

2122599 Mason County WA

12/12/2019 01:42:49 PM RESOL

eRecorded #133280 RecFee: \$132.50 Pages: 30

LAKE CUSHMAN MAINT

After Recording Return To:
Lake Cushman Maintenance Co.
3740 N. Lake Cushman Road
Hoodspport, WA 98548

Document Title:

Lake Cushman Maintenance Co. Resolution 09-19 Adopting proposed changes and modifications to the current Architectural Committee Policies and Procedures Document adopted by the LCMC Board of Directors on November 9, 2019.

Supersedes the Architecture Committee Policies and Procedures recorded on 5/24/18 under Auditor File # 2093040

Grantor:

Lake Cushman Maintenance Co.

Grantees:

Public

Legal Description:

Plat of Lake Cushman Divisions 1 through 19; Eastside 1 Plat; Westside 1 Plat; Westside 2 Plat, Westside 3 Plat



LAKE CUSHMAN MAINTENANCE COMPANY

Homeowner's Association for The Lake Cushman Development

3740 N Lake Cushman Road, Hoodspport, WA 98548-9711

(360) 877-5233 FAX: (360) 877- 6713

TOLL FREE: 1-888-777-6443

RESOLUTION NO. 09-19

A RESOLUTION ADOPTING PROPOSED CHANGES AND MODIFICATIONS TO THE CURRENT ARCHTECTURAL COMMITTEE POLICIES AND PROCEDURES DOCUMENT, AS IDENTIFIED WITHIN EXHIBIT A, AS PART OF THIS RESOLUTION

WHEREAS, the Lake Cushman Maintenance Company (LCMC) has authority and the responsibility for the enforcement of provisions as identified with the LCMC By-laws, Articles of Incorporation, Covenants and other governing documents; and

WHEREAS, the last update to the Architectural Committee Policies and Procedures was approved by the Board of Directors on April 14, 2018; and

WHEREAS, the Architectural Committee worked on these proposed changes for over a year time-frame, asked for and obtained Member comments on drafts of the proposed modifications and integrated or modified the substance of those comments, using the Architectural Committee's discretion.

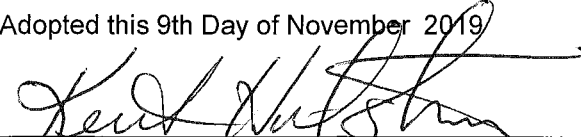
Now, Therefore it Shall be Resolved:

The LCMC Board of Directors hereby adopts the proposed modifications to the Architectural Committees Protective Policies and Procedures, as identified within Exhibit A within this Resolution.

LAKE CUSHMAN MAINTENANCE COMPANY BOARD OF DIRECTORS:

Adopted this 9th Day of November 2019

BY:


Board President – Keith Hillstrom

BY:

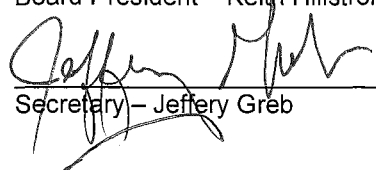

Secretary – Jeffery Greb

Exhibit A

LAKE CUSHMAN MAINTENANCE COMPANY
POLICIES AND PROCEDURES

ARCHITECTURE COMMITTEE
PROTECTIVE POLICIES AND PROCEDURES
FOR THE LAKE CUSHMAN COMMUNITY LEASE HOLDERS
LAKE CUSHMAN MAINTENANCE COMPANY POLICIES AND PROCEDURES

TABLE OF CONTENTS

TERMINOLOGY	6
SECTION I – POLICY	8
Committee Formation.....	8
Purpose of Committee.....	8
Committee Member Appointment/Resignation/Removal	8
Meeting Schedule.....	8
Special Meetings	8-9
Attendance	9
Quorum/Vote Requirements.....	9
Conflicts of Interest.....	9
Committee Operating Rules	9-10
Correspondence Requirements.....	10
Permit Filing Requirements	10
Code of Conduct and Disclaimer	10
SECTION II – SCOPE	11
Applicability	11
Purpose.....	11
Interrelationships	11
Legal Responsibility	11
SECTION III – DEVELOPMENT RULES	12
Applicability	12
Development Procedures.....	12-13
Permits Required.....	14
Proof of Demolition Permits.....	14
Land Use.....	14
Single-Family Lots or Parcels.....	14-15
Policy Regarding Structures on Single Lots	15
Recreational Vehicles.....	15-16
Subdividing Lots	16
Trees/Vegetation	16-17
Removal, Limbing or Topping of Trees for View Enhancement.....	17
Internal Procedure for Processing a Tree Cutting Permit Request.....	17
Building Regulations.....	17
Types of Structures That May Be Permitted.....	17-18
Fences	18
Internal Procedure for Processing a Building Permit Request.....	18
SECTION IIIa – DEVELOPMENT OF 2+ ACRE PARCELS	19
Requirements	19
SECTION IV – ACTIVITIES.....	20
Offensive Activities	20
Solid Waste	20
Hulk Vehicles/Repair of Vehicles.....	20-21
Renters or Occupants (Other Than the Lot Owner of Record)	21
Restricting Renter/Tenants Based on Past Record – Three Strikes Rule	21-22
Signs	22
Lakes.....	23
SECTION V – ENFORCEMENT.....	23

General Overview.....	23
Purpose	23
Authority to Assess Fines	23
Reports of Suspected Violations	23-24
Right of Entry.....	24
Preliminary Notification Letter (Letter #1)	24-26
Service of Preliminary Notification and Notice(s) of Hearing Dates	26
Architecture Committee Decision	26
Notice of Violation (NOV) (Letter #2)	26-28
Service of NOV and Notice(s) of Hearing Dates.....	28
LCMC Board Decision	28
Liens, Court Action and Imposition of Fines	28-29
Dogs/Animals	29
Administrative Fees.....	29
Application of Daily Fines	29
Notice of Non-Compliance.....	29

TERMINOLOGY

Accessory Building or Use: Means any building or use which:

- (1) Is subordinated to, and serves a principal building or principal use; and
- (2) Is subordinate in area, extent or purpose to the principal building or principal use served; and
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (4) Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served;

Accessory Dwelling Unit or ADU: Means a second dwelling unit added onto, created within or detached from an existing single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping;

Affirmative Vote: A vote by a simple majority of the quorum present;

