
OPAL Community Land Trust
Covenants, Conditions, and Restrictions for Oberon Wood

Adopted by the Board of Trustees 7/3/02

The OPAL Community Land Trust (OPAL CLT), of which all Oberon Wood lessees are members, is a nonprofit corporation organized for charitable purposes, including but not limited to the development and preservation of decent, affordable housing and home-ownership opportunities for low- and moderate-income people in the San Juan County area. The legal documents from which OPAL CLT derives its existence and manages its affairs are the OPAL CLT by-laws and articles of incorporation, the ground lease, and the covenants, conditions, and restrictions (CC&Rs) that apply to each OPAL CLT housing group.

The residents agree, as a condition of living at Oberon Wood:

1. To abide by and enforce these CC&Rs.
2. To participate in regularly scheduled residents meetings to discuss and make decisions about issues affecting the community.

OPAL CLT agrees:

1. To manage and maintain a maintenance fund (paid for by a portion of the lease fee) that enables Oberon Wood residents to annually maintain the common areas, as identified on the face of the plat, which include roads, pedestrian trails, buildings located in the common area, drainage swales, detention basins, vegetative buffers, and landscape buffers. OPAL CLT reserves the right to administer those funds on behalf of the residents to ensure a high standard of ongoing maintenance;
2. To manage a reserve fund (paid for by a portion of the lease fee) that enables OPAL CLT to perform occasional major maintenance and repairs of common infrastructure such as roads, utilities, storm drainage, and storm damage;
3. To provide adequate public liability and property insurance on the communally owned lands to protect the interests of OPAL CLT and the lessees;
4. To protect and preserve property values and ecological and neighborhood health through enforcement of these protective CC&Rs.

Definitions

1. "Oberon Wood" shall mean and refer to that certain area of the long plat recorded with San Juan County as Oberon Wood, which is divided into 8 separate leasehold lots and 2 common areas as defined on the face of the plat. See section "A."
2. "OPAL CLT" shall mean and refer to OPAL Community Land Trust, a Washington nonprofit corporation that is the owner and lessor of the land.

3. “Lessee” shall mean and refer to any person who has entered into an Oberon Wood ground lease with OPAL CLT.
4. “Land” shall mean that certain real property described as “premises” in the Oberon Wood ground lease.
5. “Leased land” and “leasehold” shall mean and refer to a platted residential lot, with two parking spaces, within the land.
6. “Common area” shall mean community entrances, roads, driveways, parking lots, pedestrian trails, drainage swales, detention basins, sheds, fences, plantings, common-use buildings, or other improvements held for common use by members.
7. “Board” shall mean the board of trustees of OPAL CLT.
8. “Homeowner” shall mean the owner of any buildings and improvements upon leased land.
9. “Resident” shall mean any person living regularly upon any Oberon Wood leased lot.

Statement of Philosophy

The residents of Oberon Wood intend to live together in harmony with an attitude of tolerance, cooperation, and consideration for each other. We agree to communicate openly with everyone in the group and to avoid possible conflicts by speaking to each other before we make any changes to our property that may affect the neighborhood. Such changes may include, but are not limited to, unusual exterior paint choices, additions, patios, fencing, ancillary structures, decks, landscaping, and removing or planting large trees. We intend to be sensitive to each individual’s lot and view and will endeavor to find solutions that work for everyone. Our hope is that everyone can get their needs met within our community.

Community Review

The Oberon Wood community uses as its primary self-managing tool the process of community review. Where these CC&Rs call for community review, or where any resident requests an exception to any of these CC&Rs, or where two or more residents are in a continuing conflict with one another, the issue shall be submitted to community review. This involves bringing the issue first before a meeting of Oberon Wood residents with at least three households represented. At least two weeks notice shall be given to all community residents of any such meetings. If the residents are unable to resolve the issue themselves, they will request help from the OPAL CLT Residents’ Committee. The residents shall come to a decision through consensus, as outlined in Appendix A of the OPAL CLT bylaws.

A. Relation Between Oberon Wood East and Oberon Wood West

The 5 leasehold lots and common area A on the eastern side of Oberon Wood and the proposed development of up to 6 residences and common area B on the western part of the OW long plat will maintain separate identities, named, for the purposes of this document, Oberon Wood East (OWE) and Oberon Wood West (OWW). OWE and OWW will share the right of way into the neighborhood.

Communication and cordial relations between the two groups will be maintained primarily in accordance with the statement of philosophy in these CC&Rs, namely through the intention to live as neighbors in harmony with an attitude of tolerance, cooperation, and consideration for each other. Liaisons shall be appointed by OWE and OWW to foster communication between the groups. The liaisons shall be notified of any meetings regarding revisions of these CC&Rs, joint neighborhood activities, and conflicts between OWE and OWW should they arise.

