
BEAR CREEK

MASTER ASSOCIATION

TO: All Bear Creek Master Association Homeowners

REF: Summary of Architectural Control Procedures

Dear Association Member:

The California Civil Code requires the Association to publish a notice annually that describes the types of architectural changes that require Association approval. This summary of Architectural Control Procedures has been prepared for that purpose. This is only a summary and owners are therefore required to refer to the CC&Rs and to the Association's Architectural Guidelines for additional architectural improvement related information. If you have any questions about whether there are any standard guidelines or requirements for the type of improvement you would like to make, please contact management *before* you start work.

- A. No Exterior Additions and Changes without Prior Approval. No construction, alterations, modification, decoration, redecoration or reconstruction of an improvement in the properties shall be commenced or maintained, until the plans and specifications therefore showing the nature, kind, shape, height, width, color, materials and location of the same shall have been submitted to the Architectural Committee and approved in writing by the Architectural Committee. (CC&Rs Article X, Section 3).

- B. Common Area Alteration Requirement. Modifications or additions affecting the Common Area also require prior approval from the Architectural Committee. (CC&Rs Article III, Section 9).

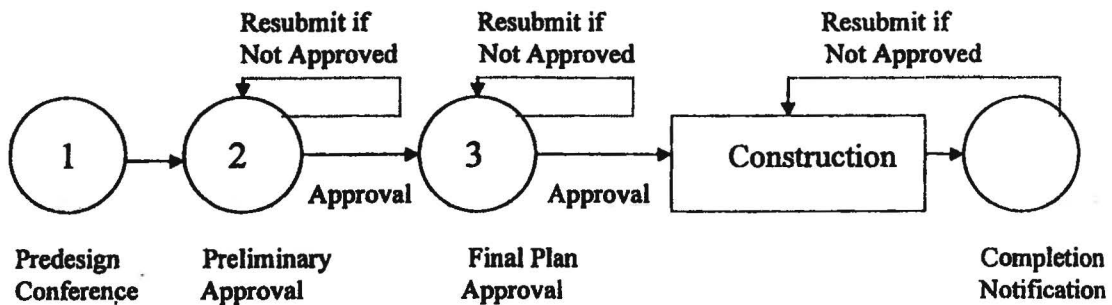
- C. Submission Procedures/Plan Requirements. An Owner's architectural application shall be submitted only on the Association's Home Improvement Form. The completed Home Improvement Form, three (3) copies of the Owner's plans and specifications, a \$5,000 refundable deposit & \$1,000 non-refundable fee (for new home construction), a \$300.00 refundable deposit & \$300.00 non-refundable fee (for all structural improvements), or a \$300.00 refundable deposit (for improvements like, but not limited to those that do not entail structural modifications, height dimensions, city requirements, etc.) and the completed Neighbor Awareness form shall be submitted only to the Association's management agent and not to any Association Director, Officer, or Committee member. The plans and specifications shall show the nature, kind, shape, color, size, materials, and location of the proposed improvements or alterations. The Committee may require such detail in plans and specifications submitted for its review as it deems proper, including without limitations, floor plans, site plans, drainage, elevation drawings, and description or samples or exterior materials or colors. Until the Committee receives all required plans and specifications, the application is not deemed complete, the Committee will postpone review of the application, and the 60-day period within which the Committee must notify the applicant of its decision does not commence. (CC&Rs Article X, Section 3).

PART 1

ARCHITECTURAL PROCEDURES

PROCEDURAL FLOWCHART:

The following flowchart represents the necessary process in building a new residence at Bear Creek or seeking approval for improvements. Any owner wishing to construction or install buildings upon his or her lot, or make or alter any improvements thereon, must follow these procedures. Only the Owner(s) of the lot for which the proposed construction, installation or alteration is proposed may petition the Architectural Review Committee (may also be referred to as Committee, Architectural Committee in this manual) for approval of same. It is important to mention that any deviation from these procedures could cause unnecessary delays or additional costs if approvals are not obtained *prior* to obtaining County permits (if necessary) and/or commencement of construction or improvements.



PRE-DESIGN CONFERENCE:

The Architectural Review Committee strongly urges a pre-design conference with your architect or designer to avoid delays because of improper site planning. Consideration regarding the way a lot faces the street, existing trees, adjoining houses, streetscape, and other details should be considered prior to actual design of a residence. In short, a residence should be designated to fit a particular lot with site planning being an important consideration in design.

