

4.1 **FOREST SERVICE HANDBOOK.**

~~A. The Association may, from time to time, use the standards that are contained in the pages of the “FOREST SERVICE HANDBOOK VALLEJO, CA FSH 2709.11 — HANDBOOK R5 Supplement No. 2709.11-2000-1 Effective September 7, 2000” as a guide. The Association may also promote and seek the compliance by the Owners and Tenants with these standards.~~

[The following 4.1(A) to 4.1(E) is proposed as new:]

The following standards, contained in the “FOREST SERVICE HANDBOOK VALLEJO, CA FSH 2709.11 - SPECIAL USES HANDBOOK R5 Supplement No. 2709.11-2000-1, Effective September 7, 2000” are hereby incorporated in these Covenants, Conditions and Restrictions. The Association shall promote and seek compliance by the Owners and Tenants with these standards.

A. Objectives. To maintain a forest related recreation experience, the laws, regulations, and policies governing the use and maintenance of recreation residences are those necessary to comply with federal, state, and county ordinances, building, and sanitation codes to safeguard the national forest resources. Restrictions and special rules are designated to fit local conditions.

1. Protect the forest environment including soil, vegetation, water quality, wildlife, air quality and historic resources.

2. Prevent urbanization of recreation residence tracts.

3. Help assure safety to the general public and lot owners.

4. Maintain the national forest setting.

5. Comply with the terms and conditions of the Association.

6. Comply with requirements of threatened and endangered species, historic cabins and tracts, and archaeological properties.

B. Policy. The Board shall use all applicable standards and guidelines to administer recreation residence proposals for modifications of permitted improvements in a manner consistent with these provisions set forth in this Section 4.1.

C. Definitions. The following definitions are in addition to those set forth in ARTICLE II.

1. Commercial Use. Where the primary purpose is the sale of a good or service. The exceptions of Section 4.18(C) remain in place.

2. Maintenance. Maintenance is the act of keeping the facility in an ordinary, efficient operating condition. It includes preventative maintenance, normal repairs, and activity needed to preserve the improvements.

3. Principal Residence. The principal residence can be a house, apartment, mobile home, or other reasonable domicile, either owned or rented, and must be open and available to the Lot owner at all times. The principal residence cannot simply be an address used to give the appearance of living in the home elsewhere. It must be a place where the Lot owner routinely receives mail, is registered to vote, from which children attend school, and from where the adults normally commute to work.

4. General Recreation Residence Use. Recreation Residence are only for personal recreation use of the non-commercial nature by the Lot owner, members of a Lot owner's immediate family and guests.

5. Residency. No Lot may be used as a Principal Residence., with the exception of the current Lot No. 5 owners (Terry & Georgene Neher) in recognition for thirty plus years of exemplary service to the community. This exemption shall be in effect until the current owners sell their Lot or pass on, whichever occurs first.

D. Administration.

1. Inspections and Monitoring. Lot owners are required to maintain their recreation residence to acceptable standards and to meet all federal regulations and the requirements of state law and local ordinances. While standards for neatness, appearance and appropriate use are established by the By-laws and CC&Rs, acceptable building health and safety standards are defined in state, county, or other local law.

Although the Board does not enforce state and local health and safety laws, its authorized officers are responsible for determining compliance with the terms and conditions of the By-laws and CC&Rs. When health and safety deficiencies are apparent, or when concern exists due to neatness, appearance, or resource damage, the Board authorized officer shall require Lot owners to take appropriate actions. If the Lot owner complies with directions given, there should not normally be a need for more in-depth inspections.

2. Alternatives to County Inspections. An inspection by county health and safety personnel is the best measure of compliance with health and safety standards. The Board or ARC have traditionally either asked Tehama County to inspect, or required holders to have their residences inspected by the County. If County is unable or unwilling to make those inspections, with prior approval of the Board, Lot owners will be permitted to use qualified professional, technical, and administrative inspectors, as long as the County standards are met, and the use of private inspectors is not prohibited by local law.

3. Guest Buildings. Construction of additional guest cabins or sleeping quarters is prohibited. In cases where more than one dwelling currently occupies a single Lot, the

use will be permitted to continue in accordance with the past authorization. Effective October 1, 2020, structures built without prior written approval from the ARC must be removed.

4. Animal Management. No animals, other than common household pets, shall be kept on the premises. Pets shall be under physical control when outdoors and shall not be left outside unattended. No permanent pet enclosure shall be allowed. Animals must not pose a health or safety threat to humans, native wildlife, or the forest habitat. Livestock is prohibited, except when this is the only means of access to the cabin. Such permission must be in writing, with stipulations to minimize the impacts to soil, vegetation and adjacent cabin owners. Under no condition may any livestock be released onto the National Forest System Lands.

