



# **COMMUNITY ASSOCIATION OWNER'S MANUAL**

**(last revised 8/2011 to reflect a change in the pool rules)**

# **WHITNEY OAKS COMMUNITY ASSOCIATION OWNER'S MANUAL**

## **WHAT IS A COMMUNITY ASSOCIATION?**

It is a nonprofit corporation registered with the State of California and managed by a duly elected Board of Directors. Its purpose is to maintain all common areas and to make the community an enjoyable place to live.

## **WHAT ARE THE CC&R'S?**

The recorded Declaration of Covenants, Conditions and Restrictions, commonly referred to as CC&R'S, are the guidelines established in order for the Common Interest Community to enhance and protect the value of the Community. These guidelines usually cannot be changed without a specified majority vote. This change then becomes an amendment and is recorded with the County Recorder's office. Failure to abide by the CC&R'S can possibly result in a fine if the Board determines a violation has occurred. **You should carefully review the CC&R'S.**

## **WHAT ARE THE BYLAWS?**

The Bylaws are the adopted guidelines and rules established for the operation of the Community. These Bylaws aid in the election of the Board of Directors, define duties and responsibilities of the Board and Officers and set other specifics, which are necessary to properly operate the Association. **Again, you should carefully review the Association's Bylaws.**

## **WHAT ARE DEFINED AS COMMON AREAS AND FACILITIES?**

The common areas and 'facilities that the Association is responsible to maintain include the private streets, landscaping, open space, entry gates, walls and lighting, etc. In addition, there are common services such as water, electricity and street sweeping which the Association is responsible for paying through the collection of Assessments from the owners. Some of these common facilities will be completed in future phases of the Community. Additional common services can be included by a vote of the members and the Board of Directors.

## **WHAT IS THE BOARD OF DIRECTORS?**

The Association is a corporation by law and, therefore, a governing body is needed to oversee the business. The Board of Directors is the elected governing body of the Association. The affairs of the Association are managed by a Board of five (5) Directors. These Directors create the rules and regulations for enforcement within the community, oversee budgeting and expenditure of funds, as well as work with the managing agent in maintaining Association common areas.

The Board of Directors usually organizes several committees to aid the community in decision making. Examples of this would be: Rules Committee, Architectural and Landscaping Committees, Nominating and Election Committees, etc.

## **WHO MAKES UP THE BOARD OF DIRECTORS?**

It is normal that the initial Board of Directors consists of representatives of the Developer. This is done to provide the Owner holding the majority ownership of the Community, with adequate protection of

their interests, especially when the Community entails several phases. At the first Members Meeting the homeowners will elect at least one representative to the Board.

### **WHEN DOES THE BOARD OF DIRECTORS HOLD MEETINGS?**

The Bylaws state the frequency of the Board meetings. Board meetings are open to all homeowners, but the Board has the right to limit participation by individual homeowners. Depending upon the business to be transacted, Board meetings may occur only once a quarter or as often as monthly.

### **WHAT IS MY ASSESSMENT?**

The assessment is the monthly installment of the annual assessment amount due from each property. This assessment is used to operate and maintain the property that is commonly owned or controlled by the Association. The annual assessment is based upon the estimated expenses required to operate the Association and maintain the common areas and facilities (budget).

### **HOW IS THE AMOUNT OF MY ASSESSMENT DETERMINED?**

The Department of Real Estate requires pro forma operating budgets to be submitted by the developer for the first year's operation of the Association. The budgets are reviewed by the Department of Real Estate, utilizing their guideline figures for all common areas and facilities which are the responsibility of the Association. The budgets adopted by the Association are generally based upon these budgets. There are two basic areas to the Association's budget: the Operating accounts such as utilities and landscaping, etc., and the Reserve accounts for replacement of components such as paving, painting, etc. **These amounts are difficult to predict accurately and even if accurately estimated initially, these amounts can increase with the age of facilities and with increased costs of living. Additional cumulative budgets showing additional lots and common areas for future phases have also been prepared and reviewed by the Department of Real Estate.**

