



CARLYON BEACH HOA
RULES & REGULATIONS
EFFECTIVE
November 16, 2021

<u>Topic</u>	<u>Page #</u>
I. General	1
II. Administration	1 - 2
III. Board Responsibilities	2 - 3
IV. Property Maintenance	3 - 5
V. Vehicles & Recreational Vehicles	5 - 6
VI. Landlord/Tenant	6
VII. Animals	6 - 7
VIII. Water Service	7 - 8
IX. Septic System	8 - 9
X. Roads & Storm Water	9 - 10
XI. Community Recreation Areas	10 - 11
XII. Club House	11 - 12
XIII. Marina	12 - 13
XIV. Docks, Floats, & Moorage	13 - 14
XV. Boat & Kayak Launching	14 - 15
XVI. Building & Construction	15
XVI - A. General Building Information	15 - 16
XVI - B. Height Requirement & Variance	16 - 17
XVI - C. Permitting Process	17
XVI - D. Permit Type #1a, #1 & #2	18 - 20
XVI - E. Permit Type #3	20
XVI - F. Projects not Requiring a Permit	20 - 21
XVI - G. Timelines & Standards for Occupancy for Building in CBHA	21
XVII. Enforcement	22
XVIII. Addendum: CBHA Dispute Resolution	23

CARLYON BEACH HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS

Effective November 16, 2021

I. GENERAL

1. The Rules and Regulations of Carlyon Beach Homeowner's Association (CBHA) are established annually by the Association's Board of Trustees, as directed by Article VI, Section 3, of the Association's By-Laws.

The following Rules and Regulations are procedures required by the Association's Board of Trustees for implementation of CBHA By-laws.

2. Costs, including attorney fees, incurred by the Association to enforce compliance with the Rules and Regulations shall be charged to the offending member or members as identified by the Board of Trustees. Such charges shall be collected as prescribed in Article IX, Section 4C, of the Association's By-Laws.
3. Garbage services supplied by CBHA and paid for by the entire membership are intended for members and their guests utilizing the facilities of the Community Recreation Area, Dock, Floats, and Clubhouse. The disposal of "home" garbage in Club containers is prohibited. Garbage or refuse collected at the owner's property is the owner's responsibility to remove. LeMay Garbage Service, telephone 360-923-0111, is the Health Department approved agent servicing the Carlyon Beach area.

Extreme care must be exercised to avoid spilling petroleum products on floats or in the water areas around the floats for reasons of ecology and fire.

4. A reward as determined by the Board, not to exceed \$500, may be paid for information leading to the arrest and conviction of anyone who damages, destroys, or steals property belonging to CBHA.
5. No hunting shall be permitted, and the use of firearms is prohibited within CBHA boundaries.
6. No soliciting (commercial house to house selling) or other soliciting within CBHA boundaries will be allowed.

7. Drones: Adhere to FAA community-based safety guide lines for drones and respect privacy. Do not fly over people (<https://www.faa.gov/uas/>). Complaints should be filed with the FAA hotline, <https://hotline.faa.gov/>.
8. Persons causing injury or damage to CBHA holdings must provide full restitution to the Reserve Capital fund as determined by CBHA President.

II. ADMINISTRATION

1. Annual assessments and marina slip fees are due and payable as of July 31 of the current fiscal year when due, or shall be paid in no more than twelve (12) equal monthly installments July 1 through June 30 of the fiscal year unless such assessments are provided an alternate payment plan as approved by the Board of Trustees.
2. If as of July 31, the assessment is not paid in full or if the monthly payment is delinquent at any point during the fiscal year, such existing balance shall be subject to interest at the rate of twelve percent (12%) per annum from that date. When a payment is made it will be applied to the finance charges first before the original amount owed.
3. Unpaid assessments shall be subject to Article IX of the By-Laws: The Board of Trustees shall institute liens and foreclosure action and/or retain a collection agency.
4. All payments of assessments or other charges shall be made payable to "CBHA." All fees, fines and finance charges are due and payable as billed. Past due accounts for these charges become delinquent when 30 or more days in arrears. Delinquent accounts are subject to interest charges at the rate of twelve percent (12%) per annum.
5. All lot payments must be identified by the lot number or the address as to the lot assessment being paid.

6. The office must be notified of any change of a property owner's (member's) home or mailing address and phone number. The office shall be notified of any sale or transfer of property within CBHA. All new members must notify and personally check into the office within ten (10) business days of ownership.
7. At the time of sale of property within CBHA, a transfer fee of **\$400** will be assessed at closing to cover the costs of providing property status information to the title company and establishing membership services for the new owner.
8. Member's NSF checks shall incur a **\$25** charge to the member's account. After 2 (two) NSF checks in 12 consecutive months, other payment options must be used (cash, credit card, money order, cashier's check.)
9. Only authorized personnel may operate the CBHA business computers and only CBHA official business will be conducted on them.
10. Equipment, tools, or materials, including tables and chairs, belonging to CBHA shall not be rented or loaned to members for private use nor shall they be used by any Association employee or Association official for non-Association use, unless deemed necessary, for the good of the Association, by the Board of Trustees.
11. All waiting lists of CBHA members kept for the purpose of determining who is next in line for use of a facility or service shall be kept in the office and updated as needed by the Member Representative. Required forms shall be completed to document requests signed by the member.
12. The Board of Trustees employs individuals to provide services to the Association. Members shall treat these employees with respect at all times. Members may greet and ask questions of the employees while working in their capacity as employees of CBHA. Members shall never distract these employees from their work. Furthermore, members shall never request personal favors of CBHA employees, while such employees are acting in their capacity as employees of the Association.
13. Any complaint, which a member may have concerning the work or behavior of Association employees, shall be directed to the Board of Trustees in writing. A hearing with the Board of Trustees shall constitute the member's final administrative remedy.

ENFORCEMENT:

MEMBERS IN NON-COMPLIANCE WITH PAYMENTS OF ANNUAL & SPECIAL ASSESSMENT, FEES, FINES AND FINANCE CHARGES.

1. End of the month statements are mailed the first week of the following month. Payment of all fees, fines, finance charges and a minimum of 1/12 of the annual assessment must be paid by the end of the month in which the statements are generated.
2. Statements with past due balances will be stamped "PAST DUE" in red. E-mailed statements will receive a separate notification.
3. Past due accounts that have not been brought current by the end of the month following the statement month will have a "water shut off notice" door hanger placed on the property.
4. If payment or payment arrangements have not been made within ten (10) business days after the water shut off notice, the members' water will be shut off and a **\$75** charge will be assessed.
5. Ten (10) business days after the water is shut off if payment or payment arrangements still have not been made the member will be mailed an intent to lien notification.
6. If payment is not made in full or payment arrangements have not been agreed to by the Association, within thirty (30) business days a lien will be placed on the property and the member will be assessed a **\$203.50** lien fee.

III. BOARD RESPONSIBILITIES

1. Meetings
 - a. Regular meetings of the Board of Trustees shall be held on the fourth Tuesday of each month, unless changed by Board action, at the principal place of business of the Association. Members are encouraged to attend these meetings. Members in good standing, as defined in Article II, Section 1B, of the By-laws of CBHA, may speak when public comment and suggestions are requested at the meetings. The purpose of the meeting of the Board of Trustees is to conduct the business of the Association and make public decisions concerning issues such as Association funds and utilities.

- b. The Board of Trustees may also hold workshops to discuss issues with members in a less formal setting. The Board of Trustees cannot make binding decisions however, at such workshops.
 - c. The Board of Trustees may also hold town meetings in order to allow members to make suggestions to the Board of Trustees and the staff. The role of the members of the Board of Trustees at town meetings is to listen to concerns of members; and answer any questions that members may have. The Board of Trustees cannot make binding decisions at town meetings.
 - d. Regular meetings of the Board of Trustees, workshops, and town meetings are public meetings, open for observation by all members in good standing and any person invited by the Board of Trustees to assist the Board with its business. All members who attend such meetings shall agree or disagree with one another, with the utmost respect and follow the meeting procedures, (Robert's Rules of Order), as the President directs.
 - e. Executive sessions of the Board of Trustees may be held to consider personnel matters and other matters set forth in Article V, Section 4, of the By-laws of Carlyon Beach Homeowners Association.
2. Each committee of the Board shall:
- a. Consist of no less than three (3) members including the trustee with the trustee acting as committee chair. A list of committee members shall be posted on the CBHA bulletin board and on the CBHA website.
 - b. Establish a regular meeting schedule to meet at least every two months. The regular meeting schedule shall be posted on the CBHA bulletin board and on the CBHA website.
 - c. Schedule any special meeting at least 24 hours in advance. Such notice of a special meeting shall be posted on the CBHA bulletin board.
 - d. All committee meetings are open to all members in good standing with the exception of any portion of a meeting qualifying for executive session in accordance with state law.
- e. All actions and/or recommendations made at a committee meeting shall be reported by the trustee to the full board at the next regularly scheduled board meeting and shall become a part of the Board minutes.
 - f. It shall be the responsibility of the committee chair to ensure that the requirements of this paragraph are adhered to.
3. Oversight of Community Groups
- a. The assigned trustee shall meet at least quarterly with a representative from each community group ie. community garden, dog park, events, etc. All proposed actions and/or recommendations related to these groups shall be reported by the trustee to the full board at the next regularly scheduled board meeting and shall become part of the minutes. No changes to community property may occur without Board approval.