- D. Approval Criteria. Approval shall be based, among other things, on adequacy of site dimensions; adequacy of structural design and material; conformity and harmony of external design with neighboring structures; effect of location and use of improvements on neighboring properties, improvements, operations and uses; aesthetic beauty; and conformity of the plans and specifications to the purpose and general plan and intent of the CC&Rs. (CC&Rs Article X, Section 3).
- E. Decision Timing. If the Architectural Committee, or its designated representatives, fails to notify the applicant of the Committee's decision to approve or disapprove a complete submission of plan and specification within sixty (60) days after the same have been submitted to the committee, it shall be conclusively presumed that the Architectural Committee has approved such plans and specification. No supported oral or verbal approval of the Committee shall be permitted or effective, and any approval, to be binding upon the Committee and the Association, must be in writing. (CC&Rs Article X, Section 3).
- F. Disapproval/Request for Reconsideration. Any decision of the Architectural Committee may be appealed in writing to the Board by any affected owner within the properties. The written request shall be received by the Board not more than (30) days following the final decision of the Architectural Committee. The Board shall submit such request to the Architectural Committee for review, whose written recommendations will be submitted to the Board. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. The failure of the Board to render a decision within the said forty-five (45) day period shall be deemed a decision in favor of the decision of the Architectural Committee. (CC&Rs Article X, Section 11).
- G. Board Hearing on Architectural Appeal. Notice of the date, time, and location of the Board of Director's meeting at which the appellant's request for reconsideration will be heard shall be sent to the effected applicant and to the appellant (if different) 10 days prior to the meeting. Per Civil Code Sec. 1378 (a) (5) the appeal will be heard in an open meeting of the Board, unless requested otherwise.

PRELIMINARY PLAN SUBMITTAL REQUIREMENTS:

Prior to submitting documentation to local authorities for permits, submit two copies of the following documents, together with completed Bear Creek Master Association, Architectural Review Committee, Exhibit A - "Application for Preliminary Approval".

1. Site Plan: indicate lot number, all property lines, any easements, location and dimensions of all structure(s), structure elevations, site features, a north arrow, paved areas (including type of paving) and setbacks. All site plans submitted for review shall conform with the Bear approved site plan available at the Association on-site office.
2. Grading Plan: (if grading permit is required by City of Murrieta) May be separated or shown on site plan.

NOTE: Grading plan must be in accordance with Bear Creek Master Association's CC&R's, Article III – Use Restrictions, Section 13, Drainage, which reads, "There shall be no interference with the established drainage pattern over any lot within the Properties or adjacent properties, unless an adequate alternative provision is made for proper drainage and is made for proper drainage and is first approved in writing by the Architectural Committee. For the purposes hereof, "established" drainage is defined as the drainage which exists at the time that such lot is conveyed to a purchaser from Declarant, or that which is shown on any plans approved by the Architectural Committee, which may include drainage from the Common Area over any lot or lots in the properties."

3. Site Section: (If grading permit is required by City of Murrieta) Plans should show topical portion of site showing cut areas, fill areas, and building location.
4. Floor Plan: 1/8" or 1/4" scale, with major dimensions shown.
 - A. A Bear Creek custom home should be a minimum of 3,000 square foot, excluding the garage and any decks, patios and/or courtyards. Square footage must be indicated on the plans in the following manner:
 - i. First Floor
 - ii. Second Floor
 - iii. Garage
 - iv. Patio, Decks, Courtyard, etc.
5. Exterior Elevations: All building elevations and material must be delineated and identified.

6. Building Section: Through major building spaces indicating important vertical dimensions.

OPTIONAL:

1. Rendering or perspective sketch
2. Site analysis
3. Detailed drawings which show the character of the building
4. Studies which explain important design features of the building

****Tennis courts and pools will only be approved, provided all other criteria are satisfied, for lots that have been designated as tennis court and/or pool compatible lots by the Architectural Review Committee.*

NOTE: All plans to be a minimum size of 24" x 36" sheets with complete title block.

IMPACTED NEIGHBOR NOTIFICATION:

On every project other than original home construction, prior to approval of final plans, impacted neighbors are to be made aware of construction or improvements. Therefore, upon submitting your final plans you must include a complete Bear Creek Master Association, Architectural Review Committee, Exhibit C – "Impacted Neighbor Awareness Statement", which is to comprise of *impacted* neighbors' signatures.

Impacted neighbor is to entail neighbors that are *visually impacted*. For example, should you wish to add a large trellis to your back yard; you would need to have each owner that could see your improvement sign the form. This may include: adjacent neighbors, which would be those neighbors that share a common property line, and neighbors to the rear of the property. An improvement in the front yard would include owners across the street, as well as, next door. When in doubt have all neighbors around you sign the notification form.

Should a neighbor notify the Architectural Review Committee of approval or disapproval, this shall be considered advisory only and shall not be binding in any way to the committee.

FINAL PLAN SUBMITTAL REQUIREMENTS:

Submit **three (3)** copies of the following documents, together with completed Bear Creek Master Association, Architectural Review Committee.

1. Site Plan: Three full sets of final construction drawings with site plan. Final site plan should indicate exact location and dimensions of *all* structure(s), walls, driveways, auxiliary buildings, pool and A/C units: together with detailed specifications if not provided elsewhere.

2. Color Pallet: All exterior colors on structures, walls, roof, etc.
3. Landscape Plans (if applicable): Hardscape and softscape. (Note Landscape Plan Requirements in following paragraph). Note: You may delay submission of Landscape Plans no later than thirty (30) days from date of framing inspection by City of Murrieta. Failure to submit plans within thirty (30) days from date of framing inspection will result in fines of \$250.00 per day.

LANDSCAPE AND POOL PLAN REQUIREMENTS:

Please submit three sets of landscape plans. Landscape plans are to include the following:

1. Planting Plan: Specify all plant locations, sizes, quantities. Proper scale is of utmost importance.
2. Construction Plan: Location of all walks, flat work, patios, decks, garden walls, pergolas, gazebos, water features, fencing, etc. Colors must harmonize with main structure colors. ****Materials to specified.**
3. Finish Grade Specs: Specifications to include drain locations, flow lines and soil preparation specs.
4. Lighting Specs: Indicate type of exterior lighting over 75 watts and location of all exterior lights.
5. Detail Specs: Attach a detail page with instructions as to special situations pertaining to any of the above.
6. Pool plans must include engineering specifications.

PLAN APPROVAL:

Plans submitted for review to the Architectural Committee will either be approved as-is, approved with conditions, or disapproved. There will not be any partial approval allowed.

The Owner must obtain Architectural Review Committee approval for both the Preliminary and Final Plans before any construction may commence.

Upon approval, two sets will be returned to the owner.

CHANGES:

All changes or deviations from the approved plans must be pre-approved by the Architectural Review Committee. Submit changes with three sets of plans, together with

Bear Creek Master Association, Architectural Review Committee, Exhibit E – “Modification of Approved Plans”.

Should any changes occur without Architectural Review Committee approval, after plans and specifications have been approved by the Architectural Review Committee, any additional costs incurred will be at the Owners expense should the Committee disapprove said changes. All requested changes must be detailed and shown to scale on plan.

FEE AND DEPOSIT:

A \$1,000.00 non-refundable Architectural Review Fee must accompany the Preliminary Plans for construction of each new home when submitted to the Architectural Review Committee for review.

A \$300.00 non-refundable fee must accompany the application for each improvement made to an existing property. Upon completion and written approval by the Architectural Review Committee said fee will be reimbursed. Improvements that do not include dimensions, height requirements, drainage and/or structural modifications or house painting (same color) will not require a separate deposit.

Prior to commencement of construction of a new home and before stamped plans are returned to the applicant, a refundable deposit of \$5,000.00 shall be provided to the Bear Creek Master Association. This deposit is to be utilized to offset costs incurred by the Association; as a result of damage to common areas, costs required to enforce adherence to approved plans, and to meet obligations for fines that might be imposed by the Association as a result of violations to Rules and Regulations. Such costs will be deducted from the deposit with the balance refunded to the homeowner upon final inspection and approval of the project by the Association.

PRIOR TO CONSTRUCTION:

The Association will contact the applicant after final plan approval by the Architectural Review Committee. At this time the Association and/or its representative will arrange a preliminary meeting with the Owner and general contractor for status of the following:

1. \$5,000.00 deposit.
2. Review and sign Exhibit F – “Owner & General Contractor Acknowledgment of General Rules”.
3. Provisions for trash containment and erosion control.
4. Arrange for construction entry passes for various workmen and subcontractors.
5. Any Necessary Right of Entry(ies).

