

**DRAFT ARTICLE 21 – ENVIRONMENTAL CONTROL CODE**

The maintenance of a high-quality environment that is always healthful and pleasing to the senses and intellect for the people of Pine Mountain Club now and in the future is a matter of Association concern. Every member has a responsibility to contribute to the preservation and enhancement of the environment.

The board of directors will;

- Ensure that the long-term protection of the environment shall be a guiding factor in Association decisions to create and maintain conditions under which the people of PMC and nature can exist in productive harmony by taking reasonable actions to protect, rehabilitate, and enhance the environmental quality of PMC through enforcement of the Environmental Control Code.
- Take reasonable steps to minimize fire hazards.
- Ensure that the Environmental Control Committee (ECC) and Environmental Control Officer (ECO) explores alternatives or feasible mitigation measures available which would lessen the significant environmental effects of projects.

The purpose of this code is to establish procedures for application of those provisions of the CC&Rs which govern the powers, duties, obligations and responsibilities of the Association as provided in the bylaws. Neither the Association, the board, the ECC, or the ECO shall be liable for any damages from any decision made while enforcing or interpreting the Environmental Control Code by reason of mistake in judgment, negligence or nonfeasance unless due to willful misconduct or bad faith.

**CONSTRUCTION AND ARCHITECTURAL STANDARDS**

21.01 Construction plans, requirements and approval

No building, mobile home, modular building, prefabricated unit, garage, shed, patio, fence or other structure shall be constructed, erected, altered, remodeled, placed, maintained or be permitted to remain on any lot in the tract or any portion of it until approved by the board of directors.

21.02 Approval process, building application package and fees

A. To obtain a PMCPOA permit for construction or alterations that require a Kern County permit, a properly completed PMCPOA building packet and all applicable fees including a performance deposit must be submitted to the environmental control committee (ECC). The PMCPOA building packet is available in the environmental control office and on the PMCPOA website. Plans and construction must conform to all PMCPOA governing documents and all

provisions in the building packet. After the completed packet is submitted, the ECC will review the packet and make a recommendation to the board of directors who have the final authority for granting a permit. A decision will be made at a regular open board meeting. For minor construction projects or alterations, including but not limited to fences, sheds (120 sq. ft. or less), painting, roofing, or dog runs, a permit may be directly granted by the environmental control officer (ECO).

B. It is the owner's responsibility to comply with applicable state and Kern County building codes and regulations. A Kern County certificate of occupancy or other certification, if applicable, is required prior to a refund of the performance deposit.

C. In the event of any change to the plans prior to or during construction the owner is required to inform the ECC to seek further approval. Changes to the plan without notification to and approval from the ECC may result in a stop work order, a citation, and/or withholding of the performance deposit at completion.

#### 21.03. Right of appeal

A property owner has the right to appeal the board's decision. If an appeal is filed, a hearing will be held at a regular or special meeting of the board at which time the matter will be submitted to the board for a decision.

#### 21.04 Construction site inspections

A. For each construction project there shall be a minimum of three inspections conducted by the ECO:

1. A preliminary inspection before plan approval. In addition to all other requirements, a construction permit will not be issued where hazardous fire conditions exist.
2. Inspection of the foundation construction before pouring occurs. The owner is responsible for notifying the ECO at least 24 hours prior to pouring the foundation. Confirmation by ECO regarding this notification is required.
3. Final inspection after site cleanup.

B. The final inspection will occur after construction is completed and final site cleanup has occurred. At a minimum, the following items shall be completed before the final inspection:

1. Exterior conformity to plans
2. Material usage and color conformity to plans

3. Screening of propane tank on all sides
4. Erosion control
5. Removal of debris and final site cleanup
6. Easement encroachment or destruction mitigation
7. Utility boxes installed
8. Repair of damage to adjoining property
9. Installation of house numbers
10. All hazardous fire conditions removed
11. Final Kern County certificate of occupancy for home construction, garages and room additions
12. Any other conditions of approval presented at the time of permit approval.

C. If additional or repeated inspections are required due to failure to make corrections in a timely manner, or due to repeated or continued violations, ~~then~~ the owner shall be charged a fee for each additional inspection. Any such fee shall be reasonably related to the costs and time expended by the Association to secure the owner's compliance with approved plans, specifications, the EC code and the governing documents. Any fees incurred enforcing codes will be deducted from the owner's performance deposit.

#### 21.05 Construction site rules

- A. Food trash must be removed from the site on a daily basis.
- B. At least one 40-pound ABC MFPA approved fire extinguisher must be located on site at all times.
- C. The volume of any audio devices must be limited to a level that will not interfere with neighbors.
- D. No dogs are allowed on site.

#### 21.06 Restriction on hours of construction

Construction activities are limited to 7 am to 7 pm, Monday thru Friday and 8 am to 7pm on weekends. Exceptions to these time periods must be approved by the ECO.

#### 21.07 Temporary structures used during construction

A. During the period of construction of a permanent residential structure, an RV may be permitted on a lot for a maximum of one year. The size and condition of the RV must be approved in advance. Upon request, a six-month extension may be granted by the ECO.