IV. PROPERTY MAINTENANCE

1. In order to preserve and protect property values and homeowner's investments in their properties, all owners are required to maintain the exterior of their dwelling and any other structures on their lots such as guest houses, outbuildings, storage sheds and garages. This includes dwellings and structures that are lived in as well as vacant. Property maintenance includes removal of dead trees that pose a safety concern.
2. **The exterior of each lot and residence shall be kept in a neat, clean, and tidy condition**
 - **be free of litter, containers, equipment, building supplies or debris**
 - **be free of any hazardous, toxic, or flammable materials**
 - **not be used as a dumping or storage ground**
 - **be free of appliances, furniture or any unsightly material**
 - **have trash, garbage, and other waste kept in sanitary containers**

- have equipment that is stored or ready for disposal kept in clean and sanitary condition
- have broken windows repaired as soon as possible
- have mowed lawns – if seeds are present then the lawn has exceeded the allowed length
- have an easily accessible pump out connection that is free of vegetation and obstacles.
- be free of all unsightly undergrowth. For example scrub alders, blackberries, noxious weeds, etc.
- be free of dead trees or trees that have been identified as hazardous by an arborist.
- not have a portable toilet unless building construction is in process. (Exception: one at the wastewater treatment plant and one at the CBHA shop in compliance with L&I regulations.)
- not have personal property placed or kept on the association's property/right of way.

1 – 8 Inches	1 Tree
9 – 14 Inches	2 Trees
15 – 18 Inches	3 Trees
19 – 22 Inches	4 Trees
23 – 26 Inches	5 Trees
27 – 30 Inches	6 Trees
31 – 34 Inches	7 Trees
35 – 36 Inches	8 Trees

Minimum tree size: Evergreen trees must be at least four (4) feet tall. Deciduous trees must be branched with 1.25-inch caliper at the base.

- c) A change to this requirement may be granted by the Architecture Committee or Board of Trustees to meet the existing rules regarding reasonable expectation of light, view and air.
- d) Obstructed View: Ideas of what constitutes an obstructed view varies and is impacted by topography, natural vegetation and trees. When planting vegetations and trees, homeowners will consider the height and fullness of plants and trees so as to allow neighbors to see through or over the landscape beyond. A difference of opinion regarding view of the landscape should be resolved between neighbors. (see addendum CBHA Dispute Resolution flow chart)

A list of view friendly shrubs and trees is available on the website or from the office.

3. Any person in violation of local or state fire restrictions, including but not limited to seasonal burn bans or restricted materials, will be fined \$250 by the CBHA for each violation.

4. TREE PRESERVATION

Carlyon Beach Homeowners Association Resident's Guide to Tree Preservation as prescribed by Article X, Section 2, of the By-Laws.

- a. You are required to maintain one tree for every 1,500 square feet of lot size.
- b. Preserving large trees reduces the number of trees required on a lot.

Trunk Diameter of Existing Tree	Equivalent Number of Planted Trees
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5. ENFORCEMENT

- a. Members not complying with the Rules and Regulations regarding Property Maintenance shall receive a letter describing the infraction(s) and request that it/they be remedied or that CBHA receive correspondence stipulating scheduled remedy of the infraction(s) within ten (10) business days of the date of the letter.
- b. If, ten (10) business days after the date of the first letter, the infraction has not been remedied and CBHA has not received a satisfactory written response describing a plan to remedy the infraction, the Board shall have cause to send a certified letter that restates the infraction and assess a fine of \$100 plus associated costs.

- c. If, ten (10) business days after the date of the certified letter the infraction has not been remedied and no satisfactory written response describing a plan to remedy the infraction has been received by CBHA, CBHA shall send a second certified letter, restating the infraction and assessing an additional fine of **\$200** plus associated costs.
- d. If, ten (10) business days after the date of the 2nd certified letter, the infraction has not been remedied and no satisfactory written response describing a plan to remedy the infraction has been received by CBHA, CBHA will assess an additional fine of **\$500** plus associated costs.
- e. Ten (10) business days after assessing the **\$500** fine a satisfactory response has not been received from the property owner an additional fine of **\$1,000** plus associated costs will be assessed and if the prior fines have not been paid in full a lien will be placed on the property. The lien amount will include the entire outstanding balance of the owner.
- f. Additional fines of \$1,000 may be assessed every 10 business days. If in 60 business days from the date of the first notification of property maintenance violations the situation is not resolved, CBHA may hire an independent contractor to resolve the issue including removing trash, appliances, furniture, hazardous materials, other unsightly materials, and vegetation. The member will be charged for the cost of this as well as a 20% administrative fee and all previous fines for property maintenance violations are to be paid.

V. VEHICLES & RECREATIONAL VEHICLES

- 1. All vehicles not parked in a garage must have current license tabs.
- 2. No parking is allowed on CBHA-owned surfaced roads, access roads, rights of way or drainage areas (such as roadside ditches) at any time
- 3. All vehicles must be parked in the designated driveway, or an area not to exceed 24 feet

across, the permitted width of all driveways accessing a single lot.

- a. In addition to vehicles parked in the driveway one boat, RV, travel trailer, utility trailer or equipment may be parked in the front or side of a house, as long as it does not block a neighbor's view, light, air and/or look unsightly.
 - b. Only one self-propelled RV (motor home) or one towable RV (fifth wheel or trailer) and one boat/boat trailer may be parked visibly on a developed lot.
4. At no time will non-drivable vehicles be allowed to remain on CBHA streets or rights of way, or in open view on a member's lot. Examples are, but not limited to, two or more of the following conditions:
- a) A build-up of debris, moss or weeds on, in, under, or around the vehicle that obstructs use.
 - b. Damage to the vehicle frame. A missing wheel, tire, body panel, door, hood or other obvious body part, not including a bumper.
 - c. A missing license plate and/or a license plate that has been invalid for more the 60 days.
 - d. Evidence that the vehicle has not been moved in at least 60 days.

Reference Thurston County Code enforcement for junk vehicles.

- 5. No recreational vehicle parked on an undeveloped lot or a developed lot shall be allowed to block the air, light and view of the neighboring houses. This includes motor homes, travel trailers, campers and boats. No tent camping is allowed on any undeveloped lot without an RV present to provide toilet facilities.
 - a) Recreational vehicles and equipment including travel trailers, camp trailers, cargo trailers, motor homes, boat, etc., shall be used for recreational purposes only at CBHA, and shall not be considered nor occupied as residences.
 - b) All RV's to be lived in for no more than 120 days and placed on an empty lot need to meet the setbacks of the division they are in (30 feet Division 1 & 20 feet for Division 2)

- c) Living or sleeping occupancy of recreational vehicles/equipment shall not exceed a cumulative total of 120 days during any Association fiscal year (July 1 through June 30).
- 6. Undeveloped lot: Only two vehicles (to include cars, trucks, boats, trailers, and RVs) may be stored on an undeveloped lot.
- 7. Individual exceptions to these rules may be approved by the Board of Trustees.
- 8. Given that driveways in CBHA vary greatly, when any written complaint is received regarding a perceived violation of the intent of this section, the Board of Trustees shall be empowered to investigate and make the final determination as to the action that needs to be taken.
- 9. **ENFORCEMENT:** See enforcement section.

- 5. Members (Landlord) renting/leasing property within CBHA are responsible to ensure that the occupants of their property comply with CBHA Rules and Regulations, By-Laws and Covenants. The member is ultimately responsible for the actions or inactions of the tenants and will be held accountable for compliance with these Rules and Regulations.
- 6. Tenants may participate in community events and use park facilities except for the kayak racks and the launch ramp (see further statement). They may also lease the use of a man gate key from the office.

In addition, they may lease a boat slip if available (that comes with a launch ramp key) or a kayak rack if the owner of their rented property is willing to take full responsibility for the lease of these amenities and the property owner does not lease these facilities for personal use.

*Tenants are ineligible to lease a launch gate key or rent the club house.

VI. LANDLORD/TENANT (RENTER)

- 1. Members may rent or lease out no more than one land parcel, which must have permanent living quarters. Renting or leasing of undeveloped lots is prohibited in CBHA regardless of the number of parcels owned by the member.
- 2. Owners renting/leasing property within CBHA shall:

Come into the CBHA office and complete the required rental paperwork within ten (10) business days of the date the property is rented /leased to a new tenant. Owners may request and complete this paperwork via email or fax if an office visit is not an option for them.
- 3. Ensure that the property is rented/leased to only an individual or single family and is rented/leased on at least a month-to-month basis. **No vacation rentals or short-term vacation renting is allowed.**
- 4. Tenants must come into the office within ten (10) business days of occupancy of a new rental/lease to register.

