

Kelseyville Riviera
COMMUNITY ASSOCIATION
9689 State Highway 281, Kelseyville, CA 95451
707 277-7281

**NOTICE OF PROPOSED RULE CHANGES
to the
Guidelines to Building**

Hearing Date: June 10, 2024 at 6:00 p.m.

May 14, 2024

The Board of Directors reviewed proposed changes to the *Guidelines to Building* at their regularly scheduled meeting on May 13, 2024. The Board authorized a 28-day public review period during which property owners may review the proposed changes and submit comments.

Purpose and Effect of the Proposed Changes: The Architectural Control and Planning Committee compiled modifications and additions to the KRCA *Guidelines to Building* to keep current with State requirements, and to respond to deficiencies the Committee has seen over the past year. Additionally, some items are revised for grammar and clarity.

The proposed revisions are intended to provide clear and concise guidelines for property owners as to the types of structures and uses that are allowed. The revisions also include procedures for nuisance abatement.

The public review period is from May 14, 2024 to June 10, 2024. Copies of the proposed modifications can be obtained from the Association's office, 9689 State Highway 281, Kelseyville, CA 95451, on the Association's website: kelseyville-riviera.com, or by contacting the ACP Coordinator at acp@krca.biz or (707) 277-7281. Questions and comments may be submitted via email, in-person, or through regular mail.

All written comments received will be submitted to the Board of Directors for their review at their next regularly scheduled meeting on June 10, 2024.

MEMORANDUM

To: Architectural Control and Planning Committee

From: Emily Gonsalves
Architectural Control and Planning Committee Coordinator

Date: April 4, 2024

Regarding: Draft Modifications and Additions to the KRCA *Guidelines to Building*,
and new ACP Committee Procedures

Attachments: 1. Current *Guidelines to Building*
 2. Draft *Development Guidelines*
 3. Draft *ACP Committee Procedures*
 4. Draft Notice to Post for Approved Projects

The Architectural Control and Planning (ACP) Committee compiled the following modifications and additions to the KRCA *Guidelines to Building* to keep current with State requirements, and to respond to deficiencies the Committee has seen over the past year. Additionally, some items are revised for grammar and clarity. These guidelines must be approved by the Board of Directors prior to implementation. After Board approval, these amendments will be posted for 28 days for public review and comment. Comments will be brought back to the Board for review before implementation.

The ACP Committee recommends that the Board of Directors approve the following modifications to the Association’s governing documents:

1. Change the name from *Guidelines to Building* to *Development Guidelines*

Name change to accommodate new requirements that are not related to building, including drainage easements and a requirement to have trash service.

2. Reduce the number of sets of plans required

The ACP Committee recommends reducing the number of required sets of plans for new or major construction from four to three. The Lake County Building and

Safety Division requires applicants to submit two copies of construction plans approved by the KRCA. The Association keeps one set. There is no need for a fourth set of plans.

3. New language for Health Department approval

Health Department Approval: Applications for new construction or major addition must include a site plan approved by the Lake County Health Services Department. Additionally, projects that may encroach on an existing septic system, leach field, or replacement leach field, such as decks, patios, or gazebos also need Health Services Department approval prior to submission.

4. Revised language for the types of structures permitted is in **bold font**

Type of Structures Permitted: Except in areas **designated for commercial or duplex development in Exhibits “A” and “B” of the CC&Rs**, only single-family dwellings **with garage facilities and other residential accessory structures, such as sheds, decks, fences, or gazebos, may be constructed.**

5. New and revised language for roofing are in **bold font**

Roofing: A conventional roof of **asphalt, composition, tile, or metal** with a minimum pitch of five (5) inches of rise to one (1) foot of horizontal distance and a roof overhang of no less than eighteen (18) inches is required. Gutters and down spouts must be provided so that water drains without damage to your or your neighbors' lots and improvements. Due to the potential fire hazard, the use of shake shingles is not acceptable. Roofing of decks, porches, and patios must be of the same color and material as the main roof, unless a specific variance is granted. **Metal roofing must have factory-applied color coating or other non-reflective paint.**

6. New language for corner lots

Corner Lots:

Definition of corner lot: A lot abutting two or more streets at their intersection, or abutting two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Building setbacks for corner lots shall be determined by the Architectural Control and Planning Committee or Board of Directors.

7. New language for propane tanks

Propane Tanks: The location of proposed propane tanks must be reviewed and approved by the ACP Committee prior to placement. The following information must be included with the application, subject to review and approval of the ACP Committee:

- Propane tanks must be screened from public view. Please provide a description and size of proposed screening materials. Typical examples are fencing or lattice. Screening materials must be anchored in the ground and adequately supported.
- The dimensions, volume, and color of the tank(s).
- A site plan depicting the property lines, all existing structures, and the proposed location of the tank(s) with distances between each.
- Materials that will be used for the pad on which the propane tank(s) will be placed.

8. New and revised language for easements

Easements: Easements for utilities, water distribution, drainage, and sewerage are reserved on lots in the Clear Lake Riviera Subdivision, Units 1 through 13, filed with the Lake County Recorder. Easements are typically five feet wide on side and rear property lines, except those lots adjoining the outer boundary of the subdivision where a ten-foot wide easement is reserved.

- Utility, water distribution, and sewerage easements: Property owners should be aware that there are utility easements that may be used to extend utility lines. If improvements, such as fencing or landscaping, are placed within a utility easement, those improvements may need to be removed, at the property owner's expense, if they hinder access to, or maintenance of, the easement.
- Drainage Easements: Some drainage easements are maintained by the Lake County Public Works Department. Easements not maintained by the County must be maintained by the property owner on which the easement is located. No structure, planting, or other material, which may obstruct or alter the flow of water, shall be placed within drainage easements.

9. New language to keep construction sites tidy

Some of this language is currently in the Prompt Completion section of the *Guidelines to Building*. However, the ACP Committee feels this is an issue that warrants its own section.

Construction Sites Must Be Kept Clean: Construction sites must be kept in a clean, orderly, and tidy condition that is free of rubbish and debris. Piles of dirt and rock must be covered and held in place with straw wattles, construction tarps, or other appropriate item(s) approved by the ACP Committee. Tarps must be anchored to what they are covering to ensure they stay in place.

10. New and revised language for fences, dog runs, decorative walls, and hedges

The current *Guidelines to Building* have fence standards. However, additional clarifying language would be helpful. Following are the current fence standards with recommended additions in **bold font**:

Fences, Dog Runs, Decorative Walls, and Hedges: Must be of approved wood fencing, wood-framed wire, **metal, metal-framed wood**, or chain-link fencing, **subject to review and approval of the Architectural Control and Planning Committee or Board of Directors**. A top and bottom rail is required on any type of fence. While a top rail is required for chain-link fencing, a bottom tension wire will qualify as a bottom rail on a chain-link fence. **Chain-link and wire fencing must be attached to the top rail**. No T-Post and wire fencing is allowed. **Posts should be no more than 10 feet apart and anchored in the ground a minimum of 18 inches deep. If the posts are wood, they must be a minimum of 4-inch x 4-inch**. Fences must not exceed four (4) feet in height in the front setback area of the lot and must not exceed six (6) feet in height on the rest of the lot. **Height limits for fences on corner lots shall be determined by the Architectural Control and Planning Committee or Board of Directors. Decorative walls and hedges are subject to the same height limits and approval process.**

11. New and revised language for signs in bold font:

Signs:

- One sign of customary and reasonable dimensions—eighteen (18)-inch x twenty-four (24)-inch maximum, are permitted to be displayed on any lot advertising the same for sale.
- **Temporary signs announcing or supporting political candidates or issues in connection with any national, state, or local election are permitted and do not require approval of the Association. These signs must be removed within 48 hours following the election for which the signs are promoting.**

- All other signs, billboards, or advertising structures of any kind are prohibited, with the exception of application to and written permission of the ACP Committee or Board of Directors.

