



shelter bay community, inc.

ARCHITECTURAL COMPLIANCE COMMITTEE

CONSTRUCTION GUIDELINES

*This document underwent a complete revision and
supersedes all previous Shelter Bay Community documents titled:*

Building Construction Guidelines

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Section A. INTRODUCTION

1. **Authority.** Shelter Bay Community, Inc. is a private non-profit corporation governed by its Articles of Incorporation, By-Laws, and Declaration of Protective Covenants. These governing documents authorize the Shelter Bay Community, Inc. Board of Directors to appoint committees to administer the Protective Covenants and any Board approved Rules and Regulations. Shelter Bay's Declaration of Protective Covenants require that no building or structure shall be erected, placed, expanded, remodeled, or altered upon any lot until construction plans, specifications and color schemes have been submitted to and approved by the committee responsible. The Board has appointed the **Architectural Compliance Committee** (hereafter referred to as the **ACC**) as the committee responsible for this function and as the committee responsible for issuing Certificates of Compliance on all construction. *(Res. 23-18, 9/20/23)*

All construction within Shelter Bay must conform to all applicable State of Washington, Skagit County, Swinomish Indian Tribal regulations, as well as the requirements of Shelter Bay Community, Inc. Shelter Bay enforces the construction standards provided in the governing documents and rules and regulations through Construction Guidelines and the issuance of Certificate of Compliance from the ACC.

This document, **Construction Guidelines**, informs Members and Builders about submittal requirements for a construction Certificate of Compliance and outlines the various steps which are to be followed through project completion. The Construction Criteria section summarizes, but does not supersede, the construction requirements in the Shelter Bay Community, Inc. governing documents and rules and regulations.

2. Definitions

- a. **“Structure”** is defined in these Guidelines as any human-made assemblage of materials extending above and/or below the surface of the earth and attached or supported there to.
- b. **“Hardscape”** refers to the solid, hard elements used in landscape design that are made of natural or manmade materials. Examples of hardscapes are; boulders, asphalt or concrete paved areas, driveways, walkways, stairs, retaining walls, paver patios, water features, plastics, deck, and outdoor kitchens, but not living materials such as trees, shrubs, or other plants/grasses.
- c. **“SWMM”** refers to the community's Stormwater Management Manual, which supplements these Architectural Compliance Committee Construction Guidelines.
- d. **“Mobile home”** or “manufactured home” per RCW 46.04.302. is defined as structure designed and constructed to be transportable in one or more sections and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards of 1974 as adopted by chapter 43.22 RCW if applicable. A structure which met the definition of a “manufactured home” at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable. A manufactured home is not a modular home. *(Res. 24-03, 2/21/24)*
- e. **“Modular home”** components are partially or fully constructed in a factory, shipped to a site where they are placed on a permanent foundation and hooked up to local utilities. The construction of a modular home must comply with Tribal and State building codes and standards. *(Res. 24-03, 2/21/24)*

3. **Certificates of Compliance** are required for all construction, including but not limited to projects listed below:

New construction
Remodeling (exterior only)

Propane tank or heat pump installation
Concrete slabs, paving, and driveways

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Building expansion	New or replacement exterior lighting
New or replacement decks	Retaining walls
Sheds and Storage Buildings	Installation of solar energy panels
Garages and carports	Remodeling of private docks
Fences	Landscape structures, pergolas, & gazebos
New or replacement roofs	Exterior painting & re-painting
Surface drainage, culverts, and ditches	Sidewalks, patios, and other hardscapes

NOTE: The Certificate of Compliance issued by the ACC is required prior to submitting an application for a Building Permit to the Swinomish Planning and Community Development Department (360-466-7280), 11430 Moorage Way, La Conner, WA 98257. It is the member's responsibility to comply with all permit requirements stipulated by, but not limited to, Title 12 of the SITC (Swinomish Indian Tribal Community) Code.

It is recommended that members, builders, designers, and contractors obtain a copy of these Construction Guidelines and communicate with the ACC early in their planning process to assure understanding of and compliance with the Protective Covenants, Rules, and Regulations and these Guidelines. Following an issuance of a Shelter Bay Construction Certificate of Compliance the applicant must obtain all applicable Swinomish Tribe and/or Skagit County Building Permits.

The Shelter Bay Community, Inc. Board of Directors has empowered the ACC to issue **STOP WORK ORDERS** for non-complying construction. The Committee may also recommend the levying of **FINES**.

4. **Emergency Action.** In case of an emergency or public safety issue, the Community Manager and/or Compliance Officer are authorized to issue Stop Work Orders and authorize emergency construction without prior ACC approval. All such action will be reported to the Committee at the earliest opportunity.
5. **Utility Services.** Within Shelter Bay Community electrical power is supplied by **Puget Sound Energy and communication services are provided by several suppliers.** No natural gas service is available. All utilities are buried underground.
6. **Maintenance Department Coordination.** The Maintenance Department, at the direction of the Community Manager, has the following responsibilities regarding new construction in Shelter Bay:
 - a. **Location of water and sewer line connections:** Water and sewer connections are available at each lot. The location of these connections is available from drawings at the Shelter Bay Office. Since the drawings for these connections are sometimes inaccurate as to location and depth, members and/or builders are directed to contact the Shelter Bay Maintenance Dept. (360-202-2391) to locate sewer and water connections before planning foundation layout.
 - b. **Install and maintain water meters** for a fee. The meter assembly is maintained by this department as part of the water utility system. Brass, not plastic pipe fittings must be used for meter connections. In specific residential applications, such as installation of a boiler, fire suppression system, or service connection at a private dock, or if, Shelter Bay's Cross Connection Specialist determines a potential for contamination due to cross connection or backflow, the member shall be required to install and maintain the appropriate backflow prevention assembly in accordance with applicable Washington State Administrative and Plumbing Code(s). This determination will be made at plan review. Installation of a water meter requires at least 24 hours advance notice to the Shelter Bay Office, 360-466-3805. The Maintenance Department will install the meter within 3 business days after date of notice.
 - c. **Inspect and approve the sewer system connection.** Shelter Bay maintenance personnel shall inspect and approve the connection to the community sewer system before the member may proceed with backfilling over the service connection. The inspection of the sewer connection

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requires at least 24 hours advance notice to the Shelter Bay Office, 360-466-3805.

- d. **Inspects and approves culvert and catch basin installations.** To install new or replacement culverts, submit Application for Site Work (Exhibit D-1) to the ACC for review and approval. The Committee will coordinate with maintenance personnel to evaluate the proposed installation for compliance with the SWMM as it fits into the overall community storm water/drainage system and determine if other actions are required. Inspections during culvert installation will be performed by Maintenance personnel. Final approval will be issued upon the ACC's inspection.
7. **Harbor Committee.** The Harbor Committee oversees the general framework for the management and operation of the Shelter Bay Marina and Harbor areas. This includes the Shelter Bay Marina and all private docks and floats. All applications for private dock construction will be reviewed by the Harbor Committee for impacts on safety, navigation, and maneuverability. Certificate of Compliance applications are issued by the ACC per Section C, Paragraph 11 of these Construction Guidelines.
8. **Shoreline and Sensitive Areas (SSA).** Shoreline and sensitive areas include, but are not limited to, marine shorelines, improvements within the Shelter Bay Marina and Harbor areas including private docks, piers and floats, and geologic hazard areas characterized by steep slopes, sloped areas with erosion potential, or water inundated or saturated areas. Construction projects within SSA's are subject to the permitting requirements of the Swinomish Indian Tribal Community's Tribal Code on Environmental Protection of shoreline and sensitive areas. **Exhibit L** provides a brief outline of Tribal requirements.
9. **Utility and Drainage Easements.** For purposes of construction and maintenance of utilities and storm drainage facilities, all lots, tract, or parcels shall be subject to a temporary easement for construction ten feet in width, and permanent for maintenance five feet in width, parallel and adjacent to all lot lines in both instances. Any member improvements (including but not limited to driveways, walkways, culverts, or landscaping) placed within such easements shall be subject to order of removal by Shelter Bay Community, Inc. at the lot owner's expense, as and when needed for the purposes of construction and maintenance of utilities and storm drainage facilities. The member shall indemnify and hold Shelter Bay Community, Inc. harmless for any liability arising from the member's improvements. Shelter Bay Community, Inc. shall return such area to its preconstruction shape less the member improvements but shall not be responsible for the replacement of any such improvements placed within the permanent easement.

Section B. APPLICATIONS FOR NEW CONSTRUCTION

1. **New Construction Application, Exhibit A.** Submit completed application to the Shelter Bay Community Office, 1000 Shoshone Drive, La Conner, WA 98257, together with the drawings and other requirements listed below. Only the Member, or his representative, designated in writing by the Member, can submit an application. A review of the submittal will be made during the next regular meeting of the ACC if received prior to the submittal deadline. Only single-family residences are permitted on lots in Shelter Bay, except on those parcels marked "reserved" on the survey plat.
 - a. **Construction Standards for Home Construction.** Homes constructed in Shelter Bay shall be wood framed or modular homes, or other types of construction approved by the ACC. "Manufactured homes" are not permitted in Shelter Bay. (*Res. 24-03, 2/21/24*)

It is recommended that Members, prospective builders, designers, and contractors obtain a copy of these Construction Guidelines and communicate with the ACC early in the planning process to assure understanding of, and compliance with, the Declaration of Protective Covenants and other

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Board approved Rules and Regulations. Early coordination with the ACC should expedite the application approval process.

