergo significant renovation of a functionally obsolete house that doesn't meet current building standards or may have some significant structural/other issues.

As of June 2020, neither the City of Depoe Bay nor Lincoln County requires a permit for the demolition of a structure. However, LWC and its AC require a safe and efficient building demolition, which requires careful planning. All of the applicable Guidelines for New or Major Construction/Work, *refer to Section 6 – New or Major Construction/Work of these Guidelines*, apply to the demolition/teardown of the structure prior to beginning demolition.

7.1 DEMOLITION REQUIREMENTS

7.1.1 INSPECTION

It is required that homes/buildings be inspected by a licensed inspector or contractor prior to demolition for the presence of:

- Asbestos;
- Lead Paint;
- Mold;
- Rotted Wood;
- Pests (animals and insects); ➤ Other Hazardous Materials.

If the home contains any of the above hazards, proper procedures for remediation as required by Federal EPA Guidelines shall be followed. Once all hazardous materials are removed, a written final report shall be provided to the AC from the Owner ensuring all applicable regulations and procedures were followed.

7.1.2 SERVICE DISCONNECT

It is the responsibility of the Owner to ensure that all utilities and services (e.g., electricity, water, sewage and gas) have been properly disconnected and capped off (when required) to ensure safety of the demolition site, as well as no damage to utility services for surrounding homes.

7.1.3 DEMOLITION

It is required that a licensed contractor perform the actual demolition (i.e., no “self-demolition” other than specific salvage of materials will be permitted). LWC also has rules for house demolition and common demolition nuisance factors as shown below.

7.1.4 NOTIFICATIONS

Written notice must be provided to adjacent properties and properties across the street from the project site, at least 48 hours prior to the start of Work. The notice must include the name and telephone number of someone who can be contacted with any questions or concerns about the pending demolition Work.

7.1.5 DEMOLITION METHODS

No demolition in LWC may occur by implosion or other explosive means. Use “picker method” rather than a wrecking ball.

7.1.6 ENSURE SAFETY OF AREA

In addition to shutting off utilities, ensure that adjacent buildings and walkways are protected by installing debris-containing temporary fencing.

7.1.7 DUST CONTROL

Apply adequate amounts of water throughout the process to reduce the spread of dust during demolition and debris removal. Lower demolition debris from upper floors to the ground in receptacles, by elevator or hoists, or in tightly enclosed chutes.

7.1.8 WIND MONITORING

On-site wind monitoring is required. No demolition or moving of demolition debris may take place when wind speeds exceed 25 mph. Use high fencing or barriers around the site to contain wind-blown debris.

7.1.9 DEBRIS REMOVAL

Remove all demolition debris from the site, leaving the site clean. Typically this means the removal of everything “down to the dirt,” including removal of the house’s foundation. Cover loads on trucks to ensure that debris and dust are contained during removal from the site. Ensure trucks with wet loads “tip up” to allow excess water to drain off before leaving the site. All demolition debris must be disposed of properly outside of LWC.

7.1.10 SITE RESTORATION

The site must be restored to a safe, clean and natural condition.

7.1.11 DEMOLITION HOURS

Demolition activities are allowed only between 8:00 AM – 5:00 PM, Monday through Friday. No weekends or holiday work permitted.

8. ADDENDUMS

8.1. INNISFREE PATIO HOME CONDOMINIUM ASSOCIATION ARCHITECTURAL RULES/DESIGN GUIDELINES



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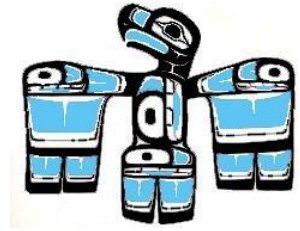
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Refer to - LWC Architectural Rules/Design Guidelines for additional information and requirements for IPHCA.

INNISFREE PATIO HOME CONDOMINIUM ASSOCIATION ARCHITECTURAL RULES/DESIGN GUIDELINES



8.1.1 AUTHORITY

The IPHCA Architectural Rules/Design Guidelines, in conjunction with the LWC Architectural Rules/Design Guidelines have been prepared to provide information relevant to improvements, alterations, changes, and modification requirements to units within the Innisfree Patio Home Condominium development. The Guidelines have been established to maintain the aesthetics, environment, quality of life and property values of all LWC Communities while providing residents a safe and enjoyable experience.

IPHCA Architectural Rules specifically apply to IPHCA units only.

The information herein supersedes Architectural Rules 2006, revised May 29, 2012, LWC Resolution 05-03 – Procedural Directive to the Architectural Committee, and LWC Architectural Guidelines for Private Homes, Revised 1991, LWC Resolution 03-08 – Temporary Sediment Fences and all previous IPHCA Resolutions related to Architectural Control, which have not been incorporated or included in their entirety in this document.

Pursuant to Article III, Section 3.6 of the LWCHA Bylaws states the Board “shall have all powers necessary for the administration of the affairs of the Association, except such powers and duties as by law or the Declaration or these Bylaws which may not be delegated to the Board of Directors...” (Emphasis added);

In accordance with Article III, Section 3.4 of the LWCHA Declaration states “No owner shall construct, reconstruct, alter, refinish or maintain any improvement upon, under or above any parcel or residential unit...unless the owner has first obtained the consent thereto of the Architectural Committee.” (Emphasis added).

8.1.2 GENERAL RULES/DESIGN GUIDELINES

8.1.2.1 ARCHITECTURAL REPRESENTATION

Section 8.2 of the IPHCA Bylaws states “No Owner shall make any exterior alterations to the Owner’s Unit, or make any change to an installation upon Common Elements, or decorate, alter or repair any part of the Common Elements..... without the prior consent in writing of the LWC Association Architectural Committee as required by the LWC Declaration and Bylaws.”). Accordingly, the Architectural Committee adopted these

Guidelines, in accordance with *IPHCA Resolution 20-01 – IPHCA Architectural Design Guidelines*, adopted 25 July 2020. Refer to Section 2.1.2 – Architectural representation from *Innisfree (IPHCA)*, for additional Architectural Representation Guidelines.

8.1.2.2 UNIT BOUNDARIES AND MAINTENANCE

The IPHCA Unit Boundaries are defined pursuant to Section 1.1.24 of the IPHCA Declaration. *“Unit” means each Innisfree Patio Home and the Limited Common Element (LCE) Area space herein as shown on the Plat...* Unit Owners are encouraged to review the boundaries as defined on the Plat Map for the individual Unit. Refer to Section 2.5 – *IPHCA Plat Map of this Addendum*.

These Plat Maps are recorded with the Lincoln County Assessor’s Office and can be viewed at <https://www.co.lincoln.or.us/assessor/page/maps>.

Article 6 of the IPHCA Declaration states *“The yard surrounding each Unit shall constitute a non-transferable Limited Common Element as shown on the Plat, the use of which shall be reserved to the Owner of the contiguous Unit to the exclusion of the Owners of all Units. Natural vegetation and plants are encouraged and lawns are prohibited on both general and limited common areas.”*

Article 8 of the IPHCA Declaration states *“No owner shall be allowed to alter the Common Elements without first obtaining the consent of the Association.”*

Further, Section 8.1.1 of the IPHCA Bylaws states *“All maintenance of, and repairs to, any Unit shall be made by and at the sole expense of the Owner of such Unit...”* Additionally, Article 2.6 of the IPHCA Disclosure Statement states *“Each unit shall be bounded by the exterior surfaces of the home constituting the Unit as shown on the Plat. Unlike a typical condominium, the Unit Owners will be responsible for all repairs, replacements, modifications, or maintenance of their Units....”*

8.1.2.3 INNISFREE APPLICATION PROCESS

Any landscaping or remodeling Work proposed by the unit Owner is subject to the IPHCA Architectural Rules/Design Guidelines outlined in this Addendum and the LWCHA Architectural Rules/Design Guidelines as any other lot in Little Whale Cove. Refer to Section 8.2 of the *IPHCA Bylaws*.

- Applications for architectural modification/additions to IPHCA condominiums or the landscape within the Unit Boundary must be submitted, in accordance with the LWCHA AC and Architectural Rules /Design Guidelines, no later than the AC’s posted monthly deadline for consideration (i.e., 4 pm on Wednesday the week before the AC meets) .

- The AC will review any Application received and, if there are proposed modifications to the condominium Unit and/or landscape within the Unit Boundary, the AC will render its decision.
- Any modifications approved and/or denied by the AC, are subject to a ten (10) day appeal/hearing process. *Refer to Section 2.3.4 – Right to Appeal* of the LWC Architectural Rules/Design Guidelines.

8.1.2.4 EXTERIOR STAIN COLORS

All units within the Innisfree Patio Home Condominium Association (IPHCA) development shall be stained with the same stain color.

Owners may choose a transparent stain, which allows some of the characteristics of the wood siding to show through, or a solid stain, which provides a uniform consistent color appearance.

A separate approved stain color shall be used for residential decks.