12. New language for accessory structures and uses on vacant lots

We receive inquiries from property owners that own a home and a vacant lot next to their home, and the lots have not been merged through the County. They would like to park vehicles or place a shed on the vacant lot. Currently, all that is allowed by both the KRCA and Lake County Community Development Department is a fence on the vacant lot. The ACP recommends the following language:

Accessory Structures and Uses on Vacant Lots:

Definition of consecutive lots: Two or more adjacent lots under the same ownership that are not merged (a voluntary merger has not been recorded with the Lake County Recorder).

Consecutive lots on which at least one is developed with a residence may be developed with nonpermanent residential accessory structures, such as sheds, parking areas, and above ground swimming pools (not in ground swimming pools), subject to review and approval of the Architectural Control and Planning Committee or Board of Directors. No items or vehicles related to a business or commercial operation may be stored. Driveways and parking areas must be improved with a dust-free surface, such as gravel, chip seal, or concrete. Parking areas shall be accessed via the driveway to the principal residence. No separate driveway encroachment will be permitted. Structures on permanent foundations are not allowed.

Vehicles that are parked or stored openly (not in a garage) must be registered with the Department of Motor Vehicles, whether operational or not. Vehicles must be screened by a solid fence, wall, or hedge, subject to review and approval, prior to placement of anything on the lot. Alternatively, a car cover may be approved. The number of vehicles parked or stored on a lot shall be no more than such number as is reasonably determined by the Architectural Control and Planning Committee or Board of Directors.

Pursuant to CC&Rs Section XII, lots shall be kept in a clean, sightly, and wholesome condition, and no rubbish, unsightly brush, or unsafe materials shall be on any lot.

If the lots are to be sold separately, all accessory structures and uses shall be removed from the vacant lot(s), with the exception of a fence, wall, or hedge, which are permitted on vacant lots.

13. New language for hazardous conditions

Properties that May Be Hazardous: Temporary construction fencing, consisting of chain link or plastic construction fencing, and *No Trespassing* signs, are required on properties that may present a health or safety hazard, subject to review and approval of the ACP Committee of Board of Directors. Temporary fencing must be removed when the ACP Committee or Board of Directors determines the property no longer presents a health or safety hazard.

14. New language for accessory dwelling units and junior accessory dwelling units

An accessory dwelling unit (ADU): A residence that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. The dwelling must include permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU may be either attached to the primary dwelling or a detached, separate unit. The total floor area of an attached unit cannot exceed 50 percent of the existing primary dwelling. If it is detached, it cannot exceed 1,200 square feet. The unit must have at least 150 square feet of living area. A junior accessory dwelling unit (JADU) is a unit that is no more than 500 square feet in size and is contained entirely within a single-family residence.

California Civil Code § 4751 requires that homeowners' associations allow ADUs and JADUs, and cannot impose restrictions that would unreasonably increase the cost to construct or effectively prohibit the construction of an ADU.

The Kelseyville Riviera Community Association's CC&Rs state that "The [ACP] Committee shall have the right to disapprove any plans ... if the design or color schemes of the proposed building or other structure is not in harmony with the general surroundings of such lot or with the adjacent buildings or structures..." (Section IV, paragraph 4, page 3). HOAs can require architectural review, height, setback, maximum size, and other standards to facilitate compatibility with existing development if these rules are in writing and applied consistently. Parking requirements cannot be enforced, nor can there be a requirement that the unit be owner-occupied.

The Architectural Control and Planning Committee recommends the following language be added to the *Development Guidelines*:

Accessory Dwelling Units

Pursuant to California Civil Code § 4751, attached or detached accessory and junior accessory dwelling units are permitted on a lot with a proposed or existing primary residence. The unit shall meet the following development standards:

The roof pitch, roof overhang, color scheme, and materials shall match those of the primary residence, subject to review and approval of the Architectural Control and Planning Committee or Board of Directors. Exceptions may be approved for materials or design features that enhance fire safety or energy efficiency. Covered parking is encouraged, but not required. Units shall also be consistent with the requirements of the Guidelines to Building related to:

- Structure height,
- Setbacks from property lines,
- Gutters and water drains,
- Permanent continuous perimeter foundation,
- Subject to a performance deposit and plan check fee,
- The plan submission process, and
- Prompt completion.

15. New language for cannabis cultivation

California Health & Safety Code § 11358 decriminalizes the planting, cultivating, harvesting, drying, or processing of no more than six living cannabis plants by a person at least 21 years of age, with certain exceptions. However, none of these laws prohibit Homeowners Association's from imposing additional restrictions, including banning or limiting the amount of cannabis from personal gardens. The ACP Committee has developed standards to allow a minimal amount of cannabis to be cultivated indoors, or in backyards behind a fence, wall, or hedge and locked gate subject to the following requirements:

Definitions:

“Cultivation” means the planting, growing, harvesting, drying, or processing of one or more cannabis plants or any part thereof indoors and outdoors.

“Cannabis plant” means any mature or immature cannabis plant, or any cannabis seedling.

Standards:

1. A total of no more than six cannabis plants per lot may be cultivated, harvested, dried, or processed on lots or in residences that are designated by the CC&Rs as residential and that are developed with an occupied residence, subject to the following standards.
 - a. Indoor cannabis cultivation is allowed without approval from the KRCA.
 - b. Whether indoors, outdoors, or a combination of the two, the total number of cannabis plants cultivated may not exceed six per lot.
 - c. Outdoor cannabis cultivation may only occur in an enclosed rear yard, which is defined as any portion of a yard or area in the rear one half of the lot which extends from the rear wall of the principal building to the rear lot line.
 - d. Approval of outdoor cannabis cultivation shall expire on November 30 of the year in which the approval was issued.
 - e. Cannabis may only be cultivated for personal use or donation. The sale of cannabis in any form is not allowed.
 - f. Cannabis plants must be screened from public view and neighboring properties by a six-foot high solid fence, wall, or hedge, subject to review and approval of an Application for Minor Construction by the KRCA prior to planting.
 - g. Prior to placement of cannabis plant(s) on any property, an Application for Minor Construction shall be reviewed and approved by the Architectural Control and Planning Committee or Board of Directors. The application must include:
 1. A site plan depicting the property lines, all existing structures, the area proposed to be cultivated, and the solid fence, wall, or hedge proposed for screening.

2. Details on any proposed gates demonstrating that the cultivation area will not be accessible by anyone other than the property owner(s).
3. Proof that at least one property owner is at least 21 years of age. A copy of a California-issued driver's license, passport, birth certificate, or other government-issued identification is acceptable.
4. The signature of at least one property owner.