2. **Request for Variance, Exhibits C-1, C-2, and C-3.** The Protective Covenants, Rules and Regulations and these Guidelines establish appropriate standards for home building in order to protect the interests of the Community and its members. A completed **Request for Variance** from these construction standards will be considered by the ACC including building height limitations, building or structure setbacks, and fencing requirements. In such cases, the Committee will assess the impact of the proposed variance on the Community and neighboring properties and may require written comments concerning the variance from nearby and affected homeowners.
3. **Survey Requirements.**
 - a. **A Field Survey**, performed by a Professional Land Surveyor licensed to practice in the State of Washington, is required to locate all property corners including points of curvature (POC), point of tangency (POT), and top of bank and riparian boundaries, as applicable. Property corners must be stamped with the surveyor's registration number and marked with an identifying stake at each corner. If corners from a prior survey cannot be located, a re-survey is required to reestablish all missing corners.
 - b. **Plot Plan of the Survey**, prepared by the surveyor, shall be submitted at a scale no smaller than 1" = 20', showing the date of survey, identifying corner monuments with bearings and distances between corners, curve data, utility easements and all **existing improvements** including streets, utility manholes, telephone pedestals, fences, culverts, drainage ways, riparian boundaries, and features. Existing ground elevations will be shown on the Plot Plan of the property using a 25-foot grid. Identify elevations of edge of pavement, all drainage ways, sudden grade changes, existing ground at approximate building corners. Where lots front on the water, elevations will be shown at top of bank and at approximate MHW (Mean High Water). Surveyor shall reference elevations to a stable and clearly marked TBM (Temporary Benchmark). Slopes exceeding 40% (22°) shall be identified on the drawing with locally based elevations at top of bank and toe of slope.
4. **Construction Drawings.** All drawings shall be dimensioned, drawn to scale, and include:
 - a. **Site Plan** locating all proposed structures on the property including foundation walls, footings, walks, decks, setbacks, driveways, off-street parking, sheds, fences, solar panels (if free standing), other on-site structures, dry wells, retaining walls and changes to surface drainage. Roof drainage piping and foundation drains shall be located to the discharge point. Surface, roof, and foundation drainage shall be in compliance with the community's SWMM. Water and sewer service line stubs, heat pumps, and propane tanks shall also be shown. Indicate the tree line or whether the lot is wooded. Physical location of benchmark "X", on original ground shall be shown. Identify any existing damaged or broken street pavement.
 - b. **Cross Section Drawings.** Provide a cross-section view through the proposed structure using the elevations from the field survey, beginning at the street property line, and extending through the proposed structure to the opposite property line. Show finish floor elevation, and all landings, decks, retaining walls, stairs, walks, patios, and other hardscapes, with relative finish elevation.
 - c. **Building Plans.** Foundation and floor plans, elevations, cross sections, and details shall include material descriptions and dimensions adequate to identify and locate all construction features. Square footage of the living area must be shown. Elevation drawings shall locate Benchmark "X" and show maximum height of the building above such Benchmark "X". When solar panels are proposed, submit Application for Solar Panels, Exhibit M, together with required drawings.
 - d. **Structural and other drawings** shall be as needed to obtain County/Tribal permits. The

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method(s) for heating the residence shall be provided on the plans.

5. **Exterior Finish and Paint Approval.** Materials used for the exterior finishes shall be wood, stone, brick, glass, concrete or other material acceptable to the ACC and shall be specified on the drawings. Submit exterior paint colors and samples for approval as required on the Painting or Repainting Application Form, **Exhibit G**.
6. **Roofing materials** for new structures shall be concrete or cement tiles, metal, clay tile or composition (fiberglass/asphalt) shingles which comply with fire resistive requirements of Underwriters Laboratories (UL) 790 or American Society for Testing and Materials (ASTM) E-108. Any roofing material installed shall continue to meet the Class A fire resistive requirement for its expected service life. Wood shingles and shakes are not permitted for new construction. Submit roofing color and details as required on the Roofing or Reroofing Application Form, **Exhibit H** for review and approval by the ACC.
7. **Two complete sets of construction drawings and two survey plot plans** shall be submitted with the Applications.
8. Compliance Applications **required for new residential construction** include the **APPLICATION FOR NEW CONSTRUCTION** (Exhibit A) and the **APPLICATION FOR SITE WORK** (Exhibit D-1). Both applications must be approved by the ACC before any construction can begin. Modifications can be made to the SITE WORK application after building construction starts, but the modifications must be submitted to the Committee for approval prior to Site Work construction begins. Applications for Roofing (Exhibit H) and Painting (Exhibit G) may be included in the submittal.
9. An **Application Fee** payable to Shelter Bay Community, Inc. shall be submitted with each application. See the Board approved Fees and Fines Schedule for current fees. The application fee does not include the water connection fee. If damage occurs to Shelter Bay Community property during construction the Owner is responsible for all repairs. If the project is not completed in the time allotted on the Certificate of Compliance a fine may be levied.
10. **The ACC may issue a STOP WORK ORDER and/or recommend that a FINE be levied** on Members who perform construction projects prior to receiving an approved Certificate of Compliance.

Section C. APPLICATIONS FOR REMODELING AND IMPROVEMENTS

1. **Applications for remodeling work are divided into these categories:**
 - a. **Major Remodel.** Involves the expansion of the original building footprint, changes to the roof line, or partial or full teardown and reconstruction using the original footprint. Use the application form for Major Remodels, **Exhibit B**.
 - b. **Minor Remodel.** Involves building remodeling where the original building footprint is not expanded, but changes are proposed to the building exterior. Includes new outbuildings such as greenhouses and sheds, exterior siding replacement, replacement of doors or windows, and the installation of new or replacement exterior light fixtures. Use the application form for Minor Remodels, **Exhibit D**.
 - c. **Site Work.** For projects requiring excavation, grading or backfill to construct hardscapes such as driveways, walkways, patios, retaining walls, stairs and pads having surfaces of gravel, stone, asphalt, or concrete, AND FOR OTHER ON-SITE PROJECTS including ditch maintenance and excavation and backfill for grading or drainage projects, submit the application form for Site Work, **Exhibit D-1**.
2. **Other improvements shall use the project specific application forms, as follows:**
 - a. Application for New or Replacement Deck(s), **Exhibit E**

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- b. Application for New or Replacement Fencing, **Exhibit F**
- c. Application for Exterior Painting or Re-Painting, **Exhibit G**
- d. Application for Roofing or Re-Roofing, **Exhibit H**
- e. Application for Propane Tank or Heat Pump Installation, **Exhibit I**
- f. Application for Private Dock Construction, **Exhibit J**
- g. Application for Solar Panels, **Exhibit M**

Submit the completed applications to the Shelter Bay Community Office, 1000 Shoshone Drive, La Conner, WA 98257, together with the drawings and other requirements listed below. Only the Member, in good standing, or his representative, designated in writing by the Member, can submit an Application. A review of the submittal will be made during the next regular meeting of ACC.

3. **Request for Variance (Exhibits C-1, C-2, and C-3)**

The Protective Covenants, Rules and Regulations and these Guidelines establish appropriate standards for home building in order to protect the interests of the Community and its members. A completed Request for Variance from construction standards will be considered by the ACC for exceeding the maximum building height, for building or structure setbacks, or for fencing requirements. In such cases, the Committee will assess the impact of the proposed variance on the Community and neighboring properties and may require written comments concerning the variance from nearby and affected homeowners.

Use the project specific Variance Request Forms, as follows:

- a. Request for Variance from Building Height, **Exhibit C-1**.
- b. Request for Variance from Setback Distance, **Exhibit C-2**.
- c. Request for Variance for Fence, **Exhibit C-3**.

4. **Survey Requirements**

- a. **For major remodels** and alterations involving expansion of the original foundation footprint. All new foundations are subject to property line setback distances. A field survey is required to locate all property corners, unless all property corners previously set by a land surveyor are in place. Also, a Plot Plan prepared by a licensed Professional Land Surveyor showing location of current improvements on the property with respect to property lines will be required.
- b. **For Fencing**. Fencing on property lines shall be along the line between surveyed property corners, unless otherwise approved by the ACC. If property corners cannot be found, they shall be re-established by a registered land surveyor before the fence application will be considered.
- c. **Survey requirements may be waived** only at the discretion of the ACC depending upon project requirements. Applicants should obtain an opinion from the ACC regarding any such waiver of survey requirements prior to submitting the application.

5. **Construction Drawing Requirements**

- a. **For Major Remodel** submit **Site Plan** drawing showing existing construction, demolition and proposed new construction, setbacks, all structures and hardscapes, drainage features, propane tanks and fences. **Building plans for major remodel projects**, additions and alterations shall consist of foundation plans, floor plans, elevations, cross sections, and details and shall include material descriptions and dimensions adequate to identify and locate all construction features. New foundation drains and roof drainage piping shall be shown to the discharge point or to the connection with existing piping and shall be in compliance with the community's SWMM. Existing buried utilities shall be identified. Structural and other drawings shall be prepared as necessary to obtain County and/or Tribal Permits. Application for Site Work, Exhibit D-1 shall be submitted for site work, such as concrete work and hardscapes (see Definitions, Section A, Paragraph 2.b.) with drawings

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detailing proposed improvements. Exterior colors shall be submitted for approval using the **Application for Painting or Re-Painting**. Roofing materials shall be submitted for approval on the **Application for Roofing and Re-Roofing**.

Two complete sets of drawings must be submitted for review and approval by the ACC. One set will be retained by the Committee. One set will be returned for use in obtaining any necessary County and/or Tribal Construction Permits. All drawings shall be dimensioned and drawn to scale.

- b. **For Minor Remodel.** Submit Site Plan for new or replacement work, including decks, patios, porches, and outbuildings shall be dimensioned and drawn to scale and shall show the relationship to property boundaries and existing improvements. This is a requirement even if the work is within the original constructed footprint. When the existing work to be replaced is in violation of setback distances, and no record of a previous approval exists, the ACC will judge whether the new work can be allowed through a variance, either in whole or in part.
 - c. **Building plans** shall include, at minimum, a foundation plan, a floor plan, and the elevations. Plans shall be drawn to scale and dimensioned, with materials called out on the drawing. Application for Site Work, Exhibit D-1 shall be submitted for site work such as concrete work, and hardscapes (see Definitions Section A. Paragraph 2.b.) with drawings detailing proposed improvements. One set of the building plans will be retained by the Committee.
 - d. **For Site Work** (Application Exhibit D-1) Submit drawings showing proposed excavation, filling, and backfilling, along with description of all proposed filter cloth, landscape cloth and other liners proposed. Show drainage considerations for management and control of surface and subsurface water, including drainage collection and piping. Specify location, size, thickness and types of hardscapes, material proposed, surfaces and underlying bedding, if any. Provide cross section views of proposed improvements on drawings. Surface, roof, and foundation drainage shall be in compliance with the community's SWMM.
6. **Application for Fences, Exhibit F** shall include all information listed on the application form. Refer to Section H, Construction Criteria for fence requirements.
 7. **Application for Propane Tank Installation, Exhibit I.** (*Note: Propane and Heat Pump installations use the same application form.*) Propane tank installations shall conform to the requirements contained in these Construction Guidelines. Submittal shall include a drawing locating the tank in relationship to exterior wall openings, potential points of ignition (such as an air conditioning compressor), and distance from the lot lines. Small vertical tanks located next to an outside wall must be at a minimum of five feet (5') from any opening or operable window. Horizontal tanks under 500 gallons in water capacity must be at a minimum of ten feet (10') from the exterior building wall, a minimum of ten feet (10') from any ignition source and a minimum of ten feet (10') from any lot line of adjoining property which may be built upon. The drawing shall detail the visual screen for the propane tank.
 8. **Application for Heat Pump Installation, Exhibit I.** (*Note: Propane and Heat Pump installations use the same application form.*) Heat pump installations shall conform to the requirements contained in these Construction Guidelines. The application shall include a drawing locating the heat pump and shall provide the manufacturer's literature indicating noise level. Details shall be provided for construction and finish of the visual screen required for the heat pump installation. Where pad mounted heat pumps are proposed within the 10-foot side yard setback, submit Setback Variance request (Exhibit C-2).
 9. **Application for Painting or Re-Painting, Exhibit G** shall be submitted for approval with the Painting Information Form and the required color samples. An application for re-painting is required even though the new paint color is similar to or even the same as the existing color.