### **WILL MY ASSESSMENT GO UP?**

The assessments may increase after the first year due to changes in the operations and cost increases for utilities and services. Your Board of Directors will prepare a new budget each year to reflect changes and cost increases or decreases. The Board must obtain the majority vote of the members to increase the budget more than 20% from the prior year's budget. **As this is a phased Community in which additional lots and common areas may be annexed, it is possible that your assessments may increase or decrease when this happens.**

### **WHAT HAPPENS IF I DON'T PAY MY ASSESSMENT?**

Not paying the assessment is not going to help solve problems. In fact, the CC&R'S state that not paying the monthly installment of the annual assessment causes the homeowner to be subject to late charges of \$10.00 or 10% of the delinquent installment, whichever is greater, as well as interest and collection charges.

If there is no payment from the homeowner, a lien can be filed which could eventually result in foreclosure of your home. Remember that all the owners share the responsibility of assuring payment to the Association so that the property can be properly maintained. Be sure to closely review the Association's current adopted Assessment Collection Policy included in this manual.

## **WHAT IS A MANAGEMENT COMPANY AND WHAT DOES IT DO?**

A Management Company is hired to act as the agent for the Association. Typical responsibilities include:

Assessment Collection: Collection of the installments of the annual assessments and delinquent installments.

Supervision of all Subcontractors: Hiring, supervising and working with landscapers, street sweepers, utility companies, etc. The Management Company does not perform these services, but acts in a supervisory capacity only.

Accounting: Submitting monthly assessment installment billings to the homeowners, maintaining current lists of homeowner addresses as received, processing of the Association payables, and submitting monthly financial reports to the Board.

Communication: Performing as a liaison for the Association to the developer, providing information from the Board and Management to homeowners, as well as communication between homeowners, through distribution of monthly or quarterly newsletters or mailings.

Architectural Approval: Coordination and tracking of requests for approval from the Architectural Review Committee for plans for construction, alterations or improvements.

Problem Solving: Working with the Board of Directors in interpreting and enforcing the CC&R'S, Bylaws and Rules and Regulations of the Association. Responding to homeowners requests regarding the common areas and the operation of the Association.

Consulting: Providing the Board with information pertaining to proper maintenance of the community, suggested Community improvements and to keep the Board advised of current Association Management procedures and laws.

## **IF I'M BUYING THE HOME BUT PLAN TO RENT IT, WHAT DO I NEED TO KNOW?**

First of all, the monthly assessments are still the responsibility of the homeowner. Screening of tenants before rental is very important, not only to the owner, but also in consideration of the other residents. Disturbances and disorderly conduct by tenants can result in a fine to the OWNER for their behavior. Preservation of the community as well as harmony among residents is the ultimate goal of any association. If a tenant violates these rights, the owner is expected to take the necessary measures to correct the situation. Each owner should be certain that his tenant is familiar with the Association rules and regulations.

## **IF I WANT TO MAKE ADDITIONS TO MY HOME OR MAKE NOTICEABLE CHANGES, WHAT DO I NEED TO KNOW?**

The Association has governing regulations concerning additions or changes to the exterior of any premise. The regulations encompass the installation of landscaping and fences, adding a patio cover, building a patio or pet enclosure, color of paint, etc. **You should review the Covenants, Conditions and Restrictions and the adopted Design Guidelines to determine the exact requirements which will need approval.**

**The Architectural Review Committee must approve all exterior changes. Applications and plans should be submitted to the Management Company.**

If a homeowner completes an exterior change without Committee approval, the owner may be required to remove the modification and be subject to enforcement proceedings. This regulation is set up to maintain the overall appearance of the community and protect the property values. **Also, the City of Rocklin requires that any structural changes be submitted and approved through its office for proper building permits.**

### **WHOM DO I CONTACT?**

Within the first year, if you have bought a home and are having warranty related concerns, contact the Customer Service Representative of the builder. Reports must be made in writing and it is advisable to send a letter certified, to guarantee that the builder did, in fact, receive the work request. Should concerns not be reported by the homeowner or declined under the warranty by the builder, then the homeowner is responsible for pursuing repairs.