16. New language requiring trash service

Waste Removal: All residences and businesses must have weekly garbage, recycling, and organics collection by a licensed refuse collection company. Garbage, green waste, and recycling containers must be removed from the street, preferably out of public view, within 24 hours following pick up by the refuse company.

17. KRCA Approval Notice to Post on Construction Sites

The Lake County Community Development Department, Building and Safety Division, issues a notice for property owners to post on their property when a building permit is issued. Similarly, the ACP Committee would like to require that a notice be posted for KRCA approval. Please refer to Attachment 4.

18. ACP Procedures

The Davis-Stirling Act requires that homeowners' associations adopt written procedures for reviewing architectural applications and nuisance abatement. The procedure must provide prompt deadlines for review by the association. The procedures must be included in the association's governing documents. This document will be a standalone document, not a part of the *Development Guidelines*. Please refer to Attachment 3.

Clear Lake Riviera Community Association GUIDELINES TO BUILDING

Listed here are the basic restrictions and guidelines that apply to building any type of structure in the Clear Lake Riviera Community Subdivision, Units 1 through 13. Also listed are restrictions and guidelines for a major addition/remodel, installation of a deck, porch, patio, or other improvements such as: installation of solar panels/pool/spa/etc., or construction of a fence/retaining wall/storage shed, etc.

As a lot owner, by acceptance of a deed conveying title to your property, you have accepted the Covenants, Conditions, and Restrictions, listed in the paragraphs below and as detailed in Amended and Restated Declaration of Covenants, Conditions, and Restrictions. The restrictions stated below are excerpted from the Declaration of Restrictions established by Clear Lake Riviera, Inc., owner/developer of Clear Lake Riviera subdivision and shown completely on a map recorded in the Lake County Recorder's Office.

Any member not in good standing, or any parcel delinquent in its annual assessments or fines will be denied processing of the application until all monies are paid in full and the member is in good standing.

Deposits and Fees

Plan Check /Performance Review Fee: A \$300.00 Plan Check Fee is charged each time a set of plans are submitted for a given lot to the A.C.P. Committee and is non-refundable even if the plans are disapproved or not used. The fee covers **plan approval for a period not to exceed twelve (12) months**. If construction has not begun during that period, and the owner/builder has not requested an extension, approval will be voided. A new plan submission, and performance review fee will be required. If and when an additional structure is to be erected on such lot, an additional non-refundable performance review fee of \$300.00 is to be charged when plans are submitted. For **minor construction projects** requiring plans and a county permit, a non-refundable performance review fee of **\$85.00** is to be charged when plans are submitted. Fees are not charged for decks, retaining walls, and small storage shed plans that do not require a county permit.

Performance Deposit: A **POSTAL MONEY ORDER** in the amount of **\$2,000.00** made payable to Clear Lake Riviera Community Association (**CLRCA**) shall be tendered with plans as a guarantee of prompt completion. An extension for "just cause" may be granted upon proper application. The Deposit is forfeited if construction is not completed within the allotted time frame, which is normally twelve (12) months.

Refund of this deposit is contingent upon the following requirements.

- (1) The builder or owner must supply the Association with a copy of the County of Lake final inspection card with inspectors' signoff on the FINAL block and Certificate of Completion.
- (2) The ACP Committee must first inspect the property to make sure that all construction materials, etc. have been properly removed, and that the property is clean before they give their final approval.

The ACP final approval will be done within two (2) weeks of receiving a copy of the County of Lake "Inspection Record Card". **Performance Deposits** will be refunded within 30 days of the ACP Committee's final approval.

The Process

Plan Submission: Owner must be in good standing. Please submit the \$300.00 Performance Review Fee, a separate \$2,000.00 Postal Money Order (made payable to CLRCA), the **Completed Application for major construction** and four (4) sets of building plans. Applications must be filled out completely and **MUST include paint chips and roofing samples** where indicated on the application. Without the samples we will not be able to approve the application. Approval will be issued within thirty (30) working days if all requirements are met and all information required has been correctly provided. Upon approval you will be notified. One set of building plans will remain on file with the Association. **You must bring back a complete set of plans with county approval stamp in exchange for the set we have kept.**

If there are any problems with the application, the ACP committee will notify owner/builder upon discovery and a new 30 day working period will begin upon receipt of the requested information. Plans not approved within 30 days will be deemed to have been disapproved.

Start of Construction: The date the Footings are signed off is the "Start Date" of construction. Start of construction must commence within 12 months of the ACP plan approval date. You **MUST** provide the ACP committee with a copy of the "Inspection Record Card" after the Building Inspector signs off on "Footings and Forms".

Completion of Construction and submission of the Lake County "Inspection Record Card" and certificate of completion (copies) **must be provided within 12 months of the Starting Date.** Once the Inspection Card is submitted to the ACP Committee, the final inspection is conducted by the ACP Committee. If all requirements have been met and the construction complies with the approved plans, the performance bond refund will be issued.

If at any time you realize that you will not meet the time frame schedule, **you must contact** the ACP Committee in writing requesting an extension of time, stating reason for the extension and the additional time needed must be indicated on request.

*****NOTE: Extensions longer than 6 months are considered under extreme circumstances and may require an additional performance bond.**

Adherence to the Association policies, procedures and time frames is required to protect you from performance bond forfeiture.

Requirements For New Construction or Major Addition

Inspections: As a part of the application approval process, construction follow up, and the final sign-off for the bond refund, the ACP Committee may complete one or more inspections at the construction site to in-sure that the construction complies with the CLRCA guidelines. By submitting the construction application, the owner gives permission to Clear Lake Riviera Community Association to complete these reasonable inspections.

Lake County Building Code: In addition to getting approval from the ACP Committee, all plans must be submitted to the Lake County Building Department for their approval and the issuance of the appropriate permits including clearance of the septic system by the County Environmental Health Department.

Type of Structure: Except in specially designed business or multiple dwelling areas, only single-family dwellings may be constructed with garage facilities for at least two (2) automobiles. (Some 2-level side-hill structures can qualify within the building height formula of the established restrictions.)

Minimum Size: Each single-family unit or duplex shall have not less than one thousand (1000) square feet of fully enclosed main floor area (excluding exterior walls) devoted to living purposes. This must be exclusive of roofed or un-roofed porches, terraces, garages, or other non-living purpose areas, in or adjacent to the structure.

Car Parking Accommodations: The County of Lake requires off-street parking for at least two (2) cars. In addition, the County requires the garage to be fully enclosed and a minimum size of 20 feet X 20 feet.

Foundation and Siding: Buildings are required to have a permanent continuous perimeter foundation and siding in conformance with the County Building Code. Colors of the exterior are subject to ACP approval and all County regulations.

Roof Material: A conventional roof with a **minimum pitch of five (5) inches of rise to one (1) foot** of horizontal distance and a roof overhang of no less than eighteen (18) inches is required. Gutters and down spouts must be provided so

that water drains without damage to your own or your neighbors' lots. Due to the potential fire hazard, the use of shake shingles is not acceptable. Roofing of decks, porches, and patios must be of the same color and material as the main roof, unless specific variance is granted.

Structure Height: Maximum roof height must not exceed seventeen (17) feet above street level or control point for that lot. The main floor elevation and maximum roof height will be indicated on the plans, in relation to the control point.