7. ENFORCEMENT

1st Violation: The owner will be fined 20% of the annual assessment fees.

2nd Violation: The owner will be fined 30% of the annual assessment fees.

VII. ANIMALS

- 1. Dogs must be on a leash or confined to the owner's property at all times.
- 2. No dogs or other animals are allowed in the parks nor on the beach adjacent to the park.
- 2a. Members may allow dogs to run loose on the beach adjacent to the bridge. Access is permitted through the boat launch gate and the pedestrian gate at the boat launch. Follow all CBHA launch parking rules for this area.

Enforcement for 1 and 2 above: The owner of the dog in violation will be sent a certified letter stating the complaint and fined \$100 on the first violation. If there is a second violation, the owner will receive a certified letter stating the complaint with a \$200 fine. The fines will continue to increase with each infraction.

3. **Aggressive dogs:** Upon the 1st instance of an animal causing injury, harm or endangerment (directly or indirectly) the member will be sent a certified letter stating the complaint and assessed a fine of \$250. A 2nd incident with the same dog or the same owner will result in a certified letter and a \$500 fine.

4. Members with a slip in the marina may take their leashed dogs to and from their slip along the most direct route from the park gate or boat launch area. No dogs or other animals are otherwise allowed on the dock at the marina.

5. Any household pet, when outside the owner's yard will be cleaned up after by the person responsible for the pet at the time when cleanup is necessary.

6. No member or tenant shall keep a pet animal within Carlyon Beach which habitually or continually disturbs the peace and quiet by barking, howling, whining or any other noise. Any person who harbors, keeps, or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether or not the owner knowingly permits the behavior.

7. Non-members may not have horses within Carlyon Beach Homeowners Association boundaries. Members will clean up after horses.

8. For a resident to report a complaint or violation of the animal control rules, a preprinted form is available at the CBHA office and on the website. No phone calls will be taken in place of this form.

Enforcement for #4-6 above: See XVII Enforcement

SEE: XVII ENFORCEMENT

VIII. WATER SERVICE

1. Water service to individual properties will be obtained by making a request through the CBHA office and paying \$1,225 water service hook up fee.
2. Unauthorized hook-up to or tampering with Carlyon Beach Homeowners Association's water lines, setters, meters, valves and other utility services will not be permitted. Any violation shall be removed/repaired by CBHA and the landowner will be charged a water service hook-up fee of **\$1,225** if applicable, and a fine of **\$1,225**.
3. CBHA is a purveyor of water and as such must provide safe drinking water to all members of

CBHA and must meet all governing regulations. The water system includes all water reservoirs, the water tower, all water mains and water lines up to and including the valve at the individual property line. This responsibility shall include a cross connection control program, which shall consist of a hazard survey provided to each property owner. This survey shall be completed in writing and returned to the CBHA office. If no on-site activities are identified that could contaminate the water distribution system in case of backflow, no further action is required. If activities (e.g. plumbing, sprinkler systems, and swimming pools) are identified as potential hazards to the water source, CBHA shall provide education regarding cross connection control, how to avoid cross connection control problems, and shall make recommendations regarding backflow assemblies or methods to protect the water source. If backflow assemblies are required, they shall be installed at the owner's expense and shall be inspected yearly. In the event that the property owner does not complete the survey, CBHA shall give 24-hour notice and shall conduct the hazard survey by walking the property to evaluate and document the hazards. After the valve at the property line, the property owner is responsible to provide and maintain the water line to the house. It is recommended that the property owner install an additional valve to shut off the water service to the house.

4. ENFORCEMENT

No water shall be piped to; or in any way be used; on properties, outside of Carlyon Beach Homeowner Association's boundaries; nor can any water lines from the CBHA water system cross the outside boundaries of CBHA. The penalty for a property owner that provides water to outside properties is **\$5,000**.

5. No homeowner who has a water service updated or installed shall have a hose bib/standpipe or other connection other than CBHA approved connections within CBHA right of way/property, approximately ten feet from the road edge. If an existing bib or connection is present at the time of update or installation, it will be removed at that time.
6. A homeowner may install a hose bib, standpipe or other connection from his waterline on his property if it is five feet away from the CBHA water valve or meter setter, as long as the

installation does not pose a cross connection or potential cross connection to the residence or the CBHA water system.

7. When updating or installing a water service, CBHA will attempt to reattach the homeowner's existing water line to CBHA service. However, if the water line from the connection to the home is deteriorated, damaged or unusable, the homeowner shall pay for the replacement of the water line from the water valve or meter setter.
8. When water service is shut off to a member's property, a charge of \$75 will be made to the owner of that property.

IX. SEPTIC SYSTEM

1. Any installation of a septic tank, holding tank or the replacement of an existing system for whatever reason requires a permit from CBHA. It also requires a permit from the Thurston County Department of Environmental Health. All Thurston County and Washington State requirements will be enforced through inspection by an authorized representative of CBHA. All permits shall be posted in a conspicuous location visible from the access street. New septic holding tank systems shall be allowed for existing residences or for new residences in conjunction with a building permit application.
2. Any permit requiring an application fee (except fence permits) on properties having septic or holding tanks will be required to bring the septic system up to current standards, i.e., extend the pump outlet and/or switch to the road in accordance with this section and/or replace the float if necessary. All existing tanks shall be filled to capacity, ground cover removed from the top five (5) feet covering the tank, and the tanks shall be tested for leaks and integrity for 24 hours before being covered over again with ground cover.
3. Any existing drain field that fails shall be repaired to meet Thurston County Health Department and Washington State standards. If repair is not possible under said standards, owner must install the two-tank system and utilize the sewer treatment plant. To encourage owners with existing drain fields to switch to

two-tank systems, the application fee to replace a drain field with a two-tank system will be waived.

4. All new septic and/or holding tanks shall be made of monolithically poured concrete and certified watertight. The tank shall be a minimum of 1,000 gallons and no greater than 1,500 gallons and shall meet Thurston County or CBHA standards, whichever are more stringent.
5. New installations shall show a cross-section of the septic system and piping from the house to the pump out including proposed finish grading.
6. All new tank access openings and pipe inlets/outlets shall be sealed with a water-proof material of a thick fibrous tar such as Black Jack roof cement or Atco fibered tar roof patch that will not crack or peel off. Concrete patching materials such as Thoroseal, shall be used to fill voids around pipe inlets/outlets, permitted to harden, and then coated with roof cement or roof patch cement. Tank access openings shall additionally have watertight risers that extend above ground grade. CBHA reserves the right to require more stringent tank requirements as better technology and construction become available.
7. For new installations, after January 1, 2008, pump out connections shall be no more than one (1) foot inside the owner's property line and shall be easily accessible to the pump truck operator. Repair and maintenance of pump out, float, pump, and switch is the responsibility of the homeowner. If for any reason access to a pump out station is blocked or denied by fence, dogs, vehicles etc., the pump truck driver will leave a note and will return as soon as time permits. Should accessibility be blocked three different times, whether in succession or on different occasions, the owner will be charged an extra pump fee in addition to actual pumps. If a residence is built, remodeled, or moved on a lot requiring permits Type #1 or Type #2, the pump out connection shall be upgraded to conform to standards identified in steps 8, 9 and 10 of this section.
8. If the vertical head of wastewater from the bottom of the holding tank to the top of the pumper truck is fifteen (15) feet or more, then the septic system shall have a pump installed

to assist in lifting the wastewater to the pumper truck. Pump capacity will be a minimum of 100 gallons per minute. An on-off switch for the pump shall be installed at the pump-out connection. The on/off switch shall be key activated with a key type device that has been approved by the CBHA Operations Manager.

9. Whenever the pump-out connection is below the outlet of the holding tank a ball valve will be installed within 10" of the pump-out connection.
10. Any member installing a new tank or tanks shall have an inspection, including leak down test, by an authorized representative of the CBHA. Request for inspection shall be made 48 hours prior to back filling. The Association installation permit will at this time be validated by the inspector's signature if the installation is approved. Failure to request the inspection shall result in the disapproval of the installation until the system is uncovered, inspected, and approved.
11. Scheduled pumping;
 - a. All residences having holding tanks shall be placed on a pumping schedule determined by the CBHA Board of Trustees or its representative, as directed by the Washington State Department of Ecology. If a person does not follow his schedule and repeatedly requires early pump outs, CBHA will provide a warning notice and offer to increase the frequency of pump outs. If the problem persists it will be brought before the Board for action.
 - b. There is a **\$25** charge in addition to the regular pump fee for changing your regularly scheduled pump service with less than a 2 business day notice. **(Example: Your regular pump out day is Thursday. You call on Tuesday and request a pump out on Wednesday, there would be an additional \$25 pump out charge.) Rescheduled pumps will be completed as soon as possible, but may not happen immediately upon calling.**
 - c. **An emergency pump out fee of \$100, in addition to the regular pump out charge will be assessed if there is an afterhours call for next day service or for a pump out on Thanksgiving or Christmas.**
12. All septic and holding tanks will be maintained in a watertight condition at all times. If tanks

are found to be out of compliance, owner shall be responsible for repairs in a timely manner.

