

## ARCHITECTURAL GUIDELINES

### SECTION I INTRODUCTION

The Declarations of Restrictions (CC&Rs) recorded against the tracts in the development establish a three person Architectural Control Committee, the members of which are appointed by the Board of Directors. The Committee is assigned broad powers and responsibilities to review the aesthetic character of proposed improvements, modifications and alterations. Setbacks, location, elevation, design, landscaping materials and color are all within the purview of the Committee. The architectural design of each building should be in keeping with surrounding structures and consistent in style to maintain and enhance Canyon Lake as a desirable place to live.

The CC&Rs provide that no improvement may be installed, placed or moved on a lot, or altered or modified, without the written approval of the Committee. Architectural approval application forms can be picked up at the Association office. Completed application forms and application fees must be submitted to Committee at the main counter located within the Association office. Upon submission of an application and payment of the applicable fee, the application will be scheduled for review by the Committee. Applicants may attend the Committee's meeting. Following the Committee's review and decision, the applicant will be mailed a written decision.

These rules are not intended to amend or change the recorded CC&Rs, nor to create any new rights or interests in any property. These rules may change from time to time.

In general, the Committee will consider the following criteria when deciding whether to approve or deny an application:

- (1) Are the proposed improvements in accordance with the provisions of the tract declaration (and, by implication, the Association's rules and regulations);
- (2) Will the design or color scheme of the proposed improvements be in harmony with the general surroundings;
- (3) Is the application complete (including payment of applicable fees); and
- (4) Will the proposed improvements be contrary to the interests, welfare or rights of the lots or lot owners.

The Committee does not review applications for or base its decisions on compliance with building codes or other laws. Association approval does not relieve owners of any duties to obtain city permits nor does Association approval reflect compliance with any public agency requirement. If an applicant contends any provision of law mandates or requires the installation of all or any part of any proposed improvement, the applicant must specify in writing as part of their application what provision of law applies and what components of the improvement are required by law.

The Association, Committee and Committee members are not responsible for, and, pursuant to the CC&Rs, are not liable for, any damage or loss suffered or claimed on account of: defects in plans; the approval or disapproval of any plans, drawings, or specifications; the construction or performance of any work, whether or not pursuant to approved plans; or the execution and filing of any stop work order or temporary restraining order.

## SECTION II DEFINITIONS

Community Setback. The area between the curb line and the Front Line. The depth of this setback varies between four (4) and seventeen (17) feet depending on the width of street in front of the lot. The property owner is responsible for maintaining the community setback in front of their property.

Flag Lot. A lot where (1) the nearest main property line paralleling the street is separated from that street by another lot and the subject lot is connected to the street by an extension of the lot for ingress and egress, or (2) the nearest main property line paralleling the lake is separated from the lake by another lot and the subject lot has lakefront access via an extension of the lot. The application of setbacks to flag lots shall be determined by the Architectural Control Committee in its discretion, consistent with the intent and purposes of the CC&Rs as applied to such extraordinarily shaped lots.

Front Line. The lot boundary line that is abutting the right of way of the street on which the lot abuts. A corner lot shall be deemed to have a Front Line on the street on which the shortest dimension abutting a street occurs.

Front Yard. The area between the Front Line and a parallel line twenty feet deep into the property.

Lakefront Lot. A Lakefront Lot is a lot that is immediately adjacent to the lake, as demonstrated by a lot boundary line shared with the lake property leased by the Association. Only lots which have a lakefront boundary line, as shown on the original tract map creating such lots, shall qualify as Lakefront Lots. Lakefront Lots may not be created by lot line adjustments, grants of easement or other alterations of the original property rights and boundaries.

Rear Lot Line. The boundary line of the lot that is farthest from, and substantially parallel to, the line of the street on which the lot abuts.

Rear Yard. The area between the Rear Lot Line and the rear yard setback line. See Section III, Paragraph B(3), for determination of the rear yard setback line and setback distances.

Side Line. A lot boundary line that extends from the street on which the lot abuts to the rear line of the lot.

SECTION III  
SETBACKS/ELEVATIONS

The CC&Rs impose front, side and rear setback restrictions for all lots, and a minimum first floor elevation level for Lakefront Lots.

A. First floor elevation for Lakefront Lots

The lowest habitable floor on a Lakefront Lot shall be at or above 1397.5 feet, msl. (100-year flood level per FEMA). The Committee may, in its sole discretion, approve non-habitable structures below 1397.5 msl upon condition that the owner execute a covenant and hold harmless agreement in favor of the Association.

B. Setbacks

- (1) Front Setback. Twenty (20) feet from the Front Line of each lot abutting the street.
- (2) Side Setback. Five (5) feet from each lot Side Line, except corner lots, which shall be ten (10) feet on the side adjacent to the side street only. The interior Side Line setback will be five (5) feet.
- (3) Rear Setback. Twenty (20) feet, or twenty-five (25%) percent of the depth of the lot whichever is greater, from the Rear Line of each lot, unless such Rear Line shall be either contiguous to a boundary line of the golf course in which case the depth of the rear yard shall be twenty-five (25) feet or twenty-five (25%) percent of the depth of the lot, whichever is greater; or contiguous to a lake shoreline, in which event the depth of the rear yard shall be thirty (30) feet or twenty-five (25%) percent of the depth of the lot, whichever is greater.
- (4) If the line with respect to which a setback measurement is to be made is a meandering line, the average length of the two lot lines that intersect said meandering line shall be determined and, using that average length, an imaginary straight line shall be drawn through the meandering line and the setback measurement shall be made along a line perpendicular to such imaginary line.
- (5) The Committee shall determine the rear setback for non-rectangular lots.

C. Application of Setbacks

Setbacks should generally be kept free of structures. No improvement can be constructed, placed or maintained within a setback unless specifically approved by the Committee. It is the Committee's expectation that only improvements such as landscaping, driveways, retaining walls and stairways will be approved for installation in a Front Setback and improvements such as landscaping, decks, gazebos, pools and other typical back yard improvements will be approved for installation in the Rear Yard Setback. Each application seeking approval for installation of an improvement in a setback area will be considered by the Committee on an individual basis.

D. Community Setback

The Community Setback adjacent to each lot is actually part of the private street lot owned by the Association. The Community Setback should generally only be improved with softscape landscaping. As is the case with the owner's lot, no improvement may be altered or installed upon the Community Setback except upon application to and receipt of written approval from the Committee. However, pre-approved ground covers (see Section VIII of these guidelines) may be installed without the need to go through the formal application process. Trees should be planted at least six (6) feet back from the curb.

SECTION IV  
SPECIFIC PROVISIONS AND RESTRICTIONS

A. Lot Maintenance

All lots, and the improvements thereon, shall be maintained in good repair and in a neat and attractive condition, and all weeds, leaves and debris must be removed from the lots.

B. Fences and Walls

1. As a general matter, the Association does not consider retaining walls as walls subject to height and location limitations of this section.
2. In order to preserve the natural quality and esthetic appearance of the existing geographic areas within the subdivision, property lines abutting to the lake or golf course shall be kept free and open and no fences shall be permitted on such property lines except where, in the opinion of the Committee, a fence or other enclosure, as a structure or esthetic feature of design concept, will contribute to and be in harmony with the character of the area. In such situations, the preference is for wrought iron fencing.
3. Fences and walls should be finished on both sides, and be substantially similar in appearance.
4. Fences or walls are not allowed in the Front Yard Setback .
5. Maximum height of walls and fences (not already subject to a height limit) shall not exceed five (5) feet.
6. Block walls or wrought iron fences on side property lines within Front Setbacks are permissible to a maximum height of three (3) feet and within the community setback to a maximum height of eight (8) inches.
7. The Committee deems courtyard walls that are not used as a boundary wall or yard enclosure to be part of the house and therefore not subject to the general five (5) feet height limitation. Courtyard walls remain subject to setback requirements as part of a house.

C. Easements

Areas of each lot encumbered by easements for utilities, drainage or other purposes shall be maintained by the lot owner.

D. Light Posts/Flagpoles

With Committee approval, light posts and flag poles may be placed in the community setback, but not closer than six (6) feet to the curb.

E. Signs

1. A sign of customary and reasonable dimension, but not exceeding five (5) square feet, shall be permitted to be displayed on any lot advertising the same for sale. Commercial signs are prohibited except upon application to and written permission from the Committee. One For Sale sign or For Lease sign is permitted per property except on the golf course and lake where two For Sale or Lease signs are permitted – one in the front yard and one in the rear yard.
2. Signs are not allowed in the Community Setback.
3. Non-commercial signs are only allowed as per Civil Code Section 1353.6.

F. Contiguous Lot Ownership

Whenever two or more contiguous lots in the Subdivision shall be owned by the same person, and that person wishes to use two or more of said lots as a site for a single dwelling house, the person shall apply in writing to the Architectural Control Committee for permission so to use said lots. If written permission of such a use shall be granted, the lots constituting the site for such single dwelling house shall be treated as a single lot for the purpose of applying these Restrictions to said lots, so long as the lots remain improved with a single dwelling house. The two (or more) memberships will be maintained and two (or more) assessments will be levied.

G. House/Address Number

The house numbers shall be painted on the curb [three (3) inch white numbers on blue background] and thereafter repainted when needed to keep the same in a neat and attractive condition.

H. Outhouses

No outside toilet (i.e., outhouse) or individual water well shall be constructed on any lot. All plumbing fixtures, dishwashers, toilets and sewage disposal systems shall be connected to the community sewage system.

I. Animals

No animals or livestock of any description, except the usual household pets, shall be kept on any lot.

J. Driveways

Driveways shall be maintained in good repair and free from grease, oil, stains, and other debris.

K. Damaged Improvements

Damaged improvements shall be repaired promptly and in no event later than three (3) months from the time of damage. Repairs require Committee approval.

L. Satellite Dishes and Antennas

Residents may install (without applying for ACC approval) a Pre-approved Dish/Antenna upon their lot or residence. A Pre-approved Dish/Antenna is defined as a satellite dish with a diameter of one meter or less, a wireless cable antenna with a diameter of one meter or less or a traditional aerial television antenna designed to receive local broadcast signals.

A Pre-approved Dish/Antenna should be reasonably screened or concealed and wiring should match the color of the nearest adjacent surface of the roof, stucco, or trim, as long as such screening or concealment will not unreasonably increase the cost of installation, unreasonably delay the installation, or preclude reception of an acceptable quality signal.

Subject to FCC regulations and any other applicable laws, no other type of antenna or dish of any kind shall be constructed or erected on any lot or residence.

M. Extension Cords

Extension cords shall not be placed across any street or portion thereof.

N. Commercial Use

Unless expressly exempted by law (e.g., child day-care facilities), commercial use of residential lots within the Association is prohibited. The Association's enforcement of this prohibition does not extend to the internal uses of homes (e.g., telephone, computer, and fax) which have no external manifestation of the internal commercial use. External manifestations of commercial use of residential lots, which will result in Association enforcement action include but are not limited to:

- Signage (other than expressly permitted Signage, e.g., advertising the lot as "For Sale" or "For Rent");
- Business traffic, parking or deliveries beyond what is normally associated with residential use;
- Noise or odors, (e.g., from operation or use of machines, tools, engines, chemicals, etc.);

- Employees other than household domestics;
- Use of entry gates by customers, employees, suppliers, etc.;
- Erection or use of outbuildings for commercial purposes; or
- Use of any toxic or hazardous substance(s) or material(s).

O. Trash/dumping

1. No trash, ashes, garbage or other refuse shall be dumped or stored on any lot nor be thrown into or left on the shoreline of the lake. No outside burning of trash or garbage shall be permitted.
2. No action (dumping or removing dirt, etc.) that diminishes the lake capacity will be tolerated. In addition to potential fines, members shall be responsible for cost to restore capacity or other appropriate response.
3. Trash containers must be stored out of sight from the street, lake and golf course. Placement of trash containers for pickup at the curb shall not be earlier than sunset of the day before regular pickup time. Trash containers must be removed from the street at the end of the pickup day. Roll-off (i.e. dumpsters) boxes shall not be stored in the street without permission from the Committee. Roll-off boxes shall be placed in the parkway but not in the flow line (i.e. parallel and adjacent to the curb) and shall have reflectors so as to be visible from the street at night.

P. Clotheslines

Clotheslines may not be visible from neighboring lots, street, lake, or golf course.

Q. Holiday Decorations

1. Decorations for the end of the year holidays may be placed on property no earlier than the fourth (4th) Thursday of November and must be removed no later than January 15th of the following calendar year.
2. Other Holidays: Seasonal decorations may be placed on property two (2) weeks prior to the holiday and must be removed within one (1) week following the holiday.

R. Variances

The Committee may allow reasonable variances and adjustments of these restrictions and those set forth in the CC&Rs in order to overcome practical difficulties and prevent unnecessary hardships in their application; provided, however, that such is done in conformity with the intent and purposes of the CC&Rs and these guidelines and provided also that in every instance such variance or adjustment will not be materially detrimental or injurious to other property or

improvements in the neighborhood. Information on the variance application process is available at the ACC office.

## SECTION V REGULATIONS FOR CONSTRUCTION

The restrictions and guidelines described in these guidelines are in addition to those set forth in the CC&Rs. Every owner should review the CC&Rs to make sure they are familiar with the restrictions contained therein.

### A. Size of Residences

The CC&Rs impose minimum size limits for residences. Review the CC&Rs recorded against your tract for the specific requirements.

### B. Single/Multiple Stories

Residence dwellings shall be of single story construction, provided however, that split-level or two story residences may be constructed on lots where, in the opinion of the Committee, the terrain of such lots lends itself to such construction.

### C. Roofs

Roof coverings should be of tile (clay or cement), cedar shake or wood shingle. All roofing materials must be approved by the Committee, and highly reflective roof colors are discouraged. Please refer to the CC&Rs recorded against your tract for specific details on permitted roofing material. For instance, there are unique roof material provisions applicable to tract #3961 and tract #3829.

### D. Accessory Structures

Upon application to and receipt of Committee approval, a separate storage building may be installed on a lot.

### E. Fuel Tanks

Every tank for the storage of fuel installed outside any building shall be buried below the surface of the ground or completely screened to the satisfaction of the Committee.

### F. Air Conditioners

Air conditioners should be screened from view of the street, lake and golf course.

### G. Patios/Decks

Patios and decks attached to or separate from the main structure may be approved in the Rear Setback. No part of any attached patio or attached deck that extends into the Rear Yard Setback may be enclosed. The Committee may approve enclosing/screening of areas under patios or

decks, which extend into the Rear Setback for aesthetic purposes only. Such enclosed areas are not approved as habitable area.

#### H. Fireplaces/Eaves

Over the years, the Committee has developed a practice of allowing fireplaces to extend into the Side Setback or the Rear Setback by one (1) foot, and allowing eaves to extend into setback areas by thirty (30) inches.

#### I. Driveways

A concrete driveway shall be installed at all homes prior to occupancy and shall be maintained per Section IV-A. Turn around (circular) driveways may be approved, providing they maintain a minimum of eighteen feet between cutouts (i.e. entrance and /or exit).

#### J. Garages

All dwellings will have an enclosed garage, capable of at least two-car storage. Garage door detail must be shown on plans. Garage conversions for habitable use are specifically prohibited unless a new garage is built prior to the conversion.

### SECTION VI APPLICATION PROCESS

#### A. Application Form

Applications for architectural approval must be submitted to the Committee using the Association's architectural application form. Copies of the appropriate form are available at the main counter at the Association office. Completed application forms as well as all fees and deposits must be submitted to the Committee at the main counter at the Association office. The Association office is located at 31512 Railroad Canyon Road, Canyon Lake, CA 92587.

#### B. Submittal Requirements

1. Signature of Owner. Every application must be signed by a record owner of the property.
2. Application Fees and Deposits. Information on application fees and deposit requirements is available at the Association office. An application will not be deemed submitted unless and until all required application fees and deposits, if any, are received.
3. List of Improvements/Modifications for which Approval is Sought. The application form contains a section for the applicant to list the improvements or modifications for which architectural approval is sought. This section must be completed. **The Committee's approval of any application shall not, under any circumstances, be deemed to extend to improvements or modifications not specifically listed and described in this section.**

4. Two Copies of Plans. Two copies of the plans for the proposed improvement(s) must be submitted with the application form.

### C. Plan Requirements

The plans must include a plot plan as a cover sheet, specific information about the proposed improvement(s) and elevations.

1. Contents of Plans. All existing and proposed structures, including fences, decks, patios, driveways, walks, walls, retaining walls, etc., shall be shown on the submitted plans. The plans must also be accurate and to scale, show locations of setbacks and include dimensions of the proposed improvement(s) and distances from the proposed improvement(s) to existing improvements, setbacks and property lines.
2. Plan Specifications. The plans must include information on the improvements/modifications for which approval is sought, including, but not limited to, size, height, dimensions, proposed color and, where appropriate, roof material. The plans must clearly depict any proposed grade change and color change.
3. Elevations. Plans must include elevations depicting views of the improvements/modifications for which approval is sought.

### D. Additional Requirements for New Homes

1. Topography Maps. Topography maps prepared and signed/stamped by a registered civil engineer or licensed surveyor shall be included as part of all plans. The following data must be included on the map:
  - a. All corners, lot dimensions and easements on lot.
  - b. All street improvements, (e.g., curbs, meter boxes, catch basins).
  - c. Topography to extend to retaining walls and fences of adjacent properties with a contour interval not to exceed two (2) feet. Indicate position of adjacent dwellings (if present) on each side.
  - d. All elevations to be on Riverside County Datum (curb elevations from street plans on file at ACC Office). All floor elevations to be designated on survey.
  - e. Survey map must be 10 scale (1" = 10').
2. Profile Plan. A profile plan is required of the lot from curb to rear lot line with the house shown to allow the Committee to see and evaluate the elevation relationship between the curb, all floors, and highest elevation of the roof. Profile must show accurate elevations for each floor and the ridge height in feet above

msl. Earthwork must be shown on the plans as well as existing and finish contours, retaining walls and slopes.

3. Air Conditioners. Air conditioners must be screened from view from the street, lake, and golf course. Proposed location for the air conditioner must be shown on the plot plan, including distance from Side and Rear setback line. Plans also need to specify proposed screening method.
4. Square Footage. Plans must be dimensioned and to scale as well as include proposed square footage of living areas and garage areas.
5. Decorative Items. Plans must show decorative items in sufficient detail to allow aesthetic evaluation by the Committee.
6. Fuel Tanks. Location of liquid propane gas tanks and any other tanks must be specified on the plot plan as well as proposed screening method.

#### E. Deposits

Deposits are required for certain types of improvements. A list of the improvements for which deposits are required and the deposit amounts is available at the ACC office.

#### F. Street Excavation

Permission for street excavation or construction must be obtained from the Operations Department.

#### G. Posting of Committee Approval.

The Committee will issue an Improvement Authorization Card as part of its approval. The Improvement Authorization Card must be clearly posted on the job site in a manner easily visible from the street.

#### H. Occupancy Permits

No residence shall be occupied unless and until an occupancy permit is issued by the City of Canyon Lake. The member shall furnish a copy of the occupancy permit issued by the City of Canyon Lake.

#### I. Encroachments

Committee approval of an application for installation/alteration of an improvement shall not be deemed approval for encroachment onto adjacent lots with the exception of application for installation of improvements upon contiguous lots pursuant to Section IV(F) hereof.

#### J. Appeal Process

Pursuant to Civil Code Section 1378(a), if the Architectural Control Committee denies, in whole or in part, a Member's application for architectural approval, that Member shall have the right to

appeal that denial to the Board of Directors by submitting a written appeal (on an Association approved form) to the Board of Directors.

1. Appeal Form. Appeals must utilize the Association's Architectural Appeal Form, which will be available for pick up by Member's at the Association's front desk and architectural office during regular business hours. Also, if the Committee denies a Member's application, in whole or in part, the written notice sent to the Member informing them of that decision shall include a copy of the form and a description of the appeal procedure.
2. Submission of Appeal. To submit a written appeal, the form must be completed, including the signature of the applicant Member and received by the Association (during regular business hours) no later than thirty (30) days of the date of the notice of the Committee's denial.
3. Board Hearing. Upon receipt of a timely and completed appeal form, the appeal shall be scheduled to be considered by the Board of Directors at an Open Session meeting of the Board as required by Civil Code Section 1378(a)(5).
4. Scheduling of Appeal Hearing. The Board of Directors shall have a maximum time of thirty (30) days to respond to an appeal, which time period shall begin running upon receipt of a timely and completed appeal form unless the Association mails or personally delivers to the appealing applicant, within thirty (30) days of receipt of a timely and completed appeal form, written notice that due to the volume of appeals and/or press of other business being considered by the Board, an additional period of time, which should generally not to exceed an additional thirty (30) days, is required for the Board to consider the appeal.

#### K. Inspection of Application and Plans

Application forms and accompanying plans submitted to the Committee are available for review, at a reasonable time and place, by Association Members for 30 days after submittal upon the Associations receipt of a written request for same.

## SECTION VII CONSTRUCTION

#### A. Time Limits

Construction/modification of any building, dwelling or other improvement shall be completed six (6) months after the beginning of such construction or modification, except that the Committee may require completion within a shorter time frame as a condition of approval of an application.

#### B. Prior to Pouring Concrete

The Association's written approval of the location of the forms must be issued before any concrete can be poured. The ACC Office must be called and an inspection scheduled after footings have been dug and forms positioned (but before concrete is poured). For purposes of conducting the inspection, the owner must have the property lines strung. Please allow at least 48 hours notice, although more time may be needed depending upon staff's workload.

C. During Construction

1. Concrete Delivery Trucks. The lot owner is responsible for the actions of concrete trucks delivering concrete to their property, including but not limited to, concrete spills, discoloration of streets and the driver's clean up procedures following pour operations.
2. Storage/Job Site Conditions. Materials, tools, supplies, equipment, etc., shall be confined to the building site and may not be stored on the street. All building materials must be neatly stacked to maintain a clean site. Bottles, cans and debris (including blowable trash) must be contained and regularly removed from the site. The job site must be kept clean. Streets, gutters and curb area must be kept clean and free of debris and dirt. Street spills must be promptly cleaned up.
3. Temporary Living Quarters. No temporary living quarters of any description (including, but not limited to, a mobile home, house or travel trailer, camper unit or tent) shall be placed, maintained or occupied on any lot.
4. Dust. Dust shall be controlled during excavation and construction.
5. Portable Toilets. Portable toilets (for use during construction) may not be stored on the street and must be securely anchored to the ground.
6. Temporary Structures. No temporary structure or other outbuilding shall be placed or erected on any lot; provided however, that the Committee may grant permission for any such temporary structure for storage of materials during construction. No such temporary structure shall be used at any time as a dwelling place.
7. Working Hours. The lot owner shall control contractor and employee work hours. The following work hour limits apply not only to contractors, but to lot owners and/or residents as well.

October 1st through April 30th            7:00 a.m. to 5:00 p.m.

May 1st through Sept. 30th            6:00 a.m. to 5:00 p.m.

There will be no work on Sundays and Holidays. Work described in this section is limited to construction work at construction sites, and includes any construction which furthers the completion of the project, including clean up work.

8. Holidays. New Year Day, Labor Day, Memorial Day, Thanksgiving Day, 4<sup>th</sup> of July, Christmas Day.
9. Signs. During construction, only two (2) signs may be displayed: the general contractor's sign (if any); and a "For Sale" sign. The general contractor's sign may be no larger than five square feet. The general contractor's sign must be removed upon completion of construction.

#### D. Contractors

Contractors, subcontractors, equipment operators and their employees are the responsibility of the lot owner employing them. The lot owner (including owner-builders) shall ensure all construction personnel are familiar with and obey the rules governing their activities at Canyon Lake.

1. Contractor Conduct. The lot owner is responsible for ensuring the proper conduct of his or her contractors, and the contractor's employees, subcontractors and material suppliers. The owner shall ensure that the job site conditions (for example, radio volume) and activities of the contractor and all persons working at or delivering supplies to the job site (for example, offensive language) do not constitute an unreasonable annoyance or nuisance to other property owners.

While the Association reserves the right to take enforcement action against contractors for violation of these rules, the lot owner is, in all instances, ultimately responsible for ensuring compliance and is subject to direct enforcement action for violations by contractors or any other third parties.

2. Guests. No construction personnel may bring family, friends, pets or any type of sports or fishing equipment into Canyon Lake.
3. Contractor License Fees and ID Cards.
  - a. Contractors: Annual Fee, limited to four (4) ID cards.
  - b. Service Trade: Annual Fee, two (2) ID cards.
  - c. Additional ID cards: Annual Fee.
4. Passes. Workers passes must be displayed conspicuously on vehicle windshields.

### SECTION VIII LANDSCAPING

#### A. Improved Lots

Landscaping must be maintained in a neat, clean, and attractive condition on all improved lots. All yards and slopes must be improved with some form of Committee approved groundcover in all areas, a minimum of two (2) fifteen-gallon trees in the front yard, and be maintained in a

reasonably weed-free condition. A one third ratio of landscaping to concrete should be maintained in the front yard, as well.

1. Rear Yard Landscaping. Prior to 1989, the Association did not require owners to install Rear Yard landscaping (although such owners were (and are) required to maintain their Rear Yard in a reasonably weed-free condition). The Association requires property owners who acquired title to their property in 1989 or later to install and maintain rear yard landscaping. As a result, lots landscaped in accordance with the pre-1989 Rear Yard landscaping standards shall become subject to the current landscaping requirements upon sale or change in ownership.
2. New Homes/Major Construction. Landscaping must be completed in accordance with these requirements within three (3) months from the time the new home/major construction is completed or 270 days after commencement of construction, whichever comes first.

#### B. Vacant Lots

Landscaping is not required on vacant lots. However, the lot owner is responsible for maintaining the lot in a reasonably weed-free condition and in such a manner so that the lot is not rendered unsightly by reason of unattractive growth. The Association may offer owners of vacant lots the opportunity to participate in a weed abatement program, but participation in any such weed abatement program will not absolve the owner of a vacant lot of the obligation to maintain the lot.

#### C. Architectural Approval Requirements

Owners are required to apply for and obtain the Committee's approval, in writing, for changes or additions to landscaping (excluding trimming or softscape changes or additions). However, natural grass, rock or bark groundcovers are deemed pre-approved and may be installed without application to the Committee, provided that for rock and bark, the groundcover must be installed over a layer of at least 6 mil. "visqueen" or equivalent.

#### D. Trees

Due to damage to curbs and street sweeping difficulties, the Association adopted a policy that new trees shall not be planted within six (6) feet from the curb.

Pursuant to the CC&Rs, no tree with a diameter in excess of three (3) inches measured at a point twelve (12) inches above the ground shall be removed from any lot without first obtaining the written consent of the Committee. Remaining stumps shall be removed or cut to ground level.

#### E. Front Yard Setback

Planters and tree wells of up to thirty-six (36) inches in height are generally acceptable in the Front Yard Setback, however the lot owner is still required to apply for and obtain Committee approval before installing or altering such improvements. (For those few lots where the Community Setback is less than six (6) feet, such improvements should be at least six (6) feet

from the curb.) Boulders and rocks (whether natural or constructed), statues, figurines and fountains may not be placed, installed, altered, constructed or maintained except upon application to and express written approval from the ACC.

#### F. Community Setback

Except for changes to softscape and the pre-approved forms of ground cover discussed above, Committee approval must be applied for and obtained for changes or additions to landscaping in the Community Setback. Plants and shrubs should be maintained no higher than thirty-six (36) inches. Trees may only be installed at least six (6) feet back from the curb. Fountains and similar improvements are generally not allowed in the Community Setback. (The Community Setback is actually part of the street lot over which the lot owner has an easement for use and maintenance.) No other improvements may be altered, installed, placed or constructed within the Community Setback without the express written approval of the ACC. To accommodate street sweepers and trash trucks, the lot owner is responsible for trimming trees so that branches hanging over the street are no lower than fifteen (15) feet from street level.

#### G. Corner Lots

For lots which abut streets on two or more adjacent sides, plants, shrubs and bushes within the area six (6) feet from the curb may not be allowed to exceed three (3) feet in height absent the express written approval of the Committee.

#### H. Leaves, Debris

All lots, and the improvements thereon, shall be maintained in a neat and attractive condition. Weeds, leaves, non-living foliage (i.e. tree branches, shrubs, ground cover, etc.) and debris must be removed.

### SECTION IX WATERFRONT LOTS

Elsinore Valley Municipal Water District (EVMWD) owns the lake and the strip of land completely surrounding the lake. This EVMWD property is leased to the Association and is sometimes referred to as the Shorezone. Property owners, even those whose properties abut the lake, do not have the authority to encroach upon the EVMWD property for the purpose of installing docks, sun decks, ramps, or other improvements, or for other purposes, except as may be permitted by the Association.

No improvement may be installed or altered in the Shorezone except pursuant to an encroachment permit issued by the Association. The Association's Board of Directors delegated to the Committee the role of considering applications for and authority to issue encroachment permits to owners of Lakefront Lots for installation or modification of improvements upon the Shorezone. Committee approval, in the form of an encroachment permit, must be obtained

before any improvement (including, but not limited to, docks and seawalls) may be altered, installed or placed in the Shorezone.

Since the Shorezone property is leased by the Association from EVMWD, the applicant is actually seeking approval to install and maintain improvements upon the Association's leasehold. As a result, when considering an application regarding improvements within or alterations to the Shorezone, the Committee may consider factors beyond the criteria normally applied by the Committee when considering applications for improvements located entirely on the applicant's lot.

Applications for the placement and use of docks and other improvements within the Shorezone shall only be accepted by the Committee for consideration from members who own lots which are immediately adjacent to Canyon Lake and separated from the water surface by only the said strip of land owned by the EVMWD. Owners of lots which do not have a lakefront boundary line, as shown on the original tract map creating such lots, are not eligible, by virtue of lot line adjustments, grants of easement or other alterations of the original property rights, to install docks, sun decks, gangplanks or any similar structures.

Applications must include plans prepared and signed/stamped by a registered civil engineer or licensed surveyor.

#### A. Encroachment Permits

No Lakefront Lot owner has the right to erect structures, install docks or otherwise improve the lake bed, either above or below the water line, except to the extent such use is permitted by the Association pursuant to an encroachment permit.

An encroachment permit is required to construct, install and/or maintain any improvement (including, but not limited to, a dock, sundeck, stairs, sea walls, steps, bulkheads, rams, beaches, etc.) on the EVMWD strip (with the exception of improvements installed and maintained by the Association). In addition to the encroachment permit, the Lot owner must make application to and receive written approval from the Committee prior to the start of any construction.

By issuance of an encroachment permit, the Association does not grant the lot owner any exclusive rights in or over any part of the bed of the lake. All encroaching improvements are subject to removal, modification and/or relocation if and when the Association determines that prudent lake management, the accommodation of other lot owners, or other circumstances make such action appropriate.

In order to comply with the terms of the Railroad Canyon Reservoir Lease, encroachment permits will be issued only for use incidental to boating, swimming, fishing and water sports. No other uses are authorized.

No approval by the Committee and/or the Association regarding the placement and use of any dock or other encroaching improvement shall be deemed, either specifically or by implication, a representation that said improvement is free from danger to any person or persons. All improvements placed or used on Canyon Lake are so placed and used at the sole risk of the owner thereof.

No approval by the Committee and/or the Association regarding the placement and use of any dock or any other encroaching structure shall be deemed final. The Committee and/or the Association expressly reserves the right to require relocation, replacement, or removal of such structures/improvements. Further, encroachment permits are subject to revocation.

After approval for installation/alteration of any encroaching structure (such as a dock or ramp) there can be no modifications, extensions, alterations or relocation without submitting an application to the Committee and receiving written approval therefore, except that the Committee may require relocation alteration or removal of encroaching structures.

Improvements that are not installed in accordance with the Committee's approval are subject to having their encroachment permit revoked, in which case the improvement shall be removed at the owner's expense.

#### B. Maintenance Standards

Shorezone improvements, including, but not limited to, docks, ramps, sun decks and all appurtenances thereto and other encroaching structures, must be maintained in a neat and attractive condition and good repair. This includes carpeting, canopies, painting, hookup, flotation, etc. Raw foam is not acceptable as it deteriorates and pollutes the lake.

If structure is not maintained, the encroachment permit may be revoked and the structure removed from the lake at the owner's expense.

#### C. Docks

1. Dock Covers. Dock covers on a "U" shaped dock may be allowed. The frame must be sized to carry the load. The cover and frame must be of quality material and a sample and specifications must accompany the application for Committee approval. The cover must be maintained in a manner that keeps it attractive. If the cover deteriorates so that it is no longer neat and attractive, the cover must either be replaced (any change from the original approved cover must be approved by the Committee) or the cover and frame removed.
2. Common Docks. Common docks are recommended in corner areas and coves. Two or more members are encouraged to submit applications for a dock designed to be used jointly.
3. Dock Anchorage. Dock anchorage should be designed to allow the dock to stay near the shoreline at all lake levels; this can be accomplished by manual relocation of the dock when the lake rises or falls, or may be a mechanical arrangement, which achieves the same result. Docks must have tie-down cables. Ropes are not allowed.
4. 1372 msl contour. No dock may encroach beyond the 1372 feet msl contour.

5. Dock Numbers. All docks must be identified with the tract and lot numbers. These numbers must be visible and legible from the lake. Minimum three (3) inch letter size and of a contrasting color is required.
6. Enclosed Storage. Enclosed storage may be allowed on a dock with prior Committee approval.
7. Mooring Privileges. Mooring privileges are available only to owners of lots contiguous to lake property with permitted docks. Others must use Canyon Lake POA owned docks or accesses.
8. Disposal of Old Dock. The lot owner needs to provide as part of the application for replacement of a dock a plan for disposal of the old dock. Further, as a condition of approval, the lot owner will need to provide written proof that the old dock has been properly disposed of, and not just dumped or sunken in or around the lake. Owners will be charged for the cost of removing the dock from the lake in the event the dock is dumped or sunk somewhere in the lake.

D. General Design Data for New or Replacement Docks

The Committee will rule on type and color of dock allowed. The Committee may, in its sole discretion, deviate from these guidelines.

U dock: 28' long including a 6' header, 18' wide, 4' fingers, 10 opening

W dock: 27' long, 32' wide, 4' fingers, 10' opening

L dock: 25' long including 4' header, 11' wide, 6' fingers

T dock: 25' long including 4' header, 16' wide, 6' fingers

Finger dock: 24' long, 6' wide

Typical dock design based on width of rear property line. These are guidelines only. The Committee may, in its sole discretion choose to deviate from these guidelines (e.g. relocated docks).

Lots with over 26' at rear property line: U dock.

Two adjacent lots with less than 26' each and more than 20' each at rear property line: W dock.

More than two adjacent lots of 20' each at rear property line: joint use L or Finger dock.

More than two adjacent lots with less than 20' each at rear property line; joint use T, L or Finger dock.

This is general design information and subject to specific review by the ACC for approval.

Where the Committee deems it would be appropriate, the Committee may create a master plan for placement of docks in coves.

#### E. Dock Application Requirements

Plans must show the placement of all proposed structures and be adequately dimensioned so the installation can be checked for accuracy of location. There must also be an accurate profile showing the present condition of the slope, the location of the dock, the method of anchorage, and the provisions for keeping the dock near to the shore at all elevations of the lake. Additional requirements:

Plans must be drawn to scale and must say what the scale is (recommended 1" = 10').

Plans must show docks and all other structures on both sides of applicant's lot (i.e., seawall, etc.)

Site plan must show property lines (sides and rear as well as those of adjoining properties).

Dock and ramp drawing must show size, openings, ramp attachments and type of attachment, cable hookups, and canopy if applicable.

Plans must show the low water (1372 feet msl) location of docks and ramps and contour at 1372 foot level (innermost point of dock can encroach no further than 1372 foot level in the water).

#### F. Seawalls

Retaining walls, or seawalls to prevent slope erosion, may be approved by the Committee. No portion of these walls may intrude into the lake beyond the normal 1377-foot msl contour nor be higher than 1383 msl. If the slopes have eroded, the eroded material should be removed from the lake and replaced on the slope as part of any sea wall project. Any spillway may be extended to the water through a pipe or culvert, penetrating the sea wall if necessary.

Elevation at top of footing to be no lower than 1377 feet msl and staked by a certified surveyor with a survey map showing footage from curb to stake or rear of house to stake and be visible on inspection. Seawalls cannot encroach beyond 1377 foot level and must show ramp openings or attachments and type of attachments.

#### G. Other

Owners of Lakefront Lots shall be responsible for protection of the shoreline and the waters of the lake. They must avoid dumping of debris or spillage of solids or liquids, which could enter or drain into the lake. Chemical toilets used during construction must be kept at least twenty (20) feet from the water's edge and be maintained on a regular basis.

The Association is not responsible for dredging any portion of the lake. Dredging can be approved upon submission of an engineered drawing or plan to and approval of the same by the

Committee and the EVMWD. The existing shoreline will not be changed. When silt or eroded material is removed from the lake, the plan for same must indicate the destination for the exported material. Grading on EVMWD property requires EVMWD approval.

H. Swimming Pools and Related Improvements (pumps, pool equipment, fences and pool decks)

1. General. Owners of Lakefront Lots may apply for approval to install a swimming pool and related improvements located in whole or in part on the Shorezone. Upon receipt of an application that satisfies all the following requirements, the Committee may consider issuing an encroachment permit that would allow the owner to install and maintain such improvements subject to any conditions imposed by the Committee and the understanding that the Owner may be required to modify or remove the swimming pool and related improvements at some future date.
2. Application Requirements. An application for Committee approval/encroachment permit for a swimming pool and related improvements upon the Shorezone will be deemed completed and submitted upon receipt by the ACC office of the following:
  - a. A completed application form signed by all the owners of record of the lakefront lot (form available from the ACC office).
  - b. Submission of an Agreement and Covenant (Running with the Land) (referred to as the “Covenant” a form of which is available from the ACC office) that has all blanks filled in with the required information, that has a plot plan (prepared by a licensed land surveyor or licensed civil engineer) attached as an exhibit depicting the proposed improvements, their proposed location and distances from the proposed improvements to: the boundary of the lakefront lot closest to the lake; existing improvements on the lakefront lot; the nearest improvements on the lakefront lots directly adjacent to the applicant’s lakefront lot; existing improvements on the EVMWD property within 300 feet of the proposed improvements; and the 1383 msl contour. The Covenant must also have the original signatures of all owners of record of the lakefront lot accompanied by completed original notary acknowledgments for each signature sufficient to allow recordation of the document, as well as the original signatures of the EVMWD officials specified on the Covenant, again accompanied by original notary acknowledgments for those signatures sufficient for recording purposes.
  - c. Submission of proof of the insurance coverages required by the Covenant.
  - d. Subordination agreements executed by the holders of any security interest in the applicant’s lakefront lot whereby the holders of those security

interests would subordinate their interests to those of the Association created by virtue of the Covenant.