**B. Portable toilets must be placed on a construction site when a work crew is present and no inside bathroom facilities are available. When the work crew has completed their work and no more crews are scheduled, the portable toilet must be removed within two weeks.**

#### 21.08 Construction signs

A. During the time of construction of any improvement, job identification signs are permitted. These signs shall:

- 1) have a maximum face area of six (6) square feet, and
- 2) be standard construction signs of the type usually employed by contractors and sub-contractors. A maximum of three signs may be posted on one lot.

B. No construction signs may be erected until both of the following are obtained: 1) approval by the ECC and the board of directors and 2) issuance of a Kern County building permit. The ending date for construction is the date of the ECO final inspection. All construction signs must be removed at that time.

#### 21.09 Parking of mobile and prefabricated structures

No mobile or prefabricated home may be parked on Association roads during the period awaiting permanent installation. The Association may charge a storage fee for any structure parked at an Association storage facility.

#### 21.10 Setbacks and parking

A. Single Family Residences.

Only one single family residence shall be placed, erected or maintained on any of the following lots: Tract 3402, Lots 1-14, 19-265, 275-309, 355-396, and 428-525, inclusive; Tract 3405, Lots 1-101, inclusive; Tract 3507, Lots 1-461, inclusive; Tract 3508, Lots 1-740, inclusive; Tract 3566, Lots 1-641, inclusive; Tract 3567, Lots 1-349, inclusive.

1. Front and Rear Setback.

No portion of any building or structure (other than retaining walls necessary for the construction of the building) shall be placed, erected or maintained on any such lot within twenty-five (25) feet of the front lot line or twenty (20) feet of the rear lot line with a minimum clearance of seven and one-half (7 ½) feet from eaves or other cantilevered projections to said lot line. For the purposes of this subsection, any access strip connecting a lot to a road shall not be deemed to be a part of that lot.

## 2. Side Yard Setback.

No portion of any building or structure (other than retaining walls necessary for the construction of the building) shall be placed, erected, or maintained on each such lot within ten (10) feet of all side lot lines, with a minimum clearance of seven and one-half (7-1/2) feet from eaves or other cantilevered projections to said lot line.

## 3. Parking Facilities.

Each such lot shall have off-the-road parking facilities of at least three hundred and twenty (320) square feet.

# B. Multi-Residential Buildings.

No residential structure other than one building per lot containing a maximum of four (4) residential units, each unit designed as a single family residence, shall be constructed, erected or maintained on the following lots: Tract 3402, Lots 266 - 274, 310 - 354, and 397 - 427, inclusive.

## 1. Front & Rear Setback.

No portion of any building or structure, (other than retaining walls necessary for the construction of the building), shall be placed, erected or maintained on any of such lots within fifteen (15) feet of the front or rear lot line with a minimum clearance of seven and one-half (7 ½) feet from eaves or other cantilevered projections to said lot line. For the purposes of this subsection, any access strip connecting a lot to a road shall not be deemed to be a part of that lot.

## 2. Side Yard Setback.

No portion of any building or structure (other than retaining walls necessary for the construction of the building) shall be placed, erected, or maintained on each such lot within ten (10) feet of all side lot lines to the exterior wall of any structure, with a minimum clearance of seven and one-half (7-1/2) feet from eaves or other cantilevered projections to the lot line.

## 3. Parking Facilities.

Each such lot shall have off-the-road parking facilities of at least three hundred and twenty (320) square feet for each residential unit to be constructed on the lot.

C. Restriction on Manufactured (Mobile) Homes as defined in 1.12 (of the CC&Rs).

Manufactured homes designed as a single family residence shall not be constructed, erected or placed on any lot in this development except on Lots 102 through 233 inclusive of Tract 3405. Used mobile/manufactured/modular homes may not be placed on any lot within PMC. Such homes must conform to the Association's environmental control code with the following setback requirements:

1. Front and Rear Setback.

No portion of any building or structure (other than retaining walls necessary for the construction of the building), shall be placed, erected or maintained on any of these lots within twenty-five (25) feet of the front lot line or twenty (20) feet of the rear lot line with a minimum clearance of seven and one-half (7 ½) feet from eaves or other cantilevered projections to said lot line. For the purposes of this subsection, any access strip connecting a lot to a road shall not be deemed to be a part of that lot.

2. Side Yard Setback.

No portion of any building or structure (other than retaining walls necessary for the construction of the building) shall be placed, erected, or maintained on each of these lots within ten (10) feet of all side lot lines to the exterior wall of any structure, with a minimum clearance of seven and one-half (7-1/2) feet from eaves or other cantilevered projections to the lot line.

21.11 Setback variances

If an owner wants to construct or install improvements that violate the setback requirements of this document and the CC&Rs, a setback variance must be obtained. In order to apply for a setback variance, all of the following procedures must be followed:

A. The applicant must present to the ECC a plot plan of the proposed location with plans and specifications. A four-corner survey by a licensed land surveyor is required as determined by the ECO. A complete survey of the lot by a licensed land surveyor and/or contour maps may be required by the ECC. The cost of the survey will be paid by the owner of the lot.

B. The applicant must pay a non-refundable processing fee and the cost of the certified postage.

C. A hearing before the board of directors will be scheduled.

D. All properties within 300 feet of the proposed variance will be notified about the nature of the variance and the date of the variance hearing.

E. At the hearing the board will consider the shape and/or topography of the lot and all other mitigating factors submitted by the applicant and either approve or disapprove the request.