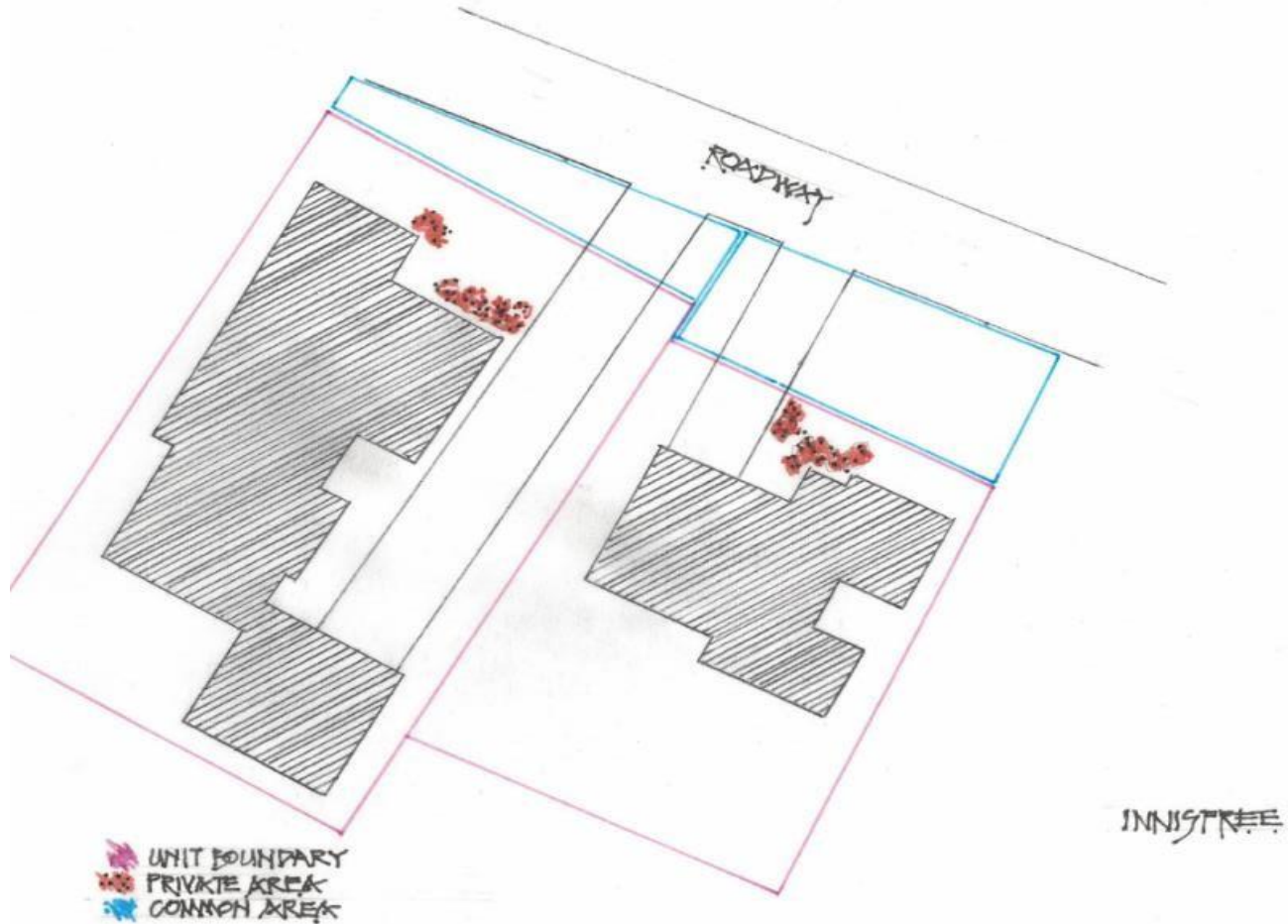
The three approved Innisfree custom colors are available at Sherwin Williams and can be purchased under the following color names:

- **IPHCA Transparent Siding**
- **IPHCA Solid Siding**
- **IPHCA Deck**

IPHCA stain samples may be checked-out from the Gatehouse. If an Owner wishes to use a vendor other than Sherwin-Williams, most paint vendors can provide a computer generated match from an IPHCA stain sample.

8.1.2.5 IPHCA PLAT MAP

NOTE: Unit Boundaries vary from unit to unit. Refer to the Lincoln County Assessor's Office at <https://www.co.lincoln.or.us/assessor/page/maps> for specific unit boundary information.



8.1.3 ARCHITECTURAL RULES/DESIGN GUIDELINES

8.1.3.1 ALTERATIONS OR ADDITIONS TO EXISTING STRUCTURES

Structural additions or alterations to the exterior of any unit shall conform to the materials, colors, character and detailing as established on the existing unit, and must be approved in advance by the AC.

8.1.3.2 DECKS AND PATIO ADDITIONS

Cedar, Redwood or Composite materials can be used for decks and deck railings, and must be constructed using the same design as original Innisfree decks. The only exception is stainless steel cable railing systems that may be installed on rear

decks only. All decks and deck railings require AC approval prior to installation. *Refer to Section 3.16 – Decks and Patio Additions of the LWC Design Guidelines.*

8.1.3.3 BUILDING MATERIALS

The use of building materials other than original Innisfree construction materials is discouraged. All building materials used for external improvement projects require AC approval prior to installation.

8.1.3.4 SIDING

Cedar is the approved siding material for Innisfree and requires AC approval prior to installation.

8.1.3.5 ROOFING

Asphalt composite shingles or three-dimensional, class “A” (architectural) shingles warranted for 30 years or better and in the color black are the only approved roofing materials for Innisfree, and requires the approval of the AC prior to installation. *Refer to Section 3.10 – Roofing, in the LWC Design Guidelines for additional guideline requirements.*

8.1.3.6 DOORS, WINDOWS AND GARAGE DOORS

8.1.3.6.1 DOORS

Entry door styles, materials and color are left to the Innisfree Homeowner’s discretion.

Innisfree Homeowners are permitted to install screen doors and/or storm doors with AC approval. The approved door styles are:

- Full View Retractable Storm Door;
- Universal Full View Aluminum Storm Door with Nickel Hardware; ➤
Color: White only.

Wood frames must be stained to blend with the Structure.

8.1.3.6.2 WINDOWS

Replacement windows shall be manufactured with white vinyl clad materials similar in style to the original windows, and require AC approval prior to installation. The original windows were manufactured by Milgard Manufacturing, Inc. *Refer to Section 3.11 Doors, Windows and Exposed Metals of the LWC Design Guidelines for additional guideline requirements.*

8.1.3.6.3 GARAGE DOORS

Replacement garage doors should be the same or similar to original materials (cedar), design and style, and require AC approval prior to installation. The original cedar garage doors are designed and made by Wayne-Dalton Carriage Doors. Other compatible and approved materials for replacement garage doors may be evaluated on a case-by-case basis.

8.1.3.7 DRIVEWAYS, CULVERTS AND WALKWAYS

All driveway replacements and/or repairs shall be concrete with an aggregate finish to match existing driveway surfaces, and require AC approval prior to installation. All other driveway surfaces are prohibited. *Refer to Section 3.14 – Driveways, Culverts and Walkways of the LWC Design Guidelines.*

All Walkways shall be a natural extension of the unit's driveway. Pavers are permitted and must complement the natural surroundings of the unit, and require AC approval prior to installation.

The replacement of driveway culverts shall conform to existing standards, in accordance with LWCHA Storm Water Master Plan – January 2003, and are subject to AC approval.

8.1.3.8 EXTERIOR STAINING

All Unit Owners shall maintain the exterior stain of their own units.

8.1.3.9 GUTTERS AND DOWNSPOUTS

All replacement gutters and downspouts shall be of the "K" style gutters and downspouts and shall be white, subject to AC approval prior to installation. The use of vinyl gutters is strongly recommended. Rain chains are prohibited.

8.1.4 EXTERIOR LIGHTING GUIDELINES

IPHCA has adopted and complies with the Dark Sky night time lighting practices. All new or replacement exterior lighting must comply with the Dark Sky lighting standards. *Refer to Article 4 – Exterior Lighting Standards of the LWC Architectural Rules / Design Guidelines.*

8.1.4.1 WINTER HOLIDAY LIGHTING AND DECORATIONS

Winter holiday lighting and decorations are allowed during the holiday season. Lights must not be excessively bright, directed toward neighboring homes and must not be on all night.

Lighting powered by generators, displays that produce audible sounds, rooftop displays and inflatable holiday figures and objects are not permitted. Holiday lighting and decorations shall be confined to the unit's porch and structure only. Use of holiday lighting and decorations within the unit's yard is prohibited.

Lighting and decorations may be displayed no earlier than the day after Thanksgiving and shall be removed no later than January 6th of the following year.

8.1.4.2 SEASONAL HOLIDAY LIGHTING AND DECORATIONS

Lighting displays and decorations for seasonal holidays and special occasions such as Valentine's Day, Easter, 4th of July, Labor Day, Halloween, Thanksgiving and New Year's Eve shall be confined to residential porches and private areas.

Such lighting and decorations can be displayed one week before the seasonal observation and must be removed within one week after the seasonal event.

8.1.4.3 PERSONAL SECURITY CAMERAS

Personal security cameras shall not be specifically directed at community streets, community sidewalks, paths, other units, and any other common area or public areas.

8.1.5 LANDSCAPE DESIGN GUIDELINES

Landscaping guidelines for Innisfree, are the same as other homes in Little Whale Cove, with the exception of the specific Guidelines outlined in this section. The main objective for landscaping within unit boundaries around each condominium should be to strive to integrate the structure into the surrounding natural environment, similar to other homes in LWC.

In order to blend the Limited Common Area of each unit into the woodland, native plants must be chosen from *Appendix 8.5 – Approved Pacific Northwest Plants, Trees and Shrubs*. These plants are also essential to supporting the insects and wildlife of our forested environment where ornamental or non-native plants do not.

Plants chosen from the Approved Plant List may be added to an existing landscape. However, modifications or additions more extensive than replacing more than three plants require approval of a Landscape Plan by the AC. IPHCA Owners are required to maintain the landscape around their units, in accordance with the recorded Plat Map, which can be viewed at <https://www.co.lincoln.or.us/assessor/page/maps>. Also refer to Section 2.5 – IPHCA Plat Map of this Addendum.

Ornamental plant varieties can be added to the private areas in the planting beds and walkways immediately adjacent to the unit's entrance, as well as private areas that cannot be viewed from the streets, pathways or neighboring units and/or LWC homes.

Hedging of landscape plants is not compatible with the natural look that is important to the Community. The shaping of trees and shrubs into domes, spheres, squares, rectangles or other geometric shapes will not be approved and is not permitted. Ornamental plants that require frequent hedging to control their growth or appearance, such as South American Escallonia, will not be approved for new plantings. This is a prohibited plant in LWC.

Likewise, hedging or shaping of native plant varieties destroys their natural shape and encourages an unnatural growth pattern that detracts from the natural look that the Community strives to achieve.

The placement of decorative yard ornaments in the landscape that are visible from roadways, pathways, common areas and neighboring homes are subject to AC approval.

Some examples are:

- Statuary, birdbaths, decorative signs, flags and banners, fishing gear (e.g., nets, ropes and floats), driftwood, nautical items (e.g., anchors, chains, pilings, surfboards and oars), as well as ocean starfish, coral and shells are all subject to AC approval before installation.

All decorative landscape features are subject to AC approval before installation. Examples include ponds, fountains, and the placement of rocks. Features or areas that utilize various sizes

of gravel, river or drainage rock for the creation of dry creek beds, creek banks, or other rock features not required for drainage are strongly discouraged and must obtain AC approval before installation.