Design and Color: Both the design of the structure and its exterior color schemes must be in harmony with the general surroundings of such lot, with adjacent buildings or structures in the subdivision. Construction plans, submitted to the ACP Committee for approval must detail design of the structure as well as its exterior color scheme (paint, trim & roof). **Color chips must be submitted for re-painting and re-roofing, even if using the same or similar color.**

Setbacks & Survey Makers: The side setbacks (setbacks from the side boundaries of the lot) shall be no less than 5 feet. The front and rear setbacks shall be a minimum of twenty (20) feet from the front and rear boundaries of the lot. Setbacks for lots with unusual shapes or orientations should be determined through consultation with the ACP Committee. The builder or owner will identify all lot corners or have them replaced by a licensed surveyor. Lots must be cleared before plans are submitted. The ACP Committee, if deemed necessary, may require the use of a string or other similar material to outline the perimeter of the lot for inspection.

Propane Tank: The location of the propane tank must be indicated on the plot plan submitted to the Association with the Major Construction application.

Lot Clearing: Lots are required to be maintained at all times according to the fire prevention standards of the Kelseyville Fire District and CLRCA. Prior to submission of plans the property must be cleared so that the committee can make a thorough and accurate inspection before approval.

Easements: For installation and maintenance of utilities and drainage, facilities are reserved as shown on lots on the recorded map. Within these areas no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with installation and maintenance of utility; or which may change the direction of flow of drainage chemicals in the easement; or which may obstruct or retard the flow of water through drainage channels in the easement. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. The builder will take full responsibility for obtaining permission, whenever and wherever necessary, during the course of the work, from the appropriate authorities or agencies or owners with respect to performing any operations on adjoining properties in connection with the

work hereunder, or operating on the property involved in this agreement from such neighboring premises.

Temporary Buildings: Temporary buildings or shelters of any kind (RV, trailer, tent, or garage) for the purpose of residence during construction are not permitted. Temporary facilities for the storage of tools and materials may be erected if first approved by the ACP Committee. Such structures must present a neat appearance in keeping with the goals of the subdivision. Such structures will be dismantled and removed on completion and before final inspection.

Blue Houses/Porta-Potty: Owner is responsible for assuring that the contractor provides a porta-potty during construction off the road whenever physically possible. A porta potty must remain on site when the foundation has begun, and must remain on site until the county issues its Certificate of Completion, a copy of certificate and County of Lake "Inspection Record Card" signed by inspector will be provided to the ACP Committee prior to their final inspection. Upon approval of completion of project, the porta-potty must be removed. Failure to maintain the presence of a porta-potty may result in a fine.

Disposal Container/Dumpster/Covered Trailer: The property owner is responsible for insuring that the contractor provides a disposal container on site at all times during construction. The container used can be a construction dumpster, covered trailer, or any other appropriate container for maintaining a clean and safe job site.

The disposal container must remain on site as soon as the foundation has been started and remain on site until the inspector has signed the Final Approvals section of the County of lake "Inspection Record Card". Failure to maintain the presence of a dumpster or covered trailer will result in a fine.

Variations: The Board and its ACP Committee may grant reasonable variations and or adjustments of the basic restrictions and conditions provided such variance is not materially detrimental or injurious to other property or improvements in the neighborhood. The Board and its ACP Committee may also determine and allow in the respective classifications of lots additional uses, which are of the same character.

Prompt Completion: Work of construction, altering or remodeling any building on any lot or lots shall proceed diligently from start until completion. All building must be completed within twelve (12) months after the footings are poured. Extensions, if requested before deadline, may be granted. Owner/builder will keep the premises clean daily from all trash, clutter and refuse accumulated. All equipment, material and trash will be removed on completion of work.

Restrictions for Other Construction
No Fees or Deposits Required

Any installation or construction that will change the outside appearance of your property or home such as re-painting, re-roofing, solar panels, removal of large trees, landscaping, garden enclosures, hot tubs, enclosing a deck, etc., needs to follow the approved guidelines and have prior approval from the ACP committee.

Fences/Dog Run: Must be of approved wood fencing, wood-framed wire or chain-link fencing. A top and bottom rail is required on any type of fence. While a top rail is required on chain-link fencing, a bottom tension wire will qualify as a bottom rail on a chain-link fence. No T-Post and wire fencing is allowed. Fence must not exceed four (4) feet in height in the front setback area of the lot (County ordinance, sec 42-11) and must not exceed six (6) feet in height on the rest of the lot. A plot plan showing location, height, any existing fences, and a materials list must be submitted for approval before fence building is started.

Retaining Walls: Must meet height restrictions stated above for fences. A plot plan also needs to be submitted with a materials list for approval before construction is started. Retaining walls over 4' (feet) from bottom of footing or any height holding up surcharge at an angle must be approved by the County of Lake Building Department prior to ACP Committee approval.

Signs: Signs of customary and reasonable dimensions (18"x24" maximum), approved by Committee shall be permitted to be displayed on any lot advertising the same for sale (1 per lot). All other signs, billboards, or advertising structures of any kind are prohibited except upon application to and written permission from the committee.

Water Service: Please contact Mt. Konocti Mutual Water Company. Phone (707) 277-7466.

Water, (both domestic and for fire protection), in the Clear Lake Riviera is supplied by the Mt. Konocti Mutual Water Company. The water company office is to be notified prior to beginning of construction.

Thank you for helping make Clear Lake Riviera's Community Association a better place to live!

For more information or questions, please call the office at (707) 277-7281 or email acp@clrca.com.

Kelseyville Riviera Community Association DEVELOPMENT GUIDELINES

Listed here are the restrictions and guidelines that apply to building any type of structure or making any exterior improvements to a structure or property in the Clear Lake Riviera Subdivision, Units 1 through 13, filed with the Lake County Recorder. As a lot owner, by acceptance of a deed conveying title to your property, you have accepted the requirements of the Amended and Restated Restrictions, Conditions, Covenants, Agreements, and Charges.

Any member delinquent in their annual assessments or fines will be denied processing of an application until all monies are paid in full and the member is in good standing.

Major Construction or Addition

Deposits and Fees

Plan Check Fee: A three hundred dollar (\$300) plan check fee is charged each time a set of plans are submitted for ACP Committee approval. This fee is non-refundable, even if the plans are disapproved or not used. The fee covers plan approval for a period not to exceed twelve (12) months. If construction has not begun during that period, and the owner/builder has not requested an extension, the approval will be voided. A new plan submission and performance review fee will be required.

Performance Deposit: A money order or cashier's check in the amount of two thousand dollars (\$2,000) made payable to Kelseyville Riviera Community Association (KRCA) shall be tendered with plans as a guarantee of prompt completion. The deposit is forfeited if construction is not completed within the allotted time frame, which is normally twelve (12) months. Refund of this deposit is contingent upon the following requirements:

- (1) The builder or owner must supply the Association with a copy of the inspection record card with an inspector's signoff on the final block and the certificate of occupancy.
- (2) The ACP Committee must first inspect the property to make sure that all construction materials have been removed, and that the property is clean before they give their final approval.

The ACP Committee's final approval shall be completed within thirty (30) days of receiving a copy of the inspection record card. Performance deposits will be refunded within thirty (30) days of the ACP Committee's final approval.

