

RESTRICTIONS

1. ORIGINAL PLAT RESTRICTIONS OF THE WESTCOTT SHORES SHORT PLAT RECORDED VOLUME 1, PAGE 301 ARE APPLICABLE TO THIS PLAT, EXCEPT AS AMENDED BY RESOLUTION 73-1990. ADDITIONALLY, THE RESTRICTIONS OF THE SHORT PLATS OF WESTCOTT SHORES 2 AS RECORDED AT VOLUME 3, PAGE 371 AND WESTCOTT SHORES 3 AS RECORDED AT VOLUME 6, PAGE 221 ARE APPLICABLE TO THIS SHORT PLAT.
2. THIS SUBDIVISION HAS BEEN APPROVED BY THE RESPONSIBLE COUNTY OFFICIALS ON THE PREMISE THAT THE LOT AS SHOWN HEREON LOT WILL BE OCCUPIED BY NO MORE THAN ONE SINGLE FAMILY DWELLING AND LAWFULLY RELATED OUTBUILDINGS. THE LOT SHALL NOT BE OTHERWISE OCCUPIED UNLESS THE OWNER CAN FIRST DEMONSTRATE TO THE COUNTY'S SATISFACTION THAT THE PROVISIONS FOR WATER SUPPLY, SEWAGE DISPOSAL, CIRCULATION, LOT SIZE AND RELATED PLANNING CONSIDERATIONS ARE ADEQUATE TO SERVE THE PROPOSED USE. COMPLIANCE WITH THIS PROVISION SHALL BE EFFECTED BY WRITTEN APPLICATION TO THE PLAT ADMINISTRATOR WHO SHALL BE RESPONSIBLE FOR COORDINATING THE REVIEW OF SUCH REQUESTS AND FOR MAKING THE REQUIRED DETERMINATION.
3. IF ANY PRIVATE DEED RESTRICTIONS ARE IN CONFLICT WITH THE RESTRICTIONS WHICH APPEAR ON THE FACE OF THIS PLAT, THE MORE RESTRICTIVE PROVISIONS SHALL GOVERN. HOWEVER, THE COUNTY SHALL NOT BE PARTY TO ANY PRIVATE RESTRICTIONS.
4. ALL STRUCTURES SHALL BE SET BACK A MINIMUM OF 35 FEET FROM THE CENTERLINE OF ALL PUBLIC AND PRIVATE RIGHTS-OF-WAY, AND 60 FEET FROM ORDINARY HIGH TIDE.
5. VEHICULAR ACCESS TO THE LOT AS SHOWN ON THIS SHORT PLAT SHALL BE RESTRICTED TO THE PLAT ROAD, WESTCOTT SHORES DRIVE AND THE COMMON DRIVEWAY LOCATIONS AS SHOWN HEREON, BEING DRIVEWAYS COMMON WITH ADJACENT LOTS.
6. OWNER OF THIS LOT SHALL PARTICIPATE IN THE JOINT USERS' MAINTENANCE AGREEMENT FOR SOUTHWEST DRIVE, A PRIVATE ROAD EASEMENT, BETWEEN THIS SHORT PLAT AND THE COUNTY ROAD, BASED ON A PRO-RATA SHARE AS PER REAL ESTATE CONTRACT FILED UNDER AUDITOR'S FILE NO. 717810, RECORDS OF SAN JUAN COUNTY, WA.
7. THE LOT OWNER SHALL ALSO SHARE THE COSTS OF MAINTAINING THE ROAD SHOWN HEREON AS WESTCOTT SHORES DRIVE PER DECLARATION OF ROAD MAINTENANCE AS RECORDED UNDER AUDITOR'S FILE NO. 125993.
8. COMMON AREA 2 AS SHOWN ON THE FACE OF THIS PLAT MAY BE USED FOR SEWAGE DISPOSAL AND BUFFER/GREENBELT PURPOSES.
9. NO IMPROVEMENTS, OTHER THAN A FUTURE MOORAGE FACILITY AND PEDESTRIAN PATHS, SHALL BE ALLOWED WITHIN THE COMMON AREA 3.