8.1.5.1 EXISTING LANDSCAPE DESIGNS CHANGES

Any landscaping Work proposed by the unit Owner is subject to the specific standards/guidelines as outlined in this Addendum and is subject to the LWC Architectural Rules / Design Guidelines, the same as any other lot located in LWC. *Refer to Section 8.2 of the IPHCA Bylaws.*

8.2. MEADOW HOUSE CONDOMINIUMS

ARCHITECTURAL RULES/DESIGN GUIDELINES MEADOW HOUSE CONDOMINIUMS

CONTENTS

8.2.1 AUTHORITY

8.2.2 EXTERIOR PAINT COLOR PALETTE

8.2.3 MEADOW HOUSE PLAT MAP

8.2.4 ARCHITECTURAL RULES/ DESIGN GUIDELINES

8.2.5 LANDSCAPE AND MAINTENANCE GUIDELINES

8.2.5.1 COMMON AREA LANDSCAPING & MAINTENANCE

Refer to LWC Resolution 20-01 - LWC ARCHITECTURAL RULES/DESIGN
GUIDELINES for additional information and requirements for Meadow Houses

8.2.1. AUTHORITY

The Meadow House Condominium Architectural Rules/Design Guidelines, in conjunction with the LWC Architectural Rules/Design Guidelines (ARG) have been prepared to provide information relevant to improvements, alterations, changes, and modification requirements to units within the Meadow House Condominium community, a sub-division of Little Whale Cove Homeowners Association, Inc. The ARG has been established to maintain the aesthetics, environment, quality of life and property values of all LWC Communities while providing Residents a safe and enjoyable experience.

Pursuant with Article III, Section 3.6 of the LWCHA Bylaws states the Board "shall have all powers necessary for the administration of the affairs of the Association, except such powers and duties as by law or the Declaration or these Bylaws which may not be delegated to the Board of Directors..." (Emphasis added);

In accordance with Article III, Section 3.4 of the LWCHA Declaration states "No owner shall construct, reconstruct, alter, refinish or maintain any improvement upon, under or above any parcel or residential unit...unless the owner has first obtained the consent thereto of the Architectural Committee." (Emphasis added).

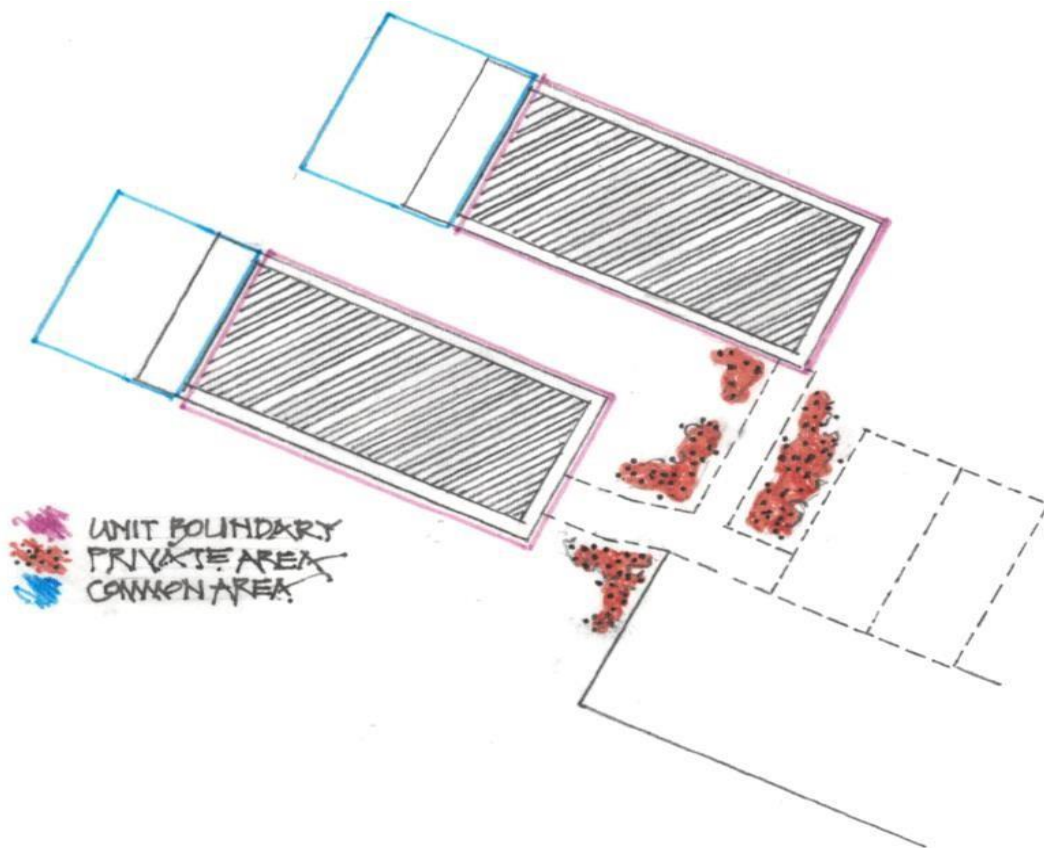
The information herein supersedes Architectural Rules 2006, revised May 29, 2012, LWC Resolution 05-03 – Procedural Directive to the Architectural Committee, and LWC Architectural Guidelines for Private Homes, Revised 1991, LWC Resolution 03-08 – Temporary Sediment Fences and all previous LWCHA and LWCCOA Resolutions related to Architectural Control, which have not been incorporated or included in their entirety in this document.

8.2.2. EXTERIOR PAINT COLOR PALETTE

The Meadow House Condominiums are subject to using the same exterior paint color palette as Little Whale Cove, as outlined in *Addendum 8.4 – LWC Residential Exterior Paint Color Palette* of these Guidelines.

8.2.3. MEADOW HOUSE PLAT MAP

NOTE: Unit Boundaries vary within the Meadow House community. Refer to the Lincoln County Assessor's Office at <https://www.co.lincoln.or.us/assessor/page/maps> for specific unit boundary information.



8.2.4. ARCHITECTURAL RULES/DESIGN GUIDELINES

Meadow House Condominiums, covered walkways, and garages shall be well maintained and kept in good repair, and are subject to the same rules/design guidelines as any other residence in Little Whale Cove, with the exception of those standards outlined in this Addendum.

8.2.5. LANDSCAPE AND MAINTENANCE GUIDELINES

Decks, roofs and driveways shall be kept free of vegetation, moss, debris and any other potential safety hazards.

The Unit Boundary of Meadow House units #1 thru #8 is 22 feet wide by 50 feet in length, and for units #9 thru #12 it is 24 feet wide by 50 feet in length, which is just slightly larger than the units' footprint. *Refer to Addendum 8.2, Section 3 – Meadow House Plat Map.*

Owners are allowed to landscape the Common Area 20 feet from the front foundation by the width of the unit boundary. Only native plants included in *Addendum 8.5 – Approved Pacific Northwest Plants, Trees and Shrubs* shall be planted in the Common Area. A landscape plan must be approved by the Architectural Committee prior to adding or removing more than six (6) plants. Owners are responsible to regularly maintain this area. Ornamental plants, in moderation, may be added to the private areas immediately adjacent to the residential entrances. *Refer to Addendum 8.2, Section 3 Meadow House Plat Map.*

8.2.5.1 COMMON AREA LANDSCAPING & MAINTENANCE

The AC will review proposed changes to surrounding Common Area maintenance and landscaping near the Meadow House Condominiums. However, final approval of Common Area modifications rests with the Community Coordinator and the AC with consultation of the Forest Management Committee in some instances. Trees on Common Area are the sole responsibility of LWCHA.

8.3. THE PINES CONDOMINIUMS

ARCHITECTURAL RULES/DESIGN GUIDELINES THE PINES CONDOMINIUMS CONTENTS

8.3.1 AUTHORITY

8.3.2 EXTERIOR PAINT COLOR PALETTE

8.3.3 THE PINES PLAT MAP

8.3.4 ARCHITECTURAL RULES/DESIGN GUIDELINES

8.3.5 LANDSCAPE AND MAINTENANCE GUIDELINES

8.3.5.1 COMMON AREA LANDSCAPING & MAINTENANCE

Refer to - LWC Architectural Rules/Design Guidelines for additional information and requirements for The Pines.

8.3.1 AUTHORITY

The Pines Condominium Architectural Rules/Design Guidelines, in conjunction with the LWC Architectural Rules/Design Guidelines (ARG) have been prepared to provide information relevant to improvements, alterations, changes, and modification requirements to units and residences within The Pines Condominiums community, a sub-division of Little Whale Cove Homeowners Association, Inc. The ARG has been established to maintain the aesthetics, environment, quality of life and property values of all LWC Communities while providing Residents a safe and enjoyable experience.

The Pines lots numbered 169, 170, 171, 172 and 173 are single family residences and are not subject to Addendum 8.3 – The Pines Condominiums. These properties are subject to the same LWC Architectural Rules/Design Guidelines as any other residence in LWC.

Pursuant with *Article III, Section 3.6 of the LWCHA Bylaws states the Board "shall have all powers necessary for the administration of the affairs of the Association, except such powers and duties*

as by law or the Declaration or these Bylaws which may not be delegated to the Board of Directors...” (Emphasis added);

In accordance with Article III, Section 3.4 of the LWCHA Declaration states “No owner shall construct, reconstruct, alter, refinish or maintain any improvement upon, under or above any parcel or residential unit...unless the owner has first obtained the consent thereto of the Architectural Committee.” (Emphasis added).