#### **1) Common Area Concerns**

Issues or complaints concerning common area maintenance or usage should be submitted through the Management Company or to the Board of Directors. As the Association matures, committee heads may be set up to monitor all complaints and aid in the timely correction of any problem area.

#### **2) Difficulty With Neighbors**

Hopefully this will not occur, however, sometimes there does develop a difficulty with a neighbor over the parking of vehicles, loud and excessive noise, animals, etc. These complaints should be made to the Management Company **in writing and signed, anonymous complaints will not be acted upon.** The Management Company, in turn, will send a letter stating the violation or disturbance and enforce, through the Board of Directors, any fine which the Association has established. At times the enforcement may necessitate the notification of local police.

#### **3) Utility, Water, Gas, Fire**

Depending upon the nature of the concern or emergency, contact the appropriate agency **FIRST.** It is best to receive immediate service in the event of these type problems or in the event of an emergency. The Management Company should also be aware of these situations, as it allows for a monitor of recurring problems. Be sure to keep handy the emergency telephone numbers for the local companies and official agencies.

# WHITNEY OAKS COMMUNITY ASSOCIATION RULES AND REGULATIONS

Revised September 27, 2006

## A. PREAMBLE

A-1. The authority for the Board of Directors to form and enforce rules and regulations is provided by the Declaration of Covenants, Conditions and Restrictions under Article III, Section 3.06. A copy of this Declaration was given to each owner at the time of purchase of their lot.

A-2. The Manager of the Whitney Oaks Community Association has been instructed by the Board of Directors to require the compliance of all persons on Association properties with the provisions of all Rules, Bylaws and the CC&R'S. In the instance of a person violating the Rules, the Bylaws or the CC&R'S, the Manager has further been instructed to do any of the following:

- a) Obtain names and addresses of violators and report to the Board of Directors.
- b) Remove the persons from the Association premises, if necessary.
- c) Call upon a law enforcement agency for assistance.
- d) Call upon residents to assist him in his duty.
- e) In the case of residents' children, make an effort to contact their parents immediately, prior to making the action called for in (b), (c), and (d) above.

A-3. The Rules as contained herein are issued by the Board of Directors. They are supplemental to the conditions of ownership in the Declaration of Covenants, Conditions and Restrictions. If there is any conflict the provisions of the Declaration will prevail.

The Rules are intended as a guide to the conduct and activities of all members, lessees and residents of the Whitney Oaks Community Association and their guests, to the end that everyone living in and using the facilities will enjoy the maximum pleasure without annoyance or interference from others. Strict observance and adherence is urgently requested by the Board of Directors. Policing actions because of violations, should not have to be necessary, but might be required.

## B. COMMUNITY RELATIONS

B-1. REGISTRATION All members and residents must be registered with the Manager.

- a) Association members are those individuals owning a lot at the Whitney Oaks community.
- b) Residents are defined as owners and members of their families living on the premises of the Community, or lessees and members of their families living on the premises of Whitney Oaks.
- c) Owners leasing their home retain their voting right in the Association but assign the use of all common facilities of the Community to the lessee of their home. The lessee assumes the privileges and responsibilities of membership as hereinafter stated, but does not have a voting right the vote belongs only to the owner. Non-resident owners are not permitted to use any common area facilities when so assigned to a lessee except as a guest of a resident.
- d) The lease or rental agreement must be in writing and must be for a term of not less than 30 days and **be subject to the CC&R'S, Bylaws and adopted rules.** The Owner is responsible to provide a copy of the CC&R'S, Bylaws and these adopted rules and regulations to their tenants at their sole cost. The Owner is required to notify management of the names and phone numbers of their tenants and provide a copy of the rental agreement.

## **B-2. GUESTS**

- a) Guests must be accompanied by a host or hostess resident of the Association when using the common areas of the Association.
- b) It is the right and duty of each resident to question the presence of any person who appears to be trespassing and/or advise the Manager regarding the situation.
- c) Homeowners are responsible for all actions of their guests while they are visiting the community.

**B-3. COMMON AREA DAMAGE** Members, lessees and residents are responsible for payment of all cost of repairs for all damage to the Association's property caused by themselves, members of their families or their guests.