13. Whenever primary or secondary raw sewage pollution creates an emergency, water service shall cease and immediate repairs shall be undertaken by the landowner at the landowner's expense. If repairs are not completed by the landowner within 72 hours, CBHA will repair the tanks and associated apparatus or have the tanks and associated apparatus repaired and will bill the owner for time and materials.
14. Payments for billings for holding tank pump outs are the sole responsibility of the property owner(s) and will be submitted to the property owner monthly for payment. This shall also occur if the property is used as a rental.

X. ROADS AND STORMWATER

1. No parking is allowed on CBHA-owned surfaced roads, access roads, rights of way or drainage areas (such as roadside ditches) at any time. No building, trees, or shrubbery shall impede sight distance on any roads. None of the aforementioned will block or interfere with drainage on CBHA property. Improperly parked or placed property may be removed at the owner's expense.
2. All roads in CBHA are private roads on which the speed limit is twenty (20) miles per hour.
3. All platted roads and easements in CBHA shall be subject to State of Washington and Thurston County laws, rules and regulations pertaining to vehicular traffic.
4. Prior to any clearing or development of property a permit is required from CBHA. Access across existing or potential ditches requires the permanent final installation of an eight to twelve-inch (8" to 12") inside diameter, concrete or corrugated metal pipe (or of a diameter specified by the storm water engineer upon inspection of location.) The invert (inside elevation of bottom of pipe) is to be at the bottom of established ditch grade. The length of the culvert is minimum 12' maximum 24'. All culvert pipes will be laid so they drain in accordance with the existing ditch and be covered with no less than three inches (3") of gravel. Concrete or asphalt for driveway surfacing may be extended to the street, providing an expansion joint or saw cut be

placed at the property line. Should utility work require removal of that portion of driveway surface from property line to the street, replacement of concrete or asphalt as well as cost, will be the responsibility of the property owner. Where property has been developed and a culvert has not been installed beneath the driveway, or where property has not been developed and CBHA needs to improve storm water flow, CBHA may determine that a culvert is required. When a culvert is required, CBHA will send a certified letter to the member at least fourteen (14) business days in advance of any work. CBHA will order and purchase all materials including pipe, pipe bedding, backfill, and finish rock. CBHA will perform all excavation, pipe installation, bedding, and backfill and finish work. The member will be billed for required time and materials. The member shall pay the amount of such bill to the Association within 30 calendar days. If such bill is delinquent after that date, such payment shall be subject to interest penalties and liens in accordance with Article IX Section 4 of the CBHA By-Laws.

5. Except for private driveways and parking lots, all vehicles must use roads only.
6. There shall be no signage on Association property or rights of way.
7. Homeowners are required to trim and/or remove any foliage that stems from their property into CBHA rights of way. Trimming will be accomplished so as to allow the sixteen-foot (16') height clearance from the established road surface for the entire easement/rights of way. Non-compliance with these rules will result in CBHA employees or third-party contractors performing this task following notification. Costs incurred for time/equipment will be billed to the homeowners.
8. CBHA reserves the right to put in place bio-swales and or drainage ditches within CBHA rights of ways in accordance with storm water drainage engineering plans.
9. Homeowners are responsible for the removal of any trees or shrubbery that may become unstable when CBHA authorized cleaning/excavation of the easement/rights of way is performed. Homeowners are to ensure that their "Privacy Screen" shrubbery does not grow to a point where it may become unstable in the event of excavation of the rights of way. Non-compliance with these rules will result in CBHA employees or third-party contractors performing this task. Costs incurred for time/equipment will be billed to the homeowner.

10. ENFORCEMENT

The Board of Trustees will have the discretion to close the roads in CBHA to construction equipment due to weather conditions, frost, rain, etc. Failure to comply will result in the property being "Red Tagged" and the owner being fined **\$1,000.** per occurrence. The President, or his designee, may impose this restriction on an emergency basis with Board concurrence at its next meeting.

XI. COMMUNITY RECREATION AREAS

SMOKING IS NOT ALLOWED IN COMMUNITY RECREATION AREAS.

This includes parks, beach adjoining the park, community dock, boat launch, launch dock, canoe/kayak racks, launch parking area, wanigan and dog park.

1. Any vehicle located in the clubhouse parking lot or boat launch area without a parking permit will be subject to tow. Permits to be renewed annually in January.
2. Only motor vehicles engaged in delivery, pickup or access for disabled persons are allowed in the park area.
3. Overnight parking in any community parking lot or recreation area is prohibited unless you have a CBHA parking pass issued by the member services representative in the CBHA office. Parking of RVs is not allowed.
4. Dogs are allowed in designated areas only.
5. All residents of CBHA are eligible to use the off-leash dog park. For the safety of all people and dogs, dog park use is conditional upon completion of the Dog Park Usage Agreement. A Dog Park Usage Agreement form may be obtained at the CBHA Office. The CBHA Office shall maintain a list of dog park committee members who may register residents for use of the dog park.
6. No bicycles or skateboards are allowed in park.
7. Fires are permitted in the wanigan (the park shelter) fireplace and shall be maintained in a safe manner. Beach fires are specifically prohibited.

8. Picnic garbage is to be placed in waste containers provided in the park areas.
9. Playground equipment is for everyone's use. Members and guests should use the equipment with respect for others.
10. Recreational activities must be limited to activities that do not damage the grass, trees, or shrubs, and do not disturb the surrounding community.
11. Use of the Community Recreation Area shall be limited to the hours of 8 A.M. to 11 P.M. unless there is a community sponsored event.
12. Group use of community recreation areas:

Facilities may be used by members for group guest activities on a first come/first served basis unless the facility is reserved for a community-wide event. The member must be in attendance and in good standing.
13. Each member must help to keep the restrooms, picnic grounds, and wanigan as clean as possible.
14. Each member utilizing community recreation areas is responsible for observing and enforcing the above rules and regulations and for courteously sharing the park with other members and their guests.
15. Children under 12 years of age are not permitted on piers or floats unless accompanied by a parent or other responsible adult. Children seven (7) years and younger must wear a Coast Guard approved life jacket when on docks, even if accompanied by an adult.
16. Refuse cans are maintained at the head of the dock next to the Clubhouse for boater's use. No garbage, trash, oil, fuel, debris or other material, liquid or solid, shall be deposited in the water or on land areas of the facilities, or on any floats or piers except into containers provided for that specific use. Extreme care must be exercised to avoid spilling petroleum products on floats or in the water areas around the floats for reasons of ecology and fire.
17. Fishing is allowed from the community dock. For regulations see these websites (<https://wdfw.wa.gov/licensing/> or <http://www.doh.wa.gov/ShellfishSafety.htm>)

XII. CLUBHOUSE

1. Only members in good standing are eligible to rent the Clubhouse.
2. Members intending to rent the Clubhouse for a group function, with the member in attendance, are subject to the following requirements:

The clubhouse is available for use between 8:00 am and 11:00 pm 7 days a week.

- a. Notify the Member Representative at CBHA office at least fifteen (15) business days in advance.
- b. Reservations for use of the Clubhouse shall not be effective until a user agreement is executed and the required security deposit has been paid 10 business days in advance or within 24 hours of a reservation request if less than 10 business days prior to rental.
- c. Groups are limited to a maximum of 80 persons; the maximum allowed by the fire code.
- d. Owner rental fees shall be charged according to the following schedule:

Rental Period	1-30 people	31- 80 people
1-3 hours	\$ 30	\$ 60
4-6 hours	\$ 60	\$ 120
6+ hours	\$ 100	\$ 150

3. "Member-sponsored Business" groups will be charged a user fee of **\$200** per day. No part day rentals are allowed for business use.
4. Clubhouse Deposit & Clean Up
 - a. A **\$150** refundable damage deposit, subject to inspection, will be payable in advance of scheduled date.
 - b. Damage or clean-up costs will be billed to the renting member and treated as any other assessment on property.
 - c. The sponsoring member shall sign a statement indemnifying and holding harmless CBHA from any loss or injury while the group is using CBHA property.
5. No barbecues or open flame cookers are to be used in the Clubhouse or on the deck.

6. The building is a non-smoking facility. Smoking is prohibited within 25 ft. of the entrances of CBHA owned buildings, as prescribed by state law.
7. No commercial soliciting is allowed.

