

11/25/15

One
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OCHL- Sector 12 Homeowners' Association Common Areas and View Protection

Spectacular views of Puget Sound, the Golf Course, Whidbey Island and the Olympic Mountains enhance the value, desirability and attractiveness of our development, and are among the various benefits that make our One Club House Lane Sector-12 (OCHL-12) community such a desirable place to live and which help keep all of our home values high.

Where feasible, the Homeowners' Association (HOA) has a duty and responsibility to preserve and protect those various views consistent with applicable state and City of Mukilteo laws and regulations. This includes views that have become or may become impaired by tree and other growth on OCHL-12 common areas, which include Native Growth Protection Areas (NGPA), Steep Slopes, Wetlands, and Recreation Areas. Attached is a more detailed listing of the common areas in question.

In general, the OCHL-12 view protection standard for common areas is impairment of 25% or more of the view from an OCHL-12 home of four protected views: Puget Sound, the golf Course, Whidbey Island, and the Olympic Mountains.

These policies will help the HOA determine in an objective, consistent, fair and reasonable manner whether to take action to trim or cut trees or other growth on OCHL-12 common areas in order to restore or maintain homeowner views.

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Protection of Native Trees

Native trees cannot be cut down unless such trees are dead or pose a safety problem. The Architectural Control Committee must have the City of Mukilteo's permission before cutting or pruning such trees.

OCHL-12 Common Area View Protection Policies

1. No pruning or trimming will be done on any HOA Common Area unless it conforms to all applicable state and City of Mukilteo laws and Critical Areas Regulations. A summary copy of those regulations is attached.
2. The Architectural Control Committee (ACC) will investigate written requests that contain photos of past and current views. The ACC will evaluate the view impairment and determine if action can be taken to improve the on the view impairment.
3. All view maintenance work on OCHL-12 Common Areas will be done consistent with the application of the policies outlined in this document.
4. The HOA Annual Budget will include a line item amount dedicated to pruning or trimming of vegetation on HOA Common Areas to restore or maintain views.
5. Trees or shrubs or natural vegetation that grow in a manner which does not meet the View Protection Standard may be considered for trimming or pruning.
6. All four Protected Views (Golf Course, Olympics Mountains, Puget Sound and Whidbey Island) are separately and equally protected. Each protected view site will be treated equally and evaluated individually.
7. Measurement of vegetation impairment will be made assuming full foliage and around the outlined perimeter of such vegetation.
8. In cases where growth on more than one Common Area contributes to an impairment of the View Protection Standard, the pruning or trimming evaluation will be done on a proportional basis.

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9. After the ACC is informed in writing of a potential view impairment of the View Protection criteria and a weighting number within the range listed will be assigned to each factor. A total overall minimum weighting factor # of 50+ is required before approval may be granted for any trimming or pruning of growth on any HOA Common Area.

DECISION CRITERIA: If the ACC determines the View Protection Standard has not been met, the criteria below will be applied and a weighting # within the range listed will be assigned by the ACC to each factor. A total overall minimum weighting factor # of 50+ is required before approval may be granted for any trimming or pruning of growth on any HOA Common Area.

- (1) Does the City of Mukilteo Critical Areas Regulations permit the planned trimming or pruning?
Yes or No = If yes, continue If no, rejected
- (2) Does the planned trimming or pruning restore or maintain a protected view?
No- 0 Yes = 10
- (3) How much does the planned trimming or pruning restore or maintain a protected view?
+1-20 points = 1 Point per every 5% view improvement
- (4) How many directly affected homeowners are in favor of the planned trimming or pruning, and what is the degree of favorability?
+1-5 per homeowner = 5 points per home owner
- (5) How many directly affected homeowners are opposed to the trimming or pruning, and what is the degree of opposition?
10 points per homeowner
- (6) What is the cost-benefit impact of the trimming or pruning ('bang for the buck')?
+0-30 5% = 5 points 10 % = 10 points
- (7) Is the cost of the trimming or pruning in this current year's HOA budget?
+0-10 0 = No budget 10 = budgeted
- (8) If it does not conform to the current budget, are the affected homeowners willing to pay or share at least 50% of the cost of the trimming or pruning?
+25-50 = 50% = 25 points or 100% = 50 points