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10. **Application for Roofing or Re-Roofing, Exhibit H.** Wood shingles and shakes are not permitted on new construction in Shelter Bay. If new roofing materials replace wood shakes and 50% or more of the roof covering of any building is replaced, then the entire roof must comply with the requirements for new construction. Roofing materials shall be concrete or cement tiles, metal, clay tile or composition (fiberglass/asphalt) shingles which comply with fire resistive requirements of Underwriters Laboratories (UL) 790 or American Society for Testing and Materials (ASTM) E-108. Any roofing material installed shall continue to meet the Class A fire resistive requirement for its expected service life. Submit a completed Roofing Information Form with the application for review and approval by the ACC.

11. **Application for Private Dock Construction, Exhibit J.**
 - a. The term "dock" shall mean the approach, landing or pier, ramp, pilings, and float.
 - b. Members who wish to construct a new dock, modify their existing dock (which includes repair or replacement of structural dock members, piling(s), flotation and lighting), or to add electrical or water service must submit a completed Application for Certificate of Compliance for Private Dock Construction to the ACC with two sets of drawings detailing the scope of work. When docks are shared by adjacent lots, all of the members sharing the dock must sign the Permit Application.

- 11.1 **Private Dock Easements**
 - a. An 'easement' is a right to cross or otherwise use someone else's land for a specific reason. The easement is itself a real property interest, but the legal title to the underlying land is retained by the original owner for all other purposes.
 - b. It is the responsibility of the private dock owner(s) to know the limits of the original dock easement.
 - c. If an Application for Certificate of Compliance for Private Dock Construction is requested, the dock owner(s) will be required to submit a site plan prepared by a licensed land surveyor showing the original easement, any dock modifications to date, and the planned future modification.
 - d. Modifications made to docks prior to 12-31-2018, which extend beyond the original dock easement, are exempt from transfer fees. However, if additional dock changes are requested for a previously modified dock, a survey of the current dock configuration must be performed by a registered land surveyor in order to apply for an amended dock easement.
 - e. The term 'transfer fee' represents the value of the use of community property by the private dock owner. A transfer fee will be applied to new or amended dock easements. and is based on Washington Administrative Code 332-30-133, Aquatic Land Use. The formula for calculating the Transfer Fee is the upland land value (LV) divided by the square feet of the land area (LA) to determine an upland unit value (UV) times the square feet of the additional dock easement area (EA) times a 30% rate of return (ROR).
$$(LV / LA) = ((UV \times EA) \times .30) = \text{Transfer Fee.}$$
 - f. New or amended private dock easements need to be approved by the Board of Directors and recorded. A private dock easement fee to cover the costs of easement preparation, recording, etc. will be applied.

- 11.2 **Conceptual Approval (Optional)**
 - a. Applicant has the option to discuss his proposed project with the ACC and Harbor Committee prior to incurring the expense of surveys and engineered drawings.
 - b. Submit rough drawings, with dimensions, project description and project rationale, in duplicate, to ACC which will review the submittal and forward one copy to the Harbor

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Committee for review from the standpoint of navigation, maneuverability, and safety.

- c. The Harbor Committee will return the application to ACC indicating conceptual approval or project denial, including a written basis for the decision. ACC will review the project to determine whether the proposed dock work falls within existing easement, or whether a new or amended easement may be required, in which case the project may be submitted to the Board of Directors for pre-approval. If conceptual approval is granted, and new easements are not required, applicant may begin formal application process as set forth below. If a new or amended private dock easement is required, a community notice will be issued to all lot owners via a mailing to all members and the newsletter with a deadline for comments. These will be considered at a regular or special meeting of the Board of Directors in order to assess whether or not the project is in the community's best interest.

11.3 Application for Construction

- a. For replacement/repair of existing docks, provide project drawings to scale, in plan and cross section views, with dimensions, connecting hardware, flotation specifications and showing all items being added or replaced.
- b. For dock modification including a new dock, dock extension or realignment, submit construction drawings and specifications for the project. The ACC may require that the construction documents be stamped by a registered professional engineer. In addition, submit a site plan prepared by a licensed land surveyor showing the project in relation to the existing dock easement, adjacent property lines, nearby docks and improvements and underwater profile.
- c. Upon receipt of the Application for a Construction Certificate of Compliance for Private Dock Construction and required drawings, the ACC will review the submittal at a regularly scheduled committee meeting. If the drawing submittal is considered adequate, the Application and one set of drawings will be forwarded to the Harbor Committee for review and approval. The Harbor Committee will provide written review comments, with any stipulations, to the ACC.
- d. Upon receipt of Harbor Committee comments, the ACC will review the applicant's site plans and construction drawings considering any stipulations imposed on the project. If the project is approved by both the ACC and Harbor Committee, the applicant will be advised that the Application for a Construction Certificate of Compliance (Exhibit J) will be formerly issued upon completion of the items stated below. **Tribal and other Agency permits need not be applied for until approval of the project.**
- e. If the ACC determines that the proposed construction will extend beyond the existing dock easement, the applicant's land surveyor will be required to prepare an Amended Dock Easement Drawing showing the existing easement together with the easement required for new construction. The land surveyor shall also provide a written legal description for the new easement. Basis of bearings shall be the lot line common to member's property, with the water side property corner as the point of beginning. The legal description must also provide the area within the easement limits at the line of mean high water, including the area of the existing easement as well as the additional easement area.
- f. The legal description for the new or amended easement will be forwarded to the Community Manager to initiate easement preparation and to obtain Board of Directors approval.
- g. The areas of the easement limits will be sent to the Community Manager to determine the transfer fee for use of Community water rights to be transferred to the private dock owner, using the WAC aquatic land value formula.
- h. To proceed with the dock construction application the member must sign the legal easement document and pay the transfer fee.

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11.4 **Approval for project construction.**

Upon payment of the transfer fee and recording of the new or amended dock easement, the ACC will notify the applicants to provide copies of all required Swinomish Indian Tribal Community Planning Department and other agency permits and final construction drawings for ACC review. Construction shall not begin until the Certificate of Compliance and all other agency required permits are approved.

11.5 **Final Project Approval**

The ACC review and final project approval is limited to ensuring that construction is in accordance with design drawings submitted. Shelter Bay assumes no liability for the design or durability of the project.

12. **Application for Installation of Solar Energy Panels, Exhibit M** shall include all information listed on the application form. The solar panel installation shall conform to the requirements contained in these Construction Guidelines.

13. **The ACC may issue a STOP WORK ORDER** and/or recommend that a FINE be levied on Members who perform construction projects prior to receiving an approved Certificate of Compliance.

Section D. REVIEW AND APPROVAL OF CONSTRUCTION DRAWINGS

1. **ACC Review.** The ACC will review the Application for construction and submitted drawings and note any features which do not comply with these Guidelines, the Rules and Regulations or the Protective Covenants. Variances will also be considered. The Application for construction will be approved if information submitted meets all requirements in these Guidelines, otherwise, conditional approval may be granted, or the application may be denied. Submittals deemed incomplete will not be reviewed until all required information has been provided. Formal issuance of a Certificate of Compliance will be accompanied by information regarding water service and sewer service, from the Maintenance Department.
2. **Drawings Retained.** The ACC will retain one set of approved drawings and one copy of the survey Plot Plan for Shelter Bay Community records. **Each sheet of the approved drawings to be retained shall be signed by the applicant, indicating intent to build per plan, and by four ACC members.** The remaining set will be stamped by the Committee and returned to the applicant for use in obtaining Tribal, County and/or other required permits.
3. **Changes after Certificate of Compliance issuance** must be submitted with revised drawings to the ACC for review and approval before any work is done. Changes will be considered at a regularly scheduled committee meeting.
4. **Appeal of ACC Decision.** If an affected Member/Applicant is unsatisfied with a decision rendered by the Committee, that party may, within 15 days of notice of the decision, request the ACC perform a Committee Decision Review. If the affected Member/Applicant is unsatisfied with the review decision or wishes to waive the Committee Decision Review, they may, within 30 days of notice of the initial decision, appeal directly to the Rules Committee. If the party is unsatisfied with the Rules Committee decision, that party may then appeal to the Board of Directors within 30 days of notice of the Rules Committee decision. The Board's decision is final for the Community.

Section E. TIME FOR COMPLETION

1. **Construction Period.**

Shelter Bay Construction Guidelines

- a. If construction does not **begin within 90 days** of the Certificate of Compliance approved by the ACC, the project must be re-submitted to the Committee for re-approval.
- b. **Completion.** Exterior construction and other exterior improvements, per the approved drawings, must be complete within one (1) year of the date of groundbreaking. Notice of the groundbreaking date must be provided to the Shelter Bay office or the date of the Certificate of Compliance will be deemed to be the groundbreaking date.
- c. **Extension of Completion Period.** Extensions are not granted automatically. It may be necessary for the member/contractor to give priority to exterior work to meet the one-year completion date. If the completion date cannot be met within one year, a written request to meet with the ACC shall be submitted one month prior to the approved completion date. The written request shall include the reasons for missing the completion date and the new completion date.
- d. **Failure to meet completion date** may result in a **FINE**.

