

USELESS BAY COLONY GUIDELINES

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1. DEFINITIONS

As used here, the following terms, when capitalized, have the respective meaning set forth below

- 1.1 "Appurtenant Outbuilding" means structures and improvements of permanent construction that are incidental to residential use.
- 1.2 "Architectural Committee" means a group of not less than three (3) and not more than five (5) Useless Bay Colony Property Owners including the Architectural Chairman.
- 1.3 "Board" means the Board of Useless Bay Colony.
- 1.4 "Colony" means the Useless Bay Colony, Inc. a State of Washington non-profit Corporation.
- 1.5 "CC&R's" means the Declaration of Covenants, Conditions and Restrictions for each Division of Useless Bay Colony. A copy of the CC&Rs is attached to the Escrow or Title Insurance papers for each individual lot.
- 1.6 "Member" means a Residential Property Owner within Useless Bay Colony.
- 1.7 "Occupant" means a person or persons living in a Residence within Useless Bay Colony whether an Owner, Renter or Lessee. No camping is allowed.
- 1.8 "Owner" means all holders of the title to, or an interest in, any residential Property.
- 1.9 "Property" means any and all real estate within the outermost boundaries of the community of Useless Bay Colony.

1.10 "Shore Property" means any and all Property within Useless Bay Colony that touches any shoreline, whether fresh or salt water.

1.11 "Single Family Dwelling" means a single dwelling unit that is designed for and occupied by a single family.

1.12 "Utility Easement Right of Way" means the space between the street edge and the water meter box used by utility companies to supply services.

2. ALTERING, CHANGING, REVISING OR UPDATING THE GUIDELINES

2.1 The Colony Board may make interim changes to the Useless Bay Colony Guidelines by a simple majority vote.

2.2 A Colony Member may propose interim changes by submitting a written proposal at any regularly scheduled Colony Board Meeting.

2.3 A petition signed by fifteen (15) voting Colony Members in good standing will suspend any interim Useless Bay Colony Guidelines change until the next Annual Meeting.

2.4 Interim Guideline changes are posted on the Colony website. To make them permanent, they must be ratified at the Annual Meeting.

2.5 The Bylaws define twenty percent (20%) of eligible voting Members as a quorum. A sixty percent (60%) majority vote, of a vote with a quorum, validates a motion. Proxy and voting trust agreement votes are included in the quorum when the motion has been previously mailed to the Members.

3. UTILIZATION OF THE USELESS BAY COLONY GUIDELINES

3.1 Useless Bay Colony Guidelines are intended to supplement CC&Rs. Compliance with unexpired CC&Rs can be legally enforced. Compliance with expired or violated CC&Rs is voluntary.

3.2 Concerns about compliance should be submitted to the Architectural Committee, in writing, if they cannot be resolved neighbor to neighbor.

3.3 In cases of non-compliance, the Architectural Committee or Colony Board will inform the Resident-occupant and the Owner, if the Owner is not the Resident.

3.4 Second and continued notices are sent to Owners in writing by registered mail.

4. PERMITTED USES OF RESIDENTIAL COLONY PROPERTY

4.1 H&H Properties, the founders of Useless Bay Colony, Inc., assigned responsibility for review of all building plans and specifications as defined in the CC&R's and Island County to the Useless Bay Colony Board.

4.2 All private Property in the Colony is Residential Single Family Dwelling.

4.3 CC&Rs do not list manufactured homes, permanently installed mobile homes or off-site constructed structures as appropriate construction for a single family dwelling within the Colony.

- 4.4 Dwellings within the Colony must meet or exceed the minimum standards defined in its Division's CC&Rs.
- 4.5 There is no parking on any Colony street, road or cul-de-sac. Members should plan at least two (2) on-site parking spaces.
- 4.6 There are no exceptions to the setback regulations. Property lines for adjacent lots held in common ownership are the outer boundaries of all such lots.
- 4.7 Houses and other structures on properties abutting the golf course can be no closer than twenty-five (25) feet from the golf course property line.
- 4.8 No Appurtenant Outbuildings can be used or occupied as a living space.
- 4.9 All exterior construction must be completed within one (1) year.
- 4.10 All new construction plans must be submitted to and approved by the Architectural Committee. The Committee must respond within thirty (30) days. If the Committee does not respond within 30 days the plans are deemed approved.
- 4.11 Reviews of all building plans by the Architectural Committee are for compliance with Colony CC&Rs. Owners may request a meeting with the Architectural Committee, prior to preparing plans.
- 4.12 Construction on all lots requires a building permit and sewerage disposal permit from Island County.
- 4.13 Major remodel plans must comply with CC&Rs and be approved by the Architectural Committee. The thirty (30) day rule for approval applies.
- 4.14 Owners are required to obtain a Certificates of Occupancy from Island County for new and major remodel construction before occupancy.