Definitions

1. **Protected Views**: The term 'Protected Views' in this document refers to the views of Puget Sound, the Golf Course, Whidbey Island and the Olympic Mountains, that existed when an OCHL-12 home was built.
 2. **Protected View Sites**: The term 'Protected View Sites' in this document refers to views from each window in the following interior rooms of an OCHL-12 home: living room, dining room, kitchen, family room, kitchen nook, den/office, bonus room, master bedroom and bath, and other bedrooms, as well as views from exterior decks or patios as built by the home builder, or any decks or patios subsequently approved by the Architectural Control Committee (ACC).
 3. **View Protection Standard**: An obstructed or impaired View is defined as view obstruction or impairment that fully obscures 25% or more of the Baseline Measurement Area for a Protected View from a Protected View Site.
 4. **Baseline Measurement Area**: The Baseline Measurement Area for Protected Views is defined as the view area available from a Protected View Site with only the other subdivision houses and Native Trees in place (i.e., viewed as if the shrubs, plants, hedges, fences, etc., did not exist in the common area).
 5. **Natural Vegetation**: The term 'Natural Vegetation' in this document refers to vegetation that is initiated by a natural process after the home was built, typically via airborne or bird seeding.
 6. **Native Trees**: The term 'Native Trees' in this document refers to indigenous conifer and broadleaf trees that were present on the Plat when the developer, Buchan, commenced development.
 7. **Shared Cost**: The term 'Shared Cost' in this document refers to a Homeowner or Homeowners who are willing to pay or share in the cost of the trimming or pruning that's required in HOA common areas in order to restore or maintain views.
 8. **Measurement Determination**: Using photographs of the original or older views and compare the loss of view by using a new photo of the same view. Using an overlay over the past and new photos, count the number of squares or dots in the view area. Then divide the count to determine the percentage difference.
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CITY OF MUKILTEO

CRITICAL AREAS REGULATIONS

Summarized for OCHL-12 Common Areas

Preface: The City of Mukilteo does not have an ordinance that protects views. Following are the regulations and procedures for tree cutting and trimming in critical areas and open space areas.

Definitions:

Significant Tree - means evergreen trees eight inches or greater in diameter as measured at least four feet above existing grade, and deciduous trees twelve inches or greater in diameter as measured at least four feet above existing grade.

Steep Slopes - are naturally occurring slopes that rise ten feet or more for every twenty-five feet horizontal (i.e., forty percent or greater, also represented as a twenty-two degree angle).

Native Growth Protection Areas (NGPA)

- 1) Per the Plat of One Club House Lane Div. 4, the following tracts are designated Native Growth Protection Areas (Easements):

* TR. 988, TR. 990, TR. 992, TR. 997, TR. 998, TR. 999

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Per MMC 17.52.35(C), There shall be no clearing, excavation, or fill within a native growth protection area shown on the face of this site plan/plat, with the exception of required utility installation, removal of dangerous trees, thinning of woodlands for the benefit of the woodlands as determined by a certified landscape architect or arborist, and removal of obstructions on drainage courses, or as allowed under Section 17.52A.070, Vegetation management on steep slopes.

Prior approval is required before any work can be done in these areas. The city will conduct a site visit and attempt to make a determination on the condition of the tree. Because the city does not have an arborist on staff, if the condition of the tree cannot be determined, an arborist report will be required.

The replanting ratio for tree removal in an NGPA is 2:1.

Steep Slopes

TR. 990 of the Plat of One Club House Lane Div. 6 is a steep slope.

Per MMC 17.52A.070, Vegetation on steep slopes (slopes of forty percent and greater) shall be preserved over the entire steep slope area except as listed in subsections A through D of this section. Modifications from this section may be allowed as recommended in the Department of Ecology's handbook "Vegetation Management: A Guide for Puget Sound Bluff Property Owners" and as approved by the city's planning and public works directors.

A. Alder, willow and bitter cherry and other similar trees may be cut and removed from the site in a method determined by the planning director and public works director; however, the stumps and root systems shall be left undisturbed to protect the slope from erosion. Deep rooted bushes or ground cover such as ocean spray, snowberry, salal or evergreen huckleberry shall be planted around the stump of the tree to establish erosion control functions that the tree once provided.

B. Trees (such as Big Leaf maple, vine maple, Pacific Madonna, Red Cedar and Douglas fir) which help to stabilize bluffs, offer wildlife habitat, and keep soils from being over saturated with water may not be cut down or topped, except with the submittal of a geotechnical report and as approved by the public works director to maintain slope stability.

However, the following tree trimming practices may be used in combination to provide some views without compromising tree health or slope stability. When using this tree trimming or pruning practices, a minimum of sixty percent of the original tree canopy/foilage must be retained to maintain the tree's health.

1. Windowing. Pruning major limbs that obscure a view, excluding the top third of the tree;
2. Inter-limbing. Removal of an entire branch or individual branches throughout the canopy, excluding the top third of the tree, to allow more light to pass through as well as reducing wind resistance; and
3. Skirting-Up. Limbing the tree from the bottom upward to a maximum of twenty feet from the ground.

C. Himalayan blackberry, Scot's broom, thistle and other similar invasive plants (including those listed by the Snohomish County noxious weed control board) may be removed manually from a steep slope with no or minimal soil disturbance, but the slope must immediately be replanted with native shrub species such as Oregon grape, salal, and evergreen huckleberry.

D. Unless otherwise provided or as part of an approved alteration, removal of vegetation from erosion or landslide hazard or related buffer shall be prohibited.

The tree trimming practices as stated in the code are permitted and do not require prior approval from the city.