Section F. GENERAL CONSTRUCTION REQUIREMENTS

1. **Construction Inspections by ACC.** The Member is responsible for obtaining, in a timely manner, the inspections set forth in the Construction Inspection Form, **an original of which must be posted at the job site.** Call the Shelter Bay Office to schedule inspections. Failure to schedule and obtain inspections can result in a Stop Work Order and the recommendation to levy a Fine. **The construction inspection form must be returned to the ACC when requesting final project approval.**
2. **On-Site Toilet.** Contractor must provide and maintain an on-site portable toilet meeting the requirements of the Washington State Safety and Health Code.
3. **Locate Underground Utilities.** Existing underground utilities (water, sewer, electrical, telephone, television, etc.) must be located prior to performing any site excavation. Underground locates must be made within 45 days prior to beginning excavation or groundwork. **Call 1-800-424-5555 – UNDERGROUND LOCATE NUMBER.**
4. Member shall **notify** Shelter Bay Office of the **date of groundbreaking.**
5. With permission of the ACC, **motor homes or trailers** may be placed at the construction site to be used for temporary living quarters during construction (**Exhibit K**). During such temporary use, the Shelter Bay Protective Covenants and General Rules and Regulations, including those concerning drainage and sewerage, shall be observed. The unit shall allow for off-street parking during construction.
6. A Permit, issued by the ACC, is required for **living aboard a vessel during construction.** (**Exhibit K**)
7. **Temporary Structures.** No structure of a temporary character, such as a tent, shack, lean to, or any similar structure shall be placed on any lot at any time, except under a temporary written permit, which may be granted with specific time limitations of such use at the discretion of the ACC.
8. **Perimeter Foundations** for all residential and garage construction shall include full continuous reinforced poured concrete footings and foundation walls, or continuous reinforced poured concrete footings with concrete block foundation walls, parged or cemented over to give the appearance of a continuous poured foundation. Portions of buildings may be supported by columns on hillside lots if foundations are designed and sealed by licensed Structural Engineers or an Architect licensed in the State of Washington. Precast or poured in place footings may be

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used for deck supports, small structures, and sheds. Homes, garages, and auxiliary buildings built at grade will be constructed on a reinforced monolithic slab with conventional footings and foundation walls, or with haunches for perimeter foundations and for interior footings. All concrete footings and foundation walls, and concrete block foundation walls shall be designed by a Structural Engineer or Architect licensed in the State of Washington. Sheds having an area of 200 sf. or less may be placed on concrete slabs, pavers, or a compacted gravel base. (Res. 24-03, 2/21/24)

9. **No plantings or hardscape improvements are permitted within the road right of ways** without prior specific approval of the ACC, with Green Committee agreement.
10. **No excavation, backfill, or change to storm drainage features** is permitted in greenbelts without prior written approval of the ACC and Green Committees.
11. **Work Hours and Noise Constraints.** There shall be no construction at the building site before 7:30 a.m. or after 6:00 p.m. each day of the week. No excavating or the use of heavy or noisy machinery shall occur on Sunday without the prior written approval of the Shelter Bay Community Manager. The builder shall not permit loud radios at the construction site. Pets brought to a building site must be leashed or confined in a vehicle.
12. **One contractor sign** only, not larger than 2' x 2', attached to the structure or on a post not closer than fifteen feet (15') from the edge of the road or within ten feet (10') of side property line, will be allowed. Sign shall be removed upon the completion of construction.

Section G. SITE CLEARING, EXCAVATION, AND BACKFILL

1. **Site Work.** No earthwork, clearing or cutting on wooded lots is allowed until the building outline is staked, clearing limits are flagged, and the site is inspected and approved by the ACC. The location of Benchmark "X" shall be marked along the foundation perimeter. Please notify the Office when ready for this inspection.
2. **Clearing and Disposal.** All trees can be removed within the footprint of the house, garage, outbuildings, driveway, and within ten feet (10') of the exterior walls. Trees outside this zone cannot be removed without prior approval by the ACC. All trees, brush, slash, and construction debris must be removed from Shelter Bay. There shall be no burning of any kind in Shelter Bay. Trash is not allowed on neighboring sites, roads, greenbelts, or other Shelter Bay property. Cleanout of concrete trucks must be confined to the construction site. Construction sites must be cleaned up weekly. Roadways shall be kept clean during construction.
3. **Siltation Control Required.** Builders/members/contractors are required to **protect Community drainage ditches** and adjoining property from siltation during construction using fences of sedimentation control fabric, hay or straw bales, or other approved materials in compliance with the SWMM.
4. **Drainage ditches** shall remain operational throughout the construction period and must be restored to original condition after construction in compliance with the SWMM.
5. All **cut fill slopes** shall be stabilized with plantings and/or suitable materials to prevent erosion. Fill slopes and back slopes resulting from excavation, shall not exceed 3:1 and slopes greater than four feet (4') in height shall be terraced. Retaining walls greater than four feet (4') in height shall be designed, or approved, by a professional engineer. Plans must be submitted for approval of the ACC indicating how cuts and fills adjacent to neighboring lots or greenbelts are to be stabilized and shall be in compliance with the SWMM.

Section H. CONSTRUCTION CRITERIA

Shelter Bay Construction Guidelines

1. **Setbacks.** No portion of any structure shall be located on any lot nearer than twenty-five feet (25') from street lot lines nor nearer than ten feet (10') from any other lot line. Corner lots require a twenty-five-foot (25') setback from each street side lot line.
 - a. In Division 1, where ownership is fee simple, the County setback requirement of twenty-five feet (25') for the rear yard setback shall apply from the rear lot line to any structure.
 - b. In Division 2, for lots fronting on the Swinomish Channel or the waterways connected thereto, no portion of any building or structure shall be located farther than one hundred feet (100') from the street lot line.
 - c. In Division 5, no portion of a building or structure shall be located closer than twenty feet (20') to the staking line fronting the Swinomish Channel or waterways connected thereto.
 - d. Setbacks are measured from the exterior side of the perimeter foundation wall.
 - e. Eaves, including gutters, may not extend more than 2' 6" into the setback.
 - f. When one residence is being constructed on two adjacent lots under the same ownership, any setbacks or utility and drainage easements with respect to the common lot line may be disregarded for the purposes of Certificate of Compliance consideration.
 - g. Variances from these setbacks will be allowed only after Committee consideration of comments from affected neighbors, and upon written permission from the ACC.
2. **Benchmarks "X" and "Y.** Benchmark "X" is the highest point of original ground along the perimeter foundation wall and is the point from which maximum building height is measured. Benchmark "X" is always at original ground level, before filling or excavation.
 - a. It is recognized that during construction Benchmark "X" will probably be obliterated; therefore, prior to disturbing the original grade by clearing operations, the elevation at "X" will be transferred to Benchmark "Y" by the ACC where it will not be affected by construction, and the difference between "X" and "Y" will be noted on the Site Plan. Compliance with the building height limitation can therefore be checked at any time using Benchmark "Y". Refer to Required Inspections for establishing Benchmark "Y".
 - b. For lots fronting on the Swinomish Channel, or the waterways connected thereto, Benchmark "X" shall be selected by the ACC and shall be a marked point on the centerline of the road serving the lot.
3. **Building Height Limits.** Building Height shall not exceed a maximum height of fifteen feet (15') above elevation "X", except as provided for in the Declaration of Protective Covenants for certain lots in Division 5. Variances for building height may be granted by the ACC in certain areas, but only after full consideration of view infringement on neighboring properties.
4. **Garages, Carports, and Parking.** Space for a garage or carport shall be included in the construction drawings and plot plan for every new residence. A totally enclosed garage need not be attached to the house. Carports must be attached to the house and connected to it by a roof. At least two sides of a carport must be enclosed. The house wall contiguous to the carport may constitute one of the enclosed sides. The design and appearance of the garage or carport must be compatible with that of the house.
5. **Decks and Patios.** Upon approval by the ACC, low level decks or patios, without railings and no higher than 18-inches above the normal ground level, at the point of attachment to the house, and not higher than 30-inches above grade at the deck perimeter, may be extended into the setback area. Submit appropriate Variance Request for approval.

Elevated decks (higher than 18-inches above normal ground level) and replacement decks are subject to building setback restrictions. Replacement decks are subject to existing setback requirements unless satisfactory records exist showing the original installation was permitted by the Committee responsible.

Elevated decks are subject to "Tribal Requirements for Residential Deck Construction" a copy of

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which will accompany the approved deck construction permit from the Tribe. Decks shall not extend into the utility easement without written permission from the ACC.

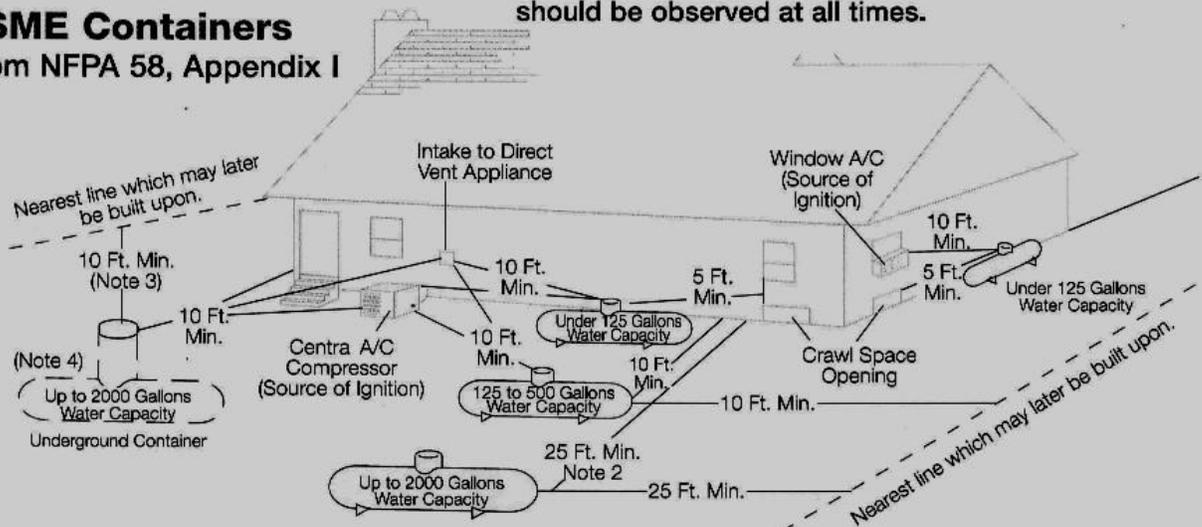
A non-compliant deck will not receive a final approval from the ACC.