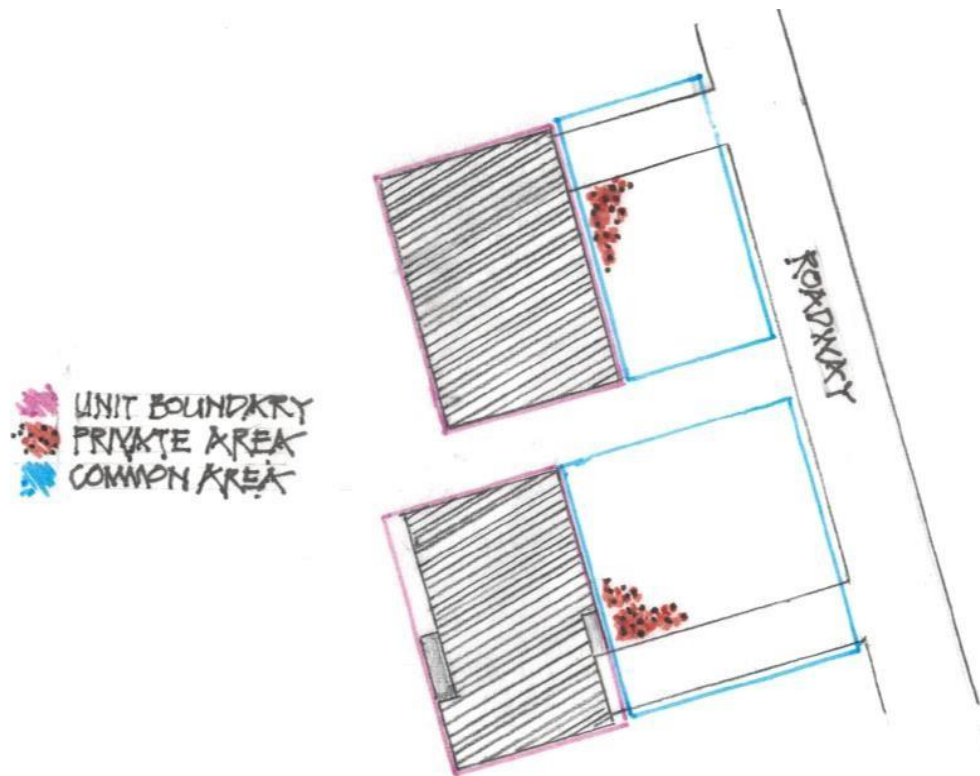
The information herein supersedes Architectural Rules 2006, revised May 29, 2012, LWC Resolution 05-03 – Procedural Directive to the Architectural Committee, and LWC Architectural Guidelines for Private Homes, Revised 1991, LWC Resolution 03-08 – Temporary Sediment Fences and all previous LWCHA and LWCCOA Resolutions related to Architectural Control, which have not been incorporated or included in their entirety in this document.

8.3.2 EXTERIOR PAINT COLOR PALETTE

The Pines Condominiums are subject to the same exterior paint color palette as Little Whale Cove, as outlined in *Addendum 8.4 – LWC Residential Exterior Paint Color Palette* of these Guidelines.

8.3.3 THE PINES PLAT MAP

NOTE: Residential Unit Boundaries of condominiums are limited by the unit’s foundation including the front and back decks. The five single family residences in The Pines Community own property associated with their homes. Refer to the Lincoln County Assessor’s Office at <https://www.co.lincoln.or.us/assessor/page/maps> for specific unit or lot boundary information.



8.3.4 ARCHITECTURAL RULES/DESIGN GUIDELINES

Condominiums in The Pines shall be well maintained and kept in good repair, and are subject to the same rules and design guidelines as any other residence in Little Whale Cove, with the exception of those guidelines outlined in this Addendum.

8.3.5 LANDSCAPE AND MAINTENANCE GUIDELINES

Walkways, decks, roofs and driveways shall be kept free of vegetation, moss, debris and other potential safety hazards.

The Residential Unit Boundary in The Pines is limited to the foundation of the structure including the decks. *Refer to illustration: Addendum 8.3, Section 3 – The Pines Plat Map.* Common Area surrounds all of the residences with the exception of lots 169, 170, 171, 172 and 173.

Owners are encouraged to maintain the Common Area landscaping between the roadway and the front, as well as the sides and back of each unit. Downed limbs and other debris shall be

regularly removed, and vegetation shall be trimmed to allow easy access around the perimeter of residences.

Only native plants included in *Addendum 8.5 – Approved Pacific Northwest Plants, Trees and Shrubs* shall be planted in the Common Area. A landscape plan must be approved by the Architectural Committee prior to adding or removing more than six (6) plants. Ornamental plants, in moderation, may be added to the private areas immediately adjacent to the residential entrances. *Refer to Addendum 8.3, Section 3 – The Pines Plat Map.*

8.3.5.1 COMMON AREA LANDSCAPING & MAINTENANCE

The AC will review suggested changes to surrounding Common Area maintenance and landscaping near The Pines Condominiums. However, final approval of Common Area modifications rests with the CC and the AC with consultation of the Forest Management Committee, in some instances. Trees on Common Area are the sole responsibility of LWCHA.

8.4. LWC RESIDENTIAL EXTERIOR PAINT COLOR PALETTE

As of February 2019, the Board of Directors of LWCHA, adopted the LWC Residential Exterior Paint Color Palette for use on all LWC residences, dwellings and/or units, including the Pines and Meadow House Condominiums. The LWC Residential Exterior Paint Color Palette excludes Innisfree Patio Home Condominiums, *refer to Addendum 8.1 – Innisfree Patio Home Condominium Association.*

Colors selected by homeowners from the LWC Residential Exterior Paint Color Palette for the painting or re-painting of their residence, dwelling and/or unit will receive automatic approval by the AC. The AC will consider approving a paint color with a color value slightly lighter or darker than what is represented on the Palette.

The Palette display board and the Palette hand-held “Color Selector” can be viewed in the Association Office. The “Color Selector” can be checked-out and taken to the project site.

Little Whale Cove Residential Exterior Paint Colors

SW Color	Page	SW Color	Hardie ColorPlus	Other Paint Brands
SW 0054	305	Twilight Gray	Cobble Stone	
SW 2820	311	Downing Earth	Woodstock Brown	
SW 2826	312	Colonial Revival Green Stone	Heathered Moss	Miller Paint-Original Color(Agate Beach Supply)"LWC Meadow Houses" file
SW 2846	314	Roycroft Bronze Green		
SW 2851	315	Sage Green Light	Mountain Sage	
SW 6003	240	Proper Gray	Pearl Gray	
SW 6143	206	Basket Beige	Autumn Tan	
SW 6144	206	Dapper Tan		
SW 6146	206	Umber	Chestnut Brown	
SW 6207	217	Retreat		
SW 6235	222	Foggy Day	Boothbay Blue	
SW 6236	222	Grays Harbor	Evening Blue	

SW 7019	244	Gauntlet Gray	Aged Pewter	
SW 7020	244	Black Fox	Rich Espresso	
SW 7025	241	Backdrop		
SW 7033	243	Brainstorm Bronze	Timber Bark	
SW 7039	249	Virtual Taupe		
SW 7046	245	Anonymous		
SW 7051	246	Analytical Gray		

SW 7061	237	Night Owl		
SW 7062	278	Rock Bottom	Iron Gray	
SW 7065	236	Argos	Light Mist	
SW 7067	236	Cityscape	Gray Slate	
SW 7075	235	Web Gray	Night Gray	
SW 7508	248	Tavern Taupe	Khaki Brown	
SW 7541	247	Grecian Ivory	Sail Cloth	
SW 7542	286	Naturel	Navajo Beige	
SW 7543	286	Avenue Tan	Sandstone Beige	
SW 7675	277	Sealskin		
SW 9126	211	Honed Soapstone	Monterey Taupe	
SW 9116	206	Serengeti Grass		
SW 9164	237	Illusive Green		

Trim Colors

SW Color	Page	SW Color	Hardie ColorPlus	Other Paint Brands
SW 7005	255	Pure White		
SW 7006	257	Extra White		
SW 7056	258	Reserved White	Arctic White	

8.5 APPROVED PACIFIC NORTHWEST TREES, PLANTS & SHRUBS

CONIFER TREES		NATIVE IRIS	
Cascade Fir	Shore Pine	Slender Tubed Iris	Oregon Iris
Jeffery Pine	White Fir	Douglas Iris	
Grand Fir	Western White Pine	ADDITIONAL NATIVE TREES	
Alpine Fir	Ponderosa Pine	Silver Fir	Pacific Madrone
Noble Fir	Douglas Fir	Pacific Yew	Willow
Incense Cedar	Oregon White Oak	Yellow Cedar	Cascara
Port Orford Cedar	Coastal Redwood	Yellow Cypress	Red Stem Ceanothus
Alaska Cedar	Western Yew	Oregon Maple	Snow Bush
Dwarf Juniper	Western Red Cedar	Black Cottonwood	Sitka Alder
Western Larch	Western Hemlock	White Birch	Beaked Hazelnut
Sitka Spruce	Mountain Hemlock	Bitter Cherry	Common Juniper
	Oregon Myrtle	Pacific Crabapple	Mountain Boxwood
		Whipplevine	
BROAD-LEAF TREES		ADDITIONAL NATIVE SHRUBS	
Vine Maple	Oregon Ash	Western Teaberry	
Red Alder	Coast Silktassel	Blueberry	
Pacific Dogwood	Quaking Aspen	False Azalea	
		Copper Bush	
SHRUBS		Rhododendron	
Kinnickinnick	Coffee berry	Heather	
Salal	Cascara Sagrada	Crowberry	
Oceanspray	Western Azalea	Rosemary	
Kalmiopsis	Smooth Sumac	Labrador Tea	
	Red Flowering Sumac		
Twinberry	Sumac		
Oregon Grape	Rose		

Longleaf Oregon Grape	Wood's Rose	Hairy Manzanita
Pacific Wax Myrtle	Red Elderberry	Twinflower
Indian Plum	Western Spirea	Twinberry
Mock Orange	White Snowberry	Orange Honeysuckle
Western Ninebark	Coralberry	Sitka Mountain Ash
Cinquefoil	Evergreen	Bunchberry
Sadler's Oak	Huckleberry	Devil's Club
Huckleberry Oak	Red Huckleberry	Black Hawthorn
	High Bush Cranberry	Dwarf Rose

NATIVE FERNS

Maidenhair Ferns	Wood Fern	Red Osier Dogwood
Lady Fern	Sword Fern	Red Currant
Deer Fern	Licorice Fern	Sweetgale
Coastal Shield Fern		Gooseberry