5. TEMPORARY STRUCTURES, EQUIPMENT AND BUILDING MATERIALS

- 5.1 Temporary structures are only permitted on Residential lots during construction.
- 5.2 All temporary structures, equipment and building materials must be removed within thirty (30) days of completion of the exterior or within one (1) year, whichever comes first. The Architectural Committee may grant additional time in writing, if necessary.
- 5.3 No Owner or construction personnel may reside in a temporary structure.
- 5.4 Commercial and personal vehicles, equipment or materials used for construction can not be parked or stored on Useless Bay Colony-owned or privately-owned Property other than the construction site lot.

6. EXTERIORS

- 6.1 The exteriors of all structures, including fences and screens must be constructed and finished of material and a color scheme compatible with each other, the community and the natural surroundings.

6.2 Major changes to the exterior of an existing Residence must meet or surpass the minimum CC&R standards for its Division. If building permits are required, the plans must be submitted to the Architectural Committee for approval.

6.3 For other exterior changes, please inform the Architectural Committee Chair to help prevent neighborhood misunderstandings.

7. VEHICLES, BOATS AND PARKING

7.1 No personal mobile recreational vehicle, boat and trailer or commercial vehicle can be stored permanently on a Property unless it is screened from view.

7.2 Temporary storage, as listed in 7.1, without a screen, is permitted for seven (7) days, to allow transition at the beginning and end of the summer season.

7.3 One (1) actively used boat and trailer is allowed in a driveway, out of the Useless Bay Colony Easement Right of Way, from Memorial Day weekend through Labor Day weekend.

7.4 Guest vehicles, as listed in 7.1 are allowed for a period of seven (7) days.

7.5 Non-operative or unsightly vehicles must be garaged or appropriately screened from view.

7.6 Vehicle repair may not be performed in public view in excess of one 24-hour period.

7.7 Golf Carts can be driven on the Colony roadways. They must be driven in a responsible and safe manner.

7.8 Permanent parking is not permitted on the Colony paved or unpaved roads, streets, or cul-de-sacs. Roads, streets and cul-de-sacs are reserved for vehicular transportation, including emergency vehicles, and property access only.

7.9 Unavoidable short term standing on Colony pavement by any conveyance must have a driver on-site at all times. Standing vehicles must not obstruct the roadway.

7.10 No personal or commercial house trailer, mobile home, recreational vehicle, boat or trailer, trailer or vehicle may be parked on any portion of the roads or private ways owned by Useless Bay Colony.

8. ANIMALS

8.1 No fowl, rodents, hogs, cattle, horses, sheep, goats, and similar livestock can be maintained on Residential or Colony lots.

8.2 Household pets are permitted but must follow Island County leash laws.

8.3 One outside pet house is permitted per residence.

8.4 Pet building specifications are defined in the CC&Rs.

8.5 Variations from pet house rules, must be approved by adjacent neighbors and the Architectural Committee.

9. RENTING OR LEASING A COLONY RESIDENCE

9.1 The Owner must provide a copy of the Useless Bay Colony Guidelines to a renter or lessee and advise them of their obligation to abide by all Colony rules.

9.2 Owners must provide the Useless Bay Colony Board with their current mailing address, phone number(s), e-mail address and other current contact information and the names and contact information of the person or persons (including children) who are occupying their Property.

9.3 Short-term Rentals are discouraged in the Useless Bay Colony. Short-term Rentals in the State of Washington are defined as rentals for a period of less than 30-days. They must be licensed and are taxed by the State and most local jurisdictions. Commercial signs for Short-term Rentals are not permitted in the CC&Rs.

10. COMMERCIAL ACTIVITY

10.1 The Colony is Residential Only. No personal commercial business activity is allowed except for a home occupation that does not detract from the residential character of the Property.

10.2 Personal business items are not permitted on any Property, including roads and private ways.

10.3 One (1) pick-up or small panel-type truck or comparable motor vehicle with minimal commercial signing is permitted as a regular means of transportation.

10.4 No sign or other advertising device is permitted.

10.5 Real Estate signs are allowed to market a Property for Sale, Lease or Trade.

10.6 One (1) standard sign may be installed in the landscaped area of an available Property. The sign must be at least six-feet (6') from the pavement edge of the common roadway.

10.7 If the Property is a corner lot, a second matching sign may be placed along the adjacent common roadway.

10.8 If the Property abuts the golf course, a comparable additional sign may be installed facing the golf course—this sign must be at least fifteen-feet (15') from the golf course boundary.

11. GARBAGE AND OTHER REFUSE

11.1 Outdoor burning of garbage, refuse, rubbish or yard waste is not permitted in Island County.

11.2 No vegetation, rubbish, garbage or other refuse may be deposited or allowed to remain on any Property.

11.3 Disposal containers must meet the standards set by Island County and Island Disposal, Inc. for pick up and removal.

11.4 Disposal containers must be suitably located, screened from view and prevent the emission of odors offensive to the public and neighbors.

11.5 No yard waste may be deposited on any Colony-owned Property including but not limited to storm drainage ditches, culverts, Colony setbacks or Right of Ways, roads or community lots.