## **B-4. NEIGHBORLY CONDUCT**

- a) All activities, whether individual or group, shall be conducted at a noise level that is reasonable and not disturbing to other Association residents. Each owner or resident is responsible for the conduct and behavior of their children, guests, and any visiting children and for any property damage caused by such persons.
- b) Vehicles, toys, or bicycles are not allowed to be parked or placed so they block or interfere with pedestrian traffic on the sidewalks. The placement of unattended tricycles, play toys, or other equipment in front yards and areas visible from adjoining lots is prohibited.
- c) No noxious or offensive activities or trades shall be carried on upon any Lot or Parcel, nor shall anything be done or replaced thereon which may be or become an annoyance, nuisance or unreasonable embarrassment, disturbance or annoyance to the residents or which shall in any way interfere with the quiet enjoyment of occupants in the residences.
- d) No activities shall be conducted, nor shall any improvements be constructed, anywhere on the property which are or might be unsafe or hazardous. Nothing shall be done or kept in the Community which will increase the rate of insurance on any Lot or Parcel without the approval of the Board, nor shall anything be done or kept in the Community which would result in the cancellation of insurance on any Lot, Parcel, Common Area or Common Facility, or which would be in violation of any law.

**B-5. EXTERIOR APPEARANCE/SIGNAGE** No sign, flag or other advertising device of any character shall be erected, placed on car tops, maintained or displayed upon any portion of the Community except the following:

- a) Signs, advertising or other devices, or miscellaneous paraphernalia shall not be exposed or attached in any fashion to or on fences and exterior walls or any other areas of buildings or grounds, including, but not limited to, all entrances into the communities, unless written approval has been obtained from the Board of Directors.
- b) One sign of reasonable dimensions advertising the home for sale or rent may be displayed in the window of a home, yard area or other areas designated by the Association. A normal "For Sale" sign (which may include a main sign not exceeding 18" x 24", plus up to three supplemental signs identifying the agent and the features of the house, not exceeding 6" x 24" each) may be erected. Only approved signage specifications may be utilized.
- c) A general contractors sign, not exceeding 24" x 36" containing only the name, telephone number and address of the building firm, may be erected and maintained during construction. Such sign can indicate if the residence is offered for sale.
- d) An "Open house" sign, professionally designed and not exceeding 18" x 24" may be erected on any of such Lots provided the residence to which the sign appertains is also located on such Lot.
- e) No other commercial signs will be permitted.

- f) Political signs will be allowed in front yard areas, as long as they do not interfere with landscapers, but must be taken down within 2 weeks after the election.

**B-6. ENTRANCE GATES. COMMON AREA LANDSCAPING AND SYSTEMS**

- a) When the gates are closed, members and guests can scroll the member's name on the intercom system to locate the member's code. They will key this code in on the keypad which will ring at your home, When your home phone rings, press the "9" on your phone.
- b) Numerical gate access codes should not be given out to anyone except those persons residing in the member's house.
- c) The entrance gates provide limited vehicle access and are programmed to close and open at certain speeds for safety reasons. When entering the Community and an unknown vehicle is behind you please stop immediately inside the gate to prevent unauthorized vehicles tailgating you into the Community.
- d) Gate transmitters can be purchased from the Association at a nominal cost plus handling charge. Owners are allowed to have transmitters equal to the number of vehicles allowable in their garage plus one.
- e) Gate codes, permanent or temporary, shall not be posted in any type of publication or on any signs in or around the community. However, realtors may post a **temporary** code in the confidential agent remarks section of the MLS. In the event that a temporary code is found to be otherwise published, the code will be deactivated. In the event that the permanent code is found to be published the homeowner could be responsible for all costs associated with changing the gate codes, this includes but is not limited to: all mailing cost, postage, time per hour.
- f) Common area time clocks and lighting systems are to be adjusted and/or set by authorized personnel only.