NATIVE PERENNIALS

Common Yarrow	Beach Daisy	Yellow Monkey Flower	Fringecups
Baneberry	Wandering Daisy	Pink Monkey Flower	Western Meadowrue
			Sugar Scoops Foam
Pearly Everlasting	Oregon Sunshine	Desert Evening Primrose	Flower
Pussytoes	Fawn Lily	Oxalis	Piggyback Plant
Red Columbine	Coastal Strawberry	Spreading Phlox	Red Trillium
Blue Columbine	Wild Strawberry	Beach Knotwood	Yellow Trillium
Goatsbeard	Indian Blanket Flower	Fan Leaved Cinquefoil	Sisile Trillium
			Red Robin Western
Wild Ginger	Salal	Graceful Cinquefoil	Trillium
Boykinia	Purple Geranium	Tufted Saxifrage	Cat Tail
Common Camas	Large Leaved Avens	Northwestern Saxifrage	Scouler's Valerian
Scoulers Harebells	Small Flowered	Spotted Saxifrage	Inside-Out Flower
Scoulers Corydalis	Alumroot	Western Saxifrage	Corn Lily
Bunchberry	Lewisia	Narrow Leaved Skullcap	Yellow Violet
			Broad Leaved California
			Fuchsia
Bleeding Heart	Tiger Lily	Oregon Stonecrop	
Hairy Manzanita	Leopard Lily	Broad Leaved Stonecrop	
Kinnikinnick	Sierra Lily	Checkered Mallow	
Foxglove	Twinflower	Meadow Sidalcea	
Fairy Bells	False Lily of the Valley	Blue Eyed Grass	
Fairy Lantern	Bluebells	Golden Eyed Grass	
Shooting Star	Western Bluebells	Grasswillow	
	Coast Monkey Flower	Star Flowered Solomon's	
		Seal	
Cut Leaved Daisy			

8.6. PROHIBITED PLANTS, TREES & SHRUBS

USE OF THESE PLANTS IS PROHIBITED

COMMON NAME	GENUS	SPECIES
Beach Rose	Rosa	rugosa
Escallonia	Escallonia	all varieties
Himalayan Blackberry	Rubus	armeniacus
Holly	Ilex	all varieties
Laurel	Laurus	all varieties
Pampas Grass	Cortaderia	selloana / jubata
Yellow Flag Iris	Iris	pseudacorus

Refer to Addendum 8.7 Noxious, Invasive and Poisonous Plants For additional information on prohibited plant materials.

8.7. NOXIOUS, INVASIVE AND POISONOUS PLANTS

USE OF THESE PLANTS IS PROHIBITED

COMMON NAME	GENUS	SPECIES
Absinth Wormwood	Artemisia	absinthium
Barbed Goatgrass	Aegilops	triuncialis
Beach Rose	Rosa	rugosa
Black Henbane	Hyoscyamus	niger
Black Twitch	Alopecurus	myosuroides
Brown Knapweed	Centaurea	jacea
Buffalobur	Solanum	rostratum
Bull Thistle	Cirsium	vulgare
Canada Thistle	Cirsium	arvense
Clary Sage	Salvia	sciarea
Common Bugloss	Anchusa	offcinalis
Common Crupina	Crupina	vulgaris
Common Ragweed	Ambrosia	artemisifolia
Cow Parsley	Anthriscus	sylvestris
Cultivated Rye	Secale	cereale
Dense-flowered Cordgrass	Spartina	densiflora
Diffuse Knapweed	Centaurea	diffusa
Dyer's Woad	Isatis	tinctoria
English (Common) Holly	Ilex	aquifolium
English Ivy	Hedera	helix
Eurasian Watermilfoil	Myriophyllum	spicatum
Field Bindweed	Convolvulus	arvensis
Field Hedge-Parsley	Torilis	arvensis
Field Horsetail	Equisetum	arvense
Garlic Mustard	Alliaria	petiolata
Giant Horsetail	Equisetum	telmateia
Giant Knotweed	Polygonum	sachalinense
Hairy Whitetop	Cardaria	pubescens
Herb Robert	Geranium	robertianum
Himalayan Blackberry	Rubus	armeniacus
Holly	Ilex	all varieties
Hoary Cress	Cardaria	draba
Houndstongue	Cynoglossum	offcinale
Italian Thistle	Carduus	pycnocephalus
Japanese Knotweed	Polygonum	cuspidatum
Jointed Goatgrass	Aegilops	cylindrica
Kochia	Kochia	scaparia

Kudzu	Pueraria	montana
Lawn Burweed	Soliva	sessilis
Meadow Hawkweed	Hieracim	pratense
Meadow Knapweed	Centaurea	pratensis
Mediterranean Sage	Salvia	aethiopis
Medusahead	Taeniatherum	caput-medusae
Myrtle Spurge	Euphorbia	myrsinites
Oxeye Daisy	Chrysanthemum	leucanthemum
Pampas Grass	Cortaderia	Selloana / jubata
Parrot's Feather	Myriophyllum	brasiliense
Perennial Pepperwood	Lepidium	latifolium
Plumless Thistle	Carduus	acanthoides
Poison Hemlock	Conium	maculatum
	Tribulus	terrestris
Puncturevine	Lythrum	salicaria
Purple Loosestrife	Cyperus	rotundus
Purple Nutsedge	Agropyron	repens
Quackgrass	Phalaris	arundinacea
Reed Canary Grass	Chondrilla	juncea
Rush Skeletonweed		
Russian Knapweed	Centaurea	repens
Scotch Broom	Cytisus	scoparius
Spotted Cats Ear	Hypochaeris	radicata
Squarros Knapweed	Centaurea	triumfettii
St. Johns-wort	Hypericum	perforatum
Striated Broom	Cytisus	striatus
Sulfur Cinquefoil	Potentilla	recta
Tamrix Complex (combined)	Tamarix	spp.
Tansy Ragwort	Senecio	jacobaea
Velvetleaf	Abutilon	theophrasti
Wild Carrot	Daucus	carota
Wild Proso Millet	Panicum	millaceum
Yellow Flag Iris	Iris	pseudacorus

Refer to Addendum 8.6 Prohibited Plants, Trees and Shrubs For additional information on prohibited plant materials.

8.8. STORM WATER DRAINAGE REQUIREMENTS

Little Whale Cove Homeowners Association, Inc. *Declaration, Article IV – LWCHA, Section 4.4 – Powers and Obligations, Sub-Section 4.4.3* provides that among other powers and obligations, the Association shall have “Any additional or different powers and obligations necessary or desirable for the purposes of carrying out the functions of the Homeowners’ Association pursuant to this Declaration or otherwise promoting the general benefit of owners of property within Little Whale Cove.” (Emphasis added)

The *Declaration* further states, *Article III – Land Classification and Property Rights, Section 3.4*

– *Architectural Committee*, requires Architectural Committee approval before an Owner “makes any excavation or fill, or any change in the natural or existing surface drainage of any parcel or residential unit.” (Emphasis added), *Sub-Section 3.4.1.1* sets forth plans and specifications that may be required by the Architectural Committee, including grading and drainage plans.

All utilities within Little Whale Cove, with the exception of storm water drainage, are provided by private or municipal entities. Consequently, Little Whale Cove Homeowner’s Association is responsible for the maintenance and improvement of all storm water drainage facilities within the development.

The Board of Directors engaged the services of Clearwater Engineering Corporation, a registered professional engineering company, to conduct a study and develop the adopted *Little Whale Cove Homeowners Association Storm Water Master Plan*. The plan includes specific remedial recommendations including, but not limited to:

- In any initial or substantial additional construction of a dwelling, the Owner must first obtain a drainage impact study through the Little Whale Cove Homeowner’s Association. The drainage impact study must be completed and submitted to the Architectural Committee together with such other plans and specifications as the Architectural Committee may require. The Architectural Committee shall withhold consent to any plans for initial or substantial additional construction which are not accompanied by the required drainage impact study.
- The Owner shall pay the cost of the drainage impact study directly to the Little Whale Cove Homeowner’s Association. The fee is a deduction to the New Construction Deposit. This requirement does not preclude the Owner from contracting with a drainage engineer of the Owner’s choice; however, the Association will use the fee to

obtain the impact study from the firm of its choice. Furthermore, the Association study will be used to determine any required drainage remediation actions.

- All new or replacement driveway culverts installed after the effective date of these Guidelines, except those on the South side of Edgewater from Walking Wood to the western terminus of the open drainage ditch, shall have a minimum inside dimension of sixteen (16) inches and be of an approved, durable material of plastic construction. A specification deviation may be allowed on the culvert diameter under those circumstances where the standard culvert would interfere with buried utilities or utility plant. Such deviation requirement must be verified and approved in writing by the Community Manager before the culvert is installed.
- These requirements shall not be construed to require Owners to replace existing culverts which do not meet the engineering standards stated above, unless the Owner undertakes some additional construction that could reasonably be determined to affect drainage from the subject property. Should an Owner undertake a driveway reconstruction or replacement project where a substandard culvert exists, the existing substandard culvert must be replaced with one meeting the requirements stated in these Guidelines.
- Should the Association determine that an existing culvert must be replaced to remediate a storm water drainage problem, and the Owner is not required to replace the culvert pursuant to the above requirements, the culvert replacement may be done at the Association's expense provided that the existing culvert was originally approved by the Association.

8.9. APPROVED / RECOMMENDED EXTERIOR LIGHTING

The International Dark-Sky Association (IDA) is the recognized authority on light pollution and is the leading organization combating light pollution worldwide. Please refer to www.darksky.org for links to International Dark-Sky approved light fixtures and vendors. You can also search the IDA Fixture Seal of Approval (FSA) Database.

IDA doesn't sell dark sky friendly lighting, but their Fixture Seal of Approval program makes it easy to find the right lighting. The FSA program certifies dark sky friendly outdoor lighting – these are fixtures that are fully shielded and have low color temperature (*Refer to Section 4.1 - Exterior Light Sources*). Search their database and then check with local retailers.

8.10. ARCHITECTURAL COMMITTEE DECISIONS AND NOTIFICATIONS

All AC decisions on Project Applications are voted on and recorded formally at a regular AC meeting (or via email if an urgent request). There are three possible decisions:

Approved as Submitted
Approved with Stipulations
Denied

All votes are taken and recorded in meeting minutes. The applications are then stamped with one of the above decisions, any clarifying information (e.g., stipulations, information obtained after the original application was submitted, etc.) is added to the application, and the applications are returned to the Gatehouse. These applications are scanned electronically by LWC staff, and an email of the AC-completed application indicating their decision is provided to the Owner (or mailed if the owner has declined to use email). A Project Completion Form is also provided to the Owner for submittal when the project is finished. A hardcopy and electronic copy of the completed application is retained by the Gatehouse. Due to staff workload, it may take up to a week for these notifications to be sent after the AC meeting decisions.