6. **Off-Street Parking.** At least two off-street parking spaces, in addition to those in a garage or carport, must be provided for each single-family residence. Driveways serving a single-family residence must be no less than twenty-five feet (25') in length from street lot line to structure.
7. **Road Damage.** Damage to road surfaces, ditches or drainage features during construction shall be repaired at the expense of the Member and in compliance with the SWMM. Members are advised to document the condition of roads, ditches, and related existing features prior to construction, noting any existing damage on the Site Plan submitted with the Application for Construction. Members will be held responsible for road damage due to construction.
8. **Drainage.** All changes to existing drainage require approval by the ACC prior to beginning construction. Roof and lot drainage must be planned and directed to existing drainage ditches. Drainage onto adjacent lots is prohibited. If it is found to be necessary to drain roof or lots onto a greenbelt, permission from the Green Committee and Shelter Bay Community Manager must be obtained as part of the original application process. Roof, ground, perimeter, or surface drainage shall not be connected to the sanitary sewer system. All work must be done in compliance with the SWMM.
9. **Driveways and Culverts.** To install new or replacement culverts, submit Application for Site Work, Exhibit D-1, to the ACC for review and approval. (refer to Section A, Paragraph 6.d. for review and inspection). Culverts must be of an approved material 12" minimum in diameter (unless a smaller size is approved by the Shelter Bay Maintenance Department) and installed at a sufficient depth so as not to impede the flow of water or sustain damage from vehicular traffic. The slope of the culvert shall match the slope of the ditch in which it is laid. Where lots slope downward toward the street, provisions shall be made to divert runoff from walks and driveways into the near drainage ditch by a berm on the surface, or by forming a drainage channel, or other approved means, so that water will not cross the street. All work must be done in compliance with the SWMM.
10. **Ditches.** Existing ditches along roadways and greenbelts are important elements in the Community storm drainage system, and shall not be modified, lined, or filled in without approval of the ACC. Any proposed ditch changes require submitting an Application for Site Work (Exhibit D-1) with a description of the proposed work to the ACC for review and approval. All work must be done in compliance with the SWMM.
11. **Propane Tanks.** Propane tanks must be installed in accordance with applicable National and State Codes, as enforced by Swinomish Tribe and Skagit County code officials. These codes regulate the distance of the propane tank from buildings and lot lines, the location and direction of pressure-relief discharges, and other technical requirements. In addition, Shelter Bay requires that propane tanks be set back at least 15 feet from the street lot line. NFPA (see diagram below) requires a 10 ft. clearance from any propane tank to the nearest line of adjoining property that can be built upon. The member is responsible for obtaining any required Tribal and/or County permits for the propane tank installation.

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Location of ASME Containers From NFPA 58, Appendix I

Federal, state, and local ordinances and regulations should be observed at all times.



Notes:

- 1) Regardless of its size, any ASME tank filled on-site must be located so that the filling connection and fixed liquid level gauge are at least 10 feet from external source of ignition (i.e. open flame, window A/C, compressor, etc.), intake to direct vented gas appliance, or intake to a mechanical ventilation system.
- 2) May be reduced to 10 feet minimum for a single container of 1200 gallons water capacity or less if it is located at least 25 feet from any other LP-Gas container of more than 125 gallons water capacity.
- 3) Minimum distances from underground containers shall be measured from the relief valve and filling or level gauge vent connection at the container, except that no part of an underground container shall be less than 10 feet from a building or line of adjoining property which may be built upon.
- 4) Where the container may be subject to abrasive action or physical damage due to vehicular traffic or other causes it must be either a) placed not less than 2 feet below grade or b) otherwise protected against such physical damage.

No propane tank shall be maintained above ground unless properly screened in a manner acceptable to the ACC. Screening shall completely enclose all tanks so that they are not visible from any street or adjacent property or from homes overlooking the tanks. Screening shall be solid and extend 8" above the filler cover. The screening material shall be finished to match the existing building color.

12. **Heat Pumps.** If planning the installation of a heat pump, care must be taken to ensure that the noise level generated by the heat pump does not exceed 45 decibels at any one point along the perimeter of the lot. The Washington Administrative Code (WAC) 173-60-040 establishes this maximum noise level. A visual screen shall be maintained around all heat pumps, finished to match adjacent construction in a manner acceptable to the ACC. Heat pumps shall be located on the site plan when proposed for new construction.
13. **Solar Panels.**
 - a. Solar energy panels may be installed on the Member's property provided that:
 - 1) Health and safety standards and requirements imposed by state and local permitting authorities are met,
 - 2) If used to heat water, the solar panels units, and the unit installation, must be certified by the solar rating certification corporation or another nationally recognized certification agency, and
 - 3) If used to produce electricity, solar panels and the system installation shall meet performance standards established by the National Electrical Code (NEC), the Institute of Electrical and Electronics Engineers, accredited testing agencies, such as the Underwriters

Shelter Bay Construction Guidelines

Laboratories, and, where applicable, rules of the Washington State Utilities and Transportation Commission (WUTC) regarding safety and reliability.

- b. Solar energy panels may be attached to sloping roofs provided that units are installed parallel to the roof surface and are not higher than the roof ridgeline. Solar energy panels shall be allowed on flat roofs provided that the panels are not inclined more than 25 degrees. Unless support brackets and frames are fabricated from a corrosion resistant aluminum alloy and factory finished in clear coat or dark finish, the committee may require painting to match the roof color.
 - c. Ground-mounted solar panels may be permitted within fenced yards, but placement shall conform to current setback requirements for structures, and no part of the panel installation shall exceed six feet (6') in height above the ground.
 - d. **Construction Application Required.** Members considering the installation of solar energy panels shall submit to the ACC for their review and approval an Application for Solar Panel Construction with two (2) sets of data, as supplied by their solar panel installer, which show, at a minimum: panel location on the roof, location of all ground mounted panels, panels for hot water heating, number of panels, inverter system(s) proposed, total solar system rating in kW, name of panel system installer and name of electrical contractor. If the proposed installation meets the above requirements and any related Shelter Bay Community guidelines, the Committee will sign and return one (1) set of submitted data with a Certificate of Compliance for Solar Panel Construction.
 - e. Upon installation of the solar panels, the member shall submit a request to the ACC for final approval. After final inspection verifying the installation conforms with the application and data submitted, and any other related Community guidelines, the Committee shall issue the final approval for the project.
14. **Fences.** An Application for Fence (Exhibit F) is required prior to the installation of a fence.
- a. The term 'fences' shall include all types of fences, walls, and hedges. "Hedges" are defined as closely growing bushes, shrubs, or evergreen trees (e.g., arborvitae varieties) to provide barriers for privacy.
 - b. Maximum fence height shall be six feet (6) above natural ground, except post caps may extend 3 inches above the post. Hedges planted along the lot line between properties may be permitted to grow beyond six feet in height, but not more than ten feet in height, only if approved by the ACC after obtaining approval of adjoining property owners. When planted along property lines, hedges shall be offset by 1.5 feet so that branch growth does not extend onto neighboring properties and hedge width shall not exceed 3 feet in diameter.
 - c. The finished side of fences shall face neighboring property; color of fences shall be harmonious with surroundings.
 - d. Fence description, design, construction, and finish shall be submitted for approval with the fence application.
 - e. Fences shall be set back fifteen feet (15') from street lot lines.
 - f. Fences on Division #2 lots fronting the Swinomish Channel or connecting waterways shall be set back twenty-five feet (25') from the top of the bank, and no structures (including fences) shall be located further than one hundred feet (100') from the roadside lot line.
 - g. On Division #5 lots fronting the Swinomish Channel or connecting waterways, no structures (including fences) shall be located closer than twenty feet (20') from the staking line shown on the subdivision plat.
 - h. Fences on property lines shall be constructed along the line between surveyed property corners, unless otherwise approved by the ACC.
 - i. Chain link fences and gates are not permitted on residential properties.

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- j. To obtain a Variance from these fencing requirements, submit **Exhibit C-3, Request for Variance for Fence**. Upon review of comments from affected neighboring properties, the ACC will determine whether a Variance shall be granted.
15. **Roofing.** Wood Roofing of any sort, including wood shingles and wood shakes, is prohibited in new construction. If 50% of the roof covering of any building is repaired or replaced, then the entire roof covering must comply with the requirement for new structures. All roofing materials used for new structures and all replacement roofing materials shall comply with the requirements in Section B, Paragraph 6, Roofing Materials.
16. **Exterior Lighting.** High intensity lighting which illuminates large areas outside of the residence is not permitted in Shelter Bay. Lighting shall be limited to building entrances and approaches, perimeters, walks and pathways, with low light levels. Motion activated lighting is approved for use.
 - a. Light fixtures shall utilize diffusers, deflectors, or an arrangement that diffuses light visible to neighbors or passers-by.
 - b. Light fixtures shall be located or arranged to light only those surfaces intended.
 - c. No light fixtures shall be located so as to directly illuminate adjoining property.
 - d. Outdoor ground lighting shall be limited to low profile fixtures, at or near ground level, providing low light levels. Accent lighting, if used, shall be arranged so that light is not directed toward neighboring properties.
 - e. Light fixtures providing pier, ramp and dock lighting shall utilize a louvered design to provide a low level of diffused light to illuminate nearby surfaces.
 - f. Light fixtures found to be non-compliant shall be replaced or corrected to meet the requirements of this section.
 - g. These requirements apply to both new and replacement lighting.
17. **Installation of Standard House Number Signs.** Every residence must display a house number sign, located so it is easily seen from the street by emergency response vehicles. Numbers on the sign shall be 4" high, in a blue reflective color, using a white background. The background material shall be approximately 1/8" thick and be of metal, plastic, or a combination of metal and plastic, for exterior use.



shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

APPLICATION FOR SHELTER BAY CONSTRUCTION Certificate of Compliance for New Construction

Lot No:	Street:	Date:
Member/Applicant:	Mailing Address:	Telephone Numbers: Email:
Contractor/Builder:	Mailing Address:	Telephone Numbers: Email:
Architect/Designer:	Mailing Address:	Telephone Numbers: Email:

Member and Contractor state that they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements. Requests for variances, if any, shall be made on the form provided in Exhibit C.

Approval of this Application requires that groundbreaking occurs within 90 days of issuance of the Certificate of Compliance unless a request for extension is applied for and approved by the ACC. The construction period begins on the date of groundbreaking, and the time for project exterior completion is one year from the date of groundbreaking.

Contractor is required to notify the Shelter Bay Office – 360-466-3805 – at least two weeks prior to any required ACC inspections. If construction does not conform to the documents submitted with the Application, a Stop Work Order may be issued, and this Certificate may be revoked. Evidence of required Swinomish Indian Tribe Permits and inspections, as well as ACC inspections, must be posted on the jobsite in a suitable location, and protected during the period of construction.

Application Fee is attached in the amount of \$ _____. (See the Board approved Fees and Fines Schedule for current rates.)

The Member is ultimately responsible for the performance of construction by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on his behalf to obtain an approved Certificates of Compliance for this project.