#### 21.12 Improvements placed on Association property

An owner is not allowed to place improvements on Association property. If, contrary to this rule, improvements are placed, erected, or installed on Association property adjacent to the paved portion of a roadway, the property owner shall indemnify and hold the Association and its directors, officers, agents, and employees harmless from any damage that might occur as the result of activity undertaken by the Association pursuant to the governing documents. The property owner takes full responsibility for any damage to Association equipment or injury to Association directors, officers, agents, or employees resulting from the placement of any improvements.

#### 21.13 Architectural standards

Preservation of the aesthetic qualities and the beauty of the natural setting must be paramount in the design of any building constructed in Pine Mountain Club. All new construction, including remodels, must conform to the following standards:

A. Design elements: All structures must have an architectural character that retains the feel of the existing community and is in harmony with the natural mountain and forest environment. Planning assistance with achieving an acceptable design can be requested from the EC office.

B. Proportions: Support structures, including posts, beams, and eaves, should be designed to bear heavy snow loads and carry substantial insulation. Steep roof pitches are recommended to shed snow. Windows, fascia and wide roof overhangs that create strong shadow patterns are encouraged. Gable roofs are an established design in the community. The design and size relationships of such elements should be consistent throughout the building.

C. Design consistency: The architectural theme and design employed on the main or front elevation must be carried out on all other elevations. This includes all exterior textures, window trim, and finishes. Generally, the same materials must be used on all sides of the house.

D. Reflectivity: Exterior materials shall not be bright or reflective **as designated by the manufacturer.**

E. Structure Size: Ground floor square foot area must be a minimum of four hundred eighty (480) square feet.

F. Site planning: During the design, planning and construction phases, the following principles shall be followed:

1. The site shall be altered as little as possible.
2. Buildings and structures shall be built to merge with the natural terrain. Building design shall take into account grade changes, location of trees, boulders, and orientation to sun and views.
3. Natural watercourses and existing native vegetation shall be preserved and included in the plan. Any disturbed areas not covered with construction will be restored to their original state or re-landscaped as approved by the ECC.
4. The appearance of the structure from all angles shall be considered.
5. The privacy of neighboring properties should be considered both in site planning and in designing the architectural elements of the structure.

G. A particular design approved for a particular lot does not establish a precedent for that design or any of its features on any other lot. Each design is considered strictly on its own merits in the light of its proposed setting.

H. Applicants should understand the ECC must make subjective judgments regarding a proposed design. The design must be in harmony with the environment in which the structure is placed and in harmony with the surroundings.

#### 21.14 Color and building materials

A. All exterior materials shall be made of wood **or products having the appearance of wood**. Fire-resistant material that closely resembles wood is encouraged. Stone or split faced blocks are permitted, if appropriate.

B. Roofs shall be of colors approved by the ECC. In no case shall they be highly reflective. Class A or Class B noncombustible roof covering or roof assembly shall be required. No wood shake or wood shingle roofs will be permitted. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers. One-hour rated fire-resistive construction shall be required for eave assemblies or noncombustible assembly approved by the fire chief. Protection shall be required on the exposed underside by materials approved for a minimum of one-hour rated fire-resistive construction. Fascias are required and must be protected on the backside by materials approved for a minimum one-hour rated fire-resistive construction or two-



inch nominal dimension lumber. Construction shall meet urban and wildland interface standards established by the state of California as they apply to this area.

C. Colors used on structures shall be of hues approved by the ECC and the board of directors. Charts and/or chips of acceptable colors are maintained in the office of the ECO for public inspection. The property owner will provide a sample of the color(s) to be used. These samples will be kept in the appropriate tract and lot file in the office of the ECO. Colors approved in advance by the ECO may not appear to be the same color when applied to a surface of a house based on surface textures. It is the responsibility of the member to ensure the color approved is the final color following the application.

D. Manufactured and prefabricated structures that must be refinished to meet the color requirement must be refinished within thirty (30) days after installation.

E. Repainting of an existing structure requires a no-cost permit from the ECO. All colors must be selected from the approved color chart and be approved in writing by the ECO.

F. Exposed concrete structural walls and foundations exceeding twelve (12”) inches in height must be faced or constructed with a natural material such as stone, or a natural-appearing material such as manufactured stone, split face block or other material that is in keeping with the natural stone of PMC and approved by the ECC.

#### 21.15 Exterior lighting.

A. Pine Mountain Club is a dark skies community. Exterior lighting shall follow all recommendations for maintaining a night sky that supports astronomical observation. Exterior lighting, including but not limited to all outdoor fixtures, decorative, landscaping, and safety, shall be designed, installed, and operated to control glare, prevent light trespass onto adjacent properties, minimize direct upward light emission, promote effective security, and avoid interference with the safe operation of motor vehicles.

~~B. Dimmers, motion detectors and/or timers shall be used to ensure that lights are on only when needed.~~

B. Exterior lighting shall be installed and operated according to the following restrictions:

1. Street lights, mercury vapor and low-pressure sodium fixtures and lamps are prohibited. Lighting intensity shall not exceed the following limits: Static Lights (like porch lights) may not exceed 2.5 LUX measured 5 feet from the source. Motion Lights may not exceed 13.5 LUX measured 5 feet from the source.