**B-7. MOTOR VEHICLE DEFINITION:**

**Trucks, Vans and Sports Utility Vehicles**

For the purpose of applying and enforcing parking restrictions, no motor vehicle classified by manufacturer rating as exceeding one ton, recreational vehicle, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, boat, boat trailer, or other similar equipment or vehicle may be parked, maintained, constructed, reconstructed or repaired on any Lot or on any street so as to be Visible from Neighboring Property; provided, however, the provisions of this Section shall not apply to pickup trucks of one ton or less capacity with camper shells not exceeding seven feet in height measured from ground level and mini-motor homes, and/or passenger vans not exceeding eight feet in height and eighteen (18) feet in length which are parked as provided in paragraph (2) below are used on a regular and recurring basis for basic transportation. The provisions of this paragraph shall not apply to cleaning, loading or unloading and short-term parking in paragraph (2) below. No vehicle parked in a driveway may extend beyond the driveway onto the sidewalk or curb.

**Commercial Vehicles**

Commercial vehicles includes cars, trucks, vans, SUVs and other motor vehicles that display evidence that the same is used in whole or in part for work or business; including but not limited to signs, decal or logos; visible tools, equipment, materials or supplies, or storage compartments above cab height.



#### **B-8. PARKING**

- a) Residents are encouraged to park their vehicles in the garage or driveways at all times.  
**Residents may not park in the private streets overnight or in any designated guest parking areas.** Guests may park on the private streets on an overnight basis not to exceed 72 hours in duration within a seven day period without the approval of Management or the Board of Directors. Guests who will be visiting longer must be registered with Management, including the make, year and license plate of the passenger vehicle. **There shall be no parking of any vehicles where posted by signs.**
- b) **NO BOATS, TRUCKS, VANS, HOUSE TRAILERS, CAMPERS, RECREATION VEHICLE OR OTHER VEHICLES CONTAINING LIVING QUARTERS SHALL BE PARKED OR STORED ON ANY LOT OR PARCEL OR ON THE STREET IN FRONT OF SUCH LOT OR PARCEL; PROVIDED, HOWEVER THAT BOATS, TRUCKS, VANS HOUSE TRAILERS, CAMPERS AND VEHICLES MAY BE KEPT IN A GARAGE WITH THE DOOR CLOSED AND PROVIDED FURTHER, THAT SUCH TRAILERS AND VEHICLES MAY BE PARKED TEMPORARILY IN A DRIVEWAY OR IN A STREET IN FRONT OF THE OWNER'S LOT OR PARCEL FOR A PERIOD OF NOT MORE THAN TWELVE (12) HOURS IN ANY 24 HOUR PERIOD. FOR PURPOSES OF LOADING AND UNLOADING AND CLEANING BEFORE AND AFTER TRIPS.**
- c) No Owner or resident shall use the Common Area private streets for the parking or storage of any automobile, truck, trailer, boat or vehicle of any type, except as may be specifically authorized in writing by the Association and/or as posted by signs.
- d) Garages may not be used for storing or parking any boat, motorcycle, camper, trailer, recreational vehicle or other personal property unless the same is fully enclosed in the garage and the garage door is kept closed. They are not to be used or converted for any type of living or recreational activities. Garages shall be kept clear so as to permit parking of at least two standard size automobiles.
- e) Garage doors must remain closed except for entering/exiting and when the garage is in use and attended.
- f) Residents must keep the driveways clean of any oil or other stains at all times.
- g) Visitors and guests within the Property shall use such parking areas or facilities as may be designated or authorized short term guest and visitor use by the Association.
- h) No boat or vehicle of any type (including motorcycles) shall be permanently or semi-permanently parked in or upon the public or private streets within the Community, or on any Lot or Parcel or driveway for the purposes of accomplishing repairs thereto or the reconstruction thereof except for emergency repairs and then only to the extent necessary to enable towing or similar movement of the vehicle. Routine maintenance of vehicles that can be accomplished in less than five (5) hours shall be permitted.
- i) **All vehicles must display current license plates. Violators of the parking restrictions may have their vehicles towed at the Owner's expense.**

**B-9. ANTENNAS** No outside television antenna, aerial or other similar device (collectively "video antennas") with a diameter or diagonal measurement in excess of 36 inches shall be erected, constructed or placed on any Common Area, Lot or Parcel. Video antennas with a diameter or diagonal measurement of 36 inches or less may be installed only if approved by the Architectural Review Committee.