XIII. MARINA

"DEFINITIONS"

- A. "Marina" shall mean the CBHA Inc. boat slips and Docks A and B attached to the community dock.
- B. "Moorage" shall mean a designated position where watercraft may moor.
- C. "Owner" means the person who has lawful possession of a vessel or watercraft by virtue of legal title or equitable interest therein which entitles him/her to such possession, including all members of his/her immediate family.

The Marina Docks A & B and finger piers are closed to fishing, swimming, skin diving (other than boat repair/ maintenance) and aquatic events. (Fishing is allowed from the community dock)

To ensure the safety and enjoyment of all boat owners and to preserve our high-quality environment, the following Marina Rules and Regulations have been established.

1. All persons entering the marina area shall be subject to the marina rules. Non-compliance with the marina rules may result in loss of the member's marina use.
2. The marina dock hours are limited from 7:00 AM to 11:00 PM except for boat owners going to and from their boats.
3. All boats using the facilities of the marina for moorage, or otherwise, shall be subject to all of the charges, rules, and conditions as established by the Marina Rules and Regulations.
4. All boats, property, gear, or equipment will be stored, moved, or maneuvered in the marina in a safe and orderly fashion.
5. Anyone visiting or using the marina areas or its facilities does so at their own risk. The CBHA does not assume any responsibility for loss or

damage to property or persons within the marina.

6. In the Marina, children under 12 years of age are not permitted on piers or floats unless accompanied by a parent or other responsible adult. Children seven (7) years and younger must wear a Coast Guard approved life jacket when on docks, even if accompanied by an adult.

7. Refuse cans are maintained at the head of the dock next to the Clubhouse for boater's use. No garbage, trash, oil, fuel, debris or other material, liquid or solid, shall be deposited in the water or on land areas of the facilities, or on any floats or piers except into containers provided for that specific use. Extreme care must be exercised to avoid spilling petroleum products on floats or in the water areas around the floats for reasons of ecology and fire.

8. Only members in good standing may lease a marina slip. If a member is the landlord of a residence in CBHA, the member may lease a slip for his tenant's use and the member will be responsible for all rules, regulations, requirements and fees. If an existing Marina Member becomes "not in good standing" the following will take effect immediately: the forfeiture of any slip, Marina keys and Marina privileges. "NO REFUNDS". This is in accordance with By Laws, Article II, Section 1 #B.

9. Moorage

- a. Annual Moorage slip leases begin each year on July 01 and end each year June 30. They are NOT ONGOING. Marina Leases must be renewed by May 31 for the following yearly lease renewal is accomplished by providing the office with a signed lease agreement, proof of insurance, and a current vessel registration. Lease fees will be billed to the members account on July 1 and may be paid in full or a maximum of twelve equal payments. The member is obligated for the full annual lease. On July 1 each year, slips that have not had leases renewed will be considered vacated and available for lease to other members. Boats moored in vacated slips after July 1, will be impounded. If your property is sold, the slip lease does not go with the sale.

- b. A slip may be leased during a fiscal year by paying for the remaining months on a pro rata scale **AND AGREEING TO LEASE THE SLIP FOR THE FOLLOWING ENTIRE FISCAL YEAR.**

- 10. A waiting list will be maintained for Marina moorage. A waiting list request form must be completed and turned into the office before a member will be placed on the waiting list. The waiting list is determined by the date the request form is received in the Office. Waiting list forms will be accepted year-round. Only members in good standing may be placed on the marina moorage waiting lists. If at any time a member becomes in non-compliance, they will be taken off the waiting list.

When a slip is available, the member on the top of the list (waiting the longest) will be offered the available slip; if they refuse, or are unable to be contacted, or do not respond within 48 hours, the available slip will be offered to the next member on the list and the member refusing the slip will drop to the end of the list. This process will continue until the slip is filled. Each member may only lease one slip for themselves and/or a tenant while there is a waiting list.

- 11. Marina berthing lease regulations must be adhered to. Failure to do so shall result in forfeiture of all marina privileges. Boats shall not exceed the length of the assigned slip by more than three (3) feet to include the overall length including anchors, outdrive, swim step, bow pulpit, **outdrive, rudder** and/or outboard motor, and all other overhanging items. It does NOT mean a 29-ft can go in a 26-ft slip. **A new boat will not be added to the marina until it is confirmed they conform to the size requirements. Boats will be measured before the moorage becomes final if there is any question of it fitting in the slip. The marina was built for 8-ft beam boats. There is a total of 20-ft between fingers (to hold 2 boats), so no boats over 9 ½ -ft beam will be allowed. Anyone looking at the "historically 26-ft slips" on the end of A Dock and B Dock can ask for the particulars of those slips before you consider leasing them.**

12. ENFORCEMENT

One key per membership will be issued. Keys shall not be loaned. Misuse of a key shall result in a **\$100** fine for the first infraction, **\$200** fine for the second infraction, and **\$300 & loss**

of launch key privileges and marina privileges, including marina key & slip, for a period of one (1) year for any subsequent infractions.

To replace a lost key will cost **\$25.**

XIV. DOCKS, FLOATS & MOORAGE

- 1. Boats, when unattended, must be securely moored with stern, bow, and spring lines. Four or more lines are required.
- 2. Living aboard any boat moored in the marina is prohibited.
- 3. Boats may be moved by authority of the Marina Trustee or Operations Manager for the protection of life or property or proper utilization of the facility.
- 4. Boats in the marina should be kept in a reasonable state of repair and owners are encouraged to monitor the condition of their vessel. Boats which do not meet normal safety standards, are hazardous to other boats, or the marina facility, will be denied permission to remain on the premises. All boats **MUST** have current tags properly displayed. Boats reported in violation of these standards will be given written notice to comply.
- 5. The lessee may not sublet or loan moorage slips once assigned.
- 6. Posting of signs for the sale of boats while moored in the marina shall be subject to the approval of the Marina Trustee. No chartering or rental will be allowed.
- 7. Dinghies, row boats, kayaks or canoes shall not be kept in the water or on floats.
- 8. No storage lockers are permitted on the floats or piers.
- 9. The Lessees may make no alterations to the dock or piers.
- 10. Marina carts are made available for the transporting of supplies to and from the vessel. Please return them to the head of the dock.
- 11. Federal Law prohibits discharge of sewage from toilet facilities on vessels while in moorage.

12. Open fires, charcoal burners, cutting torches, welders or anything else that would create a fire hazard are prohibited. Additionally, any damage witnessed in the marina area shall be reported to the Marina Trustee or Operations Manager immediately.

13. All vessels in the marina area will be required to have the minimum complement of fire-fighting gear to meet the standards as set forth by the US Coast Guard for the class of boat.

14. Boats shall not exceed the length of the assigned slip by more than three (3) feet to include the overall length including the out drive and/or outboard motor. This Includes anchors, outdrive, swim steps, bow pulpit and/or outboard motor, and all other overhanging items. It does NOT mean a 29- ft can go in a 26-ft slip.

15. Gates to boat moorage will be kept locked at all times. A key to the moorage area gates will be included in the annual slip lease. Only one key per moorage or slip area will be issued. Keys shall not be loaned.

16. Unless permission to moor is granted by the Marina Trustee, on a case-by-case basis, any boat no legally registered to the member leasing, the boat will be impounded at the owner's expense and the member will be fined \$15.00 per day until the boat is removed.

17. The speed limit for all boats in the marina area is DEAD SLOW. The marina area includes the zone between the launch ramp and the outer breakwater. Please observe this rule. LEAVE NO WAKE! Members will be held responsible for any damage caused to other boats or the marina by their wake.

18. When use of the slip is given up, the key must be returned with 14 days or a \$100 fee will be assessed.

19. Any infractions of the rules not corrected in ten (10) business days after notification shall result in loss of slip, and the slip will go to the next person on list.

20. ENFORCEMENT

Misuse of a key shall result in a \$100 fine for the first infraction, \$200 fine for the second infraction, & \$300 and loss of launch key privileges and marina privileges, including marina key and slip for the period of one (1)

year for any subsequent infractions.. A lost key will cost \$25 to replace.

XV. BOAT & KAYAK LAUNCHING

1. The private boat & kayak launching area is for the exclusive use of CBHA members in good standing only. Launching of all watercraft, including canoes, kayaks, power boats and personal watercraft, shall be done at the designated launch ramp. No vessel shall be launched from the main dock.

2. Members wanting to use the launch gate must lease a launch gate key from the CBHA office. One key per membership will be issued. Keys shall not be loaned.

3. Boats may not be moored at floats at the launch area except during the period of launching or tailoring the member's boat.

4. Small Skiffs or boats shall be stored only in the open rental racks provided. All other space in the boat launch area is to be kept clear at all times.

5. The speed limit for all boats in the marina area is DEAD SLOW. The marina area includes the zone between the launch ramp and the outer breakwater. Please observe this rule. LEAVE NO WAKE! Members will be held responsible for any damage caused to other boats or the marina by their wake.