5. Vehicle Parking and Storage. All vehicles must be located within approved driveways and parking areas. Unregistered or inoperable vehicles are not allowed on the premises. Recreation vehicles (RV) may be used to expand the capacity of a recreation residence only on a short-term basis not to exceed two weeks. Storage of motor homes, trailers, or similar items is prohibited. Only temporary seasonal storage (Summer or Fall or Winter or Spring) of equipment is permissible. Boats, trailers, snowmobiles and off-highway vehicles must be removed seasonally.

E. Maintenance/Construction/Reconstruction Standards. The maintenance of the rustic appearance of each Lot with natural materials is deemed important. Wood and stone used in the original design of the building harmonizes well with the forest surroundings. Prior to any changes to a Lot, the cabin owner must consult with the ARC for specific requirements for that Lot.

1. Maintenance. The dominant character of the tract must be the forest environment, not human improvements. The Lots should be cared for to retain the tract's visual and historic character. Minor maintenance involving repairs-in-kind do not need approval of the ARC, if there are no affects to resources and no structural changes. Examples of minor maintenance include replacing a few boards in a deck, a few shingles on a roof, or a broken windowpane. All other actions such as reconstruction, new construction, and exterior modifications require ARC approval.

2. Construction. The CC&R's require the Lot owner to submit conceptual design and site plans for proposed development or changes. These plans should be detailed enough to allow preparation of an analysis, and should include roads, trees, rock outcrops, planned and existing improvement locations, structure size materials, and lot boundaries as accurate as possible. The Lot owner shall solicit comments from affected neighbors for projects proposing construction of additional structures such as outhouses, sheds, or pump houses. The construction of additional structures is to be discouraged. ARC approval has a limit of two years.

The ARC shall review the proposal for environmental, visual, and historic concerns, and if there are no concerns, give written approval-in-concept. Before issuing written authorization to proceed, the Lot owner submit construction plans to the County building department for approval, obtain the required permits, and submit copies of these documents to the ARC.

3. Codes. All construction must adhere to local, state, and county codes. Where there may be historic concerns, the State Historic Building Code should be referenced.

4. Number of Buildings. Only one recreation residence is permitted on each lot. Separate structures may be permitted for uses not logically attached to the main structure, such as a storage shed, pump house, or generator shed. The overall appearance of improvements should be inconspicuous and blend with natural landforms on site.

5. Size and Height. A recreation residence floor size shall not exceed 2,500 square feet, total. A recreation residence shall be limited to level ground with a single story and a loft. Where excavation has been allowed into a slope, a recreation residence shall be limited to two stories and a loft, with a “day lighted” basement considered the first story. The total height must conform to county ordinance.

6. Decks, Porches and Patios. Decks, porches and patios must be attached to the residence. Combined deck, porches and patios are limited to 35 per cent of the primary structure square footage, and shall not exceed 875 square feet in total. The location(s) must conform with legal setback requirements, and be approved by the ARC and where applicable by the local agencies. Waiver of these limitations may be made for reasonable accommodations under the Americans with Disabilities Act. If the area beneath a deck is used for storage, it must be fully enclosed by a solid material. Porches may not be enclosed to provide additional living space. The use of screens requires written authorization, and must be temporary and well maintained. Colored canvas, plastic, and tarps as enclosures are not permitted.

7. Outbuildings and Lean-tos. Before authorizing outbuildings or lean-tos, the ARC shall consider the following guidelines: Separate structures such as storage sheds, generators, and pump houses, may be authorized if they cannot be logically incorporated into the main residence. Separate structures shall not exceed 120 square feet. They shall be limited to one story. Lean-tos shall blend in with the existing structure it is being added too. All separate structures must be constructed of materials and colors to blend with the cabin and outbuildings. Carports are not allowed.

8. Specific Construction Standards.

a. Metal buildings are prohibited.

b. Mobile home and manufactured homes are prohibited.

c. The exterior color of all improvements must be compatible with the forest setting, and provide a quality visual experience for all forest visitors. To achieve that objective, owners of recreation residences must obtain approval from the ARC prior to painting any exterior surface. Only those paint colors that are similar to, or match, the Association approved color list will be approved for use. Colors must generally be neutral and darker than the landscape backdrop. Light and bright colors and highly reflective materials create a contrast and will usually not be approved. Natural materials and earth tones or soft shaded colors will blend with the surrounding and help to achieve the desired landscape character.