**B-10. PETS** No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other conventional household pets may be maintained within a home under the following conditions:

- a) Whenever pets are outside of the resident's lot, they must be on leash or otherwise under full control of the owner. No dogs shall be allowed to run loose.
- b) Residents must clean up after any mishap performed by their pets.
- c) Residents shall be responsible for any personal injury or property damage caused by their pets.
- d) Pets emitting excessive noise, or in any manner unduly disturbing other residents, may be prohibited by order of the Board of Directors after notice and a hearing.
- e) No animals shall be kept, bred or maintained for any commercial purposes, or in unreasonable numbers.
- f) Residents should not leave pet food outside as it may attract wild animals from nearby natural areas.

**B-11. SPEED LIMIT** The maximum speed limit within the confines of Whitney Oaks private streets is 20 miles per hour or as posted.

**B-12. BUSINESS ACTIVITIES** No business or commercial activities of any kind whatsoever shall be conducted in any Residence, Condominium, garage or out-building on or in any portion of any residential Lot or Parcel.

**B-13. TRASH**

- a) No rubbish, trash or garbage shall be allowed to accumulate on Lots or Parcels. Any trash that is accumulated by an Owner outside the interior walls of a Residence shall be stored entirely within appropriate covered disposal containers and facilities which shall be screened from view from any street, neighboring Lot, Parcel or Common Area except containers may be placed at the curbs on the day of the scheduled refuse pick up. Owners shall subscribe to a weekly refuse collection service from the refuse collection franchise holder as required by City ordinances. Any extraordinary accumulation of rubbish, trash, garbage or debris (such as debris generated upon vacating of premises or during the construction of modifications and improvements) shall be removed from the Property to a public dump or trash collection area by the Owner or tenant at his or her expense.
- b) All refuse containers, woodpiles, storage areas, machinery, equipment, signs and building materials shall be prohibited upon any Lot unless the same are stored in a place that is screened or hidden from view from the ground level of adjoining streets, Lots or Common Area.
- c) No quantities of manure, composting materials or decaying vegetation matter shall be stored in such quantities as to attract household pets or constitute an injury to the person or property of any other person. Such materials shall be stored in a manner so as to prevent the creation of obnoxious odors.
- d) On graded (as opposed to natural grade) Lots and graded Parcels, all fallen or dead trees shall be regularly removed and shall not be allowed to accumulate thereon.

**B-14 SPORTS FIXTURES**

- A. No basketball standards, hoops or backboards or other fixed sports or play apparatus shall be attached to the front of any Residence, garage or erected on any side yard forward of the mid-point of the Residence, measured from the front-most point to the back-most point, except that any such structure not exceeding six feet in height may be located anywhere in an enclosed side or back yard, except when a side or rear Lot line is shared with a Common Area parcel. With respect to Lots backing up or siding up to streets, the design and location of any such structures

exceeding six feet in height shall be subject to approval by the Committee. With respect to Lots backing or siding up to Common Area or golf course property, the design and location of any such structures whether or not exceeding six feet in height shall be subject to approval by the Committee.

Portable basketball standards and other portable sports equipment are permitted in front yards when in ACTIVE USE. When persons are not physically present using the equipment, it must be lowered and stored in the garages or back yards. During Spring break of Rocklin schools for Kindergarten through 12<sup>th</sup> grade, and during the period from June 1 through August 31, portable basketball standards and other portable sports equipment may be placed in front yard areas during daylight hours while children are in and out of the house for play. Within ½ hour after sunset, such portable standards must be lowered and they, along with other portable sports equipment, must be stored in the garage or back yard. At no time is any sports equipment permitted in the streets, on sidewalks or in Common Areas.

***The Board of Directors reserves the right to further restrict the provisions related to portable sports equipment if nuisance conditions arise as a result of such use.***

**B-15. LANDSCAPING** Each Owner shall maintain all landscaping located within the Owner's lot. If landscaping of the lots is not installed by Declarant or builder, every Owner shall install permanent front yard landscaping within six (6) months and rear yard landscaping within twelve (12) months after the earliest to occur of the following three events: Occupancy of the residence, final inspection of the Residence by the City or Close of Escrow on a completed Residence.