2. Searchlights, colored lights (except for lights used to reduce glare), laser lights or similar high intensity outdoor lights are prohibited.
3. Lighting fixtures mounted in such a way as to illuminate a roof or an awning are prohibited.
4. Lighting intended to illuminate landscaping is prohibited.
5. Lighting fixtures mounted to aim light only towards a property line are prohibited.
6. Lighting that is blinking, moving or which changes in intensity except small temporary lighting fixtures installed and used only during periods as set forth for holidays in section 21.19 of this code is prohibited.
7. Exterior lights are to be shielded in such a way as to direct illumination downwards.
8. The bulb in porch lights shall not be visible below the shield.
9. Exterior security lights are to be set on motion sensors.
10. Ambient porch lights on all sides of property are to be turned off by 10 pm.
11. Driveway or garden solar lights are to be limited to one per 10 feet.
12. Low-wattage lights mounted on exterior stair steps for safety purposes are permitted.

#### 21.16 Fences and retaining walls

- A. All fences must be reviewed and approved by the ECO prior to construction. For definition purposes, the term "fence" shall also refer to gates. No fences, sheds, structures, or any construction may be placed, erected, or installed on any lot unless there is an approved plan for a residence.
- B. All fencing, including all gates, constructed upon any lot shall be made of wood or products having the appearance of wood and be of an approved color.
- C. All fencing must be of an open nature with a minimum spacing of two inches (2") between boards so as to allow for the passage of small native animals.
- D. The only electric fences permitted are invisible collar-activated pet perimeter electric fences.

E. Fences are restricted to three feet in height within the front setbacks from the front edges of the structure to the front property line, and five feet in height within the boundaries of the remainder of the property from the front edges of the structure to the **back** property line. **Fences must not cross property lines onto neighboring lots unless agreed to by both owners and approved by the ECO.**

F. A plot plan must be furnished to the ECO showing the proposed fence location, all existing structures on the lot (with full dimensions), the fence style to be utilized, and the finish to be applied.

G. Fences shall be maintained in good condition and repair at all times.

H. A site inspection shall be conducted by the ECO after the plans are submitted. Stringing of the lot is required prior to this inspection so that placement is explicit.

I. Existing fences will be required to meet these criteria whenever a fence is replaced, or greater than 60% of the fence needs repair.

J. All retaining walls, embankment retention devices, and decorative walls must comply with 21.14 F above in regard to materials. Any embankment retention device exceeding three feet (3') in height and/or 35 degrees from horizontal requires ECC approval. Retaining walls must meet Kern County requirements. Decorative walls and borders must be approved by the ECC prior to installation and shall not exceed three feet (3') in height.

#### 21.17 Screening of storage facilities

A. All trash receptacles, clotheslines and storage areas, **propane tanks**, and maintenance equipment shall be screened from public view. **~~Propane tanks shall be screened on all four sides~~**. Commercial receptacles are only allowed during construction and clean-up. Temporary storage units, dumpsters and POD S require ECO approval and will require a timeline determined by the ECO. For restrictions on trash outside, refer to Article 7.04 Wildlife Rules.

B. Sheds: Placement of all non-residential buildings, such as sheds and outbuildings shall be limited to two structures not totaling more than 240 square feet.

C. Propane tanks and all fuel receptacles shall be screened from the public view. Propane tanks shall be screened on all four sides. Material used for screening shall be fire resistant. A two inch gap must be maintained at the bottom of the screen. This applies to all new construction and any replacements or repairs of damaged screens.

#### 21.18 Antennas

No exterior antenna or satellite dish over 40 inches in diameter shall be installed or maintained on any residential lot unless approved by the ECC.

## GENERAL ENVIRONMENTAL RULES

### 21.19 Holiday decorations and decorative flags or banners

"Holiday decorations" shall mean and refer to any seasonal decorations.

A. Winter holiday decorations may **not** be placed on the lot or residence ~~the weekend~~ prior to ~~the Thanksgiving holiday~~ **November 15** and must be removed no later than January 15.

B. Decorations for other generally recognized holidays that occur during the year may be placed one (1) week prior to the holiday and must be removed within ten (10) days following the holiday.

C. Decorative flags or banners may be displayed in the following prescribed manner:

1. Must be displayed from a pole affixed to the residence.
2. Limited to a size not to exceed 15 square feet as a cumulative total.
3. No more than three (3) decorative flags or banners may be displayed at any one time.

D. The above restrictions do not apply to the flag of the United States of America.

### 21.20 Hazards

A. Debris, dead weeds, rubberized landscaping material or any other hazardous fire condition shall not be permitted on any lot at any time. Slash, mulch or a similar material will not be permitted within five (5) feet of a residence, propane tank enclosure, or other structure with combustible exteriors, such as wood or vinyl. Commercial mulch shall not exceed 4" in depth for landscaping.

B. There shall be no exterior fires whatsoever. There shall be no exterior burning of wood, including in BBQ stoves, fire pits, or campfires. There are no propane fire pits or table-style propane pits permitted. Tiki torches and all other open flames are not permitted. Exceptions are BBQs in confined receptacles with lids designed for such purposes. This includes charcoal, propane and electric BBQ's along with pellet and electric smokers. All **BBQs** must have a ten (10) foot clearance from combustible material, lids for cooking and a readily available fire extinguisher and a water supply nearby. Reasonable precautions to minimize smoke and eliminate sparks shall be taken. BBQ's must always be attended by a responsible adult when in use.