8.11 Architectural Committee Schedule of Fines

Source - Architectural Committee Rules / Design Guidelines (ARG)

Enforcement - ARG Section 2.3 (all)

<u>VIOLATION</u>	<u>SOURCE</u>	<u>FINE</u>
Failure to Obtain AC Approval for Any Exterior Project in Advance of Project Start	ARG 2.2, 2.2.1, 2.2.2	\$100/occurrence
Failure to Submit "After-the-Fact" Application	ARG 2.3.2	\$100/day
Failure to Stop Work upon Notice	ARG 2.2.3	\$100/day
Failure to Provide Notice of Project Completion	ARG 2.2.4	\$50/occurrence
Failure to Remedy Nonconformance with Plans or Specifications	ARG 2.2.4	\$100/week
Construction Using Unauthorized Materials	ARG 3.8- 3.11, 3.14	\$100/week
Unauthorized Fences or Other Structures	ARG 3.12, 3.13,3.16, 3.17	\$100/week
Unauthorized/Unshielded Exterior Lighting or Noise-making Devices	ARG 3.22, 4.1, 4.2, 4.6	\$50/week
Violation of Dark Sky Policy	ARG 4.0	\$50/occurrence
Violation of Holiday Lighting / Decorations Policy	ARG 4.4 & 4.5	\$50/occurrence
Maintenance/Repair Needed	ARG 3.1 & 3.4	\$50/week
Unauthorized Planting or Removal of Trees or Vegetation	ARG 3.5, Section 5 (all)	\$50/plant or \$50 per one inch of tree trunk diameter
Improper Drainage	ARG 3.19 & 3.20	\$100/week

Failure to Obtain / Comply with Drainage Study	ARG 3.6, 3.20	\$100/week
Failure to Construct/ Maintain Temporary Sediment Fences	ARG 3.7	\$100/week
Violation of New / Major Construction Policy or Demolition / Tear-Down Policy	ARG Section 6 (all) or Section 7 (all)	\$100/week

9. APPLICATION FOR ARCHITECTURAL PROJECT

9.1 INTRODUCTION

This Architectural Project Application provides general information **and** a list of required documents relevant for the architectural approval process for improvements, alterations, changes, modifications (both structural and landscaping), new construction and demolition requirements to your parcel, dwelling or unit within Little Whale Cove, which includes Innisfree Patio Home Condominiums, Meadow House and The Pines Condominiums.

The 2007 Restated Bylaws of Little Whale Cove, Section 7.2 mandates that all additions, alterations or improvements, whether of a unit, or of a common area or private way, must be approved by the Architectural Committee. The 2007 Restated Declaration, Article III - Land Classifications and Property Rights, Section 3.3 on Private Areas, governs specific use limitations like trash and the general appearance of a lot, signs, lighting and noise making devices, structures to shield trailers and campers, and vegetation, all of which are subject to approval of the Architectural Committee. Section 3.4 – Architectural Committee (AC) mandates Architectural Committee approval of Major Construction and Minor Work. These guidelines, policies and rules about the administration and operation of the AC are outlined and authorized by Section 3.4.10 of the CC&R's, and are adopted by unanimous vote of the AC.es and the Architectural Guidelines.

The information herein supersedes Architectural Rules 2006, revised May 29, 2012, LWC Resolution 05-03 – Procedural Directive to the Architectural Committee, including, but not limited to the superseded LWC Architectural Guidelines for Private Homes, Revised 1991 and LWC Resolution 03-08 – Temporary Sediment Fences, which have not been incorporated or included in their entirety in this document.

LWC Resolution 20-02– Architectural Project Application is intended to work in concurrence and conjunction with LWC Resolution 20-01 – Architectural Rules/Design Guidelines.

9.2 INSTRUCTIONS

Enclosed is the required Application **and** list of additional required documents for review by the Architectural Committee for any improvement, change or modification to your dwelling, unit, parcel or lot. This Application is required for all improvements, changes or

modifications to the homes and/or unit's exterior, landscaping, or any part of the parcel or lot. **All required documents must be filled out in their entirety. If any of the required documents are not completed or any accompanying required information is missing, the AC will return the Application to the homeowners for completion.**

In the event that the AC fails to render its decision within 30 calendar days, the Committee shall conclusively be deemed to have consented to the proposal on the 31st day, unless the AC has requested additional information. The 30-day period shall begin on the date of the next regularly scheduled AC meeting occurring after receipt of all required information and payment of any Architectural Fees. The decision period shall begin only after ALL of the information requested by the AC is received.

NOTE: All exterior changes become the responsibility of the current and future homeowners to maintain. If the homeowner does not maintain the exterior change, the Association has the power and authority (CC&R's, Article 4.4, Section 4.4.3) to issue violations, which may result in fines, up to and including all legal and costs associated with any enforcement action. Refer to Article 2, Section 2.3 of LWC Resolution 20-01– Architectural Rules/Design Guidelines.

9.2.1. Construction/Alteration-- Required Accompanying Documentation

- Prepare a detailed sketch and/or a written description of the proposed improvement or change;
- For new construction or modification to the footprint of existing structure, provide a **plot plan**, including unit location, and indicate where on the dwelling, parcel or lot the improvement is to be located. Indicate distance to property lines and setbacks;
 - The outline of any new structure should be visibly marked with string or other material, inspected and approved before construction and prior to pouring any concrete.
- All proposed improvements must meet local building codes and ordinances, along with any required state, county or town laws. Provide a copy of any building permits.
- **A Certificate of Insurance from all contractors and sub-contractors, listing Little Whale Cove Homeowners Association as an additional insured, must be provided prior to the start of the Project (but after AC approval of the application);**
- Photographs, literature or brochures showing a representation of materials being installed or added (e.g., shingles, window or door product brochures);
- For painting Applications, color selection may be from the pre-approved color palette for each sub-division, or if selecting a custom color, appropriate color samples **MUST** accompany the application. **NOTE: Innisfree may only select colors from the pre-approved palette for that specific sub-division, custom color palettes are not permitted. Refer to Addendum 8.1 – Innisfree Patio Home Condominium Association**

- Additionally, for painting Applications, a sample of each of the requested colors must be included if not from the approved LWC color palette. If custom colors are requested, each should be painted on the house prior to AC review;
- *Adjacent Homeowner Acknowledgement Form* may be requested by the AC at their discretion, depending upon the scope of the proposed work.

9.2.2. Landscape – Required Accompanying Documentation

- Provide a detailed **Landscape plan**, including unit location, property lines, existing trees and shrubs and indicate where on the parcel or lot the landscape improvements are to be located;
 - ❖ The Plan shall include a tree/plant legend identifying the location, type, number of species and size of new plant material to be installed;
 - ❖ Tree/Plant material must be native species and selected from the Approved Native Plant List (*Addendum 8.5 of - Architectural Rules/Design Guidelines*);
 - ❖ Ornamental plants are permitted in “private areas” only.

9.3 ARCHITECTURAL APPLICATION

Completed Applications must be received by 4:00 p.m. Wednesday of the week prior to the AC meeting in order to be considered during the next scheduled Architectural Committee meeting.

AC meetings are scheduled for the **First Thursday of each Month** at 10:00 A.M. All meetings are subject to change at the discretion of the Committee Chair.

An AC “walk-about” to inspect proposed projects and discuss with homeowner (if available) are scheduled for the Tuesday prior to the AC meeting beginning at 10:00 A.M.

REVIEW PROCESS — *Architectural Rules/Design Guidelines* stipulate the amount of time the AC may take to render a decision. Applications will be reviewed during the timeframe for completeness and the AC may request additional information to help clarify your proposal.

APPLICATION – The Application must be accompanied with the necessary documents, outlined in Section 2 of this document, such as photos, drawings, brochures and information necessary to present to the AC. Homeowners must sign the Application and all accompanying addendums. **The project is not permitted to commence until your Application has been reviewed and approved by the AC.**

NOTIFICATION – All Owners will be notified in writing, via either email (preferred) or mail (USPS) once the request has been approved or denied.

APPEALS – Homeowners have the right to appeal any decision of the AC to the LWC or IPHCA Board of

Directors, in accordance with *Architectural Rules/Design Guidelines (Section 2.3.5)*

Little Whale Cove Homeowners Association, Inc.



Architectural Application

PLEASE EMAIL/MAIL OR DELIVER TO:

Little Whale Cove Homeowners Association Inc.
P.O. Box 49
Depoe Bay, Oregon 97341
541-765-2489, : - - -
lwcha@lwcha.org

PLEASE NOTE: Exterior alterations begun without prior approval of the Architectural Committee (AC) are in violation of the Governing Documents. Please review Little Whale Cove and/or Innisfree Patio Home Condominium Association Governing Documents and LWC Resolution 19 -01 - Architectural Design Guidelines thoroughly. All necessary documents are available in the Association Office or online at www.lwcha.org.

OWNER NAME: _____ LOT#: _____
ADDRESS: _____ ZIP: _____
MAILING ADDRESS: (if different than above) _____
EMAIL ADDRESS: _____
TELEPHONE: Home: _____ Work: _____ Cell: _____
PROJECT: DURATION: _____ START DATE: ___/___/___ END DATE: ___/___/___

OWNER CONTRACTOR/SUBCONTRACTOR/WORKER CONTACT INFORMATION

OWNER CONTRACTOR NAME(S): _____
ADDRESS: _____ ZIP: _____
EMAIL ADDRESS: _____
TELEPHONE: _____ Cell: _____

APPLICATION FOR: (CIRCLE APPROPRIATE WORK)

- | | | |
|------------------------|---------------------|-------------------------|
| Exterior Modification* | Windows | Hot Tub* |
| Landscaping | Doors | Other Alteration: _____ |
| Roof* | Storm Door / Window | _____ |
| Deck / Patio* | Retaining Wall* | _____ |
| Paint / Stain | Satellite Dish | |

**Permits may be required with these types of alterations, if required, provide copy of permit with Project Completion Notice.*

PROJECT DESCRIPTION: (Use Additional sheets, as needed)

Is this Application in response to a Request for Maintenance or Notice of Violation letter? YES NO

Please make sure you have attached/included all of the following information:

- A completed Application and all required accompanying documentation, *including a signed Owner Acknowledgement*;
- A description of the project, *including, but not limited to, height, width and depth, materials, colors, etc.*;
- A complete Materials List of the project, *including paint samples and/or stain colors*:

- A picture or drawing of the intended/existing project (*sketches, brochures, and other information, i.e. web links*;
- A site plan showing the location of the house along with other structures on your lot and the proposed structure, *including dimensions from the property line or other structures*); and ➤ Any additional information relevant to the project.

