

MONTAIR HOMEOWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES
Effective February 25, 2022

The following are guidelines accepted and approved by the Board of Directors of Montair Homeowners Association for the guidance of owners of property within Montair Estates who plan to construct a new home, to add to or modify an existing home, or to landscape a lot within Montair Estates.

An owner proposing new construction, an addition to or modification of existing construction, or a landscape project, is required to submit an application to the Architectural Control Committee (ACC), and to obtain unqualified approval of those plans prior to the start of any project. The formation of the ACC and its authority may be found in the CC&Rs (page 13) and in the by-laws of the HOA (Article VI, Section 1). See ACC Rules of Procedure.

Notwithstanding the following listed Guidelines, the Committee shall review each submitted plan based on the specific proposal and reserves the right to require any addition to, or modification of, any submitted plan as the Committee deems appropriate and necessary, consistent with the objectives of the Committee on behalf of Montair Estates lot owners.

Any required addition or modification, or denial of application, shall be supported by a written statement of the Committee with the reason(s) for that decision.

Any project within Montair Estates shall comply with the following provisions:

- A. Any plan that unreasonably restricts the sightline of another lot owner within Montair Estates will not be approved.
- B. A proposed plan shall comply with all requirements of the State of California, County of Siskiyou, and Montair Homeowners Association. Any required permits or approvals must be obtained prior to commencement of a project, and the Architectural Control Committee will require copies of such documentation.
- C. Review of draft plans: It is recommended that approval of plans first be obtained from the Architectural Control Committee prior to submitting proposed plans to local governmental agencies. There is no charge to submit an application to the Architectural Control Committee, so prior review of draft plans may identify issues that could result in delays and/or the need to make expensive changes to what a lot owner thought would be final plans. An application with the final plans is required.
- D. Construction work shall not begin on a daily basis before 7:00 am, except for inside work on an enclosed building.
- E. These Guidelines may be amended from time-to-time as approved by the Board of Directors of Montair Homeowners Association.

I. Homes

- A. The overall plan must be compatible with the basic development in place at Montair Estates.
- B. A residence constructed at Montair Estates shall have a "footprint" (total outside perimeter) of not less than 1500 square feet, excluding garage. A breezeway or other attachment between

residence and garage, if visible from a Montair street or other residence, shall not be included in computing the minimum space requirement.

- C. A residence constructed within Montair Estates shall not exceed 25-feet in height, excluding chimney or vent pipe extensions. The height computation shall be based on the average of the highest point and the lowest point on that portion of the lot upon which the residence is to be constructed.
- D. Modular, mobile, "A" frame, steel sided buildings (of the commercial type), geodesic design and the like, will not be approved.
- E. Each residence shall have at least a two-vehicle garage. A detached garage is acceptable and should conform to the outbuilding requirements below.
- F. 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 with the application.
- G. An applicant proposing construction of a basement, or below grade room with exterior access, shall perform such test procedures as drilling or preliminary excavation to satisfy the contractor for the applicant, and the Committee, that the proposed basement or below grade room is a feasible project.
 - 1. 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.
 - 2. Groundwater Issues: This requirement is imposed because of the experience of other lot owners within Montair in encountering large quantities of rock at shallow levels within the lot, and encountering levels of hardpan or bedrock at shallow levels with resulting groundwater problems in the winter storm periods.
- H. Exterior lighting attached to the home should conform to the lighting requirements below.

II. Outbuildings

- A. Any building not attached to the home is considered an outbuilding. Examples of outbuildings are detached garages, detached shops, sheds, and pump houses.
- B. Outbuildings shall be of similar construction and exterior appearance as the main dwelling. See requirements for Homes above.
- C. Buildings subject to the county building code are required to be permitted.
- D. Parcels will be limited to two outbuildings.
- E. Outbuildings other than a primary (detached) garage shall be limited to 75% of the height of the main residence.
- F. An outbuilding shall not be constructed so as to be located any nearer to a Montair street than the closest point of the residence to that street.
- G. Standalone shade structures such as pergolas and breeze ways require approval. Their overall appearance should be compatible with the dwelling and landscaping.

III. Landscape plans, Fencing, and Exterior Requirements

- A. Landscape plans are subject to the sight line limitations provided in these Guidelines.
- B. Recreational facilities, such as tennis courts and both above and below ground swimming pools, playground equipment such as a swing set, trampoline, see saw or playhouses, and

landscape projects such as fencing, will also be considered for their effect on neighboring lot owners.

- C. Recreational and play equipment with the exception of basketball hoops shall be placed in the rear of each residence (i.e.; swing sets, playhouses, seesaws, trampolines, etc.). After review, the ACC may approve exceptions to this guideline for special circumstances, such as corner lots, where property lines do not reasonably enable this guideline to be followed.
- D. Progress toward landscape project completion shall begin within one year from the date of issuance of a Certificate of Occupancy.
- E. At least one sketch of proposed landscaping and related projects. A formal plan is not required, but the sketch shall be a comprehensive plan.
- F. The applicant shall include an estimate of the height of trees, shrubs and other vegetation at maturity.
- G. The plan shall include any proposed structural elements such as fences, hot tub sites, tennis courts, swimming pools, pergolas, walls, horseshoe pits and the like. The elevation of structures shall be designated, with specific plot placement of any structure.
- H. Fencing in front of the residence should be decorative in nature and 3 feet or below in height. Gated entrances are not allowed.
- I. Fencing style should be compatible with existing examples within the development. Chain-link fencing will not be allowed. Fences higher than 3' will be considered for installation behind the residence.
- J. Fencing along the golf course: The original Montair CC&Rs called for a 50-foot setback for fencing and significant landscaping from the golf course boundary. This specific requirement has been removed by a vote of the membership, but construction or landscaping within the area remains subject to Architectural Control Committee review and approval. The Board of Directors recommendation to the ACC is to approve construction of fencing projects along the golf course in a manner that can be seen through, and of similar construction and height as previously approved for lot 21.
- K. Recreational vehicles, campers, and boats, if stored on a Montair lot, must be enclosed or blocked from view.
- L. Propane tanks, garbage cans and clotheslines, if visible from a Montair street or another residence within Montair, shall be blocked from view unless they are painted with the same color as the residence.
- M. Satellite dishes of the size and type provided by DirecTV and Dish TV are allowed. Those of larger size will not be approved.
- N. The ACC may require specific acknowledgement on the application that the exterior lighting proposed will not negatively affect or infringe unnecessarily on a neighbor or the neighborhood. Restrictions to include, but not limited to:
 - 1. "Broadcast" lighting will not be allowed.
 - 2. Exterior lighting must be limited to the height of the eave of a roof, if intended to illuminate pathways, driveways, patios, etc.
 - 3. Exterior lighting must be directional, which means directed toward the specific area of intended benefit. This may require shielding or a "cap" over the top of the fixture to ensure a downward directed beam.

IV. Maintenance Requirements During Construction or Landscaping:

During construction and modifications, including landscaping, there are significant issues related to maintenance and appearance that must be addressed. The lot owner is required to take steps necessary to ensure that the project does not adversely affect the appearance and effect to neighboring lot owners and community at large. To this end, lot owners must assure that:

- A. Streets are to be kept free of debris and street passage may not be blocked. Loose debris, such as construction waste, shall be kept in an orderly condition, and covered or contained as may be necessary to prevent wind scatter.
- B. If the ACC, by majority vote, determines that the lot owner or contractor, or both, is not in compliance with the intent of this standard, and subsequently confirmed by the Montair Board of Directors, the Board may authorize employment of labor and equipment necessary to remedy the issue. Prior to employing such a direct remedy, the Board will provide the project lot owner with 7-days notice to remedy the offending issue. Direct costs incurred by the Montair Homeowners Association shall constitute a charge upon the lot owner and the parcel at issue, to be levied with the next quarterly dues assessment, and subject to the same collection and foreclosure process as delinquent and unpaid dues.

V. Improvements not subject to review.

- A. Addition or replacement landscaping plans previously approved by the Committee do not need to be reapproved by the Committee unless proposed additions or changes will significantly alter the original plan. If uncertain, the lot owner will be expected to resubmit the plans to the Committee.
- B. Repainting of a building exterior if the color used is the substantial equivalent of the color previously approved by the Committee.
- C. Replacement of a roof if the material is the substantial equivalent of the material and color previously approved by the Committee.
- D. 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.

Montair Estates ACC Application

Date _____

Lot # _____

(check all that apply)

NEW HOME CONSTRUCTION

Landscaping

Is this a Preliminary Proposal

Existing Home Modification/Addition

Other

or Final Plans

Name(s) of Owner(s) _____

Mailing Address _____

Email Address _____ . Telephone _____

Describe Your Proposed Plan (attach plans)

Specific Placement on Lot (attach lot plan)

Roof Material (substance and color)

Exterior Material (substance and color)

Height of Proposed Project _____

Distance of Project to Nearest Neighbor _____

Proposed Start Date of Project _____

Projected completion upon receipt of State and County approval _____

Does proposed plan comply with all applicable State, County and Montair CC&Rs, By-Laws and Architectural Control Committee requirements?

Yes _____. No _____. If not, please explain:

NOTE:

1. Attach any additional pages as necessary for complete explanation.
2. Submission of preliminary proposals are accepted, even encouraged, but final approval is granted only on final plans.
3. If approval is for construction without a landscape plan, then a landscape plan will need to be submitted separately.

Signature of Applicant(s) _____ Date _____

Signature of Applicant(s) _____ Date _____

DECISION OF COMMITTEE

DATE RECEIVED _____

DATE APPROVED _____

Application is approved as submitted _____

Application is approved, subject to the following conditions or additions

(If conditions are required, applicant is required to file a written agreement with this Committee to these changes or additions to gain full Committee approval)

Application is denied for these reasons:

Plan reviewed and approved by the following Committee members
