

ARCHITECTURAL CONTROL COMMITTEE

REVISED RULES OF PROCEDURE

Effective December, 2019

1) Assignment

To review each application submitted by a lot owner of Montair Estates for approval, denial, or required change of construction and landscaping plans proposed by the lot owner *or assignee*.

2) Objective

To allow each lot owner to build and develop his/her lot as she/he considers desirable, while maintaining the distinctly rural setting of Montair Estates, and retaining compatible interaction among the lot owners of Montair Estates.

To assure, to the extent reasonably possible, that each lot owner shall have, and retain, panoramic views of the surrounding area.

3) Committee Membership

The Committee shall be composed of five persons, or other such number as the Board of Directors of Montair HOA (BoD) shall from time to time determine (Montair CC&R, Article 8, Section 8.01).

Each member shall represent a separate lot ownership.

The membership of the Committee shall be appointed at the annual meeting of the Montair HOA by majority vote of the BoD as to each member (Montair CC&R, Article 8, Section 8.01).

4) Notice to New Lot Owners

Upon receipt by the Committee of notice of newly acquired title ownership of a Montair Estates lot, the Committee shall provide a copy of these Rules of Procedure, a copy of the Architectural Guidelines of the Montair Estates, and a form of Application for Approval to the newly acquired title holder of the lot.

5) Submission of Plans to Committee

A lot owner may submit preliminary plans for Committee consideration, but approval shall be of the final proposed plans. Any tentative approval shall not constitute final construction approval.

6) New Home Construction and/or Modification of Existing Structure

Every lot owner proposing new home construction, or modification of, or addition to an existing structure shall submit to the Committee the following:

- i) A completed form of Application for Approval. The application shall include a current mailing address and telephone number for the applicant. In the event that more than one person has an interest in the application, a single address and telephone number shall be designated for contact by the Committee on behalf of the applicants.
- ii) At least one set of architectural plans, at a minimum an elevation diagram showing height of the proposed construction, modification or addition on each side.
- iii) A copy of the architectural plans which show the elevation diagram containing the Siskiyou County approval designation shall be lodged with the Committee within 7 days of receipt by the lot owner.

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- iv) The Committee shall retain all plans submitted to it until completion of the project, at which time the plans will be returned to the applicant, unless there is good cause for the Committee to retain such plans.
- v) A plot map showing the proposed location of the structure on the lot, with distances from identifiable objects on that lot or on an adjacent lot. The plot map need not be professionally prepared and may be a sketch prepared by the owner.
- vi) The proposed exterior material and color shall be described and the roofing material and color shall be designated. If available, a color sample of each shall be attached along with the application.
- vii) An applicant proposing construction of a basement, or below grade room with exterior access shall perform such test procedures as drilling and preliminary excavation to satisfy the contractor for the applicant, and the Committee, that the proposed basement or below grade room is a feasible project.
This requirement is imposed because of the experience of other lot owners within Montair in encountering levels of hardpan or bedrock at shallow levels with resulting groundwater problems in the winter storm periods.
- viii) If Committee approval is obtained for construction of a basement or below grade room with exterior access, the lot owner and contractor are required, upon completion of excavation for the basement or below grade room, to obtain further approval from the Committee before proceeding with further construction.
- ix) The Committee may require any additional plans or other information regarding the proposed construction, improvement or addition as the Committee deems necessary.

7. Landscaping

The lot owner shall submit the following:

- i.) A completed form of Application for Approval. It may be submitted with the application for construction approval, or at a later time, to be approved prior to commencement of the project.
- ii.) Proposed landscape plans shall be submitted for approval not later than one year from the date on which approval of construction plans is obtained. Progress toward landscape project completion shall begin within one year from the date of the issuance of a Certificate of Occupancy.
- iii.) At least one sketch of the proposed landscaping and related projects shall be submitted. A formal plan is not required, but the sketch shall be a comprehensive plan.
- iv.) The applicant shall include an estimate of the height of trees, shrubs, and other vegetation at maturity.
- v.) The plan shall include any proposed structural elements such as fences, hot tub sites, tennis courts, swimming pools, pergolas, walls and the like. The elevation of structures shall be designated, with specific plot placement of any structure.
- vi.) Proposed outdoor lighting shall be designated. Low wattage ground placement designation is not required, but the Architectural Guidelines do outline specific requirements designed to reduce light interference within the Montair neighborhood.

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8. Improvements Not Subject to Review

- i) Addition to, or replacement of existing landscaping which has been previously approved by the Committee does not require submission of plans or approval of the Committee, unless such addition or replacement significantly changes the original plan approved by the Committee. In the event of uncertainty or possible significant change, the lot owner will be expected to submit the proposed plans to the Committee.
- ii) Repainting of a building exterior does not require approval if the color used is the substantial equivalent of the color previously approved by the Committee.
- iii) Replacement of a roof does not require approval if the material and color of the replacement is the substantial equivalent of the material and color previously approved by the Committee.
- iv) Professionally installed solar panel systems placed on the roof of a building that become part of the roof structure. Solar panel systems intended to be installed separate from any building, or not to be installed by a licensed contractor must have plans reviewed by the Committee.