Prior approval is required before any tree removal can occur on steep slopes. The city will conduct a site visit and make a determination. The replanting ratio is 2:1. Included is a list of native plants that you may choose from. These plants stabilize slopes and help prevent erosion.

Wetlands

TR. 997 of the Plat of One Club House Lane Div. 4 has been identified as a wetland.

TR. 994 and TR. 989 of the Plat of One Club House Lane Div. 6 have been identified as wetlands.

Maintaining the existing trails that are located in TR. 994 does not require prior approval from the city. This includes working on the culverts and trimming or removing trees that have fallen on the trail.

Per MMC 17.52B.040(8), Minor activities such as invasive plant management; snagging of dead, dying, or diseased vegetation; and removal of hazardous trees where owners' property or adjacent properties, or the health and safety of the general public or employees are in danger of damage or where slope stabilization could be negatively affected that are determined by the city to have minimal impacts to wetlands and wetland buffers are permitted with prior approval from the city.

Prior approval is required before any tree removal can occur in a wetland. The city will conduct a site visit and attempt to make a determination on the condition of the tree. Because the city does not have an arborist on staff, if the condition of the tree cannot be determined, an arborist report will be required. The replanting ratio is 2:1.

In the future if the HOA is interested in restoring or enhancing the wetlands, the city will work with the HOA in implementing a plan.

Restoration means the reestablishment of a viable wetland from a previously filled or degraded wetland site. "Wetland restoration" is the action to re-establish a wetland in an area which was historically a wetland but which does not now provide or contain the necessary functional characteristics. This would involve identifying the area or areas of the wetland and implementing a replanting plan.

Enhancement means the improvement of an existing viable wetland or buffer, such as by increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls or removing nonindigenous plant or animal species.

Open Space and Recreation Areas

- 1) Per the Plat of One Club House Lane Div. 4, the following tracts are designated Open Space/Recreation Facilities:
 - * TR. 989, TR. 991, TR. 993
- 2) Per the Plat of One Club House Lane Div. 6, the following tracts are designated Open Space/Recreation Facilities:
 - * TR. 994, TR. 997, TR. 999

NOTE:

TR. 994 and TR. 997 are designated Open Space/Recreation Facilities on the plat. They have been identified as wetlands therefore tree cutting requests must follow the process as indicated under wetlands.

OCHL-12 HOA COMMON AREAS

The following information outlines the various designations which are reflected on the several Plats which comprise OCHL-12, Divisions 4 and 6. **Division 5** of the OCHL -12 Subdivision however has no designated Open Space parcels. All of the Tracts have at least two designations, i.e. Open Space/Recreation or Open Space/ NGPA. Some tracts likewise have more than two designations, i.e. Open Space/NGPA/Wetlands. Finally, some Tracts of Open Space have been set aside for storm water detention or drainage.

OCHL – 12 Division 4: Open Space Parcels

Tract # 998 OS/NGPA/Drainage Facilities	Ravine area located at curve at the lower North side of St. Andrews Dr.
Tract # 988 OS/NGPA	Buffer Area north of Lots 27 – 29 on lower St. Andrews
Tract #989* OS/Recreation Facilities	Park area on lower St. Andrews between Lots 26 and 27
Tract #997 OS/NGPA/Wetlands	Located between bottom of St Andrews and 116 th St. SW
Tract # 993 OS/Recreation	Park area located at bottom of St. Andrews adjacent to Tract# 997 on 116 th St. SW

Tract # 990 OS/NGPA	Located North of and behind Lots 23-26 on St. Andrews Dr.
Tract #991 OS/Recreation Facilities	Upper Park on St Andrews between Lots 22 and 23
Tract #992 OS/NGPA	Area North of and behind Lots 16-22 on mid-St. Andrews Dr.

OCHL – 12 Division 6: Open Space Parcels

Tract # 989** OS/Recreation/Storm water detention Located at SW end of large Open Space Wetland area Tract 994. Note: Two (2) Tracts in Division 4 have the same number, i.e. Tract 989.

Tract # 994 OS/Recreation/Wetlands	Largest Open Space parcel located south of St. Andrews below Windward Bluff also trail system main area.
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Tract # 991 OS/Storm Water Detention	Area SW of Windward Bluff below 994 (wetlands) and W of Tract 997
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Tract #997 OS/Recreation/Wetlands	Area due south of Windward Bluff
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Tract #990 OS/Recreation/Steep Slope	Bayview Park area bordering 13th Fairway
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Tract # 998 Storm water Detention Facilities Located on hillside behind Lots 56-60 on Bayview Dr.

Tract #999 OS/Recreation/NGPA	Located on hillside adjacent to Tract 998 and behind Lot 61 on Bayview Dr.
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Notes:

1. Each of the five wetland-designated tracts also contains a buffer area on the outside fringe of the parcels.
 2. Div. 4 Tract 997 & Div. 6 Tract 994 & 977 are HOA maintained.
 3. Div. 6 Tract 989 & 991 are City of Mukilteo maintained.
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