- e. Payment of the applicable application fee, a portion of which may be refunded if the application is not approved by the Committee. (The Association may use a portion of the application fee to obtain a title insurance policy securing the priority of the Covenant in the chain of title to the applicant's lot.)
  - f. Plans, prepared by a licensed civil engineer, of the proposed swimming pool and all related improvements, detailing all proposed changes to be made to the EVMWD property. Said plans must include a description of proposed grade changes and the how any grading is to be performed. The plans must also include detailed drainage plans as well as a description of how water will be drained, pumped and diverted from the pool to the street sewer system.
  - g. The applicable construction deposit and completion of a Construction Conformance Agreement (form available from the ACC office).
3. Committee Review. Once all the application requirements are satisfied, the Committee will review and consider the application. The Committee shall deny the application if it believes, in its sole discretion: the proposed improvements, in whole or in part, will not be in harmony with the general surroundings or adjacent buildings and structures; the proposed improvements, or any part thereof, will be contrary to the interest, welfare or rights of other lots or lot owners; there is not enough space for the proposed improvements and the anticipated future potential use(s) of the EVMWD property by owners of surrounding lakefront lots for installation of seawalls, docks and related improvements; the proposed improvements are not consistent with prudent lake management; or the proposed improvements are not consistent with the Association's governing documents, including these rules. The Committee may also deny the application if the application is incomplete in any way or if the Association does not believe it will be able to obtain an adequate title insurance policy as contemplated by subparagraph 2(e) above.
4. Related Improvements. The Committee may approve installation of improvements typically related to and installed in connection with swimming pools. That includes pumps, pool decks and fencing. When considering whether to approve such improvements, the Committee will employ the same criteria described in paragraph 3 above. In general, habitable structures and bathrooms will not be permitted to be installed in the Shorezone.
5. Maintenance. Any swimming pool and related improvements installed in whole or in part upon the Shorezone must be maintained in a neat, attractive and sanitary condition. Failure to do so may result in the Association revoking the encroachment permit for the improvements, in which case the improvements

would have to be removed from the Shorezone and the Shorezone restored to its previous condition. If the owner of the Lakefront Lot fails to so remove the improvements and restore the Shorezone, the Association may have that work performed in which case the owner will be responsible for reimbursing the Association for its out-of-pocket expenses, including attorneys' fees and costs.

6. No Commercial Use. No swimming pool or related improvement upon the Shorezone may be used for any commercial purpose. This includes, but is not limited to, professional photography, movies, commercials, television, business parties and event rentals, such as where the swimming pool and related improvements or surrounding area are rented out for a wedding, seminar, anniversary party, etc.
7. Lake Protection. There shall be no contact between waters/chemicals from a swimming pool or related improvements located in whole or in part upon the Shorezone and the lake waters. The swimming pool and related improvements must be designed and built with this requirement in mind and include protections and fall backs to keep waters or chemicals from the swimming pool and related improvements from entering the lake.

## FINE SCHEDULE

### A FINES

1. No ACC Approval:
  - Minor improvements (e.g., fences): \$100. per month
  - New Homes & Room Additions: \$750. per month
2. No ACC Setbacks Inspection: \$750 (in addition to automatic stop work order).
3. No Ridge Inspection: \$500
4. No final job card before occupancy: \$75 per calendar day
5. Clean Job Sites: \$75 - \$100 per day.
6. Street Cleanup (dirt & debris): \$100. fine, plus any associated costs
7. Street & Curb Damage: \$100. plus cost.
8. Improper storage of construction materials (including storage of building materials and equipment on vacant lot or street):
  - 1st offense \$100. per week
  - 2nd offense \$200 per week
  - 3rd offense \$400 per week
9. Electric Cords Running Across Street: \$100 per occurrence
10. No toilet on Job Site:
  - 1st offense \$100 per week
  - 2nd offense \$200 per week
  - 3rd offense \$300 per week
11. Portable toilet not anchored:
  - 1st offense \$100 per week
  - 2nd offense \$200 per week

- 3rd offense . \$300 per week and automatic Stop Work Order
- 12. Sunday and Holiday Working Violation:
  - 1st offense \$100
  - 2nd offense \$200
  - 3rd offense \$300 and automatic Stop Work Order
- 13. Working after hours, failure to adhere to work hours: \$250 fine per occurrence.  
(Includes loitering on job site after hours.)
- 14. Physical or Language Abuse of Canyon Lake POA Employee: \$100.
- 15. Leaving out trash containers: \$25 per occurrence.
- 16. Failure to appropriately screen trash containers from view:
  - 1st offense \$50 per week
  - 2nd offense \$75 per week
  - 3rd offense \$100 per week
- 17. No reflectors on roll-off boxes: \$25 per day
- 18. Noncompliance with tree cutting requirements: \$50 per occurrence.
- 19. Storage of mobile home, travel trailer, or camper unit on lot prior to completion and occupancy: \$25 fine per day.
- 20. Failure to remove holiday decorations:: \$25 per week.
- 21. Violation of sign policy: \$25 per day.
- 22. Burning of trash outside: \$150 fine per occurrence.
- 23. Failure to clean up after concrete pour: \$100 per occurrence
- 24. Dumping any material or chemicals into, or removing any material from the lake, other than with an approved dredging plan (fines are in addition to the cost to restore capacity or return to original state):
  - 1st offense \$1500
  - 2nd offense \$3000
- 25. Failure to maintain property/landscaping:
  - 1st notice up to \$150 per month.
  - 2nd notice up to \$300 per month.
- 26. Failure to maintain numbers on docks:
  - 1st offense \$100 per month
  - 2nd offense \$200 per month
  - 3rd offense \$300 per month
- 27. Failure to maintain numbers on curb: \$25 per month
- 28. Failure to screen A/C unit or propane tank from street, lake, or Golf Course:
  - 1st notice \$50 per month
  - 2nd notice \$100 per month
  - 3rd notice \$200 per month
- 29. Basketball Backboard in street: \$50 per month

The fine amounts set forth above are the amounts generally considered for the described violation. In every instance, the Association reserves the right to impose a fine of a different amount as may be appropriate under the circumstances. For any rule where no specific fine amount is specified, the amount shall be \$100 for the first offense, \$200 for the second offense and so on, or such other amount as the appropriate Committee shall determine.

Fines are not the Association's exclusive remedy for violations. The Association reserves the right, in all cases, to pursue other remedies/enforcement procedures in addition to and/or in lieu of imposition of fines. Those other remedies/enforcement procedures include issuing a stop work order and/or suing the lot owner(s) to compel compliance.