C. Ashes from barbeques and fireplaces shall not be discarded on the ground and must be allowed to completely cool, be placed in a metal container, and disposed of at the transfer site in the ash bin.

D. Discharge of fireworks is strictly prohibited.

#### 21.21 Reforestation

Each tree removed from any lot or Association property shall be replaced as determined by the ECO. No tree exceeding 4" in diameter at 4' in height may be removed without written prior approval by the ECO. Clear cutting shrubs from a lot requires approval from the ECO.

#### 21.22 Signs

A. House numbers are required and shall be at least 3 inches in height and placed on the house facing the street. If the numbers are not clearly visible from the street, an additional set shall be placed on a signpost, fence, mailbox, etc., so as to be visible from the street.

B. Legal procedures: Signs required by legal procedures are permitted but, unless specified by law, they will be restricted to one (1) square foot. Prior to posting the sign, the person posting a "legal procedure" sign shall furnish the EC office with a copy of the legal procedure.

E. For sale and for rent: Not more than one "for sale" or "for rent" sign, having a maximum face area of one (1) square foot, is permitted on each lot or residence. The signs are to be removed on the date of rental, the date escrow closes or the date the listing expires. This is applicable whether the offering is by owner or by a real estate company or other agent.

F. A maximum of four (4) "open house" signs, needed to designate a single route to the property, is permitted. These signs may be of the "tent-style", having a maximum face area (on each side) of four (4) square feet. The signs must be removed by sunset each day.

G. Not more than one security sign on each side of a lot facing the street, having a maximum face area of one (1) square foot, is permitted. No such sign will be permitted, however, if it is for the sole purpose of advertisement.

**H.** Sign material and rules for posting: ~~All commercial signs that will be posted longer than three days must be of a durable material, such as metal, plastic or wood. An ECC approved noncommercial~~ Signs, posters, flags, or banners may be made of paper, cardboard, cloth, plastic, or fabric and may be posted or displayed from the yard, window, door, balcony, or outside wall of the separate interest, but may not be made of lights, roofing, siding, paving materials, flora, or balloons, or any

other similar building, landscaping, or decorative component, or include the painting of architectural surfaces. Temporary signs for a party or a yard sale may be of cardboard or heavy construction paper. Signs cannot be attached to trees, telephone poles, mailboxes, street sign posts or any other structure in any manner. Signs must be self-supporting, as on their own wooden stake. **Banners**, Rope banners, or "**feather** flag" signs **used for advertising purposes**, are not permitted.

I. Other signs: All other signs are not permitted unless approved in writing by the ECC. Vehicle for sale signs are limited to one per lot.

J. Noncommercial signs or flags on private property: Noncommercial signs or flags on private property must comply with California civil code §4705 and 4710 as they may be amended.

K. Sign material and rules for posting: All commercial signs that will be posted longer than three days must be of a durable material, such as metal, plastic or wood. An ECC approved noncommercial sign, poster, flag, or banner may be made of paper, cardboard, cloth, plastic, or fabric and may be posted or displayed from the yard, window, door, balcony, or outside wall of the separate interest, but may not be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces. Temporary signs for a party or a yard sale may be of cardboard or heavy construction paper. Signs cannot be attached to trees, telephone poles, mailboxes, street sign posts or any other structure in any manner. Signs must be self-supporting, as on their own wooden stake. Banners, rope banners, or "flag" signs used for advertising purposes, are not permitted.

L. All signs posted contrary to these rules will be removed by the ECO or PMC patrol and will not be returned.

## 21.23 Vehicles

Vehicles must not be parked on a lot in a quantity and manner which is a nuisance or causes unreasonable disturbance or annoyance to other owners in the enjoyment of their lots or Association property (CC&R 5.6). Inoperable vehicles, commercial vehicles, construction equipment, trailers, and recreational vehicles shall be subject to the following prohibitions and restrictions:

A. All inoperable motor vehicles shall be stored wholly within an enclosed garage or off the property unless covered in compliance with this section. All proposed covers must be approved, in writing, by the ECO prior to storing the vehicle. "Inoperable" shall be defined by California vehicle code §22658.a.3 and Kern County code of ordinances §10.28.030, as they may be amended.

B. Car covers for any vehicle are permitted if earth tone in color, maintained in good condition, designed to cover the vehicle, remain in place during a high wind

event and all other aspects of section 21.25 are complied with. All debris must be kept clear from under the vehicle, i.e. leaves, cobwebs, trash, oil and fluids.

C. No commercial vehicle bearing commercial insignias or names (except pick-up trucks and light duty vans) shall be parked on any lot in view of adjoining property, unless the vehicle is temporarily parked for the purpose of providing service to the lot. Pick-up trucks and light duty vans include trucks which do not exceed a weight of five tons and are not box trucks or tractor-trailers.

D. Vehicles with advertising decals may be parked on the property, but in no case can any advertising decal be larger than 200 square inches (e.g. 12" x 16.6") and no more than three such decals on any vehicle. If a vehicle has any advertising decal larger than 200 square inches and/or more than three (3) decals as described above, the signage must be screened from view and approved in writing by the ECO.

E. No construction equipment including but not limited to backhoes, cranes, dump trucks, graders, and/or other heavy equipment or trailers for hauling such equipment may be parked or stored on a lot unless it is being used for construction on that lot. Bobcats, including similar compact and subcompact utility vehicles that fall within this category, may be stored on property as long as they are limited to one such vehicle and are properly covered including attachments and implements with the approval of the ECO.

F. Trailers, including but not limited to utility, cargo, and horse trailers must be screened when not in use.

G. As used in this document, the term "recreational vehicle" shall include, without limitation, motor homes, buses, trailer coaches, camping-type trailers, all-terrain vehicles, dirt bikes, boats or other watercraft, aircraft or campers and other similar vehicles and equipment.

H. All recreational vehicles stored in Pine Mountain Club on a lot shall be covered except for one motor home or camping-type trailer permitted on a lot without a cover. All proposed covers of such vehicles must comply with 21.23 section B, and must be approved, in writing, by the ECO. ~~Recreational vehicles may not be stored in the front twenty-five (25) foot setback of a lot.~~

I. A recreational vehicle may only be parked in front of a residence for a period not to exceed forty-eight (48) hours in any seven (7) day period while it is being loaded or unloaded.

J. No vehicle work shall endanger the safety or infringe on the rights of other members of the community.

#### 21.24 Destroyed and partially built structures

No structure which has been partially or totally destroyed shall be allowed to remain on any lot in such state for more than six (6) months from date of destruction. No structure on which construction has stopped shall be allowed to remain partially built for more than six months. Extensions may be approved by the ECO.

#### 21.25 Maintenance of lots

Members shall maintain their lots and all improvements in a neat, clean and sanitary condition and in good repair and in such manner as not to create a fire hazard or create a public nuisance. Vegetation on any lot shall be planted and maintained in such a manner as to prevent or retard erosion and to encourage the growth of indigenous ground cover.

#### 21.26 Yard sales

Property owners must apply for a permit, issued by the ECO, to conduct a yard sale. Upon approval of the ECO, the sale may be conducted subject to the following rules:

- A. No more than two (2) yard sales are permitted, per lot, per calendar year.
- B. One sign, having a face area of one (1) square foot, is permitted on each lot. A maximum of four (4) directional signs, having a maximum face area of one (1) square foot each, are permitted on PMC property (road easement or right of way). All signs must be self-supporting such as on a wooden stake. No sign shall be attached to sign posts, telephone poles, mailboxes, trees or any other structures. All signs posted contrary to these rules will be removed by the ECO or PMC patrol and will not be returned.
- C. Yard sales can be no longer than three (3) consecutive days.
- D. All yard sale items must be removed from public view at the end of the final sale day.
- E. All signs must be removed at the end of the final sale day.
- F. Yard sales can be conducted only between the hours of 9:00 a.m. and 5:00 p.m.

#### 21.27 Temporary Occupancy.

No vehicle, trailer, recreational vehicle, bus, garage, or temporary building or structure of any kind shall be used at any time for a residence, whether it be temporary or permanent and whether on the lot or the street, except as may be used during construction or remodeling with the prior written consent of the Association as in 21.07. Such temporary structures shall be removed immediately after the completion of construction. Camping will be allowed in the designated campground only.



## 21.28 Association property

The following restrictions shall apply to all Association property:

- A. The use of Association property shall be subject to all rules as are prescribed by the Association.
- B. The use of Association property shall be subject to the easements and reservations of rights of the Association.
- C. The use of Association property may be subject to the right of an owner of a lot adjacent to Association property for the location, construction and maintenance of a leach line or leaching field. Permission may be granted when a written confirmation from the Health Department of Kern County is presented by the lot owner, confirming that it is not possible to properly locate a leach line or leaching field on the lot itself. Any damages to Association property which occur as a result of placing or maintaining such improvements will be borne by the current and/or future property owners.
- D. There shall be no use of Association property which injures, erodes or scars the area or vegetation, or increases the cost of maintenance, unless expressly permitted by the Association.
- E. Members or their guests shall not use Association property to store or otherwise abandon personal or discarded property. Removal of such property shall be at the member's expense.
- F. No improvement, excavation or work which in any way alters Association property shall be made or done except upon strict compliance with the following provisions of this section.
- G. With the exception of the water company, the Association, or an owner of a lot (by right of easement for leach line or leaching field), or a public utility or governmental agency (by right of easement), no person shall have the right to construct any improvement upon, or shall change the natural or existing drainage of, or shall destroy or remove any tree, shrub or other vegetation from, or plant any tree, shrub or any vegetation, upon Association property. Vegetation management for fire mitigation and/or planting may be undertaken if approved by the ECO.
- H. If the Association or any person or entity proposes to construct, reconstruct, or to refinish or alter the exterior of any improvement located or to be located upon the Association property, to make or create any excavation or fill, or to change the natural or existing drainage of surface waters, or to remove any trees, shrubs or ground cover, it shall not do so until a permit has been obtained from the board of directors. The Association, person or entity proposing to do such work shall submit to the ECC for

recommendations to the board for approval, one set of final plans and specifications pursuant to this paragraph only if all of the following conditions have been satisfied:

1. If the plans are to construct any new improvement, including any alteration of the exterior appearance of any existing improvement upon Association property, the ECC finds that such improvement complies with the CC&Rs; and
2. That such improvement is reasonably necessary for any utility installation serving any property within the development or any property for which an easement has been reserved or granted by the Association; or is desirable in order to provide or improve access to; or is desirable to protect or preserve any property within the development; and
3. That in the case such improvement is a leach line or leaching field to serve a lot or lots, the ECC finds it necessary to properly serve said lot or lots by location of such improvement on Association property in order to provide said lot with an adequate sewage system; and
4. The ECC finds that the proposed work shall not materially prejudice the development or any owner in the use and enjoyment of this property.