Signed _____, Member Date _____

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

APPROVAL BY THE ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____



shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

REQUIRED CONSTRUCTION INSPECTIONS

Lot No:	Street:	Date:	Groundbreaking Date
Member/Builder:		Phone Numbers:	

The Member (or Builder if acting on member's behalf) is responsible for obtaining the following inspections. Please call Shelter Bay Community Office (360-466-3805) 48 hours in advance (weekdays) when ready for each inspection. Evidence of required Swinomish Indian Tribe Permits and inspections, as well as ACC inspections, must be posted on the jobsite in a suitable location, and protected during the period of construction.

#	Item	Inspected by	Date
1	Toilet facility installed on site.		
2	Before Clearing and Excavation Building corners are staked and setback distances confirmed. Location of "X" is marked on original ground. ACC transfers elevation from BM "X" to BM "Y" Vertical difference between "X" and "Y" = +/-		
3	Date of Groundbreaking:		
4	Foundation Wall Setback Check: Following completion of forms, but before concrete is poured.		
5	Drainage – prior to backfilling: Confirm roof and footing drainage to disposal point and not connected to sewer.		
6	Ridge Height Check: Following construction of ridge structure, to verify ridge height limits.		
7	Driveway Drainage: Verify surface drainage is directed to ditch or drywell.		
8	Culvert & Sewer Hookup: Verify inspection and approval by Shelter Bay Maintenance		
9	Final Inspection: Building exterior complete, with approved paint/trim colors? Exterior walks, driveway, decks complete per plans? Downspouts to tight-line or splash-block? Lot is clean of construction materials and debris? Verify survey corners exist. Corners lost to construction must be replaced by Surveyor or from reference points. Any damage to asphalt, ditches, or greenbelt? If retaining wall needed, is it complete? Screening complete for propane tank(s) or heat pump? Blue house number prominently displayed?		

ACC Signatures (4):

_____/_____
_____/_____

Final Approval Date: _____

Copy to Member

Copy to Folder

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO CERTIFICATE APPROVAL

1. If improvements extend into the setback, applicant's Variance Request requires input from affected properties.
2. Determine whether roof ridge line is within the height limitation. If not, check file for a record of existing height variance, or have applicant prepare request for height variance.
3. What is the heating method? If propane or heat pump, check for setback restriction and need for Variance.
4. On sloping lots, drawings must address maximum slopes set forth in Section G.5 and siltation control in Section C.3.
5. Verify that site grading will direct surface drainage to existing ditches or drainage ways and not onto adjoining lots.
6. After SITE VISIT, records any existing damage to asphalt condition near access points to lot.
7. Verify that related applications accompany this application (i.e., roofing, paint, propane, deck)
8. Committee Member comments _____.
9. Advise contractor which inspections are required.

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

CERTIFICATE OF COMPLIANCE APPROVAL:

 Date: _____

CHECKLIST OF REQUIRED INSPECTIONS DURING CONSTRUCTION

Cross out any which do not apply to this project.	Inspected by	Date
Vertical Distance between reference point and ridgeline:		
Date of Groundbreaking:		
Foundation Wall Setback Check: Before concrete is poured.		
Drainage – Prior to backfilling: Confirm roof and footing drainage to disposal point and not connected to sewer.		
Ridge Height Check: Following construction of ridge structure, to verify ridge height limits.		
Driveway Drainage: Verify surface drainage is directed to ditch.		
Culvert: Verify inspection and approval by Shelter Bay Maintenance		

Evidence of required Swinomish Indian Tribe Permit and inspections, as well as ACC inspections, must be posted on the jobsite in a suitable location, and protected during the period of construction.

CHECKLIST FOR FINAL INSPECTION

1. Is lot clean of construction materials? _____
2. Are all walks, decks, driveways complete per plans? _____
3. Is the blue reflective house number displayed in an acceptable location? _____
4. If there is a propane tank or heat pump, is screening adequate? _____
5. If property corners are destroyed during construction, there is no final approval until they are replaced.

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

 Date _____

****FOR COMMITTEE USE ONLY ****

Properties affected by the proposed project were asked to state their objection or non-objection to the requested setback variance, and the results are tabulated below. List the lot number, member name, date each member was contacted, and the responses.

Lot #	Member Name	Objection	No Objection
--------------	--------------------	------------------	---------------------

The ACC shall review the Request for Variance utilizing the following criteria:

1. The Variance is necessary to avoid an unreasonable hardship. Strict adherence to the setback distances is found to deprive the member of rights enjoyed by other members in similar situations. The 'unreasonable hardship' is identified as follows (i.e., lot shape, slope of ground, unusual soil conditions): _____

2. The proposed structure abuts Greenbelt, with minimal adverse impact on adjacent properties. Yes No
3. Minor infringement into setback with minimal adverse impact on adjacent properties. Yes No

Upon consideration of the above, and other related factors, the ACC hereby

DENIES

APPROVES

the Request for Variance for the following reasons: _____

VARIANCE APPROVAL / DENIAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members are Required

Date _____

****FOR COMMITTEE USE ONLY ****

Properties affected by the proposed project were asked to state their objection or non-objection to the requested fence variance, and the results are tabulated below. List the lot number, member name, date each member was contacted, and the responses.

Lot #	Member Name	Objection	No Objection
-------	-------------	-----------	--------------

The ACC shall review the Request for Variance utilizing the following criteria:

1. Unreasonable hardship. If the variance is for a fence within the 25' top of bank setback, does the Committee find that practical difficulties or unnecessary hardship result from strict application of the Covenants or Guidelines? Explain:

2. If the ACC affirms practical difficulties or unnecessary hardship in 1. Above, have alternate fence locations been considered which have less of an impact on the 25' setback requirement? Explain:

Upon consideration of the above, and other related factors, the ACC hereby

DENIES

APPROVES

the Request for Variance for the following reasons: _____

VARIANCE APPROVAL / DENIAL BY ARCHITECTURAL COMPLIANCE COMMITTEE
Signatures of 4 ACC Members are Required

Date: _____



shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

For Office Use Only

Applicant is a member
in good standing

Initials Date

APPLICATION FOR SHELTER BAY CONSTRUCTION

CERTIFICATE OF COMPLIANCE for

Minor Remodel, Shed or Outbuilding, and New or Replacement Light Fixtures

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:	Mailing Address:	Telephone Numbers:	E-Mail:
Contractor:	Mailing Address:	Telephone Numbers:	E-Mail:

Project Location: Lot #:	Street:	Project Description:

This application form shall be used for exterior remodel projects where the existing building footprint is unchanged, but there will be the addition of outbuildings such as greenhouses and sheds, landscape structures, pergolas, gazebos and trellises, siding replacement, or the installation of new or replacement of exterior light fixtures.

Member and Contractor state that they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements. Requests for variances, if any, shall be made on the form provided at Exhibit C.

This Certificate of Compliance will be revoked if construction does not begin within 90 days of approval or if construction does not conform to the construction drawings as submitted. The project must be completed within one year from the date of this Certificate of Compliance.

The Member is ultimately responsible for the performance of construction by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on my behalf to obtain an approved Certificate of Compliance for this project.

Signed _____, Member Date _____

APPLICANT SUBMITTAL REQUIREMENTS

1. Submit site plan per the requirements contained in the Construction Guidelines.
2. Submit construction drawings per the requirements contained in the Construction Guidelines.
3. If proposed improvements extend into the required setback, submit the appropriate Variance Request Form. Approval is contingent upon Variance approval.
4. If project includes painting or roofing, submit separate Applications.

NOTE: The Member (or Builder acting on the member's behalf) is responsible for obtaining all required inspections. When ready for an inspection, please call the Shelter Bay Community Office at 360-466-3805 on weekdays, 48 hours in advance.

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPLICATION APPROVAL

1. Is improvement located within the required setback? _____
2. If yes, has Variance Request been submitted for approval? _____
3. If the improvement requires specific inspections during construction, indicate which inspections are necessary in the space below.
4. Inspect for and record any existing damage to nearby streets and utilities.

5. Other _____

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

 Date: _____

CHECKLIST OF REQUIRED INSPECTIONS DURING CONSTRUCTION

Item	Inspected by	Date

CHECKLIST FOR FINAL INSPECTION

1. Is lot clean of construction materials? _____
2. Was the improvement built to plan specifications and any approved variances? _____
3. If painting, roofing or other applications were submitted, inspect improvements for final completion of work under those application approvals.
4. Inspect for and record damage by construction vehicles. _____

5. Comments by Committee. _____

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

 Date: _____

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPLICATION APPROVAL

1. Check Lot File for related information applicable to proposed project.
2. Verify that drainage is directed to ditches within greenbelts or roadside ditches.
3. Committee Comments: _____

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____

CHECKLIST OF REQUIRED INSPECTIONS AT SITE VISIT FOR FINAL INSPECTION

Item	Yes/No	Date
Project is complete and in conformance with submitted drawings.		
Inspect for damage from earthmoving equipment or heavy vehicle loads.		
If damage is noted, the damage assessment by this committee will be billed to the member's account.		
The clean-up of construction materials is complete.		

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

Date: _____



shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

APPLICATION FOR SHELTER BAY CONSTRUCTION CERTIFICATE OF COMPLIANCE for New or Replacement Decks

For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:		Mailing Address:	Telephone Numbers:
			E-Mail:
Contractor:		Mailing Address:	Telephone Numbers:
			E-Mail:

Member and Contractor state they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements.

This Certificate of Compliance will be revoked if deck construction does not begin within 90 days of approval, or if construction does not conform to the construction drawings as submitted. The project must be completed within one year from the date of approval.

The Member is ultimately responsible for the performance of work by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on my behalf to obtain an approved Certificate of Compliance for this project.

Signed _____, Member Date _____

APPLICANT SUBMITTAL REQUIREMENTS

1. This application is for a New Deck Replacement Deck
2. Is the proposed deck elevated? Yes No Or at ground level? Yes No
3. Attach a dimensional drawing, to scale, which clearly locates the building and proposed deck project relative to the property lines. Distance from the deck to adjoining property lines must be shown.
4. If a deck is being replaced, will the replacement deck follow the exact footprint of the original deck? Yes No
5. If the proposed deck is at ground level, what is the height above ground where it is attached to the building? _____
6. If you plan to extend the deck into the required setback, submit a Request for Variance from Setback Distance to the ACC for its consideration and approval before the construction Certificate can be issued.
7. If the project involves poured concrete, submit Application for Site Work, Exhibit D-1.
8. Will the deck have a railing? Yes No. If yes, describe.
9. Will the deck have stairs or a ramp? Yes No. If yes, describe.
10. Will the railing or deck be painted? Yes No. If, yes, attach paint samples.