10. IF A DOCK OR MOORAGE FACILITY IS TO BE CONSTRUCTED WITHIN THE COMMUNITY TIDELANDS AREA, THERE SHALL BE ONLY ONE AND IT SHALL BE FOR THE BENEFIT AND USE OF ALL OWNERS OF LOTS WITHIN THIS SHORT PLAT IN CONJUNCTION WITH THE LOT OWNERS OF WESTCOTT SHORES SHORT PLAT (VOL. 1, PAGE 301). A MOORAGE FACILITY IS NOT AUTHORIZED BY APPROVAL OF THIS SHORT PLAT.
11. PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITY, I.E.G. ROAD BUILDING, LOT CLEARING, CLEARING FOR VIEWS, PLACEMENT OF UTILITIES, AND/OR HOUSE CONSTRUCTION, A TREE REMOVAL PLAN IDENTIFYING THE TREES PROPOSED TO BE REMOVED WITHIN THE SHORELINE SETBACK AREA MUST BE SUBMITTED TO THE SAN JUAN PLANNING DEPARTMENT. TREE REMOVAL SHALL BE BASED ON THE FOLLOWING CRITERIA:
 - A. TREE REMOVAL SHALL BE MINIMIZED.
 - B. EXISTING TREES SHALL PROVIDE A VISUAL BUFFER OF THE PROPOSED STRUCTURES AS VIEWED FROM THE WATER.
 - C. PROPERTY OWNERS ARE ENTITLED TO A REASONABLE VIEW NOT EXCESSIVELY CLUTTERED OR BROKEN BY TREES.
 - D. CUTTING OF VEGETATION BETWEEN THE WATERFRONT BUILDING SET BACK LINE AND ORDINARY HIGH TIDE SHALL BE RESTRICTED TO TRUNKS LESS THAN 5 INCHES IN DIAMETER.
12. IF ARCHAEOLOGICAL ARTIFACTS ARE UNCOVERED AT ANY TIME DURING CONSTRUCTION, CONSTRUCTION SHALL BE IMMEDIATELY STOPPED AND THE PLANNING DEPARTMENT SHALL BE CONTACTED. AN ARCHAEOLOGICAL SURVEY SHALL BE REQUIRED AND A MITIGATION PLAN SHALL BE PREPARED PER SUCC 10.40.504, GENERAL REGULATION NO. 2.
13. ALL NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.
14. PRIOR TO ISSUANCE OF BUILDING PERMITS ON THE LOT CREATED, IDENTIFY THE EXTERIOR COLOR OF ALL PROPOSED STRUCTURES. EXTERIOR WALLS SHALL BE CONSTRUCTED OF WOOD AND SHALL BE LEFT IN THEIR NATURAL CONDITION (NOT STAINED OR PAINTED), OR SHALL BE STAINED OR PAINTED TO BLEND WITH THE NATURAL ENVIRONMENT.
15. NO CONSTRUCTION WILL BE PERMITTED OR ANY BUILDING PERMIT ISSUED ON THIS LOT UNLESS PRIOR WRITTEN AGREEMENT IS MADE WITH THE SAN JUAN COUNTY BUILDING DEPARTMENT BY THE LEGAL PROPERTY OWNER TO INSURE INSTALLATION OF RESIDENTIAL SPRINKLERS IN ANY NEWLY CONSTRUCTED RESIDENTIAL STRUCTURE IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION DOCUMENTS NFPA 13R OR 13R.
16. WATER IS PROVIDED FOR THE LOT SHOWN ON THIS SHORT PLAT BY THE ROCHE HARBOR COMPANY AS SHOWN ON THE ABOVE REFERENCED RECORD SHORT PLATS.

