

220759

DECLARATION OF PROTECTIVE COVENANTS
CONCERNING CEDAR SHORES, SELKIRK TRACTS
AND TAX LOT 20, ALL CONTAINED ON CEDAR SHORES
PLAT PEND OREILLE COUNTY, WASHINGTON

PEND OREILLE COUNTY
AUDITOR'S OFFICE
RECEIVED

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VOL. 108 PAGE 748-759
REC. NO. 20657 AMT. PD. 11.00

BY *D. Johnson* DEPUTY

The administrator shall prepare and submit for approval to the board, rules and regulations pursuant to the authority of this ordinance which may be amended from time to time by the board or planning commission. Hearing on rules and regulations along with amendments thereto shall be published in the legal newspaper of the county for two consecutive weeks. The last publication shall appear at least 10 days prior to the hearing.

Upon direction of the board, the prosecuting attorney is hereby empowered with the authority to seek injunctions to enforce on a civil basis, any of the requirements set forth herein, or the rules and regulations adopted.

Any violation of this ordinance, including the rules and regulations adopted pursuant hereto, is hereby declared a misdemeanor with maximum penalty of \$500.00 or 6 months in jail or both.

The prosecuting attorney may accept a written assurance of discontinuance of any act or practice violating this ordinance from any person who has committed or is committing such an act or practice. The assurance may include a promise to file a proposed short plat of subdivision for approval and to satisfy any reasonable conditions required to affect its approval. Any willful failure to perform a promise contained in such an assurance shall constitute a misdemeanor, punishable to the same extent as other misdemeanors defined above.

A transferee who cannot secure a building permit, septic tank permit or other developmental permits for the reason that his transferor failed to comply with any provision of the ordinance may recover damages from his transferor to include compensation for the loss of his bargain, actual costs of investigation and suit, reasonable attorney's fees and such

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additional elements as the law allows.

The auditor shall refuse to accept for filing any short plat or long plat which does not bear the board's certificate of approval. Should a short plat or long plat be filed without such a certificate, the prosecuting attorney shall apply a writ of mandate on behalf of the board, directing the auditor to remove the unapproved plat from the auditor's files.

The assessor shall promptly notify the administrator of every new segregation of land made upon the assessor's records. Upon learning of such segregation, the administrator shall investigate the same to determine whether a division of land in violation of this ordinance may have occurred.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of this provision to other persons or circumstances shall not be affected.

Land within a short subdivision, the short plat of which has been approved within 5 years immediately preceding, may not be further divided until the requirements of a long plat have been met.

Repealer:

1. Pend Oreille County Ordinance No. 70-1, enacted May 11, 1970
2. Pend Oreille County Ordinance No. 70-2, enacted May 11, 1970
3. Pend Oreille County Ordinance No. 72-1, enacted April 10, 1972

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE 15TH DAY OF MAY, 1977.

COVENANTS:

The plat shall contain minimum covenants in accordance with rules and regulations applicable to either subdivisions or short subdivisions.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Scott R. Linden and Julie L. Linden are the owners of the

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following described real property situated in Pend Oreille County, Washington, which has been
platted and recorded as _____, a subdivision, in book _____ of plats, page _____
_____, records of the county recorder, Pend Oreille County, Washington, on _____
_____, instrument number _____ and does hereby make the following
declaration as to the limitation, restrictions, and uses to which the above described property may
be put, and the same constitutes protective or restrictive covenants concerning the above
described real property as follows:

1. No lot purchaser or his assigns shall subdivide any lot in this subdivision.
2. The exterior (including windows, paint, roofing) of any building shall be completed within one year of start of construction. Construction or the placement of any structure upon any lot shall meet county regulations. No manufactured or mobile home built before January 1, 1988 will be allowed. Any mobile or manufactured home or site built home or shop or storage shed or other building placed on any lot for any reason must have a pitched (gable) roof of composition shingle, tile or shake or other residential roof material, including metal, provided the metal is of the type commonly used on homes and buildings in the North West.
3. Any building used as a dwelling (including mobile and manufactured homes) will have wood siding or wood composite siding or other siding commonly used on site built homes. No mobile homes with 'sick sides' (factory metal mobile home siding that was used by manufacturers before 1988) will be allowed as dwellings, shops, or in any capacity.
4. All manufactured homes or mobiles must be skirted in a manner generally accepted in the industry. All stair systems, porches, patios, landings, and additions of any kind will be built in a substantial workman-like manner with conventional materials.
5. Garages and or shop buildings shall not be more than 4500 S.F. in any one

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building. No building shall exceed 20' in wall height plus foundation wall. Pole type buildings with metal siding are to be allowed.