These CC&Rs will apply to both OWE and OWW at the outset. If either group wishes to revise their CC&Rs, they will do so through consensus, in consultation with the liaison of the other community.

Conflict issues are not expected to arise. However, in the event of an issue that affects both groups, the following procedure will be followed:

The Liaisons of each group will be notified and invited to attend any meetings held regarding the conflict. The liaison will bring the issue to a residents' meeting in his/her area for community review. If OWW is developed as rental units, the OWW property manager will be the first point of contact toward conflict resolution should the OWE and OWW residents be unable to resolve the conflict internally.

B. Vehicle Regulations

1. The parking of boats over 12 feet, trailers, campers, and RVs is prohibited unless special permission is granted through community review. Kayaks, canoes, rowboats and sailboats under 12 feet are allowed, but shall be stored out of sight of the neighbors.
2. No automobile or other vehicle may be left in any parking space unless it is licensed and in operating condition.
3. Vehicle owners are expected to be conscientious regarding the effect of their vehicles' noise and exhaust fumes.
4. Residents shall be responsible for keeping their assigned parking spaces (two per leasehold) clean and free of clutter.

C. Pet Regulations

1. All dogs shall be supervised, under leash or voice control. Animals shall be kept healthy within the laws of the county and shall be neutered or spayed. Exceptions for breeding or show animals may be made through community review.
2. Residents and their guests are responsible for any damage or annoyance their pets cause to other residents' property, persons, or pets, and will take action to resolve the issue. This includes cleaning up after their pets.
3. A limit on the number of dogs and cats in each household may be set in the future through community review. A written statement of any change to this effect will be filed with OPAL CLT.

4. Any resident wishing to keep any outdoor animal(s) other than cats or dogs shall get approval first from the community through community review.

D. Noise Control

1. Any work, such as construction, repair, installation, modification, and landscaping, that makes noise audible to other residents shall be performed between 8:00 a.m. and 8:00 p.m. only.
2. Residents and their visitors shall not allow noises that disturb or annoy neighbors, such as the playing of musical instruments, radio, TV, parties, except by prior agreement with those neighbors.

E. Fencing

1. Residents are encouraged to use natural barriers and “living fences” as much as possible. No cyclone, electric, or barbed wire fences will be allowed. All fences shall be maintained in good repair and appearance.

F. Additions

1. All additions shall be consistent with the main residence in at least two (2) of the three (3) following aspects: roof pitch, color, or siding material. Additions will also be in compliance with local building codes.
2. Any additions shall be approved in advance by the OPAL CLT board. Design plans for all such additions may be required by the OPAL CLT board to help in their review of the proposal.

G. Landscaping

1. Landscaping shall be well maintained, and extensive ground cover may not include plants known to be invasive.
2. Organic gardening and landscaping is strongly encouraged. Only organic herbicides, fertilizers, or pesticides are permitted.

H. Common Areas

1. The central common area (the area located between the parking areas for OWE and OWW) shall be accessible to all residents for their quiet enjoyment on an equal basis. Use of the common area east of the OWE parking lot is for use by OWE residents and guests and use of the common area to the west of the OWW parking lot is for use by the OWW residents and guests.
2. No trees greater than 6 inches in diameter or large boulders may be removed from the common areas without community review and approval of the Opal CLT board or its designated committee.

I. Children

1. Community members, regardless of age, shall treat each other with respect and positive support.
2. Parents are ultimately responsible for their children and for any damage or annoyance their children cause to neighbors or any property, and they will take action to resolve the issue.

J. Business Uses

1. Business uses within a home are permitted as long as such uses conform to county, state, and federal zoning regulations.
2. Business uses shall not be an annoyance to neighbors, shall properly dispose of waste materials, and shall not conflict with parking regulations.
3. Business uses of common areas shall be approved through community review.

K. Camping

1. Guest/friend camping on any leased lot for longer than two weeks shall be approved through community review.
2. Camping in common areas is not permitted.

L. Recycling

1. Recycling is strongly encouraged. Trash and recycling containers and compost bins shall be well maintained, shall be as aesthetically pleasing as possible, and shall not constitute an annoyance or health hazard.

M. Prohibited Uses and Nuisances

1. No lumber, metals, bulk materials, appliances, refuse, or trash shall be kept, stored, or allowed to accumulate on the exterior of any home, except building materials during the course of approved construction.
2. No structure, planting, or other material shall be placed or permitted to remain on any property which may damage or interfere with the installation or maintenance of utilities, or which may unreasonably change, obstruct, or retard the direction or flow of drainage materials.
3. No exterior lights shall be placed or fixed in such a manner as to cause a concentrated beam to be directed outside the boundaries of any leased lot.
4. Porches with common views shall not be used for storage, including appliances.