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPLICATION APPROVAL

1. Check Lot File for existing Certificates of Compliance and/or variances pertaining to the deck?
2. If this is a ground level deck, is the height above grade at the building 18" or less? Yes No
And is the height to grade 30" or less at the deck perimeter? Yes No
3. Does the deck conform to setback requirements – Side Lot Line Yes No
Road Lot Line Yes No
Division #2 Top of Bank Yes No
Division #5 Staking Line Yes No?
4. If the answer to any of the above was No, then applicant must submit a **Request for Variance from Setback Distance** for ACC consideration and approval before the Certificate of Compliance can be issued.
5. If deck replacement is obviously a maintenance issue, Committee may advise that a Certificate is not necessary. But Member must check with the Tribal Planning Development to see if a Tribal Permit is required.
6. If deck components will be painted, will the finish match house colors? Yes No
7. Committee Comments: _____

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____

CHECKLIST OF REQUIRED INSPECTIONS AT SITE VISIT FOR FINAL INSPECTION

Item	Yes/No	Date
Is project complete and in conformance with submitted drawings?		
Is painting and or finish complete?		
Is the clean-up of construction materials complete?		

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

Date: _____



shelter bay community, inc.

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For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

APPLICATION FOR SHELTER BAY CONSTRUCTION CERTIFICATE OF COMPLIANCE for Fencing

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:		Mailing Address:	Telephone Numbers:
			E-Mail:
Contractor:		Mailing Address:	Telephone Numbers:
			E-Mail:

Member and Contractor state that they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements.

This Certificate of Compliance will be revoked if fence construction does not begin within 90 days of approval, or if construction does not conform to the construction drawings as submitted. The fencing project must be completed within one year from the date of approval.

The Member is ultimately responsible for the performance of work by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on my behalf to obtain an approved Certificate of Compliance for this project.

Signed _____, Member Date _____

APPLICANT SUBMITTAL REQUIREMENTS

1. Attach a dimensional drawing to scale, which clearly locates the proposed fencing relative to property lines.
2. For fences with a solid visual screen, the maximum fence height is 6'. Exception is for posts with a post cap which may be 6' 3" in height as measured from ground level.
3. If the fence does not provide a visual screen, submit the fence drawing, with materials called out, for review by the ACC. Submit a drawing OR provide a description of the fence material including dimensions, post size, how posts will be anchored, and whether the 'finished' side of the fence faces adjoining lots.
4. Will the finish be natural, paint, or other? _____
If it will be a paint finish and the color is different from the color of the house, submit 4" x 4" color samples for ACC approval.
5. For fences located along the property lines, refer to the Construction Guidelines for survey requirements.
6. NOTE setback requirements for fences in the Construction Guidelines. If you plan to extend the proposed fencing into the required setback, submit a **Request for Variance for Fence** to the ACC for its consideration and approval before this construction Certificate of Compliance can be issued.
7. **NOTE chain-link fences are not permitted on residential property.**

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPLICATION APPROVAL

1. Is the Applicant's information on the fence materials complete and sufficient? Yes No
2. If the proposed fence follows a property line, is the property line clearly delineated in the field? Yes No
3. Is a survey necessary to locate property corners? Yes No
4. Does the Committee waive the survey requirements? Yes No
5. If the property adjoins a waterway, is the fence at least 25' from the top of bank? Yes No
6. **If the answer to 4. or 5. is No**, the applicant must submit a completed **Request for Variance for Fence** before this Certificate of Compliance can be issued. If needed, is there an approved variance. Yes No
7. If a 'transparent' fence has been approved by the Committee, is the proposed fence 3' maximum in height, with a maximum of 2" x 2" posts and frame, with intermediate uprights on approximately 4" centers and ½" max in diameter? Yes No
8. Fences paralleling the top of bank are not permitted within 25' from top of bank in Division #2 or within 20' from the staking line in Division #5.
9. If an alternative fence style is proposed, does it meet the requirements for approval by the Committee? Yes No

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____

CHECKLIST OF REQUIRED INSPECTIONS AT SITE VISIT FOR FINAL INSPECTION

Item	Yes/No	Date
Does the fence exceed height limitation?		
Does the 'finished' side of the fence face adjoining properties?		
Is the fence paint/finish the same color as the color samples submitted?		
Does the fence meet all requirements of the Construction Guidelines		
Is the clean-up of construction materials complete?		

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

Date: _____



shelter bay community, inc.

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APPLICATION FOR SHELTER BAY CONSTRUCTION CERTIFICATE OF COMPLIANCE for Exterior Painting or Repainting

For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:	Mailing Address:	Telephone Numbers:	
		E-Mail:	
Contractor:	Mailing Address:	Telephone Numbers:	
		E-Mail:	

Member and Contractor state they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements.

This Certificate of Compliance will be revoked if painting does not begin within 90 days of approval, or if finish colors are different than those approved under this Application. The painting project must be completed within one year from the date of approval. The Member is ultimately responsible for the performance of work by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on my behalf to obtain an approved Certificate of Compliance for this project.

Signed _____, Member Date _____

APPLICANT SUBMITTAL REQUIREMENTS

1. Indicate which buildings, or other items will be painted: _____.
2. According to the Declaration of Protective Covenants, the standard for exterior colors in Shelter Bay is a 'harmonious color scheme'. There is not a list of 'approved' or 'denied' colors; however, it is recommended that the choice of colors be subdued. The ACC is authorized to approve or reject the proposed paint color and can require you to resubmit alternative colors for the Committee's consideration. **Attach paint chips or samples** of the exterior wall and trim colors for **each color** proposed, along with the **brand of paint, name of color, and color number**.
3. Before application approval, the Committee may request larger color samples on appropriate material, or painted on the building wall, for a more visual representation of the final color.
4. Painting with a different, or unapproved color, can result in a fine and the requirement repaint to an approved color.

(Attach paint chips on reverse)

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

Attach Paint Chips Below

Main Exterior Paint Color

Trim Color

Other
(garage door, shutters, front door, other)

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPLICATION APPROVAL

1. Are the color samples submitted sufficient to enable the Committee to determine that the colors meet the 'harmonious color' standard? Yes No
2. **Are colors SATISFACTORY?** Yes No

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____

CHECKLIST OF REQUIRED INSPECTIONS AT SITE VISIT FOR FINAL INSPECTION

Item	Yes/No	Date
Do paint colors on building match submitted color chips?		
Is painting complete, including Trim?		
Has the applicant met all requirements of the Construction Guidelines?		

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

Date: _____



shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

APPLICATION FOR SHELTER BAY CONSTRUCTION CERTIFICATE OF COMPLIANCE for Roofing or Reroofing

For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:	Mailing Address:	Telephone Numbers:	
		E-Mail:	
Contractor:	Mailing Address:	Telephone Numbers:	
		E-Mail:	

Member and Contractor state that they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements.

This Certificate of Compliance will be revoked if roofing does not begin within 90 days of approval, or if finish colors or roofing materials are different than those approved under this Application. The roofing project must be completed within one year from the date of approval.

The Member is ultimately responsible for the performance of work by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on my behalf to obtain an approved Certificate of Compliance for this project.

Signed _____, Member Date _____

APPLICANT SUBMITTAL REQUIREMENTS

1. Indicate which specific buildings will be roofed / reroofed _____
2. What is the type of roofing material being proposed? _____
3. Roofing materials used in Shelter Bay are required to meet the CLASS A FIRE RESISTIVE requirements of UL 790 and ASTM E-108. Provide manufacturer's data which clearly states that the material proposed meets these fire resistive requirements. **ATTACH DATA TO SEPARATE PAGE** and include it with this submittal.
4. In Shelter Bay the standard for exterior colors, including roof color, requires a 'harmonious color scheme'. **SUBMIT** the Manufacturer's **COLOR** chart or brochure indicating the color or a small roofing material sample for the Committee's review.
5. Wood shakes are not permitted on new construction. Refer to the Construction Guidelines for more information on what is permitted for the partial replacement of existing shake roofing.

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPLICATION APPROVAL

1. Does the applicant's submittal provide data confirming the Class A Fire Resistive Rating? Yes No
 2. Is the roofing color proposed in harmony with the house or building color? Yes No
 3. Any additional comments from the ACC. _____
-

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____

CHECKLIST OF REQUIRED INSPECTIONS AT SITE VISIT FOR FINAL INSPECTION

Item	Yes/No	Date
Does the installed roofing color match that submitted with the application?		
Is the roof color in harmony with the house or building color?		
Does the roof meet all requirements of the Construction Guidelines?		

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

Date: _____



shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

APPLICATION FOR SHELTER BAY CONSTRUCTION CERTIFICATE OF COMPLIANCE for Propane Tank or Heat Pump Installation

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:	Mailing Address:	Telephone Numbers:	E-Mail:
Contractor:	Mailing Address:	Telephone Numbers:	E-Mail:

For propane tank installation, how many tanks? _____ Total capacity? _____

For heat pump installation, check here

Member and Contractor state that they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements.

This Certificate of Compliance will be revoked if propane tank or heat pump installation does not begin within 90 days of approval, or if installation does not conform to the plan as submitted. The project must be completed within one year from the date of groundbreaking or a fine may be levied.

Application Fee is attached in the amount of \$_____. (See the Board approved Fees and Fines Schedule for current rates.)

The Member is ultimately responsible for the performance of work by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on my behalf to obtain an approved Certificate of Compliance for this project.

Signed _____, Member Date _____

APPLICANT SUBMITTAL REQUIREMENTS

1. Attach a dimensional drawing to scale, which clearly locates the proposed propane tank(s) and/or heat pump with respect to building and property lines.
2. If the propane tank / heat pump is located within setback requirements, submit a Request for Variance from Setback Distance with this application. When the variance is approved, the ACC will consider this application.
3. If this is a heat pump installation, submit the manufacturer's information on noise level for the proposed unit.
4. Refer to the Construction Guidelines for the requirements for the visual screening of propane tanks and heat pumps.