#### 21.29 Nuisance and noxious activities

No noxious or offensive activity shall be allowed upon any lot, nor shall anything be done or placed thereon which may be or become a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to other owners in the enjoyment of their lots or the Association property. Without limiting any of the foregoing, no exterior speakers, horns, whistles, bells, or other sound devices, except security devices used exclusively to protect the security of the lot and its improvements, shall be placed or used upon any lot without the prior written approval of the Association. No activity producing noxious odors affecting neighboring lots shall be allowed. Criminal activity corroborated by law enforcement or activity that presents a clear and present danger on a lot or Association property is a violation of this rule.

#### 21.30 Illegal Marijuana Cultivation

No person or entity may plant, cultivate, harvest, dry, or process marijuana plants inside a residence, or inside an accessory structure to a residence such as but not limited to a garage, greenhouse, or shed located on a lot, in excess of the limitations imposed by California Health and Safety Code section 11362.2.

#### 21.31 Cottage industries

- A. No gainful occupation, profession or trade shall be maintained on any lot or in any structure on any lot without the prior approval of the ECC.

B. The ECC shall have the power and authority to approve or disapprove of any cottage industry or home occupation, based on the following:

1. All cottage industries or home occupations must conform to the requirements of chapter 19.94.020, Permitted Home Occupations, 19.94.030, Home Occupations not Permitted, and 19.94.040, Minimum Standards, of the Kern County zoning ordinance and any changes thereto, as adopted by the County of Kern and amended from time to time.
2. Applicants for cottage industry permits shall make application to, and obtain approval from, the board of directors through the ECC and, if required, Kern County Planning and Community Development and provide the documentation to PMCPOA prior to the commencement of any cottage industry.
3. Cottage industries shall post no signs, posters, or other advertising on the lot on which the cottage industry is permitted.
4. Parking on the lot shall be limited to a maximum of three customer cars at any time, and no parking shall occur on PMC streets.
5. All cottage industry permit holders shall, from time to time, submit reasonable information regarding their activities upon request of the ECC or the board.
6. Cottage industry permits are subject to revocation upon recommendation of the ECC and approval by the board in the event of a violation of CC&Rs, Association bylaws, EC code or Association rules and regulations.
7. Written notice of violation of PMCPOA rules will be issued to the owner of the lot where a cottage industry is being conducted, in the event of violation as they relate to the activities of a particular cottage industry.
8. Appeals of Association permit conditions, permit denials or permit revocation may be filed, within 30 days of such action, to the board.
9. Applicants must provide **proof of** liability insurance **naming Pine Mountain Club Property Owners Association as additional insured in the amount of one million dollars** if a vehicle is used for business.
10. Applicants must provide a copy of a Kern County Health Department permit if providing food service and/or if a Kern County permit is required for any other reason.

## DEFINITIONS

### A. ASSOCIATION (for the purpose of this document)

“Association” shall mean Pine Mountain Club Property Owners Association, Inc., a California nonprofit mutual-benefit corporation which consists of all owners of lots in that certain real property planned development known as Pine Mountain Club and situated in Pine Mountain Club, California.

### B. ASSOCIATION PROPERTY

“Association property” shall mean all real and personal property owned by the Association, including without limitation: greenbelts; entrance monuments; Association roads; a recreational center with a clubhouse, swimming pool, miscellaneous game areas, picnic and barbecue areas, and parking areas; equestrian center with tack rooms, corrals, paddocks and parking areas; parks; campgrounds; equestrian trails; golf course; tennis courts; transfer site; storage areas; and any other facilities, recreational or otherwise, owned and maintained or controlled for the common use, benefit and enjoyment of the owners of real property within the development.

### C. AUTHORIZED GUESTS

Authorized guests(s): The term “guest, tenant or lessee” as used in this document shall mean a person(s) who has been authorized by a member in good standing including a tenant or lessee residing in a member’s residence to use association property and the facilities of the Association and subject to the condition that the member shall have full responsibility for such guest(s), tenant(s) or lessee(s) while they are using Association property or facilities of the Association.

### D. BOARD

“Board” shall mean the Board of Directors of the Association.

### E. BYLAWS

“Bylaws” shall mean the duly adopted bylaws of the Association, including any amendments.

### F. CHAIR

"Chair," for the purpose of this code, shall mean the chair of the ECC.

### G. DEVELOPMENT

“Development” shall mean the planned development situated in Kern County, California, known as Pine Mountain Club and any lot or lots included in the tracts identified in section 1.7 of the CC&Rs.

#### H. ENVIRONMENT

"Environment" shall mean the beauty, tranquility, atmosphere, and/or the natural surroundings of the PMC. The environment shall include, but is not limited to, structures, trees, shrubs, vegetation, residential, commercial and Association property, national forest property, water company property and natural water flows.

#### I. ENVIRONMENTAL CONTROL COMMITTEE

"Environmental Control Committee (ECC) shall mean the committee created pursuant to the Association bylaws.