6. Pend Oreille County has no zoning. Therefore, it is necessary for these covenants to restrict the use of these platted lots to residential use. No retail commercial use, manufacturing or equipment, truck or automotive repair or other heavy repair or fabrication shall be performed in a commercial volume or for monetary compensation. No business signs, banners or vehicles advertising services for hire will be allowed on these platted lots. Professional, home office types of businesses will be allowed, such as real estate services, insurance or types provided they are conducted in a manner consistent with residential living and do not contribute unduly to noise, congestion or traffic and provided no sign, vehicle, banner or other external visual means are used to attract business to the site. In addition, the production of art (sculpture, painting, pottery, photography, etc.) will be allowed provided it is original (mass production of cast items, for example on a commercial industrial scale will not be allowed).

7. All exterior lighting must be controlled focus and intensity so as not to disturb neighbors or their view. All signs shall come under the exclusive control of the owners committee.

8. No tents, trailers, motor homes, or other structure of a temporary nature for human habitation shall be allowed on these platted tracts or lots for more than 5 months of continuous use, in any one year. Motor homes and other recreational vehicles may be stored on the property and may be used as a guest facility if a permanent dwelling also exists, however, 'guest use' will be limited to guests of a temporary nature and no money may be received as compensation for the use of the R.V.

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9. With the purchase of a lot in the purchaser or his assigns hereby agree to abide by these covenants. If any lot owner is continuously in flagrant disregard of any covenant, a lawyer shall immediately be retained for the purpose of causing conformance.

10. The physical hook-up to the sewer and water will be at the owners expense. All electrical service must be underground.

11. Each lot owner or potential purchaser is hereby made aware of certain facts regarding the sewer system which serves these platted lots: (Tax Lot 20, Selfirk Tracts Lots 1,2,3, and Cedar Shores Lots A,B,C, all located along Chippewa and DeLe streets in North Pend Oreille County, WA., just south of the Town of Ione, WA.

1) The Chippewa Water and Sewer District provides the sewer and water service for these lots. This is a very small district of less than 100 customers. The business of the district is conducted by three volunteer commissioners and a clerk. They meet once a month at the district building on McGinnis Street, a few hundred yards from the property.

The district operates and maintains pipe lines for water and sewer service to it's customers. Water is purchased from the Town of Ione and sold to customers through meters plus other rate charges. sewage is sent to the Town of Ione sewage plant and a fee is paid to the town. Chippewa charges a sewer flat rate to it's customers.

Rates for both water and sewer are reasonable. The district does not make money!

2) The commissioners approved water and sewer service to these platted lots provided the district would not carry the responsibility or cost of

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repairs to the water and sewer line and systems installed to serve these platted lots. The responsibility for repairs of sewer and water lines from the intersection of Chippewa and Dale streets to the southern boundary of Lot C, Cedar Shores is completely and jointly that of the owners of this tract.

3) The Chippewa Water and Sewer District will be called to do repairs to these pipe lines when required. The district will divide the cost of the repair(s) by seven and will bill each lot owner that amount.

Since Scott and Julie Linden are installing the sewer line at their cost, they hereby agree to bear the cost of any mainline sewer or water repairs until they no longer own property in these platted lots.

4) These platted lots are slightly lower in elevation than the sewer mainline at the intersection of McGinnis and Chippewa streets, therefore, it is necessary to pump the sewage up to the intersection of Chippewa and McGinnis Streets.

To accomplish this, each lot owner must install an individual IR or pump station. (See attached drawing). This system consists of a small tank, a pump, a float switch, a control panel and other related valves and hardware. The basic operation is as follows:

Sewage flows by gravity from the home to the tank.

The tank becomes full. The float switch activates

the grinder pump which forces the sewage under

pressure into the main line.

5) These systems are relatively simple and require very little maintenance. They are in use across the country.

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The Department of Ecology, however, is concerned that the owner or potential buyer will not understand their responsibilities regarding these individual systems and a problem will result, because this has been the case in other developments with these systems. Therefore, it is the goal of this section of the covenants and of the developer to make exceedingly clear to lot purchasers and owners of these platted lots exactly what their responsibilities are as follows:

Each individual lot owner is responsible for the entire cost of their pump system and the on-going maintenance of the system.

The individual lot owner is required by these covenants and The Department of Ecology and Tri-County Health District to:

- (a) use the attached design (b) to have the installation performed by a licensed contractor (c) to have the installation inspected by a licensed engineer (d) to perform the scheduled maintenance procedures or have them performed by a qualified individual.

(SEE ATTACHED MAINTENANCE SCHEDULE).

The back flush of the mainline (once each year) is a common maintenance responsibility to be performed by a licensed contractor with the cost of this procedure billed to each lot owner on an equal basis.

- 6) At the time of recording of these covenants the cost of the system install and operation was approximately \$3,900.00.