- d. New utility lines should be installed underground where feasible.
- e. All signs must have a rustic appearance, and must be approved by the ARC/Board prior to installation. Signs shall not be nailed to trees. Painting on natural features such as rocks and trees is prohibited. Posting “Private Property” or “No Trespassing” signs is prohibited. All cabins must display the lot number that is both reflective and visible from the driveway and cabins must also have signs that indicate the 5 digit county assigned address.
- f. Outdoor decorative-type lighting should be discouraged, as it is incompatible with the rustic character of the development and the predominate forest environment. However, if used, yard lights must be attached to the structure. The use of several lights to illuminate up the entire Lot is prohibited, High intensity dusk-to-dawn yard lights are prohibited. Seasonal lights and decorations should be minimized and removed in an appropriate and timely manner.
- g. Generally, fences are not permitted. Exceptions may be made when a fence is appropriate to differentiate general public use access routes from cabin use areas, or to meet safety or other resource needs, and when it can be done within acceptable visual management constraints. ARC may approve temporary enclosures.
- h. Propane tanks shall be located and screened or painted or disguised to be as inconspicuous as possible. Tanks shall be at least 10 feet away from the property line and/or a structure.
- i. New permanent outdoor fireplaces, fire pits, or barbecues are not permitted.
- j. Swimming pools, saunas, spas or hot tubs, either permanent or temporary, are not permitted.
- k. Permanent installation of recreation equipment such as basketball hoops, and swing sets is not permitted. However, temporary use of such equipment may be authorized on request.
- l. Mailboxes must be approved in writing by the ARC.
- m. All cabins shall have skirting to screen the crawl space from view and enhance the visual appearance of the cabin. It is not necessary to enclose the entire crawl space.
- n. Installation of solar panels may be approved if constructed of a non-reflective color that blends with the forest setting.

9. Building Style and Design.

a. Building Materials. Any changes to the exterior of a cabin shall retain as much of the original building material as possible. The use of consistent type of materials throughout a structure is preferred. Missing elements should be replaced in-kind where possible. If not possible they should be replaced with similar materials. Natural or organic materials are recommended as replacements; concrete, steel, glass, and other may be allowed if appropriately used. The use of bright colored building materials is not permitted. Natural looking material is required and may include rocks, logs, rough sawn lumber, or wood panels.

b. Windows and Doors. Window and door casings, shutters and other outside trim should harmonize with the main structure and the environment and should not present strong contrast. Trim colors shall be chosen from the approved color list. Windows and door sashes must harmonize with the cabin.

c. Foundations. Continuous foundations must be maintained with approved materials. Exposed foundations shall extend above ground only as far as necessary to conform with acceptable construction practices. The area between foundation and floor should be enclosed to comply with County Ordinances and Fire Safe Guides for Residential Development in California.

d. Chimneys and Flues. Every effort shall be made to retain the stone and masonry work of existing chimneys. Solid masonry chimneys must extend to a solid ground foundation with adequate footing. Metal flues must be non-reflective.

e. Roofs. Any changes to roofs must be designed to withstand the maximum snow loads of the area. Materials, style, and color must be approved by ARC, and a county permit must be obtained. The following roof coverings are prohibited for new installations: corrugated fiberglass, painted metal (does not include color-impregnated metal), and unpainted metal. Skylights of appropriate design may be approved.

10. Maintenance Standards: Driveway, Road, Trail, and Bridge Maintenance.

a. The Board/ARC may authorize those roads and vehicular bridges serving recreation residences that are not maintained by county, state, or other agency, to a homeowner improvement association, or individual holder.

b. The Board may authorize snow removal only after a careful review and evaluation of each case on its individual merits, including consistency with environmental needs, safety, user conflicts, and public impacts. If plowing is permitted, the authorized individual would be responsible for the plowing to meet written conditions.

c. ARC approval is required for new and refurbished driveways and parking lots. Paving of driveways and parking lots is prohibited. Gravel may be used in those areas where erosion is occurring, with the color to be approved by the ARC. Driveways and walks should be constructed with native material, or gravel in natural dark colors and textures.

11. General Lot Maintenance.

a. Permanent attachment of items such as yard lights, antennas, fences, tree houses, benches, signs, clotheslines, swings, and wires to trees by nails and bolts and similar hardware is prohibited.

b. Landscaping, plantings or vegetation plantings are allowed only to restore or maintain natural conditions or historic properties. Overall appearance should conform with the natural forest character of the area. Flower beds, lawns, ivy, and decorations such as bird baths and plastic flowers are not permitted. Whitewashed rocks or trees and other types of decoration foreign to the natural environment for use on the lots is not permitted. Immediate action should be taken to remove existing lawns, flower gardens, and other non-native improvements.

c. Lots must be clean, neat and free from litter and debris. Firewood must be neatly stacked in one area away from trees and buildings and not exceed an amount that will be used within two years.

d. Sheet Plastic and Tarps. Tarps may be used as temporary covering for protection from the elements. Colors should blend with the natural environment. Blue tarps are not appropriate and are not approved.