6. Gates to the launch/ramp area will be kept locked at all times. There is NO overnight parking in the launch area and doing so may result in a vehicle being towed. A launch area key may be leased for a fee. The Board of Trustees establishes the charge for this periodically. One key per membership will be issued. Keys shall not be loaned.

7. Launch gate locks may be changed on an annual basis on July 1. New keys will be issued beginning June 15 and old keys will be returned by August 1. Failure to return old keys will result in a \$25 fee charged to the member's account.

8. Small boat storage racks in the launch area may be leased for an annual fee established by the Board. The Board of Trustees establishes the charge for this periodically. A lease

agreement must be executed and approved by the Marina Trustee or his/her representative. A waiting list will be maintained for kayak racks. A waiting list request form must be completed and turned into the office before a member will be placed on the waiting list. The waiting list is determined by the date the request form is received in the Office. Waiting list forms will be accepted year-round. Only members in good standing may be placed on the kayak waiting lists. If at any time a member becomes in non-compliance, they will be taken off the waiting list. When a rack is available, the member on the top of the list (waiting the longest) will be offered the available rack; if they refuse, or are unable to be contacted, or do not respond within 48 hours, the available rack will be offered to the next member on the list and the member refusing the rack will drop to the end of the list. This process will continue until the rack is filled. Each member may only lease one rack for themselves and/or a tenant while there is a waiting list. If your property is sold, the kayak rack does not go with the sale.

9. Kayaks, canoes, or small boats stored or locked in a space rented by another owner will be removed, impounded and \$100 fine imposed on the violating owner.

10. All boats stored in the small boat racks must be in working condition, free of growths and must be stored in such a manner that prevents the accumulation of stagnant water.

11. Only members in good standing may lease a marina slip. If a member is the landlord of their property/home in CBHA, the member may lease a slip for his tenant's use and the member will be responsible for all rules, regulations, requirements, and fees. If an existing Marina Member becomes "not in good standing" the following will take effect immediately: the forfeiture of any slip, Marina keys and Marina privileges. "NO REFUNDS". This is in accordance with By Laws, Article II, Section 1 #B.

12. ENFORCEMENT

Misuse of a key shall result in a \$100 fine for the first infraction, \$200 fine for the second infraction, and \$300 and loss of key privileges and marina privileges, including marina key & slip, for the period of one (1) year for any subsequent infractions. To replace a lost key will cost \$25.

XVI. BUILDING & CONSTRUCTION

"DEFINITIONS"

Right-of-Ways are 40 feet: The actual asphalt roadway is approximately 20 feet in width at most locations and does not necessarily run down the middle of the 40 feet. The Right-of-Way then is actually from the front property line on one side of the road to the front property line on the other side of the road.

Setbacks: A distance from a property line or structure within which building is prohibited (See 5. for CBHA setbacks).

Easements: A legal right to use another's property for a specific limited purpose. In the case of the 5' easement to be granted by a property owner to CBHA, it is for the purpose to access the 5' for any future stormwater drainage system CBHA may require.

Bio-swales: The ditches that carry water that runs off the road and the water that drains off of houses, footing drains, and other impervious surfaces. It is part of the Storm Water Systems of CBHA.

Pre-Developed Grade: (For height determination) The grade or ground level before any digging, filling or other site work is done.

XVI - A. GENERAL BUILDING INFORMATION

1. All lots in this plat of Carolyn Beach Homeowners' Association shall be used for residential purposes only, except those designated community tracts and Tracts A, B, C. No lot or parcel of this plat shall be used for passage to or from this plat of CBHA.
2. No lot, tract or portion of a lot or tract of this plat shall be divided and sold, ownership changed or transferred, that results in a lot that is less than 7200 square feet that is less than fifty (50) feet in width as measured along the waterfront, or less than 25 feet of Right-of-Way frontage, or leaving property line closer than five (5) feet to a building drip line. A lot may be divided to increase the size of adjoining lots.

3. No building shall be erected, altered or added onto any lot, part or portion of the property, until the construction plans and specifications and a site plan showing the location of the structure and the grading of the lot have been reviewed and approved by the CBHA Architectural Committee for conformance with the adopted rules of construction of CBHA.
4. Only new, never occupied manufactured homes that are transported directly from the manufacture or directly from the dealership to the site are permitted.
5. No building or structure shall be constructed on any lot; tract or parcel of this plat, which does not conform to CBHA By-Laws, Rules & Regulations, Covenants, Thurston County Building Regulations and the laws of the State of Washington.
6. For corner lots, the front yard setback of 30 feet in Division 1 and 20 feet in Division 2 shall be applied to the road frontage on the road that the home will take its address and is measured from the property lines. The setback on the other road will be considered a side yard setback.
7. No clearing or construction will be allowed prior to 7:30 A.M. nor will it be allowed after 9:00 P.M., Monday through Saturday and 9:00 AM until 6:00 PM on Sundays.
8. Digging will be permitted only after a utility locate has been accomplished. CBHA will locate CBHA waterlines only. A water line locate may be done by calling the CBHA office 48 hours in advance of any digging. All other utility lines including private water lines need to be located by calling 811.
9. Portable toilets with holding tank(s) are required on site and must be serviced regularly, if no other toilet facilities are available, during all construction when workers are present until toilet facilities are put into service in the house being constructed. Trash barrel(s) or garbage cans(s) shall be furnished and serviced during construction by homeowner at homeowner's expense. After occupancy portable toilet must be removed.
10. CBHA shall not issue driveway construction permits ("driveway permits") for a total driveway width greater than 24 feet per single lot. That is, the sum of the permitted widths of all driveways accessing a single lot, measured at the points where such driveways enter the street, shall not exceed 24 feet. Each lot shall be as shown on the plat map.
11. Recreational vehicles or equipment shall not be converted into a residence nor made part of a residence by alteration or combination with other structures or vehicles. The addition of attached or separate structures such as bedrooms, bathrooms, kitchens, garages, carports and open sheds to be used in conjunction with recreational vehicles shall not be permitted.
12. NOTE: After any type of permit application is approved and issued and work has commenced, if stop work order is issued and the identified violation has not been addressed in three (3) business days, a lien (and lien fees apply) may be placed on the property and will not be released until the project is completed and a CBHA "Right to Occupy" is issued.
13. Non-compliance with the Stop Work Order will result in an immediate \$500 per day fine to the owner of the property until the work is stopped and remains stopped until the violation is corrected.
14. If a permit expires, after work has started, it is the owner's responsibility to renew the permit and pay the application fee. If no work has been started on the project and the permit expires the owner will need to reapply and pay applicable fees.

XVI - B. HEIGHT REQUIREMENT & VARIANCE

1. **Height Requirements:** The maximum height of all buildings with or without a basement shall be limited to a maximum of sixteen (16) feet above pre-developed grade at the highest point of the lot where the foundation or the slab meets the pre-developed grade unless the Architecture Committee grants a variance. Pre-developed grade will be considered the current grade unless the lot has been tampered with by adding fill or regrading. (See illustration in permit type #1 permit packet)
2. **Variance:** When a height variance is requested, CBHA will send letters to all lot owners within a radius of 500 feet from the center of the subject property soliciting their input regarding any obstruction of view, light or air to their property. Responding members will be notified of any and all meetings for review of the requested variance. Any member in good

standing may attend the meetings. **Per CBHA Covenants – All Buildings and structures to be one story in height not counting basement, except when variance is granted by the architectural committee of the Carlyon Beach Homeowners Assoc., Inc. A variance may be granted on a case-by-case basis for only no more than one (1) foot of the 16-foot height limit requirement.**

- a. When a variance is requested, a notice shall be posted at the property for which the variance is requested. The notice shall give the details of the variance, and the date the Architecture Committee will be discussing and voting on the Variance Request. (See building packet in office for details and plans).
- b. **Fee:** A fee of **\$365** will be charged to the property owner requesting the variance.
- c. The Architecture Committee in making the final decision must consider all letters, giving responding property owners closest to the applicant property the greatest consideration.
- d. Members may appeal the Architecture Committee's finding in writing. The Board of Trustees becomes the final arbitrator.

NOTE: A variance is granted on a case-by-case basis and no decision sets a precedent, whether in favor or against the variance.