All landscaping in the Community shall be maintained and cared for in a manner consistent with the standards of design and quality as originally established by Declarant or builder and in a condition comparable to that of other well maintained residential areas in the vicinity of the Community.

- a) All landscaping shall be maintained in a neat and orderly condition.
- b) Any weeds or diseased or dead lawn, trees, ground cover or shrubbery shall be removed and replaced.
- c) All lawn areas shall be neatly mowed and trees and shrubs shall be neatly trimmed.
- d) Irrigation systems shall be fully maintained in good working condition to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.
- e) Each Owner shall be responsible for all landscaping located within the Owner's lot and all landscaping in the adjacent public street right of way between the sidewalk and the back of the curb.
- f) In the event that the Owner responsible for the landscape maintenance fails to do so properly the Association may cause the appropriate work to be done and shall be entitled to reimbursement for the costs thereof. (At least fifteen days prior to the date any work is to be done by or under the direction of the Association the Owner of the subject lot shall first be given written notice and an opportunity to be heard before the Board).

**B-16. WINDOW COVERINGS** Curtains, drapes, shutters or blinds may be installed as window coverings. Sunscreens may be approved by the Architectural Review Committee on a case by case basis. No window shall be covered with aluminum foil, sheets or material not specifically designed for use as a window covering. Exterior window screens that are designed to inhibit sunlight intrusion and which impart an opaque, black appearance to the window are prohibited.

The side of all permitted window coverings facing the window shall be white, beige or off-white in color, except that shutters may also have a natural wood color finish.

- B-17. NATURAL OPEN SPACE USE** Residents and their guests must stay on the designated pathways meandering the Association's natural open space. Care should be given when walking, jogging or bicycling in these areas as there are an abundant amount of wild animals and rodents including rattle snakes and possible dangerous species.
- a) There shall be no hunting, trapping or taking of any wildlife by other than the Master Association or as expressly permitted by the Master Association.
  - b) There shall be no campfires, bonfires or open burning and no removal of vegetation except by the Master Association or governmental agency for controlled fire prevention purposes.
  - c) There shall be no unauthorized motor vehicles, off-road or all terrain vehicles or motorized bicycles or motorcycles.
  - d) No overnight camping shall be permitted.
  - e) No one shall bring any dog or other pet into Natural Open Space Areas unless the same is leashed or otherwise attended and controlled and each Owner shall be responsible for removing any pet excrement.
  - f) No waste materials, sewage, garbage, petroleum or other chemical product, paper, food or other foreign object shall be deposited or placed in the Natural Open Space, except that garbage may be placed in any container which the Master Association may place in the Natural Open Space expressly for that purpose.
  - g) Access to Natural Open Space which is Community Common Area shall only be accessed at points designated by the Master Association and no Owner shall have any gate or other means of entry directly from his or her Lot or Parcel to Natural Open Space which is Community Common Area without the express written permission of the Master Association.

- B-18. BURNING AND FIRES ON LOTS** There shall be no exterior fires whatsoever on Lots with the single exception of barbecue fires within a receptacle designed for such purpose. No wood burning fireplaces or wood burning stoves are permitted within the Property unless they are EPA certified.

**B-19. ARCHITECTURAL CONTROL**

- a) The Architectural Review Committee has developed Design Guidelines and Supplemental Guidelines concerning exterior changes to your home and improvements to your lot. These guidelines conform with the CC&R'S of our Association. The purpose of these guidelines is to provide the required information and forms regarding any exterior changes and modifications of the home so the Committee may render its decision.
- b) When applying for approval, please send as much information as you can and include the following specific items:
  - 1. Completed Application Form
  - 2. Exact location: use a scale drawing if applicable.
  - 3. State color, size, composition and description.
  - 4. Photo, sketch, copy of an advertisement or facsimile.
  - 5. Contractor's name or company making the item etc.
  - 6. Two sets of plans.
  - 7. Design review fee, if applicable.
- