



Montair Subdivision Homeowner's Association, Inc.

ARCHITECTURAL CONTROL COMMITTEE

Architectural Guidelines and Rules of Procedure

Effective April 2026

Introduction

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). This document has two main parts:

Architectural Guidelines – These are the criteria used to evaluate applications.

Rules of Procedure – These describe the process used by the committee and the application requirements.

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.

All construction must meet the requirements of Siskiyou County Building and Health departments. Building permits must be obtained when required. No fees are required to connect to the wastewater system. These Guidelines and Procedures may be amended from time-to-time as approved by the Board of Directors of Montair Homeowner's Association.

Committee Objectives

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

Architectural Guidelines

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.

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 should be compatible with materials used in the subdivision. Steel siding is prohibited.
- G. Exterior paint samples should be provided.
- H. Roofing material and color shall be designated. If available, a color sample of each shall be attached with the application. Painted architectural steel roofing will be considered, but corrugated roofing is prohibited.
- I. Exterior lighting attached to the home should conform to the lighting requirements below.
- J. Home construction must be completed (Certificate of Occupancy) within 24 months of the issuance of the building permit.
- K. Full dues will be charged when the Certificate of Occupancy is issued or withing one year of the start of construction whichever comes first.
- L. Sump pumps and other required home drainage cannot be discharged into the wastewater system.

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 (other than the main garage) 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. Propane tanks, above ground water tanks, and fuel tanks, if visible from a Montair street or another residence within Montair, shall be blocked from view by an approved fence. or painted to blend in with the home.
- K. Garbage cans and clotheslines should not be visible from the front of the home.
- L. Satellite dishes of the size and type provided by DirecTV and Dish TV are allowed. Those of larger sizes will not be approved.

- M. 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. Recreational Vehicles, Campers, Boats and Hauling Trailers

- A. If stored on a Montair lot, it must be enclosed or blocked from view from the front of the home (street side). Temporary parking in view (driveway) for up to 15 days will be allowed.
- B. As per County zoning restrictions (R-R zoning) RV's may only be occupied for up to 15 days.

V. Requirements During Construction or Landscaping:

- A. 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 of neighboring lot owners and community at large. To this end, lot owners must assure that:
 1. 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.
 2. 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.
- B. Temporary parking of RV trailers as living quarters. Trailers may be parked on the property during construction for a period not to exceed one year. A County camping permit is required. Trailers must be connected to water and sewer. HOA improved dues will apply as for all properties connected to the wastewater system.
- C. Shipping or similar storage containers or construction trailers will be allowed for a maximum of 1 year. Note: An approved outbuilding may be constructed and used for material and tool storage.
- D. Construction duration should not exceed two years.
- E. Parking of construction equipment and trailers on the lot are allowed when in use. Equipment not used within 30 days must be removed. Equipment cannot be parked on the street.

- F. Construction work shall not begin on a daily basis before 7:00 am, except for inside work in an enclosed building.

VI. Improvements Not Subject to Review

- A. 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.
- B. 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.
- C. 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.
- 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.

Rules of Procedure

I. Committee Assignment

- A. 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*.

II. Committee Membership

- A. 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).
- B. Each member shall represent a separate lot ownership.
- C. The membership of the Committee shall be appointed by majority vote of the BoD (Montair CC&R, Article 8, Section 8.01).

III. Committee Meetings

- A. The committee may choose to meet in person, via teleconference, or transact its business via email.
- B. All members of the committee must be informed of any meeting.
- C. In person meetings will be held at a specific time, date and place at the discretion of the Committee.
- D. Lot owners with pending applications may request a meeting with the Committee.

IV. Notice to New Lot Owners

- A. Upon receipt by the Committee of notice of newly acquired title ownership of a Montair Estates lot, the Committee shall provide a copy of this document to the newly acquired title holder of the lot.

V. Approval Process

- A. A majority of the Committee members shall constitute a quorum for the transaction of business by the Committee at a meeting of the Committee. Electronic votes (email) require the agreement of the majority of the committee members.
- B. 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.
- C. Every application requires a meeting of the Committee. The Committee members shall conduct an on-site inspection of the proposed plan prior to decision about the application.
- D. 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.
- E. 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.

- F. 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 details 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 is determined that it is irrelevant or unnecessary.
- G. The Committee shall consider and be guided by the Architectural Guidelines of Montair Estates (below). to approve, disapprove or require change to any plan submitted to the Committee.
- H. An issue not covered in the Architectural Guidelines shall be decided by the Committee within the stated objectives of the Committee.
- I. 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.

VI. Notice Requirements

- A. Any notice required to be given regarding actions of the Committee shall be given in the following manner:
 - 1. 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.
 - 2. 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.
- B. 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.

VII. Decision of Architectural Control Committee

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

- C. The Committee shall maintain a written record of applications made to it by lot owners and the decision of the Committee upon that application.
- D. 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.
- E. Every decision of the Committee shall be final unless appealed in accordance with Section 12, below.
- F. 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).

VIII. Appeal to the Board of Directors

- A. 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.
- B. 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.
- C. Further scheduling and appeal process will be determined by the Board of Directors of Montair HOA.
- D. The information submitted in support of or in opposition to the appeal shall be limited to information supplied to the Committee.
- E. In the event of an appeal, the decision of the Board of Directors of the HOA of Montair Estates shall be final.

IX. 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:

- A. A completed form of ACC Application. 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.
- B. 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.
- C. 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. 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.

- D. 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.
- E. 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.
- F. 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.

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.

- G. The Committee may require any additional plans or other information regarding the proposed construction, improvement or addition as the Committee deems necessary.

X. Landscaping Submission Requirements

The lot owner shall submit the following:

- A. A completed form of ACC Application. It may be submitted with the application for construction approval, or at a later time, to be approved prior to commencement of the project.
- B. 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.
- C. 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.
- D. The applicant shall include an estimate of the height of trees, shrubs, and other vegetation at maturity.
- E. 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.
- F. 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.

XI. Enforcement

If the Committee Guidelines have been violated the Committee may seek to have the violation removed or remedied.

- A. Violations of the County Building or Health code will be referred to the County for enforcement.
- B. If a lot owner fails to submit an application for improvements, begins improvements without an approved application, or fails to follow the approved application the Committee may send a notice of violation to the lot owner. All notices will be sent via US mail to the address of record (billing address). The lot owner will have 30 days to comply with the guidelines.
- C. Owners that fail to comply within 30 days will be referred to the Board of Directors. The Board may apply the Schedule of Fines / Enforcement Policy to impose fines until the violation is resolved. Failure to pay such fines will result in interest charges and possible liens on the property (see Delinquent Dues Policy).

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