The Process

Plan Submission: Please submit a completed application for major construction and three (3) sets of building plans. Applications must be filled out completely and must include paint chips and roofing samples. Approval will be issued within thirty (30) working days if all requirements are met and all information required has been provided. Upon approval you will be notified. One set of building plans will remain on file with the Association, and two sets will be given back to the property owner to bring to the Lake County Community Development Department.

If additional information is needed, a new 30 working day period will begin upon receipt of the requested information. Plans not approved within thirty (30) working days will be deemed to have been disapproved.

Start of Construction: Start of construction must commence within twelve (12) months of ACP Committee approval, otherwise, a new application will need to be submitted. The date the footings and forms are signed off by the Lake County Community Development Department is considered the start date of construction. You must provide the ACP Committee with a copy of the inspection record card after the building inspector signs off the footings and forms.

Prompt Completion: Construction, altering, or remodeling any building shall proceed steadily from start until completion. All structures must be completed within twelve (12) months after the footings are poured.

Time Extensions: If at any time you realize you will not be able to complete construction within twelve (12) months of the start of construction, please contact the ACP Committee in writing requesting an extension of time, stating the reason for the extension and the additional time needed. Extensions longer than six months are considered under extreme circumstances and may require an additional performance bond.

Completion of Construction: Submission of the Lake County inspection record card and certificate of occupancy (copies) must be provided within twelve (12) months of the construction start date. Once the inspection card is submitted, the final inspection is conducted by the ACP Committee. If all requirements have been met and the construction complies with the approved plans, the performance bond will be refunded.

Requirements for New Construction or Major Addition

Inspections: As a part of the application approval process, construction follow up, and the final sign-off for the bond refund, the ACP Committee may complete one or more inspections to ensure that the construction complies with the KRCA guidelines. By submitting a construction application, the owner gives permission to the Kelseyville Riviera Community Association to complete these inspections.

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Health Department Approval: Applications for new construction or major addition must include a site plan approved by the Lake County Health Services Department. Additionally, projects that may encroach on an existing septic system, leach field, or replacement leach field, such as decks, patios, or gazebos also need Health Services Department approval prior to submission.

Lake County Building Code: After the ACP Committee approves your construction plans, they must be submitted to the Lake County Community Development Department for their approval and the issuance of the appropriate permits.

Lot Clearing: Lots are required to be maintained at all times according to the fire prevention standards of Cal Fire, the Kelseyville Fire Protection District, and the KRCA. Prior to submission of plans the property must be cleared so that the Committee can make a thorough and accurate inspection before approving new construction.

Type of Structures Permitted: Except in areas designated for commercial or duplex development in Exhibits “A” and “B” of the CC&Rs, only single-family dwellings with garage facilities and other residential accessory structures, such as sheds, decks, fences, or gazebos, may be constructed.

Minimum Size: Each single-family home or duplex unit shall have not less than one thousand (1,000) square feet of fully enclosed living area (excluding exterior walls). This must be exclusive of porches, terraces, garages, or other non-living purpose areas, in or adjacent to the structure.

Parking Accommodations: A two-car garage that is a minimum of twenty (20) feet x twenty (20) feet is required.

Foundation and Siding: Buildings are required to have a permanent continuous perimeter foundation and siding in conformance with the County Building Code.

Roofing: A conventional roof of asphalt, composition, tile, or metal with a minimum pitch of five (5) inches of rise to one (1) foot of horizontal distance and a roof overhang of no less than eighteen (18) inches is required. Gutters and down spouts must be provided so that water drains without damage to your or your neighbors’ lots and improvements. Due to the potential fire hazard, the use of shake shingles is not acceptable. Roofing of decks, porches, and patios must be of the same color and material as the main roof, unless a specific variance is granted. Metal roofing must have factory-applied color coating or other non-reflective paint.

Design and Color: Both the design of the structure(s) and its exterior color schemes must be in harmony with the general surroundings of the lot, and adjacent buildings, or structures. Construction plans, submitted to the ACP Committee for approval, must detail design of the structure as well as its exterior color scheme (paint, trim and roof). Color chips must be submitted for repainting and reroofing, even if they will be the same or similar color.

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Structure Height: Maximum roof height must not exceed seventeen (17) feet above street level or control point for that lot. The main floor elevation and maximum roof height will be indicated on the plans, in relation to the control point.

Setbacks and Survey Markers: The side setbacks (setbacks from the side property lines of the lot) shall be no less than five (5) feet. The front and rear setbacks shall be a minimum of twenty (20) feet from the front and rear property lines of the lot. Setbacks for lots with unusual shapes or orientations should be determined through consultation with the ACP Committee. The builder or owner will identify all lot corners or have them replaced by a licensed surveyor. The ACP Committee, if deemed necessary, may require the use of a string or other similar material to outline the perimeter of the lot for inspection.

Corner Lots:

Definition of corner lot: A lot abutting two or more streets at their intersection, or abutting two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Building setbacks for corner lots shall be determined by the Architectural Control and Planning Committee or Board of Directors.

Propane Tanks: The location of proposed propane tanks must be reviewed and approved by the ACP Committee prior to placement. The following information must be included with the application, subject to review and approval of the ACP Committee:

- Propane tanks must be screened from public view. Please provide a description and size of proposed screening materials. Typical examples are fencing or lattice. Screening materials must be anchored in the ground and adequately supported.
- The dimensions, volume, and color of the tank(s).
- A site plan depicting the property lines, all existing structures, and the proposed location of the tank(s) with distances between each.
- Materials that will be used for the pad on which the propane tank(s) will be placed.

Easements: Easements for utilities, water distribution, drainage, and sewerage are reserved on lots in the Clear Lake Riviera Subdivision, Units 1 through 13, filed with the Lake County Recorder. Easements are typically five feet wide on side and rear property lines, except those lots adjoining the outer boundary of the subdivision where a ten-foot wide easement is reserved.

- Utility, water distribution, and sewerage easements: Property owners should be aware that there are utility easements that may be used to extend utility lines. If improvements, such as fencing or landscaping, are placed within a utility

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easement, those improvements may need to be removed, at the property owner's expense, if they hinder access to, or maintenance of, the easement.

- Drainage Easements: Some drainage easements are maintained by the Lake County Public Works Department. Easements not maintained by the County must be maintained by the property owner on which the easement is located. No structure, planting, or other material, which may obstruct or alter the flow of water, shall be placed within drainage easements.

Temporary Buildings: Temporary buildings or shelters of any kind (RV, trailer, tent, or garage) for the purpose of residence during construction are not permitted. Temporary facilities for the storage of tools and materials may be erected if first approved by the ACP Committee. Such structures must present a neat appearance in keeping with the goals of the subdivision. Such structures will be dismantled and removed on completion and before final inspection.

Portable Restrooms: During construction, the owner is responsible for ensuring that a portable restroom is on-site and off the road, whenever physically possible. A portable restroom must be placed on-site when the foundation is poured, and must remain on-site until the County issues a certificate of occupancy. Upon approval of completion of construction, the portable restroom must be removed.

Construction Sites Must Be Kept Clean: Construction sites must be kept in a clean, orderly, and tidy condition that is free of rubbish and debris. Piles of dirt and rock must be covered and held in place with straw wattles, construction tarps, or other appropriate item(s) approved by the ACP Committee. Tarps must be anchored to what they are covering to ensure they stay in place.

Disposal Container/Dumpster/Covered Trailer: The property owner is responsible for ensuring that the contractor provides a disposal container on-site at all times during construction. The container used can be a construction dumpster, covered trailer, or any other appropriate container for maintaining a clean and safe job site. The disposal container must remain on-site when the foundation has been started and remain on-site until the inspector has signed the final approval section of the Lake County inspection record card.

Variations: The ACP Committee and/or Board of Directors may grant reasonable variations or adjustments of the basic restrictions and conditions, provided such variance is not materially detrimental or injurious to other property or improvements in the neighborhood. The ACP Committee and/or Board of Directors may also determine and allow additional uses, which are similar in character to surrounding uses.

Properties that May Be Hazardous: Temporary construction fencing, consisting of chain link or plastic construction fencing, and *No Trespassing* signs, are required on properties that may present a health or safety hazard, subject to review and approval of the ACP Committee of Board of Directors. Temporary fencing must be

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removed when the ACP Committee or Board of Directors determines the property no longer presents a health or safety hazard.

Accessory Dwelling Units:

Definition of accessory dwelling unit (ADU): Pursuant to California Civil Code Section 4751, a residence that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. The dwelling must include permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU may be either attached to the primary dwelling or a detached, separate unit. The total floor area of an attached unit cannot exceed 50 percent of the existing primary dwelling. If it is detached, it cannot exceed 1,200 square feet. The unit must have at least 150 square feet of living area. A junior accessory dwelling unit (JADU) is a unit that is no more than 500 square feet in size and is contained entirely within a single-family residence.

Attached or detached accessory and junior accessory dwelling units are permitted on a lot with a proposed or existing primary residence. The roof pitch, roof overhang, color scheme, and materials shall match those of the primary residence, subject to review and approval of the Architectural Control and Planning Committee or Board of Directors. Exceptions may be approved for materials or design features that enhance fire safety or energy efficiency. Covered parking is encouraged, but not required. Units shall also be consistent with the requirements of the *Development Guidelines* related to:

- Structure height,
- Setbacks from property lines,
- Gutters and water drains,
- Permanent continuous perimeter foundation,
- Subject to a performance deposit and plan check fee,
- The plan submission process, and
- Prompt completion.

Requirements for Other Construction and Uses

Any installation or construction that will change the outside appearance of your property or home such as repainting, reroofing, solar panels, removal of large trees, landscaping, garden enclosures, fences, or enclosing a deck, needs to follow the approved guidelines and have prior approval from the ACP Committee.

An \$85 non-refundable plan check fee is due for minor construction projects that require a County building permit, such as porches, stairs, or retaining walls. Fees are not charged for projects that do not require a County building permit, such as fences and small storage sheds.

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Fences, Dog Runs, Decorative Walls, and Hedges: Must be of approved wood fencing, wood-framed wire, metal, metal-framed wood, or chain link fencing, subject to review and approval of the Architectural Control and Planning Committee. A top and bottom rail is required on any type of fence. While a top rail is required on chain-link fencing, a bottom tension wire will qualify as a bottom rail on a chain-link fence. Chain link and wire fencing must be attached to the top rail. No T-Post and wire fencing is allowed. Posts must be no more than 10 feet apart and anchored in the ground a minimum of 18 inches deep. If posts are wood, they must be a minimum of four (4)-inch x four (4)-inch. Fence must not exceed four (4) feet in height in the front setback area of the lot and must not exceed six (6) feet in height on the rest of the lot. Height limits for fences on corner lots shall be determined by the Architectural Control and Planning Committee or Board of Directors. Decorative walls and hedges are subject to the same height limits and approval process.

Retaining Walls: Must meet height restrictions stated above for fences. A plot plan also needs to be submitted with a materials list for approval before construction is started. Retaining walls over four (4) feet in height from the bottom of the footing, or any height holding a surcharge, must be approved by the Lake County Community Development Department prior to submitting for ACP Committee approval.

Signs:

- One sign of customary and reasonable dimensions—eighteen (18)-inch x twenty-four (24)-inch maximum, are permitted to be displayed on any lot advertising the same for sale.
- Temporary signs announcing or supporting political candidates or issues in connection with any national, state, or local election are permitted and do not require approval of the Association. These signs must be removed within 48 hours following the election for which the signs are promoting.
- All other signs, billboards, or advertising structures of any kind are prohibited, with the exception of application to and written permission of the ACP Committee or Board of Directors.

Accessory Structures and Uses on Vacant Lots:

Definition of consecutive lots: Two or more adjacent lots under the same ownership that are not merged (a voluntary merger has not been recorded with the Lake County Recorder).

Consecutive lots on which at least one is developed with a residence may be developed with nonpermanent residential accessory structures, such as sheds, parking areas, and above ground swimming pools (not in ground swimming pools), subject to review and approval of the Architectural Control and Planning Committee or Board of Directors. No items or vehicles related to a business or commercial operation may be stored. Driveways and parking areas must be improved with a

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dust-free surface, such as gravel, chip seal, or concrete. Parking areas shall be accessed via the driveway to the principal residence. No separate driveway encroachment will be permitted. Structures on permanent foundations are not allowed.

Vehicles that are parked or stored openly (not in a garage) must be registered with the Department of Motor Vehicles, whether operational or not. Vehicles must be screened by a solid fence, wall, or hedge, subject to review and approval, prior to placement of anything on the lot. Alternatively, a car cover may be approved. The number of vehicles parked or stored on a lot shall be no more than such number as is reasonably determined by the Architectural Control and Planning Committee or Board of Directors. Pursuant to CC&Rs Section XII, lots shall be kept in a clean, sightly, and wholesome condition, and no rubbish, unsightly brush, or unsafe materials shall be on any lot.

If the lots are to be sold separately, all accessory structures and uses shall be removed from the vacant lot(s), with the exception of a fence, wall, or hedge, which are permitted on vacant lots.

Cannabis Cultivation:

Definitions:

“Cultivation” means the planting, growing, harvesting, drying, or processing of one or more cannabis plants or any part thereof indoors and outdoors.

“Cannabis plant” means any mature or immature cannabis plant, or any cannabis seedling.

Standards:

1. A total of no more than six cannabis plants per lot may be cultivated, harvested, dried, or processed on lots or in residences that are designated by the CC&Rs as residential and that are developed with an occupied residence, subject to the following standards.
 - a. Indoor cannabis cultivation is allowed without approval from the KRCA.
 - b. Whether indoors, outdoors, or a combination of the two, the total number of cannabis plants cultivated may not exceed six per lot.
 - c. Outdoor cannabis cultivation may only occur in an enclosed rear yard, which is defined as any portion of a yard or area in the rear one half of the

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lot which extends from the rear wall of the principal building to the rear lot line.

- d. Approval of outdoor cannabis cultivation shall expire on November 30 of the year in which the approval was issued.
- e. Cannabis may only be cultivated for personal use or donation. The sale of cannabis in any form is not allowed.
- f. Cannabis plants must be screened from public view and neighboring properties by a six-foot high solid fence, wall, or hedge, subject to review and approval of an Application for Minor Construction by the KRCA prior to planting.
- g. Prior to placement of cannabis plant(s) on any property, an Application for Minor Construction shall be reviewed and approved by the Architectural Control and Planning Committee or Board of Directors. The application must include:
 - 1. A site plan depicting the property lines, all existing structures, the area proposed to be cultivated, and the solid fence, wall, or hedge proposed for screening.
 - 2. Details on any proposed gates demonstrating that the cultivation area will not be accessible by anyone other than the property owner(s).
 - 3. Proof that at least one property owner is at least 21 years of age. A copy of a California-issued driver's license, passport, birth certificate, or other government-issued identification is acceptable.
 - 4. The signature of at least one property owner.

Waste Removal: All residences and businesses must have weekly garbage, recycling, and organics collection by a licensed refuse collection company. Garbage, green waste, and recycling containers must be removed from the street, preferably out of public view, within 24 hours following pick up by the refuse company.

Noncompliance with any of these provisions may lead to a fine, pursuant to the KRCA Due Process Policy, Enforcement Policy, and Schedule of Fines.

Water Service: Water, for both domestic use and fire protection, is supplied by the Mt. Konocti Mutual Water Company. The water company is to be notified prior to

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beginning construction. They can be reached at (707) 277-7466 and are located at 9733 State Highway 281, Kelseyville.

Thank you for helping make Kelseyville Riviera a great place to live!

For more information or questions, please call the office at (707) 277-7281 or email acp@krca.biz.

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Kelseyville Riviera

COMMUNITY ASSOCIATION

9689 State Highway 281, Kelseyville, CA 95451
707 277-7281

**Architectural Control and Planning Committee
Procedures
April 2024**

Purpose of this Document: To ensure transparency and fairness in the decision-making and nuisance abatement processes.

Scope of Authority: The Architectural Control and Planning (ACP) Committee has authority over construction applications and nuisance abatement.

1. Construction applications for new buildings, additions, or modifications to existing buildings, fences, solar panels, or other structures or improvements whatsoever to ensure the following requirements of the CC&Rs, guidelines, and governing documents are maintained:
 - Setbacks from property lines,
 - Parking facilities,
 - Height restrictions,
 - Exterior materials, paint colors, and design, and
 - Landscaping for both residential and commercial development, including tree removal.

2. Nuisance Abatement
 - Investigate complaints of alleged violations received from members. If it is determined that there is a violation that is under the scope of the KRCA's authority, the owner is contacted.
 - Periodically inspect the community to look for violations, particularly those related to unsightly trash, debris, and health hazards.
 - Fine property owners that do not correct a violation(s) on their property, consistent with the Due Process Policy, Enforcement Policy and Schedule of Fines.

However, every decision the Committee makes may be appealed to the Board of Directors.

Responsibilities of the Architectural Control and Planning (ACP) Committee:

- Consistently enforce the Association's architectural standards, CC&Rs, guidelines, and governing documents in order to maintain or enhance the overall aesthetic and value of the community,
- Preserve the appearance and architectural harmony of the community,
- Investigate complaints submitted by members regarding potential violations of the CC&Rs or other governing documents, and enforcement of those requirements, if there are violations,
- Review proposed construction and modifications to existing improvements,
- Conduct progress inspections for approved projects,
- Keep the community free of unsightly rubbish, debris, and other unhealthy conditions for the betterment of all members through nuisance abatement,
- Review current architectural guidelines and propose timely and up-to-date modifications to the Board to keep guidelines current with federal, state, and local legislation, and
- To make decisions in good faith and be reasonable.

Appointment of ACP Committee Members: The Architectural Control and Planning Committee is comprised of three members in good standing that are appointed by, and serve at the discretion of, the Board of Directors. Board members themselves may sit on the Committee, or they may appoint other members. There must be one member of the Board that attends ACP meetings and acts as a liaison.

Terms: Committee members are appointed for a term of two years. Members may be appointed for consecutive terms.

Approval Required Prior to Any Work: Any new construction or changes to the exterior of an existing structure or other exterior improvements must be approved by the ACP Committee before construction begins. Proposed changes must comply with local building codes and zoning regulations, and property owners are responsible for obtaining all necessary permits.

Standard Procedure for the Review of Architectural Applications: A property owner or their representative shall submit a standardized application that includes the following information:

- The type of construction or improvements proposed,
- A list of the materials that are proposed to be used,
- Plans or blueprints,

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- A site plan depicting the property lines, existing and proposed structures (not required for reroofing or repainting),
- The name of the contractor, including licenses, if applicable, and
- The property owner's signature (electronic signatures with documentation are accepted).

Quorum: At least two ACP Committee members must be present to hold meetings and make decisions.

Meetings are not Open to the Public: Only property owners or their representatives may attend meetings that are on the agenda and only for the item(s) that concerns their property.

Proper Decorum: ACP Committee members are obligated to act respectfully and politely toward each other, employees, and members. Discussions should be constructive and courteous.

Deliberations are Held in Private: Applications that necessitate discussion and/or discretion, such as variances, are deliberated and decided in private. No deliberations take place with the applicant present.

Written Findings: Determinations for discretionary items, such as variances, must include written findings and conditions (for approval) that are signed by the Committee members.

Conflict of Interest: Pursuant to the KRCA Ethics Policy, a Committee member must immediately disclose the existence of any conflict of interest, whether their own or others'. Committee members must withdraw from participation in decisions in which they have a conflict of interest. They may be present during the introduction; however, they cannot be present during deliberations or decision-making. If a Committee member is unsure as to whether a situation may constitute a conflict of interest, they shall consult with the KRCA Office Manager as soon as they are aware there may be a conflict.

Deadlines for Decisions: A complete application shall be acted upon within 30 days of receipt. Complete applications are typically processed within two weeks. Typical reasons applications are not complete include:

- The Lake County Health Services Department must approve a site plan to confirm that any septic system, leach lines, or expansion area will not be impacted by the proposed development,

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- If construction is proposed on a lot adjoining the primary residence, a lot merger recorded with the Lake County Recorder is required, or
- The Committee determines that a site visit or additional information is necessary prior to making a decision.

Owner Notification: The property owner shall be notified of the decision in writing delivered by first class or certified mail within 15 days of the Committee's determination. For projects that are denied, a written explanation for the disapproval shall be provided to the property owner. Property owners are typically notified within 24 hours via phone or email.

Record of Proceedings: The Association must keep a written record of its decisions, whether it be in the form of notations on plans, letters to applicants, or minutes. Within ten business days following a meeting, the ACP Coordinator shall provide this information to the Committee members, the Board of Directors liaison, and the Office Manager.

Confidentiality: Committee members shall not disclose the following information to anyone other than the property owner(s) and Association staff:

- Minutes or other documentation that discloses disciplinary actions, collection activities, payment plans, or settlement agreements,
- Information that is reasonably likely to lead to identity theft or fraud,
- Information that is privileged under law, such as attorney-client privilege, or relating to litigation in which the Association is or may become involved,
- Information that is reasonably likely to compromise the privacy of a member, such as interior architectural plans, including security features, for individual homes,
- Any person's personal identification information, such as credit card account numbers, bank account numbers, and bank routing numbers,
- Complaints from members, and
- Verbal deliberations conducted by the Committee.