Architecture Committee Chairperson: Is herein referred to as the Committee Chair;

Caliper: Standard for trunk diameter measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured at DBH (Diameter at Breast Height), which is four and one-half feet above the ground elevation;

CC and R's: Refer to the legal definition of Covenants, Conditions and Restrictions, as identified within the Committee Operating Rules;

Fence: a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

Full Board: Refers to full Board membership of the Lake Cushman Maintenance Company or a quorum thereof;

Lake Cushman Company: Is herein referred to as the LCC or Lessee and is the Major Leaseholder of land within the Lake Cushman Developments;

Lake Cushman Maintenance Company: Is herein referred to as the LCMC;

LCMC Board of Directors: Is herein referred to as the Board;

LCMC Architecture Committee: Is herein referred to as the Committee;

Nonsignificant Tree: any tree under six (6) inches caliper or those included on the following list, regardless of size:

1. Black locust (*Robinia pseudoacacia*);
2. Cottonwood (*Populus freemontii*);
3. Native alder (Native *Alnus* only);
4. Native willow (Native *Salix* only);

Primary Residence: The place which is the main living location. Majority of the time is spent by the individual and/or family unit;

Significant Tree: Any healthy tree that is at least six (6) inches in caliper, excepting nonsignificant trees;

Stop Work Order: A stop work order is usually presented as a sign or series of signs posted at the work site identifying the problems and prohibiting further work until the problems are resolved.

Structure: Refers to buildings, such as permanently constructed houses, garages, sheds, RV covers, installed Park Model Trailers, and the like, including but not limited to anything requiring governmental permit approval;

Tacoma Public Utilities: Is herein referred as the Lessor.

SECTION I - POLICY

Committee Formation

In accordance with the By-laws of the LCMC, the Board President, with the consent of the full Board, has authority to appoint a committee of volunteers from the Members to serve on the Architecture Committee. This committee exists pursuant to the terms set forth in LCMC Board Resolution #2007-13. Committee membership shall consist of a minimum of two Board members and a minimum of three volunteer Members, all as appointed pursuant to formal Board action and pursuant to the terms of Resolution #2007-13, which sets forth specifications for committee membership, member qualifications, member attendance and performance requirements, operating procedures, authority, and related details.

The Board members on the committee serve as general liaisons between the Board and the Architecture Committee, and one Board member on the committee shall be explicitly designated by the Board to serve as the committee liaison. The designated committee liaison shall report to the Board regarding all matters addressed by the committee.

Purpose of the Committee

The Architecture Committee purpose is to preserve the natural beauty of the Lake Cushman Community through review and issuance, conditioning, and denial of permits for the construction of new structures, the improvement of existing structures, the cutting of trees, covenant enforcement, and general compliance related issues and/or horticultural related activity.

Committee Member Appointment/ Resignation / Removal

The Committee Chair and other committee members shall serve for a period of one year and are eligible for reappointment, pursuant to terms specified in Resolution #2007-13. When a committee member terminates committee membership for any reason, the Committee Chair shall perform duties in place of the departed member until the Board appoints a replacement. A committee member may be removed from the committee upon a majority vote by the Board, or upon the Committee Chair's recommendation approved by a majority vote by the Board.

Meeting Schedule

The Committee shall meet no less than one time per month pursuant to a schedule established at the first Board meeting of the calendar year. The Committee meeting schedule, including meeting place and time, shall be set forth in written form and shall be maintained as a business record available at the LCMC Business Office. Said meeting schedule shall not be changed except by majority vote of the Committee members. Written notice of any meeting schedule change shall be provided in written form to each Committee member not less than fourteen (14) days prior to the subject Committee meeting and shall be made available as an LCMC business record in the LCMC Business Office not less than five (5) calendar days prior to the subject Committee meeting.

Special Meetings

Special meetings of the Committee shall be called upon the request of the Committee Chair, or by written request by one-third (1/3) of existing Committee members, or at the direction of the Board majority. Special meetings require notice to all Committee members at least five (5) calendar days prior to the special meeting and notice posted at the LCMC Business Office at

least five (5) calendar days prior to the meeting. Notice shall be in writing or other form expressly agreed to by the recipient committee member, and shall state the date, time, place and purpose of the special meeting. Notice shall be transmitted by the Committee Chair or the Board Secretary.

Attendance

Committee meetings shall be open for participation by all Committee members and shall be open for observation by all Board members and all LCMC membership, except for executive/closed portions of meetings which are to be attended only by the Committee Members and necessary parties as determined by the Committee Chair. Committee meetings are also open to third parties by invitation. Unless otherwise explicitly authorized, any Committee member who fails to attend four successive, regularly scheduled meetings shall be terminated.

Quorum/Vote Requirements

A quorum of the Committee must be present in-person or by telephone or similar device for the purpose of transacting business. A quorum of the Committee is defined as the presence of no less than fifty (50) percent of the number of Committee members. All matters shall be decided by a simple majority of the quorum present. Every Committee member, including the Committee Chair, shall have an equal vote.

Conflicts of Interest

Any matter presenting an actual or potential conflict of interest with respect to any Committee Member(s) shall be managed as follows:

1. The Member(s) with an actual or potential conflict of interest shall immediately disclose the same to the Committee membership at a regular or special Committee meeting;
2. The Member(s) with an actual or potential conflict of interest shall refrain from participating in any related vote/formal Committee action or discussion regarding the matter;
3. The remaining Committee Membership shall deliberate and determine the appropriate way to proceed to address the issue.

Committee Operating Rules

Operating rules for the Architecture Committee, in addition to these policies, are established in LCMC governing instruments, including but not limited to the Lease Agreement, Covenants, Resolutions, Bylaws and Articles of Incorporation. Any discrepancy between provisions contained in such instruments shall be resolved in the following order of priority:

1. Lease Agreement;
2. Covenants;
3. Articles of Incorporation;

4. Bylaws;
5. Resolution #2007-13; and
6. This policy.

Requirements

The Architecture Committee correspondence files shall be kept current. Copies of incoming correspondence shall be immediately routed to the Committee Chair, or designated committee member, and the appropriate committee member for disposition. The original incoming and a copy of outgoing correspondence shall be kept in the LCMC files.