DESCRIPTION

LOT 2A ACCORDING TO THE SHORT PLAT OF WESTCOTT SHORES 2 AS RECORDED IN VOLUME 5 OF SHORT PLATS, PAGES 6 AND 6A, RECORDS OF SAN JUAN COUNTY, WASHINGTON, AND LOT 3A ACCORDING TO THE SHORT PLAT OF WESTCOTT SHORES 3, AS RECORDED IN VOLUME 6 OF SHORT PLATS, PAGES 34 AND 34A, RECORDS OF SAID COUNTY.

TOGETHER WITH AND SUBJECT TO THOSE CERTAIN EASEMENTS, TERMS, COVENANTS, CONDITIONS, RESTRICTIONS AND PROVISIONS AS SET FORTH BY AND UPON THE SHORT PLAT OF WESTCOTT SHORES, AS RECORDED IN VOLUME 1 OF SHORT PLATS, PAGES 22 AND 22 A, RECORDS OF SAID COUNTY, SAID SHORT PLATS OF WESTCOTT SHORES 2 AND WESTCOTT SHORES 3, INCLUDING AN UNDIVIDED INTEREST IF THE COMMON AREA AS SHOWN ON SAID SHORT PLAT OF WESTCOTT SHORES 3, AND, IN THOSE CERTAIN INSTRUMENTS RECORDED UNDER AUDITOR'S FILE NOS. 71786, 101806, 101807, 125993, 92179206, AND 91176312, RECORDS OF SAID COUNTY.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS, DO HEREBY DECLARE THIS DECLARATION THIS SHORT PLAT TO BE KNOWN AS THE ALTERATION TO THE SHORT PLATS OF WESTCOTT SHORES 2 AND WESTCOTT SHORES 3, A PRIVATE SUBDIVISION, AND ALSO

WE DECLARE THAT ALL ROAD RIGHTS-OF-WAY AND ALL EASEMENTS ARE PRIVATELY OWNED; THAT THE COUNTY OF SAN JUAN IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF ANY ROADS OR THE MAINTENANCE OF ANY ROADS OR EASEMENTS, AND THAT ALL PERSONS ACQUIRING PROPERTY IN THIS SHORT PLAT AGREE TO HOLD THE COUNTY HARMLESS FOR ALL COSTS OF CONSTRUCTION AND/OR MAINTENANCE OF ALL ROADS AND/OR EASEMENTS WITHIN THE SHORT PLAT.

THERE IS HEREBY CREATED AND GRANTED TO THE LOT OWNER SUCH EASEMENTS AS APPEAR ON THIS SHORT PLAT, THE SAME BEING NON-EXCLUSIVE EASEMENTS FOR THE USES AND PURPOSES DESIGNATED HEREIN FOR THE BENEFIT OF THE LOT OWNER, AND ALSO.

WE DEDICATE TO THE AFFECTED UTILITIES COMPANIES A NON-EXCLUSIVE EASEMENT OVER, ACROSS AND UNDER THE 10-FOOT WIDE STRIP OF LAND AS SHOWN HEREON ALONG THE INSIDE PERIMETER OF THE LOT BOUNDARIES, TOGETHER WITH A NON-EXCLUSIVE EASEMENT OVER, ACROSS AND UNDER "WESTCOTT SHORES DRIVE" AND "SOUTHWEST DRIVE" AS SHOWN HEREON, PROVIDED THAT ANY UTILITY EASEMENT MAY BE RELOCATED AT THE REQUEST OF THE LOT OWNER WITH THE CONCURRENCE OF THE REPRESENTATIVES OF THE AFFECTED UTILITIES IF AN ADEQUATE ALTERNATE EASEMENT IS MADE AVAILABLE, AND IF RELOCATION WILL NOT CONFLICT WITH ANY RESTRICTIONS ON THIS PLAT.