Members that request copies of minutes shall receive a redacted version that does not contain any of the information listed above. Copies of minutes shall be maintained indefinitely, pursuant to California Civil Code § 5210(a), and members shall be provided access to those minutes consistent with § 5210(b) of that code.

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Public Record: Applications submitted for review and approval of the ACP Committee are of public record, with the exception of the items listed above in the Confidentiality section.

Right to Appeal: The ACP Committee's determination may be appealed to the Board of Directors within ten days following the Committee's determination. The appropriate form can be obtained from and must be submitted to the Kelseyville Riviera Community Association on or before 5 p.m. on the tenth day. If the tenth day falls on a weekend or holiday, the following business day shall be considered the tenth day. There is no fee for an appeal. If appealed, any ACP Committee decision shall have no force or effect until the Board of Directors makes a determination on the appeal.

Plans Available for Inspection: Members may inspect plans on file with the Association. However, per California Civil Code § 5215, interior architectural plans and security features must be redacted or withheld.

Unapproved Improvements: The KRCA has the power to require an owner to reverse any unapproved changes. Homeowners must remove any modifications that do not comply with the Association's requirements at their own expense. All structures or improvements constructed without approval shall be subject to the plan check fee in effect at the time of application.

Monthly Reports to the Board of Directors: The ACP Coordinator shall provide a monthly report of all construction activity to the Board of Directors.

Nuisance Abatement:

This procedure applies to complaints and violations related to the Amended and Restated Restrictions, Conditions, Covenants, Agreements and Charges (CC&Rs) of the Clear Lake Riviera Subdivision, Units 1 through 13, guidelines, and other governing documents. The purpose of the ACP Committee is to oversee and execute the provisions of those documents. These procedures do not apply to fire safety abatement, for which there are separate processes.

The purpose of the CC&Rs and other governing documents is to keep the community neat and orderly, free of unsightly rubbish, debris, and other unhealthy conditions for the betterment of all members. To that end, the Association has the authority to fine property owners for noncompliance. However, the goal is not to

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issue and collect fines, but to obtain compliance with the provisions that every member who purchased a property within the Clear Lake Riviera Community Association accepted when they purchased their property. Nuisance abatement is handled using the following steps, fairly, uniformly, respectfully, and consistent with the Due Process Policy, Enforcement Policy and Schedule of Fines. The following steps are used when processing complaints and alleged violations:

1. Upon receipt of a written or verbal complaint from a property owner, the ACP Coordinator will make a reasonable investigation of the facts. The ACP Coordinator will conduct a site visit to verify and document the alleged violation with photos. Association staff will not enter any property to investigate a violation. However, they may enter a complainant's property to verify a violation from their lot, with the permission of the complainant.
2. The ACP Coordinator will present the complaint and results of the site visit to the ACP Committee at their next regularly scheduled meeting. Based on the severity of the violation, the Committee will determine which type of notice is to be sent:
 - a. For the majority of complaints received, a courtesy notice is sent to the property owner(s) via first-class mail requesting that one of the following be completed within 30 days: (1) the violation be cured or corrected, or (2) inform the Committee why they believe their property is not in violation.
 - b. If the violation entails an urgent health or safety hazard, a notice of violation and hearing is sent via first-class mail to inform the property owner(s) of the violation, and that one of the following must be completed within 30 days: (1) the violation be cured or corrected, or (2) tell the Committee why they believe their property is not in violation. The notice also provides the date, time, and location of a hearing at which the Committee will discuss the violation, and states that the Committee has the authority to assess a monetary penalty (a fine) at that hearing, pursuant to the Due Process Policy, Enforcement Policy and Schedule of Fines. These documents are included with the notice. The notice informs the property owner(s) that they may attend the hearing in-person, via phone or Zoom, or submit a written statement explaining their response to the notice of violation. The Committee may also direct staff to file a complaint with Lake County Code Enforcement on behalf of the Association for serious health and safety violations.

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- c. If the violation is not confirmed (staff finds no evidence of a violation), the complaint and evidence are presented to the ACP Committee at their next regularly scheduled meeting for a determination as to whether a violation exists, or to provide direction to staff to investigate further. If the Committee determines there is no violation, or if the complaint is outside the purview of the ACP Committee, the Committee will direct staff to send a notice to the complainant explaining the reason for the determination. The complainant is informed that they have ten days to appeal the ACP Committee's determination, and request a meeting with the Board of Directors to discuss the alleged violation (the ten-day time frame begins one day after the date of the notice, and if the tenth day falls on a weekend or holiday, the tenth day will be the first business day following). There is no fee for an appeal.
 - d. Members are notified of the Committee's determination within 15 days after the hearing by first-class mail.
- 3. After 30 days, the ACP Coordinator will re-inspect properties with violations and present the findings to the Committee at their next regularly scheduled meeting.
 - a. If it appears the violation has been cured or corrected, the Coordinator will request that the Committee review the evidence and close the violation file, if appropriate.
 - b. Property owner(s) that were sent a courtesy notice, but did not cure or correct the violation, or no response was received, a notice of violation and hearing will be mailed to the property owner(s) via first-class mail providing them 30 days to cure or correct the violation. The notice also provides the date, time, and location of a hearing at which the Committee will discuss the violation, and states that the Committee has the authority to assess a monetary penalty. The Due Process Policy, Enforcement Policy and Schedule of Fines are included with the notice. The notice informs the property owner(s) that they may attend the hearing in-person, via phone or Zoom, or submit a written statement explaining their response to the notice of violation.
 - c. Property owners that received a notice of violation and hearing, and no acceptable response was received, may be assessed a monetary penalty pursuant to the Due Process Policy, Enforcement Policy, and Schedule of

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Fines. However, if work has been completed towards curing or correcting the violation within 30 days, and/or if the property owner provides a time frame for completion, the Committee may hold any monetary penalty in abeyance.

- d. Members are notified of the Committee's determination within 15 days after the hearing by first-class mail. If an email address is on file, the notice will also be sent to that email.
4. The ACP Coordinator will re-inspect properties with violations every 30 days and present the findings to the Committee at a regularly scheduled meeting. The Committee has the authority to assess a monetary penalty every 30 days after the initial monetary penalty for noncompliance with the CC&Rs, guidelines, or other governing documents.
5. Appeals Process: Any decision made by the ACP Committee may be appealed to the Board of Directors within ten days. A notice is sent to the property owners involved to inform them that they may request a meeting with the Board of Directors to discuss the alleged violation. The notice informs them that they have ten days to make this request (the ten-day time frame begins one day after the date of the notice, and if the tenth day falls on a weekend or holiday, the tenth day will be the first business day following). There is no fee for an appeal.
6. Confidentiality: Enforcement actions are confidential. Committee members and Association staff shall not disclose disciplinary actions, collection activities, payment plans, or settlement agreements. ACP Committee meetings are not open to the public.
7. The ACP Coordinator shall provide a monthly report of all construction activity and complaints to the Board of Directors.

Note: This notice will be on yellow cardstock.

Kelseyville Riviera

COMMUNITY ASSOCIATION

9689 State Highway 281, Kelseyville, CA 95451
(707) 277-7281

APPROVED CONSTRUCTION

Address: _____

Date: _____

Description: _____

Please post this notice where it will be visible from the street.