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Jefferson County Aud BRADY CONSTRUCTION

After recording return to:

Brady Construction Inc.
725 55th Street
Port Townsend, WA 98368

**COVENANTS, CONDITIONS, RESTRICTIONS AND
GUIDELINES FOR FEE LOTS OF
BRADY NEIGHBORHOOD DEVELOPMENT**

Reference #: _____

Grantor/Developer: Brady Construction, Inc., a Washington Corporation;
Mitchell Brennan and Karen L. P. Brennan, husband and wife; Darren R.
Muir and Lee Ann Muir, husband and wife

Grantees: Fee Owners in Brady Neighborhood Development

TPNS:

998-801-601	998-800-401
998-801-701	998-800-402
998-801-703	998-800-403
998-801-707	998-800-404
998-800-502	998-800-405
998-800-504	998-800-406
998-800-505	998-800-407
998-800-601	998-800-408
998-801-401	998-801-501
998-801-407	998-800-701

Abbreviated Legal: PTNS BLKS 4, 5, 6, 7, 14, 15, 16 & 17, H.L. TIBBALS, JR.,
1st Addn. to PT.



Legal Description: The real property affected is legally described as:

Lot 1 through 8, block 4; lot 1 through 8, block 6;
 Lot 1 through 8, block 7; lot 1 through 8, block 17;
 Lot 1 through 8, block 16; lot 1 and 2, block 15;
 Lot 1 and 2, block 14; lot 7 and 8, block 14;
 Parcel A of survey recorded July 3, 2007 under Auditor's File No. 525057 also known as the North 66.20 feet of Lots 5, 6 and 7, Block 5.
 Parcel B of survey recorded July 3, 2007 under Auditor's File No. 525057 also known as Lots 2,3, and 4, less the South of 66.20 feet and Lots 5,6, and 7 less the North 66.20 feet, Block 5.
 Parcel C of survey recorded July 3, 2007 under Auditor's File No. 525057 also known as the South 66.20 feet of Lots 2, 3, and 4, Block 5.
 All in the H.L. Tibbals Jr. first addition to the City of Port Townsend, as per plat recorded in volume 1 of plats, page 43, records of Jefferson County, Washington.

These Covenants, Conditions, Restrictions, and Guidelines for all building sites associated with The Brady Neighborhood Development SDP07-022 are made and declared on the day above written by Brady Construction Inc., et. al. (Declarant) its successors, grantees, and assigns, which is the owner of certain real estate situated in Port Townsend, Jefferson County, State of Washington, legally described above. These lots located in said real property are subject to the property use and Development Agreement of Land Use permit LUP07-004 dated May 10, 2007.

Declarant hereby incorporates said agreement by reference and makes limitations imposed by the City of Port Townsend within that agreement part of the Covenants, Conditions, Restrictions, and Guidelines.

PURPOSE

The goal of this Brady Neighborhood Development is to create a cohesive, mature feeling, identifiable neighborhood that contributes to the diverse, rich fabric of this community for these single family homes, these design guidelines and restrictions are intended to assist homeowners in creating and maintaining homes that support this goal. Together, each residence of this neighborhood can foster a sense of community. The building sites in this development are large and private. The abundance of trails will promote a neighborhood linked by foot.



Inspiration for the residential design should be taken from the wealth of historic and traditional houses that Port Townsend is known for.

BUILDING FORMS, MASS AND SCALE

The mass and scale of a development is an important design issue for traditional neighborhoods. This includes the height orientation and shape of new buildings and additions.

The scale of a building should be minimized by stepping down height towards the street and neighboring structures with porches and secondary roofs.

Facades must have three dimensional elements such as: dormers, chimneys, porches, and balconies to break up large wall and roof surfaces. Building forms must be articulated by varying roof heights and wall planes. Long unbroken volumes and large unarticulated wall and roof planes will not be permitted.

Details should enhance and reinforce the architectural form and style of the house. Modular and mobile homes are not allowed. Residences shall have a minimum usable floor area of 950 sq. ft. and maximum useable floor area of 4000 sq. ft., measured from the outside of the building envelope. With a maximum footprint area of 2500 sq. ft., measured from the outside building envelope, for all structures.

FRONT YARD SETBACK

Building lots in this development are large and private however, alignment of building fronts in relation to the street should be relatively even with a minimum 20' setback that promotes unity.

FRONT PORCHES

All homes shall have a generously sized front porch, 60 sq. ft. minimum, which serves as a transition area from the street to the house. The porch shall be the primary entrance to the home.