CONSTRUCTION TIME PERIOD:

Construction or improvements must **commence within six (6) months** and **completed within eighteen (18) months** from the Architectural Review Committee's stamped final approval. All other home improvement application deadlines will be defined by the ARC Committee within the application approval letter with a reasonable deadline based upon the scope of work. A formal written request must be submitted for extension of time to the Architectural Review Committee. The Architectural Review Committee shall issue a decision on a request for extension of time within thirty (30) days after receipt of such request. If no decision is issued within that 30-day period, the request will be deemed denied.

UPON COMPLETION:

Upon completion of any work for which Architectural Review Committee approval is required, including landscaping, the Owner shall submit to the Architectural Review Committee, Exhibit D – "Notification of Completion". Within sixty (60) days after receipt by the Architectural Review Committee of such notice, the Architectural Review Committee, or an authorized representative, will inspect such improvement(s) and within the same time period, issue a decision to the Owner/applicant if the work fails to comply with the approved plans.

If the Architectural Review Committee finds that work has been completed according to the stamped approved final plans the refundable deposit will be returned. However, if the Architectural Review Committee finds work not completed in accordance with the approved plans they shall notify the owner in writing as specified above. At which time the Architectural Review Committee will specify the reasons of non-compliance. The owner shall have thirty (30) days from date of notification to remedy the non-compliance.

PART 2

OWNER RESPONSIBILITY

GENERAL REGULATIONS:

The Architectural Review Committee (ARC) has established certain construction and safety regulations that will apply to all Owners, general contractors, subcontractors, workers and service personnel entering Bear Creek. These rules are intended to ensure safe, neat and orderly activities for the construction and maintenance of Bear Creek.

The owner is ultimately responsible for any and all actions taken by the Owner's general contractor, subcontractors, or other agent working on the Owner's behalf, regardless if such actions were specifically contemplated or authorized by the Owner. Said Owner's responsibility includes any violation of the Architectural Procedure Manual for the Bear Creek Master Association, the Bear Creek Master Association's Rules and Regulations, the Bear Creek Master CC&R's or any ruling or order of the Bear Creek Master Association's Board of Directors or Architectural Review Committee. Any such violation may result in, but not limited to, any or all of the following:

1. An order to stop construction.
2. Access to Bear Creek denied to general contractors, subcontractors, workers and service personnel.
3. Retention of a portion or all of the construction deposit. Any deposits retained by the Association may be in conjunction with a stop construction order or fines. Until such deposit is replenished to the original amount, approval to proceed with construction will not be granted.
4. A noted violation will be reported to the owners and/or contractor. If the violation is not corrected the Association or an authorized representative will take corrective action. For example, signs in violation of the accepted specifications may be removed by the Association if not removed by the Owner or contractor.
5. All construction must be completed in accordance with the stamped approved final plans. ANY CHANGES to these plans must be approved by the Architectural Review Committee. Failure to do so will result in assessments of fines and retention of your deposit.

PRIOR to RETURN of DEPOSIT:

Prior to return of refundable deposit the following requirements must be met:

- A. All job identification signs must be removed.
- B. All landscaping must be completed prior to final inspection and upon submission of Exhibit D, Notification of Completion.
- C. Any curb or street damage must be repaired.

PART 3

GENERAL RULES FOR CONTRACTORS, OWNER BUILDER AND SERVICE PERSONNEL

APPLICABILITY:

The requirements and restrictions set out in this part are applicable to all persons working within Bear Creek, including, but not limited to, the Owner, the Owner's general contractor, and any subcontractor or other agent working on the behalf of the Owner. Such individuals will be personally liable for any fines or penalties assessed against them for violation of any of the terms of this part and, further, shall be personally liable for any damage they cause within Bear Creek.

ACCESS TO BEAR CREEK:

Prior to start of construction the Homeowner or General Contractor must obtain a pass and make provisions for accessing their workers and subcontractors from the Main Entrance.

No construction traffic will be allowed into Bear Creek unless that vehicle has been authorized in advance. They must receive and display on the dashboard while in Bear Creek a current construction pass valid for a maximum of ninety (90) days and limited to the LOT under construction. All construction vehicles and personnel must enter through the Main Gate and exit through the gate in closest proximity.

Only bona fide workers are allowed on the property. Spouses may drive workers to the site and pick them up, but must not remain on the property unless they are actual employees. This shall apply to their children also.