#### J. GREENBELT AND RECREATIONAL

"Greenbelt and recreational" is defined in in section 4.6 of the CC&Rs as follows: "greenbelt" shall mean undeveloped land intended to preserve open space and a natural environment and "recreational" shall mean recreational activities that do not conflict with greenbelt as defined in this section.

#### K. IMPROVEMENTS

“Improvements” shall mean all buildings, structures, roads, pools, courts, paddocks, corrals, driveways, parking areas, fences, retaining walls, stairs, decks, poles, signs, alterations to lots, structures of any type above or below ground and other facilities of the development.

#### L. LOT

“Lot” shall mean any real property designated as a “lot” or “parcel” in title documents bearing legal descriptions within this development subject to the CC&Rs.

#### M. MANAGEMENT

Management shall mean the general manager and/or all department managers.

#### N. MEMBER

The term “member” shall refer to all persons or entities having an ownership interest in a single family residential lot, or a multi-residential or commercial lot, except any such lots as are owned by the association. The collective members-owners of a lot constitute a membership. A membership is attached to the lot and may not be separated from that lot. Each person or entity shall automatically become a member of the Association upon

obtaining an ownership interest in a lot, excluding Association property, and shall remain a member until he or she ceases to have an ownership interest in such lot. If title to a lot is held in the name of a trust, the trustee(s) shall be deemed the member for purposes of membership rights and privileges.

#### O. MOBILE/MANUFACTURED HOME

“Mobile Home” or “Manufactured Home” shall mean a new, not previously occupied, manufactured home, as defined in the California Health and Safety Code §18007 and §18008, as they may be amended, built upon a permanent chassis, transported into PMC and mounted on a foundation upon lots 102 through 233 inclusive within tract 3405 of the community.

#### P. MODULAR HOME

“Modular Home” shall mean a new, not previously occupied, prefabricated home that meets the requirements as set forth in the California Building Standards Code, Title 24 and the International Residential Code to be placed upon a foundation on the lot or parcel. A modular home may be placed upon any buildable lot within the community of PMC.

#### Q. MULTI-RESIDENTIAL LOT

"Multi-residential lot" shall mean a parcel of land intended to be used for residential purposes upon which the construction of a residential building containing no more than four (4) residential units is allowed under the restrictions.

#### R. NOTICE

“Notice” shall mean any communication or notice of any kind permitted or required herein. Notice may be delivered as provided in the CC&Rs and shall be in writing and may be served, as an alternative to personal service, by mailing same as follows:

To a member: To the post office box of the lot or unit, or such other address as the member may designate in writing to the Association.

To Association: To the Board of Directors, PO Box P,  
Pine Mountain Club, CA 93222-0016

All notices or demands to be served by mail shall be by first-class mail with postage prepaid. Service shall be deemed to be completed three (3) business days after such mailing.

#### S. OFFICE OF RECORDER

"Office of Recorder" shall mean the Office of Recorder, County of Kern, State of California.

#### T. OWNER

"Owner" shall mean any person who holds a recorded title ownership interest in real property subject to the CC&Rs, excluding any person having an interest in the property merely as security for the performance of an obligation.

#### U. PERFORMANCE DEPOSIT

"Performance deposit" shall refer to a deposit collected from the owner prior to issuing a permit for improvements.

#### V. PERSON

"Person" shall mean a natural person, corporation, partnership, trust, association or other similar entity as defined by law.

#### W. RECREATIONAL VEHICLE

"Recreational vehicle" shall include, without limitation, motor homes, buses, trailer coaches, camping-type trailers, trailers, all-terrain vehicles, dirt bikes, boats or other watercraft, aircraft or campers and other similar vehicles and equipment.

#### X. RESIDENCE

"Residence" shall mean a building used for residential purposes, together with garage or carport, if any. Residence shall include single-family residences, multi-residential buildings and manufactured/modular homes.

#### Y. RESIDENTIAL LOT

"Residential lot" shall mean any lot or lots included in the tracts identified in section 1.7 of the CC&Rs upon which the CC&Rs authorize construction of a single-family residence, a multi-unit residence, or a manufactured/modular home.

#### Z. ROAD

"Road" shall mean any vehicular way designated on a subdivision map by street name and as "Not a Dedicated Street." The term "Not a Dedicated Street" refers to a parcel of land or non-exclusive easement not owned by the county, a city or state or federal governments, and which is not offered for dedication to public use. Association roads are not limited to the paved portions of the vehicular ways as defined.

#### AA. SETBACK

"Setback" shall mean that portion of any lot upon which no portion of any building or structure shall be placed, erected or maintained.

#### BB. STOP WORK ORDER

A "stop work order" shall mean the legal tool used by the Association to shut down work on a construction jobsite until the issue is fixed or the parties reach an agreement.

#### CC. STRUCTURE

"Structure" shall mean anything constructed or erected, the use of which requires location on the ground.

#### DD. SUBDIVISION MAP

"Subdivision Map" shall mean (1) any final map within the meaning of the provisions of Division 4, Part 2, Chapter 2, of the Business and Professions Codes of the State of California, and (2) any final record of survey map within the meaning of the provisions of Division 3, Chapter 15, Article 5, of the Business and Professions Code of the State of California, as such provisions may from time to time be amended.

#### EE. WATER COMPANY

"Water Company" shall mean the Mil Potrero Mutual Water Company, a California Corporation.