FENCES

Fences can define a yard and establish property lines. They should be considered part of the overall architecture of the property:

- Allowable height 36" front, 72" side and rear.

- Wood fences are recommended (painted or natural).

- Chain link or diagonal manufactured lattice are not allowed.



DRIVEWAYS AND PARKING

The impact of parked vehicles have an important role in a neighborhood. Vehicles and trailers should be parked off the street with landscaping and /or fencing used to shield their impact on the neighborhood.

GARAGES/ACCESSORY DWELLING UNIT

ADUs or carriage houses are encouraged with underneath or adjacent parking. Single car garage doors are recommended with raised panel construction and glazing, architecturally compatible with the primary structure and subservient in scale and total size to the primary structure, with a footprint no greater than 60% of the primary structure. R-1 maximum lot coverage is 25% for all structures.

ROOF FORM AND PITCH

The roof affects the appearance and character of a building more than any other element. When the interior living space is within the roof form rather than capped by the roof, the house has a cozy, inviting feel. Use traditional roof forms such as gabled, shed, and hip roofs. Exotic or foreign roof forms such as geodesic domes and A-frames are not allowed. The main roof should be balanced with secondary roofs or porches, dormers, and bays. The main roof shall not be flat or single pitch. Main roof pitches of 10/12 or 12/12 are encouraged and shall be a minimum of 8/12. Eaves are required on all sloped roofs with a minimum of 12" and maximum of 36".

BUILDING MATERIALS

The following roof materials allowed: architectural comp. shingles, cedar shingles or shakes, or standing seam metal. Exterior wall materials allowed: cedar shingles with painted trim, cedar board and batten, and cedar drop siding, Hardi-Plank with cedar shingle gables and Stucco.

COLOR

Traditional, muted colors are encouraged. Color selections must relate to the neighboring structures.

LANDSCAPING

Trees, bushes, flowers, and ground cover have a strong visual impact on a home. Natural landscape materials add color and texture to a yard, while at the same time providing pleasure, privacy, and shade. Maintaining mature trees and brush are strongly encouraged. Use of chemical herbicides and pesticides are discouraged. Landscaping shall



be installed within 6 months of completion of construction and maintained regularly.

TRAIL MAINTENANCE

Property owners adjacent to a trail located in the public rights-of-way are responsible for maintenance along their frontage. Property owners may not alter the trails, they must maintain landscaping as is and remove any debris, ensuring perpetual maintenance of the trail. Affected parcel numbers are 998-801-703, 998-801-701, 998-800-401, 998-800-402, 998-800-403, 998-800-404, 998-800-405, 998-800-406, 998-800-407, 998-800-408, 998-800-502

EQUIPMENT

Mechanical equipment, television satellite dishes, propane tanks, and any other utility hardware shall be shielded from public view by materials harmonious with the building.

LIGHTING

In order to maintain a rural character and to preserve views of the night sky, on-site exterior lighting is to be minimized and shielded to prevent undue light pollution. High intensity lighting, such as Mercury Vapor and Halogen, are prohibited. All exterior mounted light fixtures must be shielded, downward facing, and may not exceed 15 feet in height.

REFUSE AND RECYCLING

Garbage and recycling containers shall be screened from view.

PERIOD OF CONSTRUCTION

Construction is generally disruptive to the surrounding neighbors and should be completed as quickly as possible, within 12 months of start of construction (i.e. foundation excavation) to the completion of the exterior.

EMERGENCY ACCESS REQUIREMENT

A second means of emergency fire access is required prior to the issuance of the 11th building permit associated with the project, or within three years of the date of issuance of the first building permit for the project, whichever occurs first. Brady Construction, Inc. will enter into an agreement with the City of Port Townsend setting forth the terms of its duties to provide emergency fire access for this development. Brady Construction Inc. will provide construction drawings and materials for the secondary emergency fire access in Hendricks St., and construct the



emergency fire access to fire dept. standards. The City shall prepare and process the necessary permit applications (critical area permit and street development permit) for the emergency fire access. In addition, the City shall prepare and facilitate wetland and other environmental assessment associated with the proposed use of Hendricks St., as the emergency access way, as warranted.