TRANSPONDERS:

Transponders are solely for the use of lot owners. Unauthorized use of transponders by non-owners will result in confiscation of transponders and/or substantial fine.

SPEED LIMIT:

The speed limit in Bear Creek is 25 MPH for all vehicles on Bear Creek North and South. All other streets are 15 MPH. Failure to observe the speed limit may result in a citation and/or denial of driving privileges in Bear Creek.

SIGNAGE:

Each homeowner will be required to post an "Approved Project" sign in front of their residence prior to commencement of the project. After project completion the sign will be returned to the HOA office. Signs not returned or in disrepair will have a \$100.00 sign fee deducted from their refundable deposit.

WORKING HOURS:

The permitted work hours and days are to include owner builders. Permitted work hours are as follows:

MONDAY – FRIDAY 7:00 a.m. to 5:00 p.m. (must be out of the community by 5:30 p.m.)

SATURDAY 8:00 a.m. to 3:30 p.m. (must be out of the community by 4:00 p.m.)

No construction activity or any work shall commence on Sunday, legal holidays or during unapproved work hours other than emergency repairs. Violations may result in the stoppage of work and/or fines; entry access authorization will be revoked in severe cases. Legal Holidays observed at Bear Creek are: New Year’s Day, Memorial Day, Independence Day, Veterans Day, Thanksgiving Day, and Christmas Day.

PETS:

General contractors, subcontractors, workers and/or service personnel are not permitted to bring in dogs or pets of any kind, and the Main Entrance shall turn away the vehicle if there are pets in the vehicle.

SIGNS:

The Architectural Review Committee requires one (1) sign to be displayed indicating architectural approval has been obtained. The Architectural Review Committee must approve additional signs by the general contractor or developer. A formal written request must be submitted to the Architectural Review Committee via the on-site office. The following criteria will apply.

1. One general contractor or developer sign per each property. No subcontractor, architect, lender, landscaper or other signs shall be allowed.
2. One “contractor or designer” or one “For Sale” sign shall be allowed on any property, but not both. The spec home builder may place a standard “available” rider under sign, attached to the post.
3. Size shall not be more than six (6) square feet (2” x 3”).
4. Color must be forest green background, tan trim, with white plain block lettering.
5. Verbiage shall be limited to the following:

Custom Residence By:
 Name of Builder
 Phone Number

NOISE LEVELS:

Loud radios or unnecessary noise will not be allowed within the subdivision. This is distracting and discomforting to property owners and golfers alike.

PARKING:

No vehicles (trucks, vans, cars, etc.) may be left in the subdivision overnight. Large construction equipment, such as graders, tractors, etc. may be left on the side while needed but must not be kept on the street.

Construction crews will not park on, otherwise use other lots, or the open space, unless written permission is obtained from the lot owner.

STORAGE OF MATERIALS AND EQUIPMENT:

Owners and general contractors are permitted to store construction materials and equipment on the construction site during the construction period. All construction materials included but not limited to, trailers, toilets, equipment, and construction signage must be at least 10 feet back from the curb. It shall be neatly stacked properly covered and secured. Storage of material or construction equipment outside the approved construction site (owner’s or builder’s lot) will be done only with the approval of the Architectural Review Committee.

Any storage of materials or equipment shall be the responsibility of the Owner and contractor.

CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICE, ETC.:

Any Owner or general contractor who desires to bring a construction trailer, field office or the like to Bear Creek shall obtain written approval from the Architectural Review Committee. The Architectural Review Committee will work closely with the Owner or contractor to determine the best possible location. Such temporary structures shall be located only in an approved location and shall be removed upon completion of construction.

Each Owner and general contractor shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the construction site.

ENTRY TO ADJACENT PROPERTY:

When construction work requires the use of adjoining property for any purposes, such as transporting labor or materials for work, the applicant shall obtain written permission from the adjoining property owner (including the Master Association or any sub-association if the

Adjoining property is so owned for "Right of Entry" during the course of construction. A copy of the letter granting permission shall be filed with the Architectural Review Committee prior to commencement of construction.

EROSION CONTROL:

- The Owner must obtain approval of an erosion-control plan from the Architectural Review Committee before construction commences.
- Keep all siltation runoff away from streets, adjoining properties, and (most importantly) around lakes and storm drains.
- All sites requiring cut or fill applications will have greater erosion control requirements. Use of fabric sandbags, initial drainage systems and/or planting of banks will be required.
- The type and degree of erosion control will depend on lot location, time of year, and grading plans submitted.