Permit Filing Requirements

A copy of approved permits issued for tree cutting, land clearing, or other permits shall be retained in the LCMC files. One copy shall be forwarded to the member requesting the permit. Only the official, approved form of any permit shall be issued or used by any member of the Architecture Committee. Fees for permits are identified within the most recently Board approved LCMC Fee and Fine Schedule.

Code of Conduct and Disclaimer

No member of this Committee shall give individual, arbitrary, capricious, or impromptu verbal opinion or permission on any requested action or proposed requested action. If such an opinion is given by any member on an individual basis, it is in no way to be interpreted as permission for any construction, tree cutting or clearing, or any other matter that normally requires committee approval.

SECTION II - SCOPE

Applicability

These rules apply to all leased lands within the Lake Cushman Development located in Mason County, Washington, and subject to the jurisdiction of the Lake Cushman Maintenance Company and are established pursuant to the authority vested in LCMC and the LCC.

Purpose

The Lake Cushman Development is subject to restrictive covenants, administered by the LCMC pursuant to the Articles of Incorporation, Bylaws, and other governing documents. The purpose of these rules is to preserve the natural beauty of the Lake Cushman area and ensure a safe, pleasant, harmonious and healthful environment for all Members; and provide for the development of lots within the development, including all improvements and the use of the same within the confines of the master lease.

Interrelationships

All lots within the development are owned by the Tacoma Public Utilities and leased to the LCC. The LCC enters into subleases with owners, who are members of the LCMC. These rules, and all other provisions of governing documents of the Lake Cushman Development, apply to all owners, those to whom they sublease their interest, family members, and guests. Members are responsible for the actions of their tenants, family members, and ~~guests~~

Legal Responsibility

The ONLY parties that can act with respect to essential and fundamental property maintenance and development issues (for example: submittal of permit requests for removing trees or constructing building(s), making an address change on a lot record, making payment arrangements for payment of assessments, or voting) is the party who has signed an Acceptance of Lease (part of the Assignment of Lease) which has been approved by LCC, or that party's legally appointed personal representative (requires letters testamentary or small estate affidavit); legally appointed attorney-in-fact (power of attorney, requires a copy of the appointing document); legally appointed guardian (requires a copy of the court order); or legally authorized agent for a legal entity (requires records to establish legal agency). Renters, occupants (other than the legal Member), relatives or guests do not have authority to do any of the above.

The legal Member is responsible for all activities on the lot, payment of fees, and violations of the CC&Rs (even if caused by a renter, occupant, or guest), and for resolving any issues concerning the lot.

NOTE

LCMC CANNOT NEGOTIATE PAYMENT ARRANGEMENTS, RESOLVE VIOLATIONS, OR ADDRESS ANY OTHER ISSUES WITH ANYONE OTHER THAN WITH THE PARTY(S) AS SPECIFIED PURSUANT TO THE TERMS ABOVE

SECTION III - DEVELOPMENT RULES

Applicability

The following development rules include provisions of covenants and other governing documents, including rules and regulations of the LCMC; as well as interpretations of the same. Development rules not contained herein, but otherwise contained within governing documents of the LCMC remain in effect. Any discrepancy between provisions contained in such instruments shall be resolved in the following order of priority:

1. Lease Agreement;
2. Covenants;
3. Articles of Incorporation;
4. Bylaws;
5. Resolution #2007-13; and
6. This policy.

Development Procedures

All structures, regardless of size and regardless of whether a Mason County or other permit is required, require a LCMC Building Permit. In addition, perimeter fencing (within 5 feet of any property line) projects of any size will need to obtain an LCMC Building Permit and be approved prior to constructing the fence. Fees are identified within the most recently Board approved LCMC Fee and Fine Schedule.

Whenever any work or development is being done or use is being conducted contrary to the provisions of this Policy, the General Manager or his/her designee may issue a stop work order requiring that all or part of the work on the project be stopped or that the use be discontinued. Stop work order shall be in writing unless the General Manager or his/her designee determines that an emergency requires that the order be given orally. Service of the stop work order may be in person, by conspicuously posting the stop work order on the property or common area adjacent to the property, by giving a copy of the stop work order to the person on the property who appears to be in charge and by certified mail return receipt requested. The General Manager, or other designated person who issued the stop work order, may modify or supplement the stop work order. Any violation of a written stop work order will be subject to a daily fine not more than allowed by State statute, as outlined within the most recent approved Fee and Fine Schedule. Each day or part thereof during which any violation is committed or permitted shall constitute a separate offense.

The General Manager or his/her designee are the only ones given the authority to remove a Stop Work Order, once it has been issued.

Members are responsible for researching and determining Mason County or other governmental permit and review requirements.

Development plans, including the clearing of lots and building plans, shall be submitted to the

Architecture Committee for review and action. The Architecture Committee shall not authorize any proposed lot or parcel development if it finds that the development is not in compliance with the provisions of applicable governing documents. All permit applications must comply with applicable right of way and easement setbacks, height restrictions, waterline setbacks, and dimensional and other applicable standards. The Architecture Committee shall respond within 30 days following receipt of plans and specifications.

The clearing of lots or construction of buildings or other structures and other lot development shall not be started until plans and specifications showing driveways, septic systems, drainage systems (including culverts), and any structures, including the nature, kind, height, material, and location of the same, have been submitted to and approved in writing by the Architecture Committee. A Mason County building permit, if applicable, shall also be submitted at this time or the LCMC permit shall not be approved until provided.

Building permit application forms are available at the LCMC office. These forms are also available on the LCMC web site (www.lakecushmanmc.com). Application for a permit constitutes authorization for a member of the LCMC Architecture Committee to enter onto the applicant's lot to determine approval or disapproval.

No building material of any kind shall be placed or stored upon any lot until the member has applied for requisite permit approval and shall only be stored upon a lot while all such permits are active and not expired. All building materials shall be placed within the property line of the building site and shall not be placed in the street or road right-of-way. All building materials and debris shall be cleaned up and removed from the lot within thirty (30) days following the completion of the construction. Contractor signs must be removed when construction is complete.

All exterior siding and finish work must be completed no more than one year from the commencement of initial construction, unless a request for an extension of the LCMC building permit stating the reason for the extension and proof of a Mason County building permit extension are obtained.

All sewage disposals shall conform to all applicable Governmental regulations.