STORM WATER MAINTENANCE AGREEMENT

All lots fronting the roads of 43rd from Cleveland Street to Grant Street and Grant Street from 42nd Street to 44th Street, as well as lots 1-2 and lots 7-8, of block 4 in the Tibbals Jr. First Addition, will be responsible for an equal portion of any cost incurred for maintenance of the storm water system for the above mentioned streets, beyond the maintenance provided by the City of Port Townsend. Maintenance for SWMF #2 located at 44th and Grant St., shall be the responsibility of the adjacent property owner parcel C, Blk. 5, H.L. Tibbals Jr. Addition 998-800-505. Storm water maintenance will conform to requirements of the Storm Drainage System Maintenance Instructions filed with the City of Port Townsend, dated 12-1-2008, which is marked Exhibit A, attached hereto and incorporated by reference. Stormwater maintenance facilities may not be altered.

Affected parcel numbers:

998-801-601,998-801-701,998-801-703,998-801-707,998-800-401,998-800-402,998-800-403,998-800-404,998-800-405,998-800-406,998-800-407, 998-800-408,998-800-502,998-800-504,998-800-505.

GENERAL PROVISIONS

The covenants, conditions, restrictions and guidelines as set forth herein (other than those imposed by the City of Port Townsend in its Property Use and Development Agreement) may be amended by an affirmative vote of 60% or more of the legal building sites in this Brady Neighborhood Development SDP07-022. Any amendments must be recorded with the Jefferson County Auditor. All amendments shall be consistent with the Property Use and Development Agreement, and the provisions of any applicable law. The invalidity of any one or more phrases, clauses, sentences, paragraphs, or sections hereof shall not affect the remaining portions of this declaration or any part thereof. In the event that one or more portions of this declaration should be declared invalid, this declaration shall be construed as if the invalid provision had not been inserted, but in a manner which will honor the intent of the Declarant.



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BRADY CONSTRUCTION, INC.

[Signature]
By: DARREN BRADY
Its: President

[Signature]
MITCHELL BRENNAN

[Signature]
KAREN L.P. BRENNAN

[Signature]
DARREN R. MUIR

[Signature]
LEE ANNA MUIR

ACKNOWLEDGEMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF JEFFERSON)

On this day personally appeared before me DARREN BRADY, President of BRADY CONSTRUCTION, Inc., to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that he was authorized by said company following corporate resolution, to execute this Agreement for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 10th day of December, 2008.



[Signature]
Notary Public in and for the State of Washington
Residing at: Washington
My commission expires: Aug 3, 2011

STATE OF WASHINGTON)
) ss.
COUNTY OF JEFFERSON)

On this 10th day of December, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared DARREN R. MUIR and LEE ANNA MUIR, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Storm Drainage System Maintenance Instructions



EXPIRES JAN 15, 2009

For: Brady Neighborhood Development, SDP 07-022
 Located At: Grant Street from 42nd to 46th Street and 43rd Street from Cleaveland Street to Grant Street, Port Townsend, WA
 Prepared By: Quadra Engineering, INC.
 Date: December 1, 2008
 Adapted From: Washington State Department of Ecology Stormwater Management Manual for Western Washington, Volume V, February 2005.

The storm drainage system for the Brady Neighborhood consists of an infiltration pond in the 43rd Street right-of-way, west of the Grant Street intersection; and three biofiltration / infiltration swales on the west side of Grant at 44th, 45th, and 46th Streets.

The 43rd Street pond receives runoff from 43rd and Grant from its south end to mid block between 43rd and 44th. Flow into this pond is through two catch basins and their connecting 8-inch diameter pipes. All water contained in this pond is intended to infiltrate into the underlying soil. An emergency overflow is provided. It consists of an inlet catch basin with a domed grate and an 8-inch pipe that discharges in undeveloped Hendricks Street, mid way between 43rd and 44th Streets. A junction box is used where the pipe turns from 43rd to Hendricks.

The biofiltration / infiltration trenches are shallow depressions that receive runoff directly from the street surfaces. Water contained in these trenches is intended to infiltrate into the underlying soil.

System detail are shown on the As-Built plans, attached to this document and on file at the City of Port Townsend.

The following are maintenance instructions for the components of this storm drainage system.