RESTORATION OR REPAIR OF PROPERTY DAMAGE:

Upon completion of construction, all damaged property must be repaired. Including but not limited to: restoring grades, planting grass and trees, repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fences.

Before trenching, location of underground utilities is required to be done by Local Utility Companies. Report within 30 minutes to Community Patrol at the Bear Creek Main Entrance @ (951) 677-5607 should any lines, such as, telephone, cable TV, electrical, etc., be cut.

CLEAN –UP:

Spillage:

Operators of vehicles are prohibited from spilling any material while within Bear Creek; if spillage occurs, cleanup is both the operator's and Owner's responsibility. Failure to do so may result in deduction of costs for the Association to clean up, from Owner's deposit.

Trash and Debris:

A trash container shall be located on each building site at all times for containment of lightweight materials, packaging or other trash materials, which may blow off the site. Trash and debris must be cleaned up at the end of each day.

Trash and debris shall be removed from each construction site at least once a week, by every Friday, to a dumping site located off the project. It is prohibited to dump, bury trash anywhere in Bear Creek.

Streets:

Trucks may not be washed on the streets. Concrete delivery trucks must be washed on the construction site only.

The Owner and general contractor are responsible for cleanup of roadways on a daily basis. Keep soil off streets by use of sandbags or other available means. Soil build up on streets must be shoveled and swept back on the site daily. This rule will be strictly enforced. Any lot not conforming to this requirement will be assessed a fine, without exception.

Failure to comply will result in notification, after which the Committee will have the areas involved cleaned, and their costs will be assessed to the responsible party.

CHANGES or ADDITIONS or ALTERATIONS:

Any change from the approved plans must be approved in writing by the Architectural Review Committee prior to execution of the change. Such changes necessitate submittal and approval of revised drawings.

Extensions to the project completion date may be granted upon request, for the amount of time to review and approve any modification.

INSPECTIONS:

The Architectural Review Committee or authorized representative may make periodic inspections during construction. Deficiencies requiring corrective action will be communicated to the builder.

General Contractors are responsible for calling the Association office (677-1434) for the following inspections:

Rough Grade:

Call for inspection when pad is complete and foundation forms are in place, and prior to placing reinforcing steel.

At this time the following will be verified: setbacks and grades.

Final Inspection:

Upon completion of work, as indicated on the drawings and specifications stamped “approved” by the Architectural Review Committee, the owner shall notify the Architectural Review Committee by submitting Exhibit “D”, Notification of Completion. The Architectural Review Committee, or its authorized representative, will inspect the property within sixty (60) days of receipt of the Notifications of Completion, and within that same time period, the Architectural Review Committee shall issue a written notice to the Owner indicating any required corrective action.

At this time, the following will have been verified: Drainage, elevations, final grade, landscape, fences, retaining walls, curbs and all construction elements.

CONSTRUCTION TIME PERIOD:

Construction or improvements must **commence within six (6) months** and **completed within eighteen (18) months or less as stated in the ARC approval letter** from the date of the Architectural Review Committee’s stamped final approval. A formal written request must be submitted for extension of time to the Architectural Review Committee.

FINE SCHEDULE:

1. Fines shall be imposed to Homeowners, after due process, should violations occur by their contractors. A STOP WORK (Cease & Desist) order may be issued if deemed necessary.

Minor Violations- Warning or \$100.00 per violation

Violations include, but are not limited to: Leaving dirty streets, trash not being placed in dumpster, illegal dumping on other lots, work during non-approved hours, and unauthorized gate transponder usage.

Medium Violations- \$200.00 per violation

Violations include, but are not limited to: Second or greater offense of a MINOR violation.

Major Violations- \$400.00 per violation

Violations include, but are not limited to: Commencement of work without approval, failure to provide landscaping plans, within thirty days of framing inspection by the City of Murrieta, non-completion of construction within the approved eighteen (18) month time frame, and plan change without approval.

NOTE: Any violations – minor, medium or major – may result in a contractors, subcontractors, material men, workers, etc., access to Bear Creek being revoked. This action is at the sole discretion of the Bear Creek Master Association. In addition, the above fines may be changed at any time deemed necessary by the Association to enforce regulations, after notice to the Membership. Fines may be doubled for repeat offenses.