XVI - C. PERMITTING PROCESS

- 1. Permits **MUST** be obtained for: New Houses, New Manufactured Homes, Clearing, Grading and Tree Cutting of Undeveloped Lots, Carports, Garages, Projects over 200 Square Feet, Decks over 30 inches off the ground, Concrete Pads Retaining Walls over 4 feet, Bulkheads, Septic Systems, Culverts, Additions, Garage Conversions, Large Parabolic Dish, Large Antennas, and Irrigation Sprinkler Systems or Drainage Systems that connect to or empty into, or flow from the CBHA stormwater system (Also see Septic

System Section for additional requirements for Permit Type #1 and #2)

- 2. To obtain a building permit, the member's account must be current. The same is true at the completion of the project.
- 3. Permit(s) must be obtained from CBHA prior to obtaining Thurston County Permit(s). Permits are non-transferable. All permit signs must be posted on property and plans available in the office.
- 4. Any homeowner who applies for a permit of any type is required to sign a statement that he/she has received, read, understands and will follow CBHA Rules and Regulations, By-Laws and Covenants.
- 5. As a requirement for CBHA all Type #1 permits, and Type #2 permits that are marked with an asterisk *, the property owner shall grant to CBHA a drainage easement in the five (5) foot set back along each side of the affected property.
- 6. The application fee is due with the application. Remaining fees are due upon issuance of permit. Any member or member representative who starts construction prior to receiving an approved building permit from CBHA will be in non-compliance and have a stop work order issued.
- 7. The Architectural committee shall have the authority to approve or disapprove building permit applications that are otherwise not restricted. Each permit application shall be reviewed by the Architecture Trustee. To be approved, applications have to be signed by the Architectural Trustee, and an Architecture Committee-member.
- 8. Any member denied a permit by the Architecture Committee may appeal in writing to the Board of Trustees. The decision of the Board is final.

XVI - D. PERMIT TYPES # 1a, #1 & #2

1. Permit Type #1a - Clearing, Grading & Tree Cutting. This permit is required if any work is started before a type 1 permit from CBHA and Thurston County permit for construction are obtained.

A. Clearing, Grading and Tree Cutting on Undeveloped Lots Need Survey, Site Plan showing Erosion Control and Trees to be Cut, Storm Water Easement Agreement.

B. NOTE: All clearing and grading to be started and completed during the period of April 1 thru October 15 unless approved by the Architecture Committee (tree cutting excluded).

C. Fees

- a. Application Fee: **\$ 30**
- b. Deposit Fee **\$ 300**

Total Permit Fees: \$ 330

2. Permit Type #1 - Houses/New Construction - Only New Manufactured Homes will be Accepted

A. Fees

- a. Application Fee - **\$42.**
- b. Non-interest-bearing deposit for legal fees, or other costs, as required is **\$1,825.**
- c. Requirements for return of deposit shall include "Right To Occupy" from CBHA and a Thurston County Certificate of Occupancy.
- d. Permit fee **\$2,088.** Paid at time of permit approval.
- e. Included in the permit fee of \$ 2,088 is water hookup fee of \$ 1,225. If water is on property already and the fee was paid previously or water is requested before a building permit is applied for and the \$ 1,225 is paid, that amount will be deducted from the permit fee of \$2,088.

Total fees for permit #1 are \$3,955.

B. **NOTE:** Construction requiring clearing and grading a lot, digging for a foundation or septic, or concrete work may only be started and completed during the period of April 1 thru October 15 unless approved by the Architecture Committee.

C. **ENFORCEMENT**

Failure to obtain a permit will result in a "Stop Work Order", **\$500** fine per month (until the violation has been rectified) and the offending party will need to apply for the permit, pay the fees and provide all required documents.

3. Permit Type #2 - Carports*, Garages*, Decks*, Concrete Pads, Retaining Walls, Bulkheads, Septic Systems*, Culverts*, Additions*, New Driveways* and *Garage Conversion into a livable space*.

*** Needs an easement agreement.**

A. Fees

- a. Application Fee: **\$ 42**
- b. Holding tank inspection fee: **\$245** if applicable.
- c. Refundable deposit: **\$300**

B. All original permits for residential dwellings may include any of the above with no additional fees if they are submitted as one application. Issuance of this permit does not relieve the applicant from the member's responsibility to comply with Thurston County permits requirements.

C. **NOTE:** Construction requiring clearing and grading a lot, digging for a foundation or septic, or concrete work may only be started and completed during the period of April 1 thru October 15 unless approved by the Architecture Committee.

D. **ENFORCEMENT**

Failure to obtain a permit will result in a "Stop Work Order", **\$500** fine per month (until the violation has been rectified) and the offending party will need to apply for the permit, pay the fees and provide all required documents.

4. An Application is required for Type #1 & Type #2 permits as stated below:

An application for CBHA Building Permit must be submitted to the Office for Architectural Committee review and a permit secured prior to the commencing of any construction. Supporting documents must fully disclose and describe the work to be done in adequate detail to verify compliance with CBHA requirements. Be sure to list the owner name and lot description on each drawing or document. Required supporting documents should include but are not limited to the following:

- a. Site plan showing lot dimensions, existing structures and utilities, proposed structures and utilities, measurements to property lines and paved roadways.
- b. Drawings indicating elevation of septic holding tanks in relationship to finish grade after landscaping is complete and other required setbacks (e.g. water /sewer separation).
- c. Architecture drawings, with measurements and elevations.
- d. Surface water drainage plan showing lot topography before construction and after construction and features to control runoff from impervious area (e.g., roof, driveway, patio).
- e. Erosion and sediment control plan both during and after construction.
- f. A copy of all easements, covenants, and restrictions of record.
- g. A Type 1 permit will require a current (within five years) survey as exhibited by a survey including a written depiction of the lot, as well as the pins in the ground. The survey(s) shall be prepared by a licensed surveyor in the State of Washington.
- h. See Type 1 packet for other requirements.

Site requirements are proof of survey to locate corner pins and property lines and locate of CBHA water lines by CBHA Manager which requires 48 hours' notice. When property lines are curved, the surveyor shall put pins or stakes or otherwise show the curves on site, in the ground, in such a way as to make it possible for the CBHA inspector to measure the setbacks anywhere around the property as necessary.

5. Building Phases - Type #1 Type #2 Carports, Garages, Additions

Phase 1: Pre-Construction

- a. Turn in all plans, site plans, and all other supporting documents to CBHA office.
- b. The Owner is to attend the Architecture Committee meeting when the application for their project is reviewed.

The CBHA Owner/Builder checklist will be included in the initial packet and the owner will be informed of this at the pre-construction meeting.

Phase 2: Permits & Pre-Construction Meeting

- a. Obtain both building permits – first from CBHA and then Thurston County and post them.
- b. Have a preconstruction meeting with the owner (the builder may attend) and CBHA Site Inspector to set the height and answer questions. (See bldg. height requirements.) Sign documents for height by CBHA delegate and owner.

Phase 3: Foundation, framing, roof trusses – remeasure height of building after truss installation. Documents must be signed off by CBHA delegate.

- a. Setbacks established, do site work and install forms for foundation.
- b. Stormwater, all other drainage, septic system and pumps outs. Documents must be signed off by CBHA delegate. (see phase 4, #11 of Rules & Regulations).

Call the office and CBHA Site Inspector for any inspections required. Documents must be signed off by CBHA Site Inspector.

Phase 4: Clean-up and Restoration

Any damage to roads, bio-swales or properties caused during construction, etc. will be the owner's responsibility. These areas must be restored within thirty (30) calendar days of notification at the owner's expense to the satisfaction of the CBHA Board of Trustees. Failure to do so will result in a deduction from the deposit. Further, a **\$5,000** fine may be imposed and a lien (and all lien fees applied) may be placed on the property. CBHA will restore or have restored the areas at the owner's expense. The lien will be released when all monies, including the lien costs, are paid in full.

XVI - E. PERMIT TYPE #3

1. Permit Type #3

Fence, Large Parabolic Dish, Large Antenna, Project over 200 square feet, Irrigation/Sprinkler Systems, and Storm water drainage systems that connect to or empty into CBHA bio-swales or other CBHA storm water systems, large antenna over 8' above the highest point of the roof.

- a. The cost for this permit type is, **\$25**.
- b. All fences shall be considered a Type 3 permit. Identifiable survey pins (verified by CBHA inspector) or a survey need to accompany a Type 3 Fence application before it can be approved. All fences shall comply with CBHA rights of light, view, and air and shall not be built on CBHA Rights of Way.
- c. Fences and gates up to 72 inches in height from the ground level shall be allowed along the side lot lines of a property beginning from the 30-foot setback in Division 1 and the 20-foot setback in Division 2 and may extend back and along the rear of the property line. Fences and gates up to 48 inches shall be allowed along the front lot lines and side lot lines starting at the setback running forward to the front property line.
- d. No fence, wall or hedge shall be erected on any lot in such location or at such heights as to unreasonably obstruct the view, light, and air from any other lot. No planting of vegetation is allowed on any

CBHA property or rights-of way without permission from the Architecture Committee.

- e. All underground irrigation (sprinkler) systems must have a permit, and will also be required to have a back-flow assembly or double check valve, depending on the situation, which will need to be inspected yearly or following a repair.

f. ENFORCEMENT

Failure to obtain a permit will result in a "Stop Work Order", **\$500** fine per month (until the violation has been rectified) and the offending party will need to apply for the permit, pay the fees and provide all required documents.