9. Approval Process

A majority of the Committee members shall constitute a quorum for the transaction of business by the Committee at a meeting of the Committee.

In the absence of a quorum at a scheduled meeting, the Chair shall adjourn the meeting and schedule another meeting at a date, time and place convenient to those involved.

Every application for new construction or for structural modification or addition shall require a meeting of the Committee. The Committee members shall conduct an on-site inspection of the proposed plan prior to decision about the application.

Applications for approval of proposed landscaping does not require a full Committee meeting unless the applicant or a Committee member requests a hearing.

Notice of a Committee meeting convened to consider an application for approval of a proposed construction plan or proposed landscape project need not be given to the applicant unless multiple Committee members express possible disapproval of the proposed plan or project prior to, or during the Committee meeting.

The Committee shall render its decision regarding the proposed plan or project not later than 30 days from the date on which the proposed plan or project is delivered to the Committee Chairperson. The 30-day time frame for Committee review may extended if additional time has been taken between the applicant and Committee to attempt to resolve issues that would otherwise be disapproved. In such event, the 30-day time shall be extended for the number of days required to give notice to the applicant, and to convene a further Committee hearing on a date and time agreed by the Committee and the applicant.

The applicant may present such professional support as is reasonable at any hearing. If such presentation is proposed it shall be specified in the Application for Approval with specific detail of the proposed input and the length of time that presentation will require at the hearing. The Committee reserves the right to deny that presentation if it determined that it is irrelevant or unnecessary.

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The Committee shall consider and be guided by the Architectural Guidelines of Montair Estates as they exist at the time current to the review and decision to approve, disapprove or require change to any plan submitted to the Committee.

An issue not covered in the Architectural Guidelines shall be decided by the Committee within the stated objectives of the Committee.

Approval by the Committee of construction or landscaping plans proposed by a lot owner shall be deemed approval for construction or landscaping by that lot owner only and not a successor in interest unless the successor was a co-applicant initially. In the event of change in ownership, the approval of the Committee shall be deemed withdrawn. A successor in interest may submit the same plans for approval, if desired.

10. Notice Requirements

Any notice required to be given regarding actions of the Committee shall be given in the following manner:

An applicant for approval of any proposed plan or project who requests a Committee meeting shall receive notice from the Committee of the scheduled meeting at least 10 days prior to the meeting date.

In the event that of possible disapproval of any proposed plan or project, either indicated by multiple Committee members prior to a meeting or at a Committee meeting convened to review the proposed plan or project, the applicant will be notified by the Committee in advance of possible formal disapproval. The applicant and the Committee may schedule future Committee meeting(s) as necessary to resolve the issue. During this time the applicant may provide additional information to resolve such issue(s) informally, or amend the application to address the issues detailed by the Committee.

Notices described above may be given by the Committee either by mail, certified with return receipt, of the time, date be sent by certified mail, or by email to an address provided by the applicant that provides a register of the name (or username) of the applicant, with date and time sent and response(s) returned.

11. Decision of Architectural Control Committee

A duly constituted meeting may be continued to a specific time, date and place at the discretion of the Committee to permit further consideration of the application. A majority vote of the Committee members shall constitute the decision of the Committee.

Voting may occur at a formal meeting duly convened for the purpose of considering an application, or, alternatively, where review and voting is occurs in less formal ways such as teleconference, email, or Committee members meeting individually with the Chair or his/her designee.

The Committee shall maintain a written record of applications made to it by lot owners and the decision of the Committee upon that application.

A Committee member who has a personal interest in an application submitted to the Committee shall recuse him/herself from the decision process. That Committee member may, however, submit support for his/her application to the Committee in the same manner as any other lot owner.

Every decision of the Committee shall be final unless appealed in accordance with Section 12, below.

A copy of the written decision of the Committee shall be delivered to the Board of Directors of Montair HOA and to the applicant(s).

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12. Appeal to the Board of Directors

The applicant may appeal any decision of the Committee to the Board of Directors of Montair HOA by submitting a written application for hearing to the Board of Directors of the Montair HOA.

Request for hearing shall be in writing, delivered to the Chair of Montair Board of Directors within 10 days of the decision of the Architectural Control Committee. The statement shall contain specific detail of the decision of the Committee from which the appeal is taken and the reason(s) for that appeal.

Further scheduling and appeal process will be determined by the Board of Directors of Montair HOA.

The information submitted in support of or in opposition to the appeal shall be limited to information supplied to the Committee.

In the event of an appeal, the decision of the Board of Directors of the HOA of Montair Estates shall be final.