

4.4.1. Environmental Controls.

The following covenants, conditions and restrictions are intended to help protect the unique environmental characteristics of The Greens at Loomis Trail. These will assist in controlling erosion, sedimentation and otherwise protect the slopes and water quality of The Greens at Loomis Trail and surrounding properties:

(a) All geotechnical issues associated with the Lots shall be governed by the Whatcom County Land Use Department pursuant to its ordinances and regulations.

(b) In order to preserve and protect all remaining indigenous trees and plants of The Greens at Loomis Trail, no Owner other than the Declarant may remove any trees or plants from any of the Lots without notification of and approval by the Declarant.

(c) To control erosion and sedimentation during construction, disturbed areas must be re-vegetated as soon as practical and in any event not later than on the date of occupancy.

(d) No soil disturbance, grading, excavation, debris or fill placement, or construction activity shall be permitted except as temporarily required during construction under a valid fill and grade permit.

(e) To minimize impacts to water quality:

(i) No fungicide or other chemical deleterious to plants, wildlife or water quality may be used on roofs, provided, however factory-applied fire-treating as approved by the Declarant will be permitted. Roof cleaning shall only be permitted by mechanical means; no chemical-cleaning agents may be used.

(ii) Only slow release fertilizer will be allowed on Lots and no high phosphate or super phosphate fertilizers shall be used.

(f) Landscape and storm water plans shall satisfy the following requirements:

(i) Any plan for landscape shall show the size and location of all irrigated areas.

(ii) Use of drought tolerant and native plants shall be encouraged.