43rd Street Pond

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
General	Trash & Debris	Any trash and debris which exceed 5 cubic feet per 1,000 square feet (this is about equal to the amount of trash it would take to fill up one standard size garbage can). In general, there should be no visual evidence of dumping. If less than threshold all trash and debris will be removed as part of next scheduled maintenance.	Trash and debris cleared from site.
	Poisonous Vegetation and noxious weeds	Any poisonous or nuisance vegetation which may constitute a hazard to maintenance personnel or the public. Any evidence of noxious weeds as defined by State or local regulations. (Apply requirements of adopted IPM policies for the use of herbicides).	No danger of poisonous vegetation where maintenance personnel or the public might normally be. (Coordinate with local health department) Complete eradication of noxious weeds may not be possible. Compliance with State or local eradication policies required
	Contaminants and Pollution	Any evidence of oil, gasoline, contaminants or other pollutants (Coordinate removal/cleanup with local water quality response agency).	No contaminants or pollutants present.
	Rodent Holes	Any evidence of rodent holes if facility is acting as a dam or berm, or any evidence of water piping through dam or berm via rodent holes.	Rodents destroyed and dam or berm repaired.

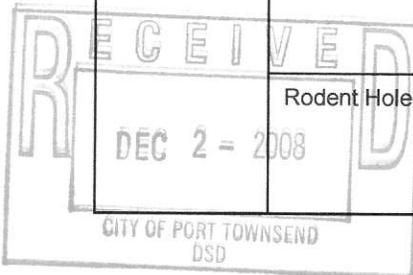


EXHIBIT A
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APPROVED

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43rd Street Pond, Continued

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
	Beaver Dams	Dam results in change or function of the facility.	Facility is returned to design function. (Coordinate trapping of beavers and removal of dams with appropriate permitting agencies)
	Insects	When insects such as wasps and hornets interfere with maintenance activities.	Insects destroyed or removed from site. Apply insecticides in compliance with adopted IPM policies
	Tree Growth and Hazard Trees	Tree growth does not allow maintenance access or interferes with maintenance activity (i.e., slope mowing, silt removal, vactoring, or equipment movements). If trees are not interfering with access or maintenance, do not remove If dead, diseased, or dying trees are identified (Use a certified Arborist to determine health of tree or removal requirements)	Trees do not hinder maintenance activities. Harvested trees should be recycled into mulch or other beneficial uses (e.g., alders for firewood). Remove hazard Trees
Side Slopes of Pond	Erosion	Eroded damage over 2 inches deep where cause of damage is still present or where there is potential for continued erosion.	Slopes should be stabilized using appropriate erosion control measure(s); e.g., rock reinforcement, planting of grass, compaction.
Storage Area	Sediment	Accumulated sediment that exceeds 10% of the designed pond depth (0.3 feet) unless otherwise specified or affects inletting or outletting condition of the facility.	Sediment cleaned out to designed pond shape and depth; pond reseeded if necessary to control erosion.



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Catch Basins

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is performed
General	Trash & Debris	Trash or debris which is located immediately in front of the catch basin opening or is blocking inletting capacity of the basin by more than 10%.	No Trash or debris located immediately in front of catch basin or on grate opening.
		Trash or debris (in the basin) that exceeds 60 percent of the sump depth as measured from the bottom of basin to invert of the lowest pipe into or out of the basin, but in no case less than a minimum of six inches clearance from the debris surface to the invert of the lowest pipe.	No trash or debris in the catch basin.
		Trash or debris in any inlet or outlet pipe blocking more than 1/3 of its height.	Inlet and outlet pipes free of trash or debris.
		Dead animals or vegetation that could generate odors that could cause complaints or dangerous gases (e.g., methane).	No dead animals or vegetation present within the catch basin.
	Sediment	Sediment (in the basin) that exceeds 60 percent of the sump depth as measured from the bottom of basin to invert of the lowest pipe into or out of the basin, but in no case less than a minimum of 6 inches clearance from the sediment surface to the invert of the lowest pipe.	No sediment in the catch basin
	Structure Damage to Frame and/or Top Slab	Top slab has holes larger than 2 square inches or cracks wider than 1/4 inch (Intent is to make sure no material is running into basin).	Top slab is free of holes and cracks.
		Frame not sitting flush on top slab, i.e., separation of more than 3/4 inch of the frame from the top slab. Frame not securely attached	Frame is sitting flush on the riser rings or top slab and firmly attached.
	Fractures or Cracks in Basin Walls/ Bottom	Maintenance person judges that structure is unsound.	Basin replaced or repaired to design standards.
		Grout fillet has separated or cracked wider than 1/2 inch and longer than 1 foot at the joint of any inlet/outlet pipe or any evidence of soil particles entering catch basin through cracks.	Pipe is regouted and secure at basin wall.
	Settlement/ Misalignment	If failure of basin has created a safety, function, or design problem.	Basin replaced or repaired to design standards.
	Vegetation	Vegetation growing across and blocking more than 10% of the basin opening.	No vegetation blocking opening to basin.
		Vegetation growing in inlet/outlet pipe joints that is more than six inches tall and less than six inches apart.	No vegetation or root growth present.