Water is available in street mains adjacent to all lots and will be available to each lot at the regular established rates. The Water System is owned and operated by the LCMC, a non-profit Washington Corporation. State laws governing water systems shall be complied with relative to potable domestic supply. Utility service connection shall be installed underground, by that specific Utility provider, when connecting to underground utilities in streets or greenbelts.

NOTE

Currently there is no water service to the West Side and some of the East Side lots, including Dow Mountain.

The word "development" as used in the preceding paragraphs means an action taken including but not limited to the construction or exterior alteration of structure, dredging, drilling, dumping, filling, removal of any sand, gravel, or minerals; removal of trees, bulkheading, piling driving, placing of obstructions or any project of a permanent nature that alters the natural condition of the land.

Permits Required

Prior to starting any development activity, the following permits shall be obtained:

1. Minor Building Permit;
2. Major Building Permit;
3. Fencing Permit (for the placement of any size fence within 5' of any property line);
4. Tree Cutting Permit.

Note

All fees associated with these permits are outlined within the LCMC's most recent Fee and Fine Schedule, as approved by the Board of Directors.

Proof of Demolition Permits, Prior to Commencing Work

The Committee recognizes Mason County and other regulatory agencies have procedures regarding the demolition of structures to ensure safe removal of these structures and to ensure the welfare and safety of workers as well as neighbors near and around the subject work sites. In order to ensure that relevant permits for demolition activities have been submitted, reviewed, and approved by the relevant regulatory agencies, the Committee require project leaseholders to provide copies of approved, relevant demolition permits to the LCMC Main Office prior to commencing any work.

It is the responsibility of leaseholders to know and follow the permitting requirements for demolition of structures. Should demolition activities begin on a structure requiring permits prior to LCMC receiving copies of said permits, the leaseholder will be subject to the enforcement process outlined within Section V of this Policy, the LCMC will issue an immediate "Stop Work Order" that will not be lifted until these materials are received and reviewed by the Committee Chair and/or appropriate LCMC Staff.

Land Use

Platted lots and parcels may be cleared for a sufficient area to permit structures of a permanent nature, together with reasonable access thereto, provided that said structures meet all applicable Governmental requirements and appropriate written approval has been received from the Architecture Committee. No member shall use or allow the use of an unoccupied lot for the long-term storage of vehicles, boats, trailers, recreational vehicles (RVs), building materials, trash, or any other items that violate the conditions or purpose of these Protective Policies and Procedures and/or covenants, or in any manner contrary to applicable governmental codes and regulations.

Single-Family Lots or Parcels

Unless otherwise explicitly provided in applicable governing instruments, platted residential lots or parcels shall be used only for single-family residential purposes and uses incidental thereto.

NOTES

As used below, the term "residence " refers to a single-family dwelling with cooking, restroom and sleeping accommodations, and any other features required by Mason County Building Code to meet their requirements for a residence.

Accessory building or use include structures such as garages, carports, sheds, shops, storage buildings, ADU's, arbors, greenhouses, etc.

The term "commercial" applies to structures which are not ordinarily used for residential purposes but may in some cases be used incidental to residential use.

Policy Regarding Structures on Single Lots:

The Architectural Committee shall require that any structure built on a single lot in the Lake Cushman development be either a single-family residence, or accessory building or use, as defined above.

In accordance with Mason County Code, Accessory Dwelling Units (ADU) must meet these provisions as well:

- (1) The owner of the ADU must reside on the lot in either the principal residence or ADU;
- (2) The ADU shall be located within one hundred fifty feet of the principal residence or shall be a conversion of an existing detached structure (i.e. garage);
- (3) The ADU shall not exceed eighty percent of the square footage of the habitable area of the primary residence or one thousand feet, whichever is smaller;
- (4) All setback requirements must be met by the ADU;
- (5) All applicable health district standards for water and sewer must be met by the ADU;
- (6) No recreational vehicles shall be allowed as ADU;
- (7) Only one ADU is allowed on any property.

In the event a Member chooses to build an accessory building or use prior to building a residence, the permit request must clearly indicate capability to build a residence on the lot in the future, including allowance for a county-approved septic system.

Recreational Vehicles (RVs)

Owners of recreational vehicles must comply with Resolution #2005-01 and Resolution #2007-01 (as now existing or as subsequently amended) regarding recreational vehicles. Recreational vehicles may be used as a temporary shelter while owner's dwelling is being constructed under an active Mason County and LCMC building permit. These units must not dump gray water or black water on the ground during the stay, must provide sufficient proof of authorized and proper dumping to LCMC, and must comply with all applicable Mason County regulations.

The keeping or storing of recreational vehicles, including motor homes, travel trailers, fifth wheel trailers and boats incidental to the use of a permanent home shall be permitted. However, such units shall not be parked on the street or the road right of way.

In certain divisions, the covenants allow RVs to be placed permanently on "improved" lots (i.e. lots with power, water and approved septic installed). In order to allow temporary use of an RV on unimproved lots in those divisions, RV use is restricted to a maximum of 180 days per

calendar year, and RVs must be registered at the LCMC office for the period of the stay. The LCMC office will issue a permit for each RV for the period of the stay. The permit must be displayed in the window of the RV. This also applies to all lots in divisions that do not allow permanent placement of RV's.

In accordance with Mason County Code 16.22.050, members using their lot for personal recreational purposes may have their recreational vehicle and three guest recreational vehicles on their lot; provided that at no time shall guest recreational vehicles be occupied for any longer than three weeks in any sixty-day period; provided further that Members may use their lot for family reunions and other personal gatherings where more than three RV's are involved as long as the gathering lasts no longer than five days, and that no health problems, litter problems, etc., develop; provided further that recreational vehicles set up in a permanent fashion, as defined by Mason County Building Code, shall be permitted as permanent residences.

Subdividing Lots

No lot shall be subdivided in a manner not compliant with applicable governing instruments.

Trees / Vegetation

An LCMC permit is required before cutting, topping or limbing any significant trees. However, brush, such as salal, huckleberry, tree seedlings and trees of six inches or less in diameter or identified as non-significant, as defined herein, may be removed without a permit. In addition, limbing of trees up to fifteen (15) feet above ground level does not require a permit, provided that it is the Member's responsibility to research and verify compliance with any governmental permit requirements regarding any vegetation modification or removal.