12. CLOTHESLINES AND UTILITIES

12.1 Clotheslines should be screened from view.

12.2 No overhead lines or utilities systems are permitted on any lots within the Colony. Permanent telephone or other service wires and utilities systems must be located underground from the street utilities to the entrance into a structure.

12.3 No utility, drainage or sewerage system is permitted above ground level, except for the sand filter system approved by the County. Sand filter systems must be screened from view.

13. EXTERIOR LIGHTING

13.1 No exterior lighting of any kind that is highly visible from a road, private way or from the dwelling of a neighbor is permitted.

13.2 High-intensity exterior security lighting must be hooded and down casting.

13.3 Residential exterior decorative and safety lighting must be minimal and not cause glare or be highly visible from the dwelling of a neighbor.

14. CARE AND MAINTENANCE OF PROPERTY AND RIGHT OF WAY AREAS

14.1 Owners must maintain the improvements on their Property in a neat and attractive manner. Owners must also keep the exterior of all structures and improvements on their Property in a good state of repair and appearance.

14.2 Owners must keep the grass, thistles and weeds out, the shrubbery pruned and dead trees, weeds, grass, thistles and shrubbery removed from their Property.

14.3 Trees and other vegetation and/or other constructed improvements in the Colony Utility Easement Right of Way Area adjoining an Owner's Property that have existed from the time of the creation of the applicable Division are the responsibility of the Colony, and as such will be trimmed, maintained or removed at the Colony's discretion and expense.

14.4 Normal upkeep and maintenance of trees and other vegetation placed by the Owner in the Colony Utility Easement Right of Way Area adjoining the Owner's Property are the responsibility of the Owner. If it becomes necessary to disturb plantings or improvements on the Colony Easement Area, the Colony is not responsible for damage, loss or restoration of those plantings or improvements, including driveways and sidewalks.

14.5 If subsequent plant growth, weather conditions or other circumstances make corrective action necessary to mitigate an adverse situation within a Colony Utility Easement Right of Way Area, the Colony Board may, at its discretion, direct the Owner to alter or remove those problems at the Owner's expense.

15. FUEL TANKS

15.1 No Owner may erect or maintain a fuel tank above ground unless it is screened from the view of the public and neighbors.

16. HEIGHT RESTRICTIONS FOR FENCES, HEDGES AND OTHER BARRIERS

16.1 Except as provided otherwise in this Section, no barrier can exceed the height of four-feet (4') along any front or back yard or six-feet (6') along any side yard.

16.2 No barrier is permitted beyond four-feet (4') of a foundation on the waterside of any Shore Property.

16.3 The Architectural Committee may authorize barriers which exceed the height restrictions for the purpose of recreational facilities, e.g. tennis courts, swimming pool, basketball court or for the purpose of privacy, provided they do not unreasonably interfere with the view from or use of another Property.

16.4 All barriers must be compatible with the natural surroundings. No metal, plastic or man-made materials (*e.g.* corrugated plastic panels, chain link fence, *etc.*) are permitted unless they are natural in appearance or covered by natural material.

17. USE OF SHORE PROPERTY, BULKHEADS AND BOAT LAUNCHING

17.1 Members living on the Useless Bay side of Shore Avenue own the tide flats to the mean low tide level. Please respect their privacy and property.

17.2 There are two (2) Colony Member access areas to Useless Bay. They are Woodard Park between 2170 and 2190 Shore Avenue and the paved road and lot between 2056 and 2066 Shore Avenue.

17.3 Property Owners on Shore Avenue are required to follow all government regulations pertaining to the Shoreline Management Act. Colony Members visiting Useless Bay through the Colony accesses must also adhere to shoreline government regulations.

17.4 Drift Wood and Logs are regulated by the Shoreline Management Act and cannot be removed from their natural state without written government approval. Drift logs are the natural barrier between the houses and the bay. Removing them causes flooding on Shore Avenue.

17.5 No bulkhead is permitted below the high tide line or watermark.

17.6 No structure or barrier can be higher than the natural level of the ground.

17.7 There is no Colony boat launch area within the Colony boundaries.

18. VIEW PROTECTION

18.1 Owners must restrict the height of improvements and vegetation according to their CC&Rs to preserve the views of others.

18.2 After a complaint, the Architectural Committee will, according to a Division's CC&Rs, determine if a view is obstructed and inform the obstructing Owner.

19. LANDSCAPE RESTRICTION

19.1 Excavation of existing soil material and the addition or removal of soil material cannot be performed without prior written approval of the Architectural Committee.

19.2 To prevent harmful damage, no Owner or Contractor can change any natural drainage of any Colony Property without written approval of the Architectural Committee.

19.3 All landscaping must be natural, in harmony with the environment and approved by the Architectural Committee.

20. NOXIOUS USE OF PROPERTY

20.1 For the safety and enjoyment of all Colony Residents, no noxious, illegal or offensive activity, including but not limited to the emission of noise, light and odor, is permitted on any Property by an Owner, Occupant or Guest, nor can anything be done or permitted which may be or become an annoyance or nuisance to any Occupant of adjacent Useless Bay Colony properties or the neighborhood.

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