IN WITNESS WHEREOF, WE HAVE AFFIXED HEREUNTO OUR HANDS AND SEALS THIS 2ND DAY OF DECEMBER, A.D. 1994

[Signature]
JEREMY D. BUTLER

[Signature]
KAREN BUTLER

ADMINISTRATOR'S CERTIFICATE

THIS SHORT PLAT CONFORMS TO THE REQUIREMENTS ESTABLISHED BY SAN JUAN COUNTY RESOLUTION NO. 274-1980 AS AMENDED BY RESOLUTION NOS. 222-1981, 16-1986, AND 103-1987. IT HAS BEEN EXAMINED BY THE COUNTY ENGINEER FOR COMPLIANCE WITH SURVEY AND ROADWAY REQUIREMENTS AND BY THE COUNTY SANITARIAN FOR COMPLIANCE WITH WATER SUPPLY AND SEWAGE DISPOSAL REQUIREMENTS. THEIR WRITTEN STATEMENTS OF APPROVAL ARE ON FILE IN THE SAN JUAN COUNTY PLANNING DEPARTMENT.

[Signature] 12/8/94
ADMINISTRATOR OF PLATS/
PLANNING DIRECTOR DATE

NOTE: THE ORIGINAL STATEMENT OF DISCLOSURE FOR THIS SUBDIVISION HAS BEEN RECORDED IN THE COUNTY AUDITOR'S OFFICE UNDER FILE NO. 94120804, AND MAY BE EXAMINED UPON REQUEST. THIS DISCLOSURE STATEMENT CONTAINS ADDITIONAL INFORMATION REGARDING WATER AVAILABILITY AND SEWAGE DISPOSAL, AS WELL AS OTHER ITEMS OF IMPORTANCE REGARDING THIS PROPERTY.

TREASURER'S CERTIFICATE

ALL TAXES LEVIED FOR THE CURRENT YEAR, 1994, AND ANY DELINQUENT TAXES WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE. IF ANY PENALTY FEES ARE DUE UNDER THE PROVISIONS OF THE OPEN SPACE LAW (CHAPTER 84.34 RCW), THIS DOES NOT GUARANTEE THAT THEY HAVE BEEN PAID.

[Signature] 12/6/94
MICHELLE B. MANK, Deputy
SAN JUAN COUNTY TREASURER DATE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 8th DAY OF December 1994
AT 1:22 P. M. IN VOLUME 6 OF PLATS, PAGES 81 AND 81A
AT THE REQUEST OF JOHN L. THALACKER, P.L.S.
A.F.N. 94120805
[Signature]
MONICA M. VAN APPEL
SAN JUAN COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF SAN JUAN COUNTY RESOLUTION NO. 274-1980 AS AMENDED BY RESOLUTION NOS. 222-1981, 16-1986, AND 103-1987, AND THE WASHINGTON STATE SURVEY RECORDING ACT FROM FEBRUARY, 1994 THRU JULY, 1994.

[Signature]
JOHN L. THALACKER, P.L.S.
CERTIFICATE NO. 8657
SAN JUAN SURVEYING
P.O. BOX 611
FRIDAY HARBOR, WA 98250

DATE: 12/5/94



ACKNOWLEDGMENTS

STATE OF WASHINGTON)
COUNTY OF SAN JUAN) 1994

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JEREMY B. BUTLER AND KAREN BUTLER SIGNED THIS DEDICATION AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE DEDICATION.

[Signature]
JOHN HENRY BRADLEY
NOTARY PUBLIC IN AND FOR THE
STATE OF WASHINGTON
RESIDING AT: FRIDAY HARBOR
MY COMMISSION EXPIRES: 18 NOV 1995



ALTERATION TO THE SHORT PLATS OF WESTCOTT SHORES 2 AND WESTCOTT SHORES 3

A PRIVATE SUBDIVISION ON SAN JUAN ISLAND
BEING A PORTION OF GOVERNMENT LOT 9
SECTION - 23 - T36N - R4W - W.M.

Job No. 1639
Comp Ref. 1639PRO
Field Book (s)
Reference: BUTLER
Drawn by: JDW
Checked by: J.T.
Revised: Misc. 50 P. 51
Revised:
Revised: