

HIGH SIERRA MEADOWS PROPERTY OWNERS' ASSOCIATION

PROPERTY IMPROVEMENT AND MAINTENANCE GUIDELINES

PURPOSE

The purpose of this document is to clarify all Association restrictions related to property improvements and to specify the procedures to be used for approving the improvement plans of property owners. This document also attempts to clarify all Association restrictions related to property maintenance and use so that property owners will know what their on-going responsibilities are related to keeping our development attractive, pleasant, and valuable.

CONTENTS

Property Improvement Restrictions	
Project Duration	p. 2
Excavations	p. 2
Appearance and Quality	p. 3
Structure Placement	p. 7
Property Maintenance and Use Restrictions	
Maintenance	p. 8
Use	p. 10
Property Improvement Approval Procedures	
Instructions	p. 12
Approval Request Form	attached

PROPERTY IMPROVEMENT RESTRICTIONS

Improvements are any changes to a lot involving excavation, removal of well-developed trees, and the establishment of permanent structures. Excavations are interpreted to mean all modifications to the natural grade of a lot that might impact drainage or underground flowing and leaching. Well-developed trees are those with a diameter greater than five inches (15 3/4 inch circumference) measured at a point two feet above the natural grade. Structures are considered to be all unnatural objects including septic tanks, culverts, walls, fences, antennas, fuel tanks, water tanks, windmills, solar panels, power plants, sheds, barns, snow roofs, cabins, houses, and all other types of man-made structures. A permanent structure is a structure that has or will be in place for greater than 120 days.

There are several sections in the Association's Covenants, Conditions, and Restrictions (CC&Rs) that attempt to restrict the improvements property owners may make. Several of these restrictions are worded in general terms and, therefore, are subject

to interpretation. The following paragraphs attempt to clarify these restrictions and to explain how the Architectural Committee and Board of Directors interpret them. These interpretations shall be used to make decisions related to approving the improvement plans of property owners.

Project Duration Restrictions

The following is a restriction in the CC&Rs attempting to control improvement project duration:

27. "Any property improvement commenced on any of the Lots 1 to 169, inclusive, shall be completed within a time period considered to be of reasonable duration for the type of project being undertaken."

Interpretation:

It is felt that it is in the best interests of the Association to avoid situations where significant projects are started and then, for whatever reason, become stalled and remain that way for a long period of time. The reason for this concern is that many partially completed projects are not attractive and, if this situation were prevalent, the value of our development might be decreased. There might also be some safety problems with certain types of excavations or partial constructions if left unattended for long periods. Also, the longer a project takes, the longer others in our development might have to endure any noise and dust associated with it.

Therefore, property owners shall include in their approval requests an estimated project duration that is appropriate for the project being proposed. For example, excavation projects for access roads, pads, water delivery systems, or septic systems should probably be completed within thirty to forty-five days. But a project for constructing a cabin might take sixteen calendar months just to finish the shell, particularly if the owner is the builder and/or if construction must be suspended during the winter months. Property owners shall provide justification for any estimated project duration that is longer than normal for the type of project being proposed. Longer than normal project durations for projects that are likely to result in significant noise, dust, safety hazards, or unattractive conditions shall not be approved.

Property owners shall make every reasonable attempt to complete their improvement projects expeditiously. One of the most common reasons for a large project becoming stalled is the property owner not having sufficient funds available for its completion. Property owners are reminded that hiring help to work at our remote location is often difficult and expensive. Property owners are asked not to begin projects unless they are sure that sufficient funds will be available to complete them within the approved estimated duration.

Excavation Restrictions

The following is a restriction in the CC&Rs attempting to control excavations:

26. "No lot owner shall change substantially any existing drainage from that drainage set forth in the overall subdivision plan. Any substantial change in drainage shall be approved by the Association or its committee."

Interpretation:

There are several concerns associated with excavations. The primary one is to protect the quality of our well water. Another is to maintain control over the flow of runoff to prevent erosion. A third is to not interrupt the flow patterns of underground springs.

The Association chooses to interpret "drainage" as including the underground flows as well as the above-ground flows. This includes flows associated with typical septic system leach fields.

In effect, all excavation type projects should be submitted to the Association for approval. The plans should demonstrate that all excavations are within lot and easement boundaries. In the case of access roads and pads, assurance must be provided that runoff patterns will not create erosion problems to the lot, adjacent lots, or roads. Meeting the Madera County restrictions for septic system installation is usually sufficient for Association purposes. Pit toilets and cesspools shall not be permitted on any lot.

Appearance and Quality Restrictions

The following are restrictions in the CC&Rs attempting to control the appearance and quality of property improvements:

13. "... to insure that High Sierra Meadows will develop into an attractive resort area of high quality, character and appearance, with as little damage and destruction to the natural beauty of the land and trees as is possible."
14. "... As far as practicable, the external designs of all structures are to be of rustic, mountain-cabin type and in harmony with existing structures. Workmanship and materials shall be of high quality and appearance. No improvement of any type is to be performed without first obtaining appropriate building permits."
23. "No lot owner shall remove any existing trees from the Subdivision without the approval of the Association, which approval shall not be unreasonable withheld, when removal of such tree is consistent with good timber

management practices, or is pursuant to the construction of a structure, the plans and specifications of which have been approved by the Association."

Interpretation:

It seems clear from the provisions and restrictions in the CC&Rs that our development was originally intended to be a modest retreat for those who enjoy being in a mountain-type atmosphere and participating in the types of activities typical of mountain life. The value and atmosphere of our development is influenced significantly by the appearance of both our permanent structures and our landscaping. The appearance of a structure is largely determined by its' shapes and colors as well as the types of materials from which it is constructed. The quality of workmanship and materials are also important factors in determining a structure's appearance. Another factor is how well a structure blends in with the landscape and the other structures in the surrounding area. If it hopes to maintain the value and atmosphere of our development, the Association must have restrictions on the appearance and quality of the permanent structures and landscape.

A key component in the appearance and atmosphere of our development is the forest landscape. It is the intent of the Association to protect this forest landscape and maintain it in a natural state as much as is possible while using good forest management practices and allowing lot owners to make reasonable improvements to their lots. Therefore, live trees that have a diameter greater than five inches (15 3/4 inch circumference) measured at a point two feet above the natural grade shall not be removed without Association approval. Dead trees and limbs may be removed without Association approval. Excavation and/or construction projects requiring the removal of the majority of the trees on a lot shall not be approved. Owners shall be required to minimize tree removal as much as possible. The removal of oak, cedar, spruce, aspen, and fir trees shall be discouraged. Tree removals for the purpose of conducting Association approved improvement projects, removing safety hazards, and good timber management (such as thinning to promote forest growth) shall be approved. Tree or limb removals of a modest nature to enhance the use of or view from a lot shall also be approved. No lot owner shall plant any tree or other type of vegetation within the Subdivision that is not native to the local area or any native tree, plant, or other vegetation that requires regular irrigation.

It is in the best interests of our development if all permanent structures are consistent with a "mountain atmosphere." There are three ways that permanent structures may be placed on lots in our development without detracting from this mountain theme. One way is for their external designs to take on an appearance generally considered to be typical of those associated with mountain environments. Typical mountain designs generally have steep roofs and take on the characteristics associated with log cabins, chalets, A-frames, and some geometric designs (hexagons, octagons, and

variations on domes). Property improvement plans for permanent structures with these designs are likely to be approved. A second way for permanent structures to not be in conflict with our mountain atmosphere is for them to blend in with their surroundings such that they do not readily stand out. This may be done by using designs and color schemes that, in effect, make the structure less noticeable. Vertical lines help in this regard. The colors should be those of the adjacent forest and earth, such as shades of brown and green. For example, painting a propane tank green or brown helps to blend it into its surroundings. A third way for permanent structures to not be in conflict with our mountain atmosphere is for them to not be visible from adjacent lots and roads. Placing structures where they can't be seen or hiding them in foliage or behind other, more acceptably appearing structures can be an effective technique. For example, placing a rustic-looking fence around a propane tank or surrounding it with indigenous trees or shrubs is a way to remove it from public view. Designs, materials, color schemes, and/or locations of permanent structures not consistent with our mountain atmosphere shall not be approved. Property owners shall minimize the use of materials causing high degrees of glare from reflected sunlight. Roofs constructed of unpainted galvanized corrugated steel shall not be approved.

The quality of construction and the materials used must also be consistent with the Association's goal of maintaining the appearance and value of our development. Property owners must adhere to all building codes and obtain the permits and inspections required by Madera County. Copies of the permits and inspections shall be made available for verification by the Architectural Committee. In addition, any structures with plumbing systems must have the means to completely drain the system of fluids that might freeze. Also, each lot's master water shutoff valve must be retained in its original location and kept in good working condition. Plumbing systems internal to a structure must be protected from or designed to tolerate water pressures up to 200 psi. Property owners are encouraged to cover all roofs with materials having a "Class A" fire rating. Wooden shake shingle roofs shall not be approved. Permanently installed electric generators shall be installed in a manner which muffles the sound they make so that they cannot be heard at a distance of 150 feet away from the generator engine or the end of its exhaust pipe.

Submitting improvement plans for the construction of buildings containing bathroom, kitchen, and sleeping facilities which have less than 500 total square feet is discouraged. Many mountain resort areas restrict minimum dwelling size to 1500 or 2000 square feet. Since the value of residential real estate is significantly influenced by the size of its dwellings, the purpose of this type of restriction is to try to maintain value by not allowing a development to become a collection of small shacks. It is in the best interests of our development if owners construct these types of building such that they

contain significantly more area than this minimum recommended 500 square foot size.

Structure Placement Restrictions

The following is a restriction in the CC&Rs attempting to control the placement of structures:

16. "No building or part of a building shall be nearer to any street or road than twenty-five feet and no part of any building shall be less than fifteen feet from any side, twenty feet from any rear lot line, and thirty feet from the Sierra National Forest boundary. The Association shall freely grant variances from this provision if topography makes it difficult or impossible to construct buildings in conformity herewith."

Interpretation:

These restrictions are often referred to as setback requirements. They are primarily intended to provide buffer areas between neighbors to prevent encroachment and the spread of fire. The Association's setback requirements are more restrictive than those of Madera County, except the one from the forest boundary. The additional space is required to attempt to maintain an atmosphere of openness in our development. The Association chooses to interpret the word "building" as meaning any permanent structure as well as any associated excavations such as access roads, pads, and septic systems.

All improvement plans involving permanent structures must provide sufficient information to determine that the setback requirements have been met. Variances from these restrictions will be freely granted if it can be demonstrated that they are necessary and no reasonable objections are made by adjacent lot owners. (Madera County has a special procedure and a substantial charge for obtaining a variance from the thirty feet forest boundary setback requirement.)

Because the meadow is such a primary feature of our development and adds much to its attractiveness, special restrictions shall be imposed on lots located on the meadow. On the approved plot plan of the Subdivision there exists Easement "D" which is an easement for "Recreation and Open Space." Approval will not be given to any improvement plans that include excavations or placing permanent structures within this easement area. Also on the approved plot plan of the Subdivision is a line identified as "Limit of Meadow." Improvement plans including excavations or placing of permanent structures within the limits of the meadow defined by this line shall be approved only on an exception basis when it can be demonstrated that they are necessary and will not significantly detract from the openness and attractiveness of the meadow landscape. Variances on the setback

requirements from the roads and lot lines shall be granted in favor of approving improvements within the limits of the meadow.

PROPERTY MAINTENANCE AND USE RESTRICTIONS

The Association intends to protect the mountain atmosphere, serenity, security, and value of our development by insuring that lots are maintained and used in a manner consistent with this goal. There are several sections in the Association's CC&Rs that attempt to control how lots are maintained and used. Again, several of these restrictions are worded in general terms and, therefore, are subject to interpretation. The following paragraphs attempt to clarify these restrictions and to explain how the Architectural Committee and Board of Directors interpret them. It is these interpretations that will be used to make decisions related to how well property owners are complying with the intent of these restrictions.

Maintenance Restrictions

Property owners shall maintain their lots in a manner such that all landscaping, excavations, and permanent structures on their lots comply with the restrictions specified in this document under the section entitled "PROPERTY IMPROVEMENT RESTRICTIONS." The following are additional restrictions in the CC&Rs related to the way lots are to be maintained by their owners:

17. "All vacant lots in this subdivision shall at all times be kept free of rubbish and litter. The yards and grounds in connection with all improved property shall at all times be kept in a neat and sightly condition and shall be planted to any extent sufficient to maintain appearance in keeping with that of typical improved properties in this subdivision. Each lot owner will be responsible for carrying out dead limbs and debris from trees to a height of fifteen feet. A fuel break condition must be maintained on each lot, for example, long stretches of undergrowth may be broken by hand clearing at frequent intervals to prevent the possible spread of fire."
18. "No motor vehicles, boats or trailers shall be permanently parked in any driveway or any portion of any lot"
19. "No refuse, trash, garbage or other waste shall be kept except in proper containers."
20. "No lot shall be used nor any portion of any land adjoining any lot shall be used as a dumping ground for rubbish. All sanitary containers shall be maintained in a clean and sanitary manner."
23. "No lot owner shall remove any existing live, well-developed tree from the Subdivision, without the approval of the Association, which approval shall not be unreasonably withheld, when removal of such trees is consistent with good timber management practices"

Interpretation:

To protect the atmosphere and safety of our development, the Association must have restrictions controlling the conditions maintained on the lots within our development. The CC&Rs just listed attempt to insure that the grounds and landscapes of lots shall be maintained in a clean, safe, and sanitary manner as well as with good timber management and fire safety practices.

Property owners shall at all times keep their grounds free of litter such as refuse, trash, garbage, and any other waste products. Containers used to store waste products shall be emptied in a timely fashion and their contents taken out of the National Forest and disposed of using appropriate methods. No human waste shall be placed on or in the ground except via Association and County approved septic systems. Inoperative motor vehicles, boats, utility/boat/vehicle trailers, and other types of equipment or machinery shall not be permanently parked on any lot. All tools and other loose items shall be stored out of sight when property owners are not in residence. In summary, all property owners are expected to keep their lots looking neat and clean.

Many of the lots in our development have access roads or driveways that cross a roadside drainage ditch over a culvert. Property owners having this type of access shall maintain the culvert in a manner to insure that runoff water may pass through it properly and the road is protected from erosion. Similarly, property owners shall keep their adjacent roadside drainage ditches free from obstructions that would interfere with runoff water drainage control.

Property owners shall comply with the U.S. Forest Service requirements for fire safety. Currently, it requires that a thirty feet buffer zone be maintained around all structures (excluding fences). All pine needles, dead limbs, and other combustible litter shall be removed from the buffer zone. Property owners shall also maintain their grounds and landscape in a manner that will prevent fires from starting or spreading.

Property owners shall use appropriate timber management practices to maintain and enhance the tree population within our development as being healthy and robust. This might include the removal of dead, infected, or infested limbs and/or trees. Property owners shall also perform the thinning of trees and other growth in a manner such that sufficient water and nutrients are available to those remaining.

Use Restrictions

The following are restrictions in the CC&Rs related to how lots may be used:

14. "None of said Lots 1 through 169, inclusive, shall be used except for residential purposes. . . ."
21. "No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, horses or other household pets may be kept provided they are not kept, bred or maintained for commercial purposes."
22. "No nocuous or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood."
24. "No signs of any kind, other than a nameplate with the occupant's name, shall be displayed to public view on any lot except one sign of not more than six square feet, advertising the property for sale or rent or a sign used by a builder for advertisement . . . during construction and sale. . . ."
25. "No firearms, including, but not limited to, rifles, pistols, air rifles and air pistols, shall be discharged within the Subdivision covered by this Declaration."

Interpretation:

Our development was designed and marketed as a mountain retreat. Lots shall not be used for any type of commercial activity or for advertising any type of commercial activity.

Property owners shall be responsible for insuring that their lot(s) are used in a manner consistent with maintaining a pleasant and serene atmosphere in our development. Chain saws, portable generators, construction machinery and other loud devices shall not be operated prior to 7:30 a.m. or after 6:00 p.m. Boisterous activity is discouraged at all times and shall not be conducted before 7:30 a.m. or after 10:00 p.m. No amplified music or other sounds shall be played at a volume level that can be heard from an adjacent, occupied lot. Property owners shall not allow their family members, guests, or pets to make noises that might disturb others within the Subdivision.

No type of firearm may be discharged within the Subdivision. Property owners are requested to not discharge firearms close enough for them to be within range of the Subdivision. Property owners are also requested to not discharge firearms close enough to the Subdivision for their noise to cause concern to people within the Subdivision.

There shall be only three types of signs permitted on lots. One type are those advertising a lot for sale and they are restricted to one sign per lot, not greater in size than six square feet. The second type are those identifying a lot by displaying its Lot Number, the name of its owner(s), and/or a name

given to the lot by its owner(s). The third type are those identifying subcontractors performing work on a lot. Only one sign per subcontractor is permitted, not to exceed six square feet in size, which may be displayed only during the period over which the subcontractor is performing work on the lot.

Although pets are permitted, they must not be allowed to disturb or endanger others. Property owners shall not allow dogs or horses to roam onto the lots of others. When owners take their dogs off of their lots, they shall take whatever steps are necessary to insure that they do not become a nuisance or danger to other people, pets, or indigenous wildlife.

A significant problem for the Association is water leaks. These leaks are often the result of a failure in property owners' water plumbing systems combined with the master shutoff valves being left open. Knowing a leak has occurred is difficult enough, but finding it is often much more difficult. Many hours of volunteer labor have been expended looking for leaks that have eventually been found on a lot that the owners have left without turning off their master shutoff valves. All property owners shall insure that their water plumbing systems are isolated from the Association's water delivery system when they leave their lot for any period longer than sixteen hours.

PROPERTY IMPROVEMENT PLAN APPROVAL PROCEDURES

Property improvements, as defined and described in this document, must be approved by the Architectural Committee. Sufficient information must be provided to the Committee so that it may determine the nature of the proposed improvements and whether or not they will comply with the Association's CC&Rs, as interpreted within this document. Sufficient time must be allowed by the property owner for this process to be completed prior to beginning the proposed improvements. The following instructions should be used to expedite this process.

Instructions

1. Make a copy of the attached blank Lot Improvement Approval Request form.
2. Fill in all appropriate information on the copy.
3. Attach all requested and supplemental plans, descriptions, diagrams, sketches, etc.
4. Make a duplicate copy of this information packet.
5. Mail or deliver the property improvement request packet to a member of the Architectural Committee (preferably the chair of the committee) at least 60 days prior to when the proposed project is to begin.

6. If your request is denied, either appeal to the Board of Directors in writing or modify your request to satisfy the objections of the Architectural Committee and resubmit your revised request, as described above.
7. If your project requires building permits and inspections from Madera County, as these documents are obtained, notify the Architectural Committee and make them available for verification. It is recommended that you not incur expenses for permits or other items until after your improvement plans have been approved by the Association.