Catch Basins, Continued

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is performed
	Contamination and Pollution	See 43rd Street Pond	No pollution present.
Junction Box Cover	Cover Not in Place	Cover is missing or only partially in place. Any open catch basin requires maintenance.	Catch basin cover is closed
	Locking Mechanism Not Working	Mechanism cannot be opened by one maintenance person with proper tools. Bolts into frame have less than 1/2 inch of thread.	Mechanism opens with proper tools.
	Cover Difficult to Remove	One maintenance person cannot remove lid after applying normal lifting pressure. (Intent is keep cover from sealing off access to maintenance.)	Cover can be removed by one maintenance person.
Metal Grates	Grate opening Unsafe	Grate with opening wider than 7/8 inch.	Grate opening meets design standards.
	Trash and Debris	Trash and debris that is blocking more than 20% of grate surface inletting capacity.	Grate free of trash and debris.
	Damaged or Missing.	Grate missing or broken member(s) of the grate.	Grate is in place and meets design standards.



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Grant Street Swales

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
General	Trash & Debris	See 43rd Street Pond	See 43rd Street Pond
	Poisonous/Noxious Vegetation	See 43rd Street Pond	See 43rd Street Pond
	Contaminants and Pollution	See 43rd Street Pond	See 43rd Street Pond
	Rodent Holes	See 43rd Street Pond	See 43rd Street Pond
Storage Area	Sediment	Water ponding in infiltration swale after rainfall ceases and appropriate time allowed for infiltration.	Sediment is removed and/or facility is cleaned so that infiltration system works according to design.
Side Slopes of Pond	Erosion	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).



Grant Street Swales, Continued

Maintenance Component	Defect or Problem	Condition When Maintenance is Needed	Recommended Maintenance to Correct Problem
General	Sediment Accumulation on Grass	Sediment depth exceeds 2 inches.	Remove sediment deposits on grass treatment area of the bio-swale. When finished, swale should be level from side to side and drain freely toward outlet. There should be no areas of standing water once inflow has ceased.
	Standing Water	When water stands in the swale between storms and does not drain freely.	Any of the following may apply: remove sediment or trash blockages, improve grade from head to foot of swale, remove clogged check dams, add underdrains or convert to a wet biofiltration swale.
	Flow spreader	Flow spreader uneven or clogged so that flows are not uniformly distributed through entire swale width.	Level the spreader and clean so that flows are spread evenly over entire swale width.
	Constant Baseflow	When small quantities of water continually flow through the swale, even when it has been dry for weeks, and an eroded, muddy channel has formed in the swale bottom.	Add a low-flow pea-gravel drain the length of the swale or by-pass the baseflow around the swale.
	Poor Vegetation Coverage	When grass is sparse or bare or eroded patches occur in more than 10% of the swale bottom.	Determine why grass growth is poor and correct that condition. Re-plant with plugs of grass from the upper slope; plant in the swale bottom at 8-inch intervals. Or re-seed into loosened, fertile soil.
	Vegetation	When the grass becomes excessively tall (greater than 10-inches); when nuisance weeds and other vegetation starts to take over.	Mow vegetation or remove nuisance vegetation so that flow not impeded. Grass should be mowed to a height of 3 to 4 inches. Remove grass clippings.
	Excessive Shading	Grass growth is poor because sunlight does not reach swale.	If possible, trim back over-hanging limbs and remove brushy vegetation on adjacent slopes.
	Inlet/Outlet	Inlet/outlet areas clogged with sediment and/or debris.	Remove material so that there is no clogging or blockage in the inlet and outlet area.
	Trash and Debris Accumulation	Trash and debris accumulated in the bio-swale.	Remove trash and debris from bioswale.
Erosion/Scouring	Eroded or scoured swale bottom due to flow channelization, or higher flows.	For ruts or bare areas less than 12 inches wide, repair the damaged area by filling with crushed gravel. If bare areas are large, generally greater than 12 inches wide, the swale should be re-graded and re-seeded. For smaller bare areas, overseed when bare spots are evident, or take plugs of grass from the upper slope and plant in the swale bottom at 8-inch intervals.	