2. LANDSLIDE LOT INFORMATION

- a. As per Thurston County restrictions for lots in a designated geologically hazardous area no clearing, grading, building, water hook ups, or septic holding tanks are permitted. Camping, storage of vehicles, and sheds are not allowed. Refer to Chapter 24.15 Geologic Hazard Areas of the Thurston County Code of Ordinances.
- b. **ENFORCEMENT:** Failure to adhere to the no clearing, grading, building or water hookups on landslide lots shall result in a \$ 1,000 fine and reported to the appropriate Thurston County department.

XVI - F. PROJECTS NOT REQUIRING A PERMIT

1. One story detached structures under 200 square feet that is to be used as a shed, for storage or playhouse and cannot be a livable space and needs to meet all setbacks and easements unless cleared by the Architecture Committee.
2. Replacement of a hard-surfaced driveway, walkway, or change from aggregate driveway to asphalt, concrete, paver, or similar surface.

3. Patios and decks less than 30" high.
4. Deck replacement with same size deck and fence replacement with same size fence.
5. All replacements of non-nonconforming (grand fathered in) decks, fences, buildings, retaining walls, driveways or other structure will need to get a permit and conform to the current setbacks and rules.
6. For existing houses, no permit is required to remove a tree if the minimum number of trees is maintained.

returned to the person making the deposit when the Right-to-Occupy permit has been issued. Occupying the home prior to receiving the "Right-to-Occupy" permit will result in a **\$1000** fine per month until the project is completed according to CBHA rules and regulations.

5. Reasons that all or part of the deposit will not be returned include the cost of damage caused to roads, bio-swales, moving or damaging survey pins, damage to adjacent property, or violation of any CBHA rules.
6. Landscaping on a newly constructed dwelling lot shall commence at a point reasonable in the construction or placement but will be finished within eighteen (18) months of commencement of construction and/or placement of manufactured home or other structure. Landscaping on a newly constructed dwelling lot shall be completed within 12 month of the "right to occupy" permit date.

XVI - G. TIME LINES & STANDARDS FOR OCCUPANCY FOR BUILDINGS IN CBHA

1. The Right to Occupy property is contingent on compliance with CBHA requirements.
2. The construction of all buildings and structures shall be executed diligently and continuously from commencement of construction until the exterior of such buildings and structures are completed and painted or otherwise suitably finished (see property maintenance for further standards).
3. All siding and exterior trim painted or stained; decks above 30" above grade need all railings installed. Garage doors must be installed on all garages. All gutters and downspouts must be installed and hooked into drainage. All other drainage to be completed per drainage plans submitted at time of application. All inspections must be signed off by the CBHA Site Inspector.
4. Prior to full or part time occupancy, each building requires a "Right to Occupy" permit issued by the Operations Manager. A "Right to Occupy" permit will be issued when all money owed to CBHA is paid; all items on the application and permit forms are completed and an inspection form has been completed and signed by the CBHA building inspector. Five hundred dollars (\$500) of the deposit will be held until the landscape is completed. The property owner, CBHA President and the Architecture Trustee shall sign said permit. The required deposit or portions thereof will be

7. To meet the landscape requirements, all exposed dirt between the house and street must be covered with lawn, ground cover, bark or gravel and the required number of trees must be planted. The architecture committee will have the final determination on whether the intent of these rules has been met. For additional information, refer to Rules and Regulations Section IV. Property Maintenance and Bylaws Article X Property Maintenance Responsibilities. **A list of suggested view friendly shrubs and trees is available.**

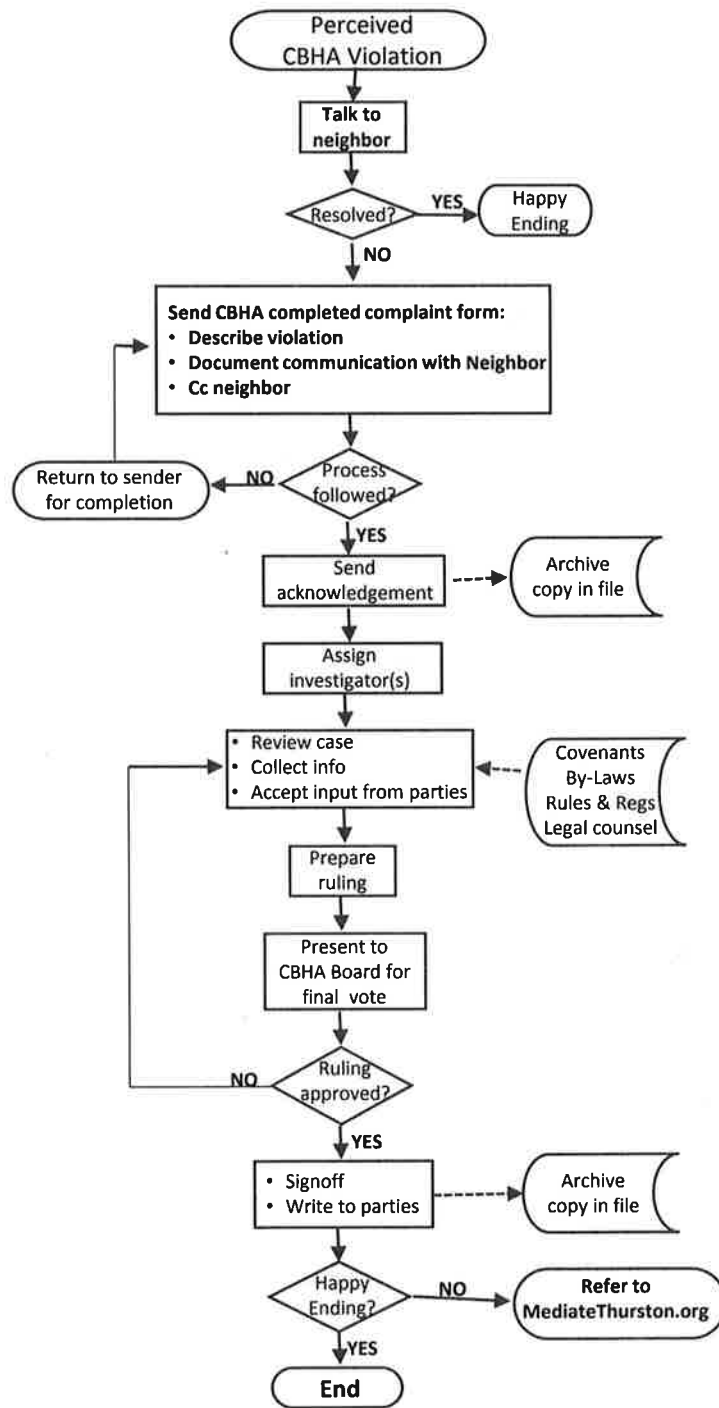
XVII. ENFORCEMENT

Any person(s) found in non-compliance with the Rules and Regulations of CBHA shall be subject to loss of CBHA privileges as provided in Article II Section 1B of the CBHA By-laws. Person(s) found in non-compliance shall further be subject to interest charges, fines, shut-off of water service and a lien placed on their property title.

The following enforcement covers all rules and regulation violations that are not covered by an enforcement statement within the corresponding section.

1. Members in non-compliance with the Rules and Regulations shall receive a letter which describes the infraction and requests that it be remedied within Ten (10) business days of the date of the letter.
2. If, ten (10) business days after the date of the above letter, the infraction has not been remedied and CBHA has not received a satisfactory written response describing a plan to remedy the infraction, CBHA will send a certified letter which restates the infraction and assess a fine of **\$100** plus associated costs.
3. If, ten (10) business days after the date of the certified letter, the infraction has not been remedied and no satisfactory written response describing a plan to remedy the infraction has been received by CBHA, CBHA shall send a second certified letter, restating the infraction and assessing an additional fine of **\$200** plus associated costs.
4. Ten (10) business calendar days after the date of the second certified letter the infraction has not been remedied, and no satisfactory written response describing a plan to remedy the infraction has been received by CBHA, CBHA will assess a \$300 fine plus all associated costs and shall have cause to place a lien on the property for the amount of the fines thus far assessed plus any additional amount owed by the member. The member's water service may be shut off if the fines are not paid in full. Also, the member will be fined an additional ten dollars (\$10) per day until the infraction is resolved.

CBHA Dispute Resolution Process (Mediation) of Member Issues



Carlyon Beach Homeowners Association Dispute Resolution Process

*NOTE: "If either party in the dispute brings a lawyer into the proceedings once the CBHA board is engaged to mediate, the board will consider it a private legal matter & bow out."

CARLYON BEACH HOMEOWNERS' ASSOCIATION

**RULES AND REGULATIONS EFFECTIVE
November 16, 2021**

BOARD OF TRUSTEES



Lisa Krupp, President



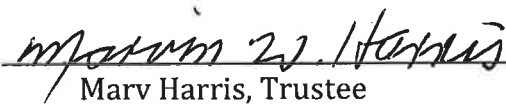
Patricia Olive, Vice-President



Bill Allen, Treasurer



Sandi Allen, Secretary



Marv Harris, Trustee



Stan Harris, Trustee



Barbara Quick, Trustee