12. Hazard Tree Management.

Lot owners are responsible for identification and removal of trees that are hazardous to their improvements, and are located on their Lot. The Board may identify hazard trees, on common land, during inspections and authorize their removal.

4.28 CAMPFIRES, LOT CLEANUP FIRES AND ALL OTHER OUTDOOR FIRES.

- A. All outdoor fires of any kind shall be directly attended to and monitored by at least one able-bodied adult who shall be immediately present during the entire time the fire is burning.
- B. Operational fire suppression equipment shall be in place and available to that able-bodied adult within 25 feet of the location of the fire during the entire time the fire is burning.
- C. Campfires, lot cleanup fires and all other outdoor fires are prohibited where the sustained windspeed exceeds 15 miles per hour. In the event that sustained windspeed exceeds 15 miles per hour occur during an active campfire, lot cleanup fire or any other outdoor fire, that fire must be immediately and completely extinguished.

- D. Campfires, lot cleanup fires and all other outdoor fires are prohibited where a “Red Flag Warning” has been issued for Northern California.
- E. It is the responsibility of each cabin owner to ensure that any campfire, lot cleanup fire or any other outdoor fire be completely extinguished before leaving the site of the fire.
- F. All campfires, lot cleanup fires and any other outdoor fires are prohibited before 8:00 AM and after 10 PM.
- G. Lot cleanup fires are regulated by the Tehama County Air Pollution Control District.

4.10 **LEASING OR RENTING.**

A. For the purposes of the provisions of this Section 4.10 the Development shall be considered as being designed and intended as an Owner-occupied, residential development. Therefore, an Owner shall be responsible for any Violation of a Provision of the Governing Documents by a Tenant or any other occupant of its, his, or her Lot.

B. With the exception of Lot 1, which shall be excluded from the requirements of the provisions of this Subsection 4.10B, no Owner shall rent, lease, or otherwise delegate the use and occupation of its, his, or her Lot except upon all of the following terms and conditions:

- 1. Owners of Lots purchased prior to July 7, 2012 may rent their Lot for no more than 14 days at a time with no restriction of the number of times per year. No Lot may be leased or rented for a period of more than fourteen (14) days per calendar year;
- 2. Owners of Lots purchased between July 7, 2012 and July 8, 2019 may rent their Lot for a maximum of 14 days, total, per calendar year.
- 3. Owners of Lots purchased after July 8, 2019 are prohibited from renting their Lot for any period of time.
- 4. The lease or rental must apply to the entire Lot including its appurtenant rights excluding only the Owner’s voting rights.
- 5. Any property lease or rental agreement is subject to the oversight of the MCSHA Board.
- 6. The Owner of any Lot that is leased or rented shall notify the MCSHA Secretary of the lease or rental, prior to renting, on the approved form located on the MCSHA web page titled: NOTICE OF INTENT TO RENT A MILL CREEK CABIN.

C. The provisions in section 4.10(B) are subject to Civil Code sections 4470 and 4471, and the limitations in rental restrictions provided therein, prohibiting the restriction of rentals for more than 30 days. By this section 4.10(C), the Association hereby intends to and hereby does amend these governing documents in accordance with Civil Code section 4471(f). The provisions in Civil Code sections 4470 and 4470 shall prevail over any inconsistent rental restrictions set forth herein.

12.4 **STANDARDS AND PROCEDURES FOR THE ARCHITECTURAL RULES.**

A. The Architectural Review Committee may, from time to time, subject to review by the Board, adopt, amend, and repeal the Architectural Rules.

B. The Architectural Rules shall provide standards ~~guidelines~~ for the architectural design, placement of any work of Improvement, color schemes, exterior finishes, and materials, as well as any similar features, based on ~~which are recommended for use within the Development, including, but not limited to, those found in~~ the provisions of the “FOREST SERVICE HANDBOOK VALLEJO, CA FSH 2709.11 – SPECIAL USES HANDBOOK RS Supplement No. 2709.11 – 2000-1 Effective September 7, 2000,” set forth at Section 4.1(E) of these CC&Rs.

C. The Architectural Rules shall not be in derogation of the minimum standards required by the provisions of the Governing Documents.

D. In the event of any conflict between the Architectural Rules, Declaration, Articles, and/or Bylaws, the provisions of the Declaration, Articles, and/or Bylaws, whichever is/are applicable, shall prevail.