INSTRUCTION LIST:

- That no Work on this project shall commence until I have received approval of the Architectural Committee;
- If I have commenced or completed any construction or alteration to the property, I may be required to return the property to its original condition at MY OWN EXPENSE. If I refuse to do so and the Association incurs any legal fees related to my project and/or Application, I will reimburse Little Whale Cove Homeowners Association for all such legal expenses incurred;
- Final AC approval is contingent upon construction or alterations being completed in a neat and orderly manner;
- Governing Documents, Architectural Rules/Design Guidelines, Architectural Application establish the Architectural requirements for LWCHA.
- All proposed improvements to the property must comply with city, county, state and local codes. I understand that Applications for all required City/County building permits are my responsibility;
- That any changes from the original Application must be resubmitted for approval;
- This project will not detrimentally affect the proper drainage of any Common Area or surrounding parcel or lots. I will be responsible AT MY EXPENSE to correct any drainage problem to such areas that may occur as a result of this project;
- *The Owner acknowledges and agrees that the AC and the Association assume no liability resulting from the approval or disapproval of any plans submitted. The AC and the Association assume no liability and make no representations regarding the adequacy or quality of any submitted plans or whether such plans comply with any or all governing authority requirements. The AC review, comments and/or approvals do not relieve the Builder/Owner of their responsibility and obligation to comply with Governing Documents, Architectural Rules/Design Guidelines, or Community Rules & Regulations as applicable.*

The Architectural Committee has thirty (30) days from the date a completed Application (including required signatures, plats, sketches, etc.) is received to approve or deny each Application. Failure to approve or deny the Application by the AC in the allotted time, in accordance with the Architectural Rules/ on the 31st day the Application is deemed Approved.

Any Application received after the monthly deadline may be deferred until the next scheduled AC meeting (6-8 weeks).

I certify that the above information is an accurate representation of the proposed improvements and that Work will conform to applicable codes, covenants, guidelines and standards. I also certify that the improvements will be completed in accordance with the approved Application. I understand that construction is not to begin until approval has been received from the Architectural Committee. The Architectural Committee and Association representatives have permission to enter the property to make inspections, as they deem necessary.

OWNER SIGNATURE

DATE

 **FOR ARCHITECTURAL COMMITTEE USE ONLY THE ABOVE**
APPLICATION HAS BEEN:

(CIRCLE ONE) APPROVED AS SUBMITTED DENIED APPROVED, W/STIPULATIONS DEFERRED

ARCHITECTURAL COMMITTEE REPRESENTATIVE

DATE

9.4 OWNERS AGREEMENT

Little Whale Cove Homeowners Association, Inc.

Owners Instruction Sheet



RESPONSIBILITIES AND REQUIREMENTS:

- Before the commencement of the project a deposit of \$1,500 payable to LWCHA must be submitted for each new construction project;
- Before the commencement of the project a deposit of \$500 payable to LWCHA must be submitted for each exterior remodel, reconstruction, alteration or addition that increases the size or alters the exterior elevation or appearance of the improvement or any interior or exterior project;
- Owner may purchase LWCHA Gate Access cards for the cost of fifty (\$50.00) per card, up to five (5) cards;
- Owner assumes full responsibility for all actions of his contractors, workers and any or all subcontractors;
- Owner must submit with the Architectural Application a copy of the contractor's, worker's and subcontractor's liability insurance policy and name LWCHA as additional insured;
- Owner's contractors, workers and subcontractors shall not use any adjacent lot(s) or Common Areas for any reason unless Owner has the specific written permission for that use from the owner of said lot(s) and/or the Community Coordinator;
- **Owner shall be responsible for ensuring the Little Whale Cove Homeowners Association Architectural Rules/Design Guidelines are followed by his contractors, workers and subcontractors. These Rules can be found at the LWCHA website at www.lwcha.org.**
- Private roadways will be used to drive directly to and from the work site during construction hours. Use of private roadways for any other purpose is strictly prohibited. All posted rules of LWCHA roadways, including the speed limit of 18 MPH, must be strictly observed. Vehicle parking must comply with the Architectural Rules;
- Owner shall correct or repair to the satisfaction of LWCHA any damage whatsoever done to the common areas, private ways and private areas. If the Owner fails or neglects to correct or repair such damage within the time frame set forth in the written notice then LWCHA, without prejudice to any other right or remedy, may at its option, correct or repair the damage. The cost of such correction or repair shall be at the rate of one-hundred dollars (\$100.00) per hour for labor, plus materials. The cost of repair shall be paid in 10 days after repair is complete or a Stop Work Order will be issued.
- Any violation of the Architectural Rules by the Owner's contractor, workers or subcontractors, may result in a fine of up to the full amount of Owner's deposit, or more, which must be paid by Owner within ten (10) days after notification in writing of each offense. The amount of the fine shall be determined by the Little Whale Cove Board of Directors, taking into consideration such factors, as the following:
 - ❖ Prior offenses;
 - ❖ Seriousness of offense;
 - ❖ Whether permission was requested and denied to perform the act which constituted the offense;
 - ❖ Any other relevant factors and information.
- Owner may appeal in writing to the Little Whale Cove Board of Directors within ten (10) days of being charged with the violation or responsibility for the damage. The Board of Directors will then conduct a hearing on the matter.
- If the Owner fails to pay the fine(s) for the offense(s), within ten (10) days, a Stop Work Order shall be issued.

- Upon completion of the work on the improvement, LWCHA shall refund the amount of the deposit, to Owner, provided however, that Owner has complied with all other terms of the Agreement. In addition, a completion form is to be filed with the Architectural Committee by the property owner and formally accepted by the Architectural Committee at the next scheduled meeting before the deposit can be refunded.

For any construction that is not approved by the Architectural Committee, that is found to be in violation of the Architectural Rules/Design Guidelines, or is contrary to the plan approved by the Architectural Committee, then a **Stop Work Order** may be issued. If the Owner refuses to stop Work, the Architectural Committee may rescind its approval. Any unauthorized construction after issuance of a Stop Work Order shall be subject to a fine of one hundred and fifty dollars (\$100.00) per day payable to LWCHA for each day or part of a day of confirmed unauthorized Work. The Architectural Committee may at its discretion decide whether to reinstate approval for a project.

Approved Work hours and days are as follows:

- Monday thru Saturday 8:00 AM to 5:00 PM
- Sundays No Work Permitted
- Holidays No Work Permitted Holidays are:
 - New Year’s Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving
 - Christmas
 - Any other Holidays/days as determined by the Board.

Owner hereby acknowledges receipt of the current LWC Architectural Rules/Design Guidelines and understands the terms and conditions provided above.

Owner

Date

Address of Project

9.5 ADJACENT HOMEOWNER ACKNOWLEDGMENT

Little Whale Cove Homeowners Association, Inc. Adjacent Homeowner Acknowledgment



On _____, 20____, I notified the following adjacent Homeowners that I am submitting plans to the Architectural Committee (AC) for approval of a project at my Little Whale Cove home. The attached plans were made available to the following adjacent Homeowners for their review.

Project Location (Street Address): _____ Lot: _____

Adjacent property owner **does not** have veto power over the proposed improvements; rather his/her concerns are a factor considered by the AC during the approval process. If the neighbor is not the homeowner of legal record, contact the Association Office for homeowner contact information.

I, the undersigned am aware of the proposed project at the site noted above and on the attached Architectural Application. Any objections I have will be mailed separately to the AC via Little Whale Cove Homeowners Association, Inc. P.O. Box 49, Depoe Bay, 97341 or via email to lwcha@lwcha.org.

Adjacent Homeowner (Right side)

Printed Name: _____ Address: _____
Signature: _____ Date: _____
Comment: _____

Adjacent Homeowner (Left side)

Printed Name: _____ Address: _____
Signature: _____ Date: _____
Comment: _____

Adjacent Homeowner (Rear side)

Printed Name: _____ Address: _____
Signature: _____ Date: _____
Comment: _____

Adjacent Homeowner (Front side/Facing)

Printed Name: _____ Address: _____
Signature: _____ Date: _____ Comment: _____

I, hereby certify all pertinent Homeowners have seen the complete set of plans I am submitting to the LWC AC for approval. I understand homeowner's objections **does not**, in itself cause denial. However, the AC may contact the Homeowners to discuss and determine their objections and their appropriateness, at their discretion.

Signature: _____ Date: _____

9.6 LANDSCAPE ADDENDUM

Homeowner shall provide a detailed drawing/sketch of all proposed plantings, along with identification of existing trees, shrubs and plants (and the outline of the house and any other structures). A “Key” identifying specifically new types of trees, shrubs and plants shall be provided along with the drawing or sketch. Also include any proposed walkways, pathways and hardscape or water features.

Basic dimensions of area(s) to be landscaped, as well as distances from roadway, property lines, and house should be provided on the drawing. The drawing(s) and all text should be large enough as to be legible and clear without interpretation.

9.7 COMPLETION NOTICE

Little Whale Cove Homeowners Association, Inc.



Project Completion Notice

The AC is required to make a final inspection of your project. Please complete this form and return to the Association Offices, so they can notify the Committee that your project is completed and you are ready for your final inspection

Inspections can be performed in one of two ways: Drive-By and/or Property Visit

NOTE: You may submit detailed pictures of your project to facilitate the final inspection. If you choose to submit photos please be sure they show all aspects of your project.

We want to thank you for taking the time to complete your AC paperwork. If we can be of any further assistance, please feel free to contact us.

Name: _____ Date: _____

Property Address: _____ Lot: _____

Telephone/Cell Number: _____ Best Time to Contact Your: _____

Brief Description of Project: _____

Signature: _____

PLEASE DO NOT WRITE BELOW THIS LINE

Date Received by AC: _____

Inspection Performed by: Drive By Property Visit
Improvement is: Completed Incomplete (See Comments)

AC Representative: _____ Date: _____

Community Coordinator: _____ Date: _____

Comments: _____

Date Returned to LWC Office: _____

10. DEFINITIONS

AC. Architectural Committee

ARG. Architectural Rules/Design Guidelines

ASTM Standards. (American Society for Testing and Materials). Technical **standards** that are arrived at through consensus and used on a voluntary basis for a wide variety of products, materials, systems and services.

Association Agent. An Association Member responsible for conducting business and oversight entrusted by the Board of Directors to act on behalf of the Association.

CC – Community Coordinator

Cleared – Lot Clearing. The preparation of a parcel or lot for the purpose of construction or landscaping by removing trees and/or underbrush.