The Design Engineer and the engineer recommended by the developer to inspect the installation is Eric J. Eldenburg, C.E. of Sewell Engineering in Newport, WA. The contractor recommended to provide the system, install it and perform scheduled maintenance and repairs is Hershel Endicott

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of Priest River, ID.

7) This is an unusual situation, however, sewer service is much preferred to septic. The systems work well.

8) I, the lot owner or potential lot buyer have read and understand my responsibilities regarding sewer and water as an owner in these platted lots.

_____ Dated: _____

_____ Dated: _____

13. The purpose of these covenants is to encourage a beautiful, clean, neat and peaceful place for people to live and enjoy the view and the river. Therefore, each lot owner is required to maintain their property toward this goal. This means concealing trash containers, keeping litter picked up, mowing lawns, pulling weeds, keeping buildings in good repair and painted and concealing or removing extra vehicles.

These covenants will run with the land and shall be binding on all parties and all persons claiming under them for a period of 20 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years.

Should any one of the protective covenants by judgement or court order be ruled invalid, or should any one of the protective covenants be in direct conflict with county ordinance, then this in no way affects any other of the provisions which shall remain in full force and effect.

Dated this _____ day of _____, 1993.

BY:

SCOTT R. LINDEN

BY:

JULIE L. LINDEN

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**CEDAR SHORES AND SELKIRK TRACTS LOW PRESSURE
WASTEWATER COLLECTION SYSTEM
OPERATION AND MAINTENANCE GUIDELINES**

SPARE PARTS AND MAINTENANCE EQUIPMENT STORAGE

One home owner in the subdivision will maintain a kit consisting of service valve wrenches and a spare grinder pump. The location of this pump will be made known to all lot owners in the subdivision.

DESCRIPTION

The Cedar Shores and Selkirk Tracts wastewater collection system will consist of two inch PVC service lines that extend from the individual pump basins to the 2" PVC main line. Cleanouts are provided on the main line at the end and at the 90 degree bend near the intersection of Chippewa Avenue and Dale Street.

OPERATION

The collection system provides a conduit to transfer sewage from the buildings to the Chippewa Water District sewer system. Startup of the individual home collection system is accomplished by turning on the water supply to the fixtures in the building being served.

MAINTENANCE

Routine maintenance of the collection piping system includes annual flushing of the lines. It is recommended that the system be flushed in the summer. Flushing of the system is accomplished by interconnection of the sewer line with the water line blowoff. A back flow preventer must be installed on the water line blowoff prior to connection to the sewer line to prevent sewage back flow into the water line. Each cleanout should be flushed separately, starting at the 90 degree elbow and finishing with the cleanout at the end of the line. The flushing source should be capable of at least 50 GPM at 50 psi. Flushing at each cleanout should take place for a minimum of 3 minutes to allow complete cleansing of the lines. Through the flushing process, any sediments that have settled in the pipeline invert will be carried into Chippewa treatment system.

REPAIR

Should the collection piping system require repairs, the entire system or part of the system may require deactivation. Deactivation can be accomplished by turning off grinder pumps at the control panels and closing service valves. There is capacity in the pump basins for 1 day emergency storage. Any main line breakage and repair shall be reported to the Chippewa Water District.

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**CEDAR SHORES AND SELKIRK TRACTS LOW PRESSURE
WASTEWATER COLLECTION SYSTEM
OPERATION AND MAINTENANCE GUIDELINES**

EMERGENCY CONTACT LIST

In case of emergency and/or operating problems, the following entities may be consulted:

HERSCHEL ENDICOTT PUMP SALES AND SERVICE
Rt 1 Box 59
Priest River, ID 83856
(208) 448-2713

BEN BAKER EXCAVATING
Oldtown, ID
(208) 437-5804

James A. Sewall & Associates
Consulting Engineers
Contact: Eric J. Eldenburg, PE
P.O. Box 160
Newport, WA 99156
(509) 447-3626
(208) 437-2641

Chippewa Water District
P.O. Box 33
Ione, WA 99139
Contact: Mr. Charles Whitehouse, President
(509) 442-3260

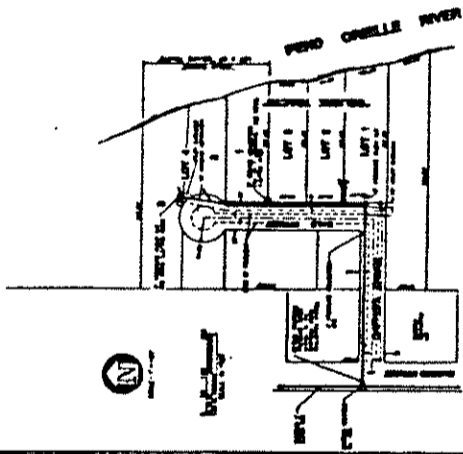
STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
N. 4601 Monroe, Suite 202
Spokane, WA 99205-1295
Contact: Andrew K. S. Tom
(509) 456-2875