Dead or obviously dying trees shall be required to obtain a tree cutting permit, but will be exempt from a tree cutting permit fee, provided: If the health of the tree is brought into question by LCMC and/or their representative, LCMC can require, at the property owner's expense, that a certified Arborist's report verifying that the tree or trees in question are dead or dying and should be removed be included within the permitting materials.

On private lots, on-site inspection of trees requested for cutting, topping or limbing must be completed by one or more members of the Committee. Permits must be approved by the Committee prior to commencing any work. The requesting property owner assumes all liability, including financial, for any actions or work performed by themselves or their hired professional. Tree cutting permit application forms are available at the LCMC office. These forms are also available at the LCMC web site (www.lakecushmanmc.com). Application for a tree cutting permit constitutes authorization for a member of the Committee to enter onto the applicant's lot to determine approval or disapproval. Fees associated with tree cutting permits are identified within the most recent version of the Board approved Fee and Fine Schedule.

The permit approved by the Committee must be posted by the Member in a conspicuous location on the premises or building.

The Committee shall forward all requests for the removal, topping or limbing of trees that are located in adjoining greenbelts to the Public Works Manager.

Tacoma Power retains a 10' (ft) buffer above the 742' (ft) lake level. Therefore, Tacoma Power requires that the Member of any lot that extends into this buffer must remove all tree residue resulting from tree cutting, limbing, or topping, from within this buffer.

Removal, Limbing or Topping of Trees for a View

If a property is taxed as view property, the necessary documentation is available on-line from the county assessor's office and shall be provided with a Member's request to remove, limb, or top trees for a view. If a Member requests to limb or top a tree or trees to maintain a view, the Member may be required to obtain an arborist's opinion regarding potential danger to the health of the tree as a result, depending on the extent of the limbing or topping.

Internal Procedure for Processing a Tree Cutting Permit Request

When a tree cutting permit, request is received in the LCMC office, it is checked for completeness, logged in by the office staff and distributed to the Committee Chair and the Committee member responsible for that Division. The Committee member will then review the request to be sure it is complete prior to doing a site visit to determine if the tree is a candidate to be removed in accordance with the reason(s) cited on the request, such as, dead, diseased, or to make room for anticipated construction. In the latter case an approved building permit must be submitted simultaneously with the tree cutting request accompanied by a plot plan showing the location of the trees to be removed relative to the location of the anticipated building/construction. After the site visit, the Committee member will enter his/her findings (approval/disapproval) along with any necessary comments on the space provided on the request and return the request to the Committee Secretary. If expedience is required and the Committee member has approved the tree Cutting request, the Secretary will issue the permit.

Building Regulations

Types of Structures That May Be Permitted

If in compliance with all applicable governing instruments and applicable governmental codes and standards, the following may be permitted:

1. Single Family Residence constructed on site.
2. Sheds and Garages.
3. Modular Homes with Housing and Urban Development (HUD) Seal.
4. Manufactured Homes with HUD red plate.
5. Park Model structures installed in accordance with Mason County requirements.
6. Any other type of structure, whether prefabricated or built on-site, designed for use as a single-family residence.

Outbuildings or other structures are not allowed to serve as a primary permanent residence: No tents (non-recreational), sheds, shacks, garages, or other types of outbuildings shall be used as a permanent residence.

NOTE

The Architecture Committee is authorized to deny permits for structures that

the committee does not consider appropriate for the established residential land uses of the LCMC Community, based on form and function, whether they comply with Mason County building requirements or not. Examples would be, but not limited to, some types of metal buildings, shipping containers, railway cars, busses, portable offices, and commercial trailers.

Fences

Perimeter fencing (within five (5) feet of any property line) shall be required to obtain an LCMC fence building permit prior to constructing and placing the fence.

Internal Procedure for Processing a Building Permit Request

When a building permit request is received by the LCMC office, it is checked for completeness, logged in by the office staff and distributed to the Committee Chair and the Committee member responsible for that division. The Committee member will review the request to be sure it is complete prior to doing a site visit to determine if the site is adequately and accurately marked to determine if all the necessary requirements are met, such as setbacks, distance between other buildings and if a Mason County building permit may be required. In the latter case, an approved Mason County building permit must be submitted prior to issuing a LCMC building permit. If/when all requirements are met, the request will be added to the next committee agenda for disposition.

SECTION IIIa - DEVELOPMENT OF 2+ ACRE PARCELS

Requirements

LCMC, acting for the Member under the Assignment of Lease, has established the following requirements for development of the parcels containing 2+ acres:

1. The Lake Cushman Architecture Committee, acting as an agent to the Board can approve development plans that allow for a single ingress/egress driveway and a single, primary residence building site within the parcel. The following requirements shall apply:
 - a. The ingress/egress driveway is limited to 30 feet in width.
 - b. Building site is to be no larger than one acre.
 - c. Stumps and debris must be removed and disposed of in areas designated for material of this nature.
2. Prior to any development or construction, the Member must make arrangements with the LCMC office and submit a \$2,500.00 dollar road damage deposit. The deposit shall be returned to the Member upon completion of the onsite development work; provided, any damage to the public easement roads and/or infrastructure are corrected to a level at or above the existing condition, in the opinion of the Committee and the LCMC Public Works Manager.

NOTE

This information is contained in a handout given to Members.

SECTION IV - ACTIVITIES

Offensive Activities

No noxious or offensive activities shall be carried on upon any lot or parcel, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

Solid Waste

No lot or road right of way of the Lake Cushman Community shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste, or used in any manner that constitutes a nuisance. All waste shall be kept in sanitary containers. Non-compliance of the solid waste provisions is a violation of the Protective Covenants and could result in termination of a lease in accordance with the leasehold agreement.

The term solid waste means material such as household garbage (including recycling), food wastes, yard wastes, and demolition or construction debris. It also includes discarded items like household appliances, furniture, scrap metal, machinery, car parts and abandoned or junk vehicles and "hulk" vehicles. (Hulk vehicles are defined in the following section.)

All solid waste must be stored in a safe, sanitary and nuisance free manner. Garbage/ toxic waste must be stored in sturdy waterproof, animal-proof containers with tight fitting lids and must be removed at least every other week. Accumulating solid waste and storing it outside in plastic bags, trailers or pick-up trucks is not acceptable and constitutes a violation of this provision.