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

****FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPLICATION APPROVAL

PROPANE TANK

1. If the tank is under 125 gallons capacity, is the tank a minimum of 5' from any window, vent, or source of ventilation per NFPA requirements? Yes No
NOTE: Measurements are taken from the filling connection and fixed liquid level gauge.
2. If the tank(s) is within the 15' road lot line setback or the 10' side lot line setback, has a **Request for Variance from Setback Distance** been submitted and approved? Yes No
3. If it is a horizontal tank, up to 500 gallons, is it setback at least 15' from the road lot line and 10' from rear and side lot lines, and at least 10' from building openings, vents, or any source of ignition? Yes No *NOTE: The required distances for tanks from 125 to 500 gallons in capacity is an NFPA requirement which cannot be waived.*
4. Is the proposed screening compliant with the Construction Guidelines? Yes No

HEAT PUMP

1. Does the heat pump sound level exceed 45 decibels? Yes No
2. Is the manufacturer's heat pump data on file? Yes No
3. Setbacks, is the heat pump at least 10' from the side and rear property lines? Yes No
4. If the answer to 3. is No, has a **Request for Variance from Setback Distance** been submitted and approved? Yes No

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____

CHECKLIST OF REQUIRED INSPECTIONS AT SITE VISIT FOR FINAL INSPECTION

Item	Yes/No	Date
Is screening in place and adequate for installation?		
Does the finish on the screen match the adjacent building?		
Is the location of the installation compliant with code requirements?		

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

Date: _____



shelter bay community, inc.
 1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

**APPLICATION FOR SHELTER BAY CONSTRUCTION
 CERTIFICATE OF COMPLIANCE for
 Private Dock Construction**

For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:	Mailing Address:	Telephone Numbers:	E-Mail:
Contractor:	Mailing Address:	Telephone Numbers:	E-Mail:

Project Description: _____

Member(s) and Contractor state that they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements. The project must be completed within one year from the date of this Certificate of Compliance.

If ownership of the dock is shared by adjacent lots, both members must sign this application. If the members are unable to reach mutual agreement on proposed dock repairs, the procedure for resolution of such issues is set forth as follows:

- Tract D Lots – Protective Covenants, Division 5, Article IV, Section 24
- Tract L Lots – Agreement for Dock Easement, Article II, Paragraph 3

The Member is ultimately responsible for the performance of work by their contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Signed _____, Member Date _____

Signed _____, Member Date _____

Upon review by the ACC this Application and one (1) set of drawings will be forwarded to the Harbor Committee for review/action. Any stipulations and/or conditions set by the Harbor Committee during its review and subsequent action on the Certificate shall be stated below.

Signature of the Harbor Committee indicates approval, subject to any conditions as provided below:

HARBOR COMMITTEE APPROVAL:
 Project Approval is subject to the following conditions: _____

Approved by Harbor Committee: _____ (Chair) Date _____

ARCHITECTURAL COMPLIANCE COMMITTEE CHECKLIST FOR APPROVAL

1. Dock repairs, replacement, or modifications?

Tribal Environmental and other Permits have been provided. If NO, state why. _____ Yes No
Tribal letter of exemption, or equivalent, has been provided. If NO, state why. _____ Yes No

2. New docks, extensions, or changes to existing docks.

Copy of all Tribal Permits and approvals by all other affected Agencies are enclosed? Yes No

3. Construction drawings and specifications have been reviewed by the ACC for completeness and for compliance with all other Shelter Bay requirements. The Committee may require that the proposed construction plan be stamped by a licensed professional engineer in the State of Washington.

Are project construction plans adequate? Yes No
Is proposed construction within the existing dock easement? Yes No

4. If new dock or dock extension extends beyond the existing dock easement limits, has the member's Surveyor submitted the legal description and drawing for use in preparing an Amended Dock Easement?

Yes No

5. Has the Amended Dock Easement been signed by all parties?

The signed Amended Dock Easement shall be held by the Community Manager until immediately after FINAL approval by the ACC, at which time Shelter Bay Company shall have the document recorded at the Skagit County Document Recording Office.

Yes No

6. Member/Contractor has been advised to notify the Office at least 24 hours before any new dock will be positioned in order for the ACC to take measurements and confirm that any clearances and/or other conditions as stipulated by the Harbor Committee are met in the field?

Yes No

IF ALL OF THE ABOVE CONDITIONS HAVE BEEN MET, this CERTIFICATE OF COMPLIANCE becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL

Date: _____

FINAL PROJECT APPROVAL

1. Have all conditions and clearances stipulated by the Harbor Committee been met and field verified? Yes No
2. Does the work as constructed comply with the project drawings and specifications? Yes No

FINAL PROJECT APPROVAL is provided upon the signature of four (4) members of the ACC.

Date: _____

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be in by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.



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For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

APPLICATION FOR TEMPORARY USE OF A MOTOR HOME, TRAILER, OR BOAT AS LIVING QUARTERS DURING CONSTRUCTION

Lot No:	Street:	Date:
Member/Applicant:	Mailing Address:	Telephone Numbers: E-Mail:
Contractor:	Mailing Address:	Telephone Numbers: E-Mail:

I wish to place a: _____ on the above lot for the purpose of using it as temporary living quarters during construction and agree to abide by the following.

or

I wish to live on board the vessel _____ (vessel name) which is located at Slip # _____ (if private dock, Lot # _____) for the purpose of using it as temporary living quarters during construction and agree to abide by the following.

TERMS AND CONDITIONS

Occupied vehicles must be equipped with approved sanitation facilities and, unless connected to the Shelter Bay sewer system, shall not discharge sewage except to approved sewage discharge facilities. Term of this Temporary Use Permit shall be for a period of six months, but renewal will be considered. Total time shall not exceed one year. Unit shall be located so as not to force construction vehicles to park on the street. Generators shall not be used to supply power to the unit.

Applicant agrees to comply with all the Covenants and General Rules and Regulations of Shelter Bay Community, Inc.

Signed _____, Member Date _____

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

Approval by Architectural Compliance Committee
This permit becomes valid upon the signature of four (4) members of the ACC.

PERMIT APPLICATION APPROVAL

Date: _____

This Permit Expires on _____
(Post permit where visible from the street.)

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Exhibit L
Abbreviated Guidelines for Shoreline and Sensitive Areas (SSA)
Taken from Title 19, Environmental Protection, Chapter 4
Shorelines and Sensitive Areas, as developed by the
Swinomish Tribal Community

Definitions:

- Shorelines: Includes 200' from waterways, including our marinas.
- Sensitive Areas:
- Wildlife Area: Habitat for a variety of species located throughout Shelter Bay.
 - Wet Lands: None in the Shelter Bay development areas.
 - Geological Hazardous Area: As summarized below.

Shoreline Actions:

- Trees over 4" dbh cannot be cut without approval or exemption.
- Windowing, Skirting and Topping, if done where tree is 4" or less at topping point, is permitted.
- No "large surface modifications" are allowed.
- Dead standing trees are not exempt unless they could cause damage to property.
- Placed or planted trees are not exempt.
- In emergency, a hazardous tree may be removed and then the application made.

Geological Hazardous Sensitive Areas:

- A "Geological Hazardous Sensitive Area" means an area that may not be suitable for development because of susceptibility of erosion, sliding, earthquakes or other geological events and includes areas of historic failure.
- Slopes greater than forty percent (40%) with a vertical relief of ten feet (10') or more feet are considered Geological Hazardous Areas and require approval.
- Consolidated Rock: No soil for vegetation. Requires a 50' buffer zone from top of slope for slopes steeper than eighty percent (80%).
 - Unconsolidated Rock: Enough soil for vegetation. Requires a 50' buffer zone from top of slope for slopes steeper than forty percent (40%).

Reference Swinomish Tribal Code Title 19, Chapter 4

General Notes:

- A "Clinometer" (or Inclinometer) is available in the Office to establish slope.
- Committees will require the Member/Builder to supply Building and/or SSA Permits from the Tribal Planning Office.
- Geohazard restrictions stay in effect unless over ridden by a new Permit from the Tribal Planning Office.
- Distance measurements are taken horizontally and do not follow the contour of the ground.

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shelter bay community, inc.

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APPLICATION FOR SHELTER BAY CONSTRUCTION CERTIFICATE OF COMPLIANCE for Solar Panels

For Office Use Only	
Applicant is a member in good standing	
_____	_____
Initials	Date

Lot No:	Street:	Date:	Groundbreaking:
Member/Applicant:		Mailing Address:	Telephone Numbers:
			E-Mail:
Contractor:		Mailing Address:	Telephone Numbers:
			E-Mail:

Member and Contractor state they have reviewed the requirements of the Construction Guidelines and have prepared this Application in accordance with the Submittal Requirements (below).

This Certificate of Compliance will be revoked if construction does not begin within 90 days of approval, or if construction does not conform to the construction drawings as submitted. The project must be completed within one year from the date of approval.

The Member is ultimately responsible for the performance of work by their Contractor, in accordance with the Shelter Bay Construction Guidelines. Member hereby understands and agrees that any fines for non-compliance with the Construction Guidelines, subsequent costs to bring the project into compliance, and any costs to repair damages to existing Shelter Bay improvements (except those noted prior to construction), caused by the Contractor or their subcontractors during the performance of this project, shall be borne by the Member and paid to Shelter Bay prior to final approval of the project by the ACC.

Member hereby designates _____ to act on my behalf to obtain an approved Certificate of Compliance for this project.

Signed _____, Member Date: _____

APPLICANT SUBMITTAL REQUIREMENTS

1. Description of Project:

- Attach a dimensional drawing to scale, which clearly shows the lot boundaries, adjacent streets, existing buildings of the project as proposed, and related calculations.
- Include all information supplied by installation Contractor.
- If excavation is proposed, Member/Contractor must call the UNDERGROUND LOCATE number before excavating.
- Has the owner read Shelter Bay Construction Guidelines, Section H.11 Solar Panels and related Construction Criteria?
- Is the Solar System within the PSE guidelines? () Yes () No If no, on what criteria is the system based?

The ACC meets the 1st and 3rd Tuesday of every month at 9:00 a.m. in the Clubhouse. Applications must be submitted by 12:00 Noon on the Wednesday before the week of the meeting in order to be placed on the Agenda.

**** FOR COMMITTEE USE ONLY ****

COMPLETE THE FOLLOWING CHECKLIST PRIOR TO APPROVAL

1. Check Lot File for related information applicable to proposed project.
2. Comments:

APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

This Certificate of Compliance becomes valid upon the signature of four (4) members of the ACC.

APPLICATION APPROVAL:

Date: _____

CHECKLIST OF REQUIRED INSPECTIONS AT SITE VISIT FOR FINAL INSPECTION

Item	Yes/No	Date
Project is complete and in conformance with submitted drawings.		
If damage is noted, the damage assessment by this committee will be billed to the member's account.		
The clean-up of construction materials is complete.		

FINAL APPROVAL BY ARCHITECTURAL COMPLIANCE COMMITTEE

Signatures of 4 ACC Members indicates the project is complete and meets Shelter Bay requirements.

FINAL PROJECT APPROVAL:

Date: _____