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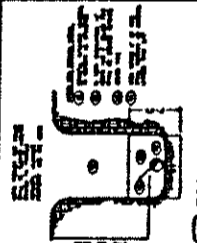
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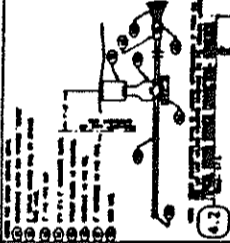
SECTION 5, TWP. 37N., RING. 43E., W.M.
 PEND OREILLE COUNTY, WASHINGTON



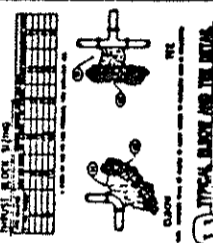
5.1 GENERAL LAYOUT



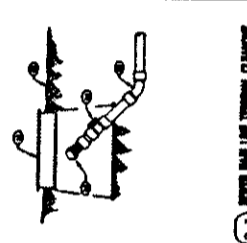
6.1 TYPICAL VERTICAL PIPING DETAIL



6.2 TYPICAL HORIZONTAL PIPING DETAIL



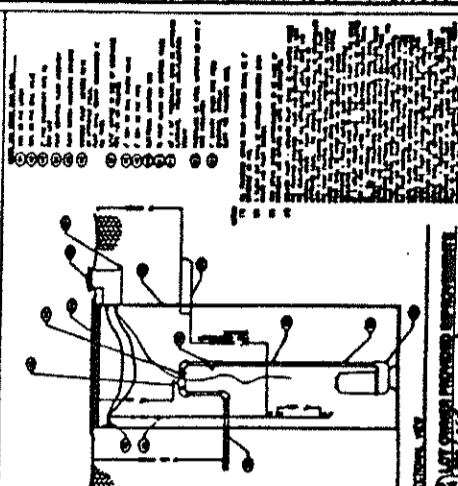
2.3 TYPICAL VALVE AND FITTING DETAIL



2.4 WATER LINE AND VERTICAL CHAMBER

2.5 WATER PUMP ELECTRICAL PANEL

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4.1 GENERAL LAYOUT AND DETAILS

2.6 WATER SYSTEM SPECIFICATIONS

The water system shall consist of a water pump, water line, and water chamber. The water pump shall be a 1/2 HP, 115V, 60 Hz, single phase motor with a cast iron pump housing and a 2 1/2 inch diameter discharge pipe. The water line shall be 2 inch diameter black iron pipe with 90 degree elbows and 45 degree tees. The water chamber shall be a 10 gallon capacity chamber with a 2 inch diameter inlet and a 2 inch diameter outlet. The water chamber shall be made of cast iron and shall have a 2 inch diameter vent pipe extending to the roof.

JAMES A. SORBY and Associates
 CONSULTING ENGINEERS
 3810 W. WASHINGTON ST.
 SEASIDE, WASHINGTON 98148
 (206) 447-7428

CERTIFICATE OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES

INSTRUCTIONS:

- A. Upon completion, and prior to the use of any project or portions thereof, a professional engineer shall complete and sign this form certifying that the project was constructed in accordance with the plans and specifications, and major change orders, approved by the Washington Department of Ecology.
- B. If a project is being completed in phased construction, a map shall be attached showing that portion of the project being certified on the date given below. Each phase of a project must be certified as it is completed. Additional certification forms are available from the Washington Department of Ecology offices listed below.

NAME AND BRIEF DESCRIPTION OF PROJECT: _____	

NAME OF OWNER: _____	WDOE PROJECT NO. _____
ADDRESS: _____	DATE PROJECT OR PHASE COMPLETED _____
CITY: _____ STATE _____ ZIP _____	WDOE PLAN AND SPECIFICATION APPROVAL DATE _____
<p>I hereby certify that I am the project engineer for the above project; that said project was inspected by me or my authorized agent and it was constructed and completed in accordance with the plans and specifications, and major change orders, approved by the Washington Department of Ecology and as shown on the owner's "as-built" plans.</p>	
_____ Signature of Professional Engineer	
_____ Date	
SEAL OF ENGINEER	

Please return completed form to the Washington Department of Ecology office checked below:

Southwest Regional Office
Department of Ecology
7272 Clearwater Lane
Olympia, WA 98504-6811

Northwest Regional Office
Department of Ecology
4350 150th Avenue N.E.
Redmond, WA 98052-5301

Central Regional Office
Department of Ecology
3601 W. Washington
Yakima, WA 98903-1164

Eastern Regional Office
Department of Ecology
N. 4601 Monroe, Suite 100
Spokane, WA 99205-1295
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