No lumber or other building materials shall be stored on any lot, except that supplies and machinery currently being used in the construction of an approved structure may be stored in a workman-like manner during construction of said structure. All building materials shall be cleaned up and removed within 30 days of completion of construction. No lot shall be kept in a condition that, in the opinion of the Committee, constitutes an annoyance or nuisance to the neighborhood, or detracts from the general appearance of the area. No derelict structure shall be allowed to remain on a lot.

Hulk and Inoperable Vehicles/Repair of Vehicles

No derelict, hulk or inoperable cars or machinery shall be stored on any lot or road right of way of the Lake Cushman Community, except as follows (Mason County Code, Title 6, Chapter 6.72.040):

1. Properties between one (1) and ten (10) acres may have one (1) stored hulk;
2. Properties over ten (10) acres may have up to three (3) hulks.

NOTE

By the statute cited above, no hulk vehicles are allowed on lots of less than one (1) acre.

A hulk vehicle is any vehicle that meets any two of the following criteria:

- a. Damage to the frame, a missing or shattered window or windshield, a missing or damaged wheel, tire, body part, a missing, damaged or inoperable door, hood or trunk lid, more than one flat tire, a missing damaged or inoperable engine or transmission, a missing license plate or a plate that has been invalid for more than one year.

The Mason County Health Department can issue junk vehicle affidavits or hulk vehicle permits so that a vehicle can be lawfully disposed of.

An inoperable vehicle is a vehicle is defined as any vehicle which is no longer able to operate for its intended purpose, or any vehicle with a build-up of debris, moss or weeds on, in, under, or around the vehicle, or a vehicle which is not licensed or has not been moved in sixty days.

Repairs to cars, trucks, boats, trailers, RVs, or other similar equipment performed out in the open shall be completed within thirty (30) days, and must be performed within the property boundaries, and not in the road right of way. If repairs are not complete within thirty (30) days of the date on which any such repair activity was initiated, such vehicle or piece of equipment shall be moved into a fully enclosed garage or removed from the property.

Renters or Occupants Other Than the Lot Owner of Record

Members and their agents are required to assure that their renters or occupants of leased parcels abide by these Protective Policies, Procedures and other provisions of the governing documents Member of parcels within the Lake Cushman Developments must register any renters or allowed occupants at the Lake Cushman Maintenance Office.

In addition, renters or allowed occupants must be provided with a copy of all applicable governing documents by the Member prior to the renter or occupant 's occupancy of any leasehold parcel or dwelling located thereon. These documents are available through the LCMC office and on the LCMC website. Failure to promptly comply with this requirement shall constitute a breach of the owner's Assignment of Lease with LCC. Renters or occupants are not authorized to cut or remove any trees or make any improvements on lots without written approval. Written approval, along with any relevant LCMC permits that are needed, shall be submitted and applied for prior to commencing any work.

Restricting Renter/ Tenants Based on Past Record - The Three Strikes Rule (see Resolution #2005-17)

If a member allows a non-member to occupy his or her Lake Cushman property and has three substantial violations, categorized as strikes, then that member may not further allow a non-member to occupy those premises, or any other Lake Cushman premises owned by that member for a period of ten years. Substantial violations include, but are not limited to:

- Illegal activities
- Discharging firearms
- Setting off fireworks
- Prohibited outdoor burning
- Persistent dog barking
- Dangerous or uncontrolled pets'
- Excessive noise
- Solid Waste violations, including hulk vehicles
- Vehicles under repair for over 30 days

The Committee and Board will assure the processes for the administration of these matters are fair and reasonable and offer the member a fair and reasonable right to be heard and offer evidence.

Multiple violations will not be considered in the same hearing unless they are similar in nature

and appear to share the same root cause. This means that all Members will have the opportunity to go through two previous hearings before the proceeding dealing with a third strike.

Signs

In accordance with LCMC Resolution #2005-08 and LCMC Articles of Incorporation (Article III, paragraph 13), no signs may be erected, posted, or displayed upon any LCMC property without authorization of the Committee, with the exception of: political yard signs (limited to 32 square feet in size and must be removed within 10 days after the election); real estate "For Sale" signs; lot owner identification signs; temporary builder identification signs during construction; and temporary garage sale signs posted 24 hours prior to the sale and removed within 24 hours after the sale. Violations may be subject to fines as reflected in the most recent version of the Board approved Fee and Fine Schedule.

Lakes

Lake Cushman and Lake Kokanee are available for the use of members and are managed by multiple governmental agencies. Members and their guests must be knowledgeable of regulations prescribed by Tacoma Power, Mason County (Specifically Code in Chapter 9.04), and laws and regulations in the State of Washington, in addition to federal laws that promote safety and shoreline management. These regulations must be adhered to as well as those regulations governing the taking of fish from these waters.

SECTION V - ENFORCEMENT

General Overview

The LCMC shall be primarily responsible for enforcing LCMC's governing instruments, and for preventing and abating violations thereof. In performing this function, LCMC may avail itself of such injunctive and other legal remedies as may be available to it under Washington Law and LCMC's governing instruments, including by actions at law or in equity against any person violating or attempting to violate any of said rules, either to restrain such violations and/or to recover damages. LCMC or any member damaged by such violations may bring such lawsuits. LCMC may charge a Member found to have committed a violation, or may charge to the subject property upon which a violation is found to have been committed, the costs of preventing or abating such violation(s), and such charges shall be, in LCMC's sole discretion, continuing personal obligations and/or liens upon such lot(s) until the entire sum is paid, and may further serve as the basis for termination of lease. Such costs may include reasonable attorney fees, lien fees and other costs, as provided for herein. In any action to enforce these rules, the prevailing party may be awarded all costs of suit, including reasonable attorney fees, surveyor and expert witness fees, title report fees, and any other costs of the proceeding.

Purpose

The purpose of this section is to establish a system for identifying and addressing violations of applicable governing instruments. An investigation into a possible violation is initiated when a written report (Request for Action form), signed by either a member on his or her behalf, the Committee Chair, member of the Committee, or Security is filed with the Committee. Enforcement actions by LCMC which pertain to covenant violations subject to enforcement through issuance of a Notice of Violation are managed by the Architecture Committee pursuant to the following procedure. Enforcement actions initiated by LCMC Security resulting in enforcement of citations are processed through a separate procedure.