Color Selector. A collection of approved color chips, used to select colors and create color schemes from the Approved LWC Color Palette.

Common Area. 1) all real property owned by the Association for the common use and enjoyment of owners, renters and guests which is adjacent to but not within a lot or private property; or 2) unless otherwise provided for in the Declaration, means all portions of a Condominium that are not part of a unit or a limited common element or pursuant the provisions of ORS 94.550(7) and/or ORS 100.005(16).

DBH – Diameter at Breast Height

Dark-Sky Concept. Is a community that is dedicated to the preservation of the night **sky** through the implementation and enforcement of quality outdoor lighting policies and procedures.

Declaratory Relief / Injunctive Relief. Is a court order for the defendant to stop a specified act or behavior.

Dwelling. A house, condominium, or other place of residence, see also **Residence and Unit**.

Estoppel Certificate. A “signed statement by a party certifying for another's benefit that certain facts are correct.

FMC. Forest Management Committee

Guest House. A secondary living structure, attached or unattached from a main home that is designed to provide accommodations for visitors.

IDA. International Dark-Sky Association.

Injunctive Relief / Declaratory Relief. Is a court order for the defendant to stop a specified act or behavior.

IPHCA. Innisfree Patio Home Condominium Association

Landscape Plan. A visual representation of a site preferably using scaled dimensions, which includes natural elements like flowers, shrubs and trees. Landscape Plans may also include overlays for irrigation and lighting.

Lawn. A defined area on a parcel or lot that has cultivated or mowed grass.

Limited Common Area/Element. The area surrounding a condominium unit as designated on the Plat Map. The area is for the exclusive use of the condominium owner to the exclusion of other owners. Landscaping within this area shall comply with Innisfree Landscape Design Guidelines requiring AC approval.

Lot. A parcel of land where a single family home has been constructed within a recorded legal boundary.

Lot Clearing – Cleared. The preparation of a parcel for the purpose of construction or landscaping by removing existing vegetation and trees.

Lumens. A measure of the total quantity of visible light emitted by a source.

LWCHA / LWC. Little Whale Cove Homeowners Association

Natural Grasslands. Common area under moderate or no maintenance influence.

Parcel. The area reserved for a single family unit, residence or dwelling within Little Whale Cove.

Pathway(s). A footpath from a private residence, dwelling, unit parcel or lot onto or through a Common Area, that utilizes natural landscape materials that complement the native surroundings, in accordance with Section 3.15 of these Guidelines.

Private Areas. The area immediately adjacent to residential entrances as well as the areas of the property that are not visible from neighboring properties, pathways or roadways. These are for the exclusive use of the homeowner who can enhance them with plant choices according to their individual preferences.

Residence. A person's home, unit, dwelling or condominium; the place where someone lives, see also **Dwelling or Unit.**

Residential Unit Boundary. A condominium unit that is limited by the boundary of the unit's foundation. See also **Unit Boundary.**

Stop Work Order. The written Notice, delivered in accordance with these Guidelines, by which the Association may require the Owner to stop all, or any part, of the approved Architectural Request, for the period set forth in the Stop

Work Order. The Stop Work Order shall be specifically identified as such and shall indicate that it is issued pursuant to the Stop Work provision in accordance with *Section 2.2.4 of these Guidelines*.

Subdivisions. A tract of land surveyed and divided into lots for purposes of sale. e.g., The Pines Condominiums, Meadow House Condominiums and Innisfree Patio Home Condominiums.

Unit. A completed condominium within Little Whale Cove (Innisfree, Meadow Houses, The Pines).

Unit Boundary. Area immediately surrounding a condominium property, as shown on the Assessor's Plat Map, designated for the exclusive use of the owner. Landscaping within the Unit Boundary shall comply with the appropriate Landscape Design Guidelines from Addendums 8.1, 8.2 or 8.3 requiring AC approval.

Walkway(s). A private path located on and/or around a residence, dwelling, unit, parcel or lot, that utilizes approved landscape materials other than grass that complement the natural surroundings of the residence, dwelling, unit, parcel or lot, in accordance with Section 3.14 and/or Section 5.7.1 of these Guidelines.

11. BIBLIOGRAPHY

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The Bylaws of Innisfree Patio Home Condominium Association
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LWC Resolution 01-01 – Regarding Culverts and Driveways, Adopted: July 21, 2001
LWC Resolution 03-18 – Construction Regulations, Adopted: November 05, 2003
LWC Resolution 07-01 – Resolution on Construction Violations, Adopted: December 15, 2007
LWC Resolution 04-02 – Construction Deposit, Adopted April 19, 2008
LWC Resolution 03-08 – Temporary Sediment Fences, Adopted: June 21, 2003

LWC Appendix A: Approved Pacific Northwest, Plants, Trees and Shrubs
LWC Appendix B: Noxious Invasive and Poisonous Plants

LWC Owners' Deposit Agreement, Adopted: February 20, 2010, Revised: December 14, 2013

LWC New Construction and Structural/Additions Renovation Application/Checklist, Revised: March 2017 LWC Completion Notification Form

IPHCA Resolution 01-08 – Proxy Participation on the LWC Architectural Committee, Adopted: May 20, 2008

Mountainside HOA (2011) *Architectural Change Request Application*

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RESOLUTION 20-01
LITTLE WHALE COVE HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS
Resolution Adopting Architectural Rules/Design Guidelines

WHEREAS, Little Whale Cove (“Association”) is governed by the Restated Declaration for Little Whale Cove Homeowners Association, Inc., recorded as Document Number 200803321, effective March 17, 2008, in the records of the Lincoln County Clerk’s Office and all amendments, thereto (“Declaration”);

WHEREAS, The Association is governed by the Restated Bylaws (“Bylaws”), recorded as Document Number 200803321, effective March 17, 2008;

WHEREAS, All homes, units, patio homes, and/or condominiums are governed by the Declaration;

WHEREAS, All homes, units, patio homes, and/or condominiums are governed by the Bylaws;

WHEREAS, Article III, Section 3.6 of the Bylaws states the Board *“shall have all powers necessary for the administration of the affairs of the Association, except such powers and duties as by law or the Declaration or these Bylaws which may not be delegated to the Board of Directors...”* (Emphasis added);

WHEREAS, Article 4.4, Section 4.4.2 of the Declaration states the Board *“The power and obligations of a nonprofit organization pursuant to the general nonprofit corporation laws of the State of Oregon.”* (Emphasis added);

WHEREAS, Article 4.4, Section 4.4.3 of the Declaration states the Board *“Any additional or different powers and obligations necessary or desirable for the purposes of carrying out the functions of the homeowners association pursuant to this Declaration or otherwise promoting the general benefit of owners of property within Little Whale Cove.”* (Emphasis added);

NOW, THEREFORE, based on the power authorized to the Board of Directors and the responsibilities of the Members, the Board hereby adopts the following resolution as the **Architectural Rules/Design Guidelines**.

FURTHER, RESOLVED, that this Resolution take effect on the date of the Meeting and is for the purposes of restating the Architectural Guidelines;

This **RESOLUTION** is adopted this 25th day of July, 2020 by a majority of the Board of Directors of the Association at a meeting where a quorum was present and the notice of meeting was properly executed.

Little Whale Cove Homeowners Association, Inc.

Paul Banas, Chairman of the Board

Suzanne Buller, Secretary

**RESOLUTION 20-01
INNISFREE PATIO HOME CONDOMINIUM ASSOCIATION
BOARD OF DIRECTORS
Resolution Adopting IPHCA Architectural Rules/Design
Guidelines – Addendum 8.1**



WHEREAS, Innisfree Patio Home Condominium Association (“IPHCA”) is governed by the Declaration of Condominium Ownership for Innisfree Patio Home Condominium, effective October 1, 2003, in the records of the Lincoln County Clerk’s Office and all amendments, thereto (“Declaration”);

WHEREAS, The Association is governed by the Amended Bylaws (“IPHCA Bylaws”), recorded as Document Number 201002090, effective February 24, 2010;

WHEREAS, The Association is further governed by the Restated Declaration for Little Whale Cove Homeowners Association, Inc., recorded as Document Number 200803321, effective March 17, 2008, in the records of the Lincoln County Clerk’s Office and all amendments, thereto (“Declaration”);

WHEREAS, The Association is furthered governed by the Restated Bylaws (“Bylaws”), recorded as Document Number 200803321, effective March 17, 2008;

WHEREAS, All condominiums are governed by the both Declarations;

WHEREAS, All condominiums are governed by the both sets of Bylaws;

WHEREAS, Article 3, Section 3.2 of the IPHCA Bylaws states the Board *“shall have all powers necessary for the administration of the affairs of the Association, and may do all such acts except such acts which by law, the Declaration, or these Bylaws may not be delegated to the Board by the Owners...”* (Emphasis added);

WHEREAS, Article 13, Section 13.2 of the IPHCA Declaration states the Board *“The Association shall have all requisite power, duty and authority to perform its obligations under this Declaration, including without limitation the power, duty and authority to enforce the provisions of this Declaration and to acquire ad pay for, from funds provided by assessments of the Units, all goods and services necessary or appropriate for the proper functioning of the Association in accordance with this Declaration....”* (Emphasis added);

WHEREAS, Article 13, Section 13.2 of the Declaration further states the Board *“...(g) promulgate, modify, and rescind rules and regulations governing use of the Common Elements and all improvements on the foregoing, as well as the Property generally;...”* (Emphasis added);

FURTHERMORE, Article 13, Section 13.3 of the Declaration states *(The Association shall, by a majority vote of the Board, from time to time, adopt, amend, enforce and repeal rules and regulations as the Board shall determine to be necessary or proper for the operation of the Association....”* (Emphasis added)

NOW, THEREFORE, based on the power authorized to the Board of Directors and the responsibilities of the Members, the Board hereby adopts the following resolution as the **IPHCA Architectural Rules/Design Guidelines – Addendum 8.1 of LWC Resolution 20-01– LWC Architectural Rules/Design Guidelines**.

FURTHER, RESOLVED, that this Resolution take effect on the date of the Meeting and is for the purposes of restating the Architectural Guidelines;

This **RESOLUTION** is adopted this 25th day of July, 2020 by a majority of the Board of Directors of the Association at a meeting where a quorum was present and the notice of meeting was properly executed.

Innisfree Patio Home Condominium Association

Marcia Lewis, Chairmen of the Board

Richard Salazar, Secretary