Authority to Assess Fines

In addition to lawsuits to enforce these rules, the Committee has authority to assess fines¹ against any Member and related property for violating or attempting to violate these rules. Such fines may constitute liens against the property, as well as personal monetary obligations of those involved and may be enforced in the same manner as assessment liens. Action may include termination of the lease by the LCC as provided in the lease document. The Committee may, if deemed appropriate, file a formal complaint with Mason County. Fine amounts are identified within the most current Board, approved version of the LCMC Fee and Fine Schedule.

In the event a similar violation occurs within one (1) year following a previous, similar violation, the fine for the second offence will be double the previous offence if not abated in accordance with the Committee Notice of Violation letter forwarded to the Member.

Reports of Suspected Violations

Reports of suspected violations shall be referred to and initially managed by the LCMC

¹ As identified within Article II (#11) of the Lake Cushman Articles of Incorporation and as supported under state statute, RCW 64.38.020.

Security Manager for investigation and determination of appropriate action. Initial contact for action on alleged violation(s) shall be at the discretion of the Security Manager, in collaboration with the Committee Chair and may include on-site contact, letters and other methods. Copies of all forms, reports, investigations, and correspondence shall be kept in the appropriate LCMC subject file. Any individual or entity subject to LCMC's governing instruments may complain of an actual or threatened violation of the governing instruments, by another Member, tenant, or guest or agent of another Member, to LCMC, by and through the Committee, and request that the Committee prevent or abate the same. LCMC's failure to take action with respect to any such complaint shall not constitute a waiver of LCMC's ability to pursue the same or similar alleged violations in the future, and any Member may pursue any civil actions on their own behalf to address another Member or tenant's alleged violations, or alleged violations of the guests or agents of other Members or tenants, without regard to whether LCMC has taken enforcement or other action regarding the same.

NOTE

Any member of the Committee who intends to conduct a face-to-face conversation with an alleged violator of rules shall notify the Committee Chairperson. The Committee Chairperson will determine the need to have a second committee member or LCMC Security Officer present during the conversation.

Right of Entry

When it is necessary to enforce the provisions of these rules, or when there is reasonable cause to believe that there exists a rules violation upon a property, a Member of the AC and/or LCMC Staff person(s) may enter the property at reasonable times to inspect suspected rules violations, provided that if such premises are occupied, that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the Member of the AC and/or LCMC Staff person(s) shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Member of the AC and/or LCMC Staff person(s) shall make observations from a vantage point within LCMC common areas and seek legal counsel in regard to obtaining legal access onto the suspected property.

(1) **Signed Permit Application.** Lot owner signature on a permit application grants permission to the AC and/or Staff Member to access Applicant's property.

(2) **Intimidation of AC Members and/or LCMC Staff.** Threats, intimidation, or other violations of public peace directed against an AC Member or LCMC Staff person(s) engaged in lawful action upon private property are unlawful and may subject that person and the owner of the property, as applicable, to legal action.

Preliminary Notification Letter (Letter #1)

The Committee takes a proactive position by affording the Member in violation of a rule the opportunity to resolve or abate the issue(s) causing the violation. Timely resolution/abatement by the Member may preclude the levying of a fine. The Preliminary Notification Letter (Letter #1) will be sent by Certified and First-Class mail. This is the vehicle used to notify the Member of an alleged violation and will include notice of the \$50 administration fee. The Member has 15 days (starting 3 calendar days from when the letter was postmarked) to respond to the Committee to begin the process to either resolve/abate the issue(s) or request a violation hearing.

The Preliminary Notification Letter (Letter #1) will:

24

1. Inform the Member of the alleged violation and administrative fee to be imposed, including reference to governing instrument as applicable.
2. Indicate that a Member may request a Violation Hearing with the Committee.
3. Indicate that for confirmed violations, a \$50 administrative fee, along with applicable fees/finesthat may will apply. Fees are identified within the most recent version of the Board approved LCMC Fee and Fine Schedule.
4. Indicate, if applicable, that the violation is a strike in accordance with Board Resolution #05-17 Regarding Rental/Tenant Regulations.
5. Describe the appropriate manner for requesting the hearing, including:
 - a. Indicating that requests must be received within fifteen (15) days (starting three calendar days following the day on which the Preliminary Notification Letter was postmarked).

NOTE

The issuance date shall be three (3) calendar days following the day on which the notice is postmarked.

- b. Indicate that the request must contain the Member's chosen manner of appearing before the Committee; in person or via teleconference.
- c. Indicate that the request is to be submitted to the following address:

LAKE CUSHMAN MAINTENANCE COMPANY
3740 N Lake Cushman Road
Hoodsport, WA 98548-9711
- d. Advise the Member that submitting any written comment or supporting documentation ahead of the Violation Hearing will provide the Committee an opportunity to read the material in advance of the Violation Hearing, thereby making efficient use of time during the hearing.
- e. Advise that the Member may request a hearing date, or dates, which the Committee will attempt to accommodate.
- f. Advise that the Member may request that the Committee limit its consideration to written information and materials submitted by the Member prior to the hearing date, in lieu of appearing in person or by telephone. Warn the Member that if they do so, they may not subsequently request an in-person hearing after the Committee has ruled on the material submitted.
- g. Inform the Member that once they have been informed of the planned hearing date, they will be afforded one reschedule of the hearing for any reason, if

requested in writing and received by LCMC prior to the date of the original hearing. Also indicate that any subsequent requests for reschedule will require detailed justification and will be accommodated at the discretion of the Committee Chairperson.

Service of Preliminary Notification Letter and Notice(s) of Hearing Dates

The Preliminary Notification Letter shall be served upon a Member alleged to have committed a violation or whose guest or agent was alleged to have committed a violation by certified and regular First-Class mail sent to the Member's last known address as maintained with the LCMC Business Office. Subsequent correspondence shall also be sent the same way, unless the Member provides an alternative address for receiving mailings.

Architecture Committee Decision

The Violation Hearing will be conducted by the Committee using its normal operating procedures. The Member will be informed of the results no later than 30 days following the hearing. If it is determined that a violation has not occurred, the Member will be informed that the Preliminary Notification Letter is cancelled. If a hearing was not requested or the Committee substantiates the violation, and the requested resolution/abatement has not been completed within the timeframe identified in the Preliminary Notice of Violation or subsequently proscribed by the Committee, the Committee will proceed with issuing a Notification of Violation (NOV) (Letter #2).

Notice of Violation (NOV) (Letter #2)

An NOV is a written notice issued by the Committee to the Member of record of a subject property notifying them of an uncorrected violation on their property. The NOV will:

1. Inform the Member of the alleged/substantiated violation, the fine applied, and administrative and other applicable fees/finest to be imposed, including reference to governing instrument as applicable. Fees are identified within the most recent version of the Board approved LCMC Fee and Fine Schedule.
2. If applicable, inform the Member that this violation is a strike in accordance with Board Resolution #2005-17 Regarding Rental/Tenant Regulations.
3. Inform the Member that if they fail to abate the violation(s) and pay any associated fees and fines within 30 days, a lien will be recorded with Mason County and their account will be turned over Lake Cushman Company for lease termination.
4. Regarding the fine applied, inform the Member that they have three options, as follows:
 - a. They can pay the fine in full (no request for an appeal hearing with the Board;
 - b. They can pay the fine in full (continue with a request for an appeal hearing with the Board);

- c. They can defer paying the fine and request a hearing before the Board.

NOTE

Inform the Member that if they choose Options a. or b. that they will remain a member in good standing for the purpose of obtaining passes/permits. Also, inform the Member that if they choose Option b. and the Board decides to reduce or cancel the fine in a subsequent appeal hearing that they will be issued the applicable refund.

- 5. Indicate that a Member may request an appeal hearing with the Board. Describe the appropriate manner for requesting the hearing, including:
 - a. Indicating that requests must be received within 10-days of the issuance date of the NOV.

NOTE

The issuance date shall be three calendar days following the day on which the NOV is postmarked.

- b. Indicate that the request must contain the Member's chosen manner of appearing before the Board by choosing one of the following options;
 - 1. They wish to appear before the Board in person;
 - 2. They wish to appear before the Board via teleconference; or
 - 3. In lieu of appearing before the Board in person, they may request the Board limit its consideration to written information and materials submitted by them prior to the hearing date.
- c. Indicate the choice in how they want their appeal to be heard; either in Open Session or Executive (Closed) Session.
- d. Indicate that the request is to be submitted to the following address:

LAKE CUSHMAN MAINTENANCE COMPANY
3740 N Lake Cushman Road
Hoodsport, WA 98548-9711

- e. Advise the Member that submitting any written comment or supporting documentation ahead of the appeal hearing will provide the Board an opportunity to read the material in advance of the hearing, thereby making efficient use of time during the hearing.
- f. Advise the Member that the Board will conduct the hearing at a regularly scheduled Board meeting. Notice of the planned hearing date will be provided to the Member not less than ten (10) days subsequent to receipt of a timely request from the Member. The meeting date will be within forty-five (45) days of the notice of violation.

- g. Warn the Member that if they chose option 6.b.3 above, they may not subsequently request an in-person hearing after the Board has ruled on the material submitted.
- h. Remind the Member that they were previously given an opportunity to challenge the validity of the violation determination with the Committee and either chose not to do so or failed to make their case. Consequently, the Board's main focus will be on identifying any mitigating factors that would justify reducing or cancelling the fine and administrative fee(s) imposed by the NOV.
- i. Inform the Member that once the hearing date has been set, they will be afforded one (1) reschedule for any reason, if requested in writing and received by LCMC prior to the date of the date set for the hearing. Also, indicate that any subsequent requests for reschedule will require detailed justification, and will be accommodated at the discretion of the Board President.

Service of NOV and Notice(s) of Hearing Dates

The NOV shall be served upon a Member alleged to have committed a violation, or whose guest or agent was alleged to have committed a violation, by certified and regular First-Class mail sent to the Member's last known address as maintained with the LCMC Business Office. Subsequent correspondence shall also be sent the same way, unless the Member provides an alternative address for receiving mailings.

The Chair of the Architecture Committee shall work with the Committee Secretary in the preparation of an events timeline that outlines actions taken by Staff and the Architecture Committee in attempting to bring the subject property(ies) into compliance, as well as present these materials to the Board at the time of the hearing.

Board Decision

The Board shall render a final and binding written decision no later than thirty (30) calendar days following the appeal hearing. The written decision shall be mailed to the Member by first class and Certified Mail. The Board is vested with authority to uphold the fine amount imposed, or modify the fine to accurately reflect the governing instruments' application to the facts presented, or determine in the Board's sole discretion that a violation did not occur and that no fine should be imposed, or determine that a violation did occur but that issuance of a formal warning in lieu of a fine is appropriate on the facts, in the Board's sole discretion.

Liens, Court Action, Imposition of Fines and Lease Termination

If the fine is imposed and not challenged or is upheld on appeal and is not paid within 30 days of the date of final decision, a lien will be recorded with Mason County, and the account will be turned over to Lake Cushman Company for lease termination.

In addition to seeking enforcement through court action, fines may be imposed pursuant to these policies and procedures. The fine shall be based on the following:

- a. Actual damages sustained;

- b. Costs to the Architecture Committee and/or the Board of proceeding, including attorney fees, expert fees, survey costs, title report fees, and other incurred costs;
- c. Penalties.

Fines for unauthorized removal of trees from property owned by the violator or on the greenbelt or park areas shall include actual damages (stumpage value x 3), plus reforestation costs (replacement). These additional penalties may be imposed at the discretion of the Board.

Dogs/Animals

Complaints arising from issues pertaining to dogs or other animals shall be referred to Security and shall be subject to standardized process/procedure for Security investigation and issuance of citations.

Administration Fees

A \$50 Administration Fee shall be levied to any violator of the rules contained herein; however, the fees shall be levied retroactively upon completion of the appeals process only when a determination has been made that a violation did indeed occur. The administration fees will be waived if it is determined a violation did not occur.

Application of Daily Fines

Daily fines shall be suspended once the alleged violator submits notification that they intend to appeal, or they make an agreement on a deadline for abatement. If the appeal is denied or the abatement deadline is reached, then the daily fines are reinstated retroactively back to the date the fines were suspended and carry forward to the maximum or until the violation is abated. Fine amounts are identified within the most current Board, approved version of the LCMC Fee and Fine Schedule.

Notice of Non-Compliance

A Notice of Non-Compliance may be recorded with Mason County on unresolved violations. A copy of the recorded notice will be mailed via first class and certified mail to the property Member. The Notice of Non-Compliance will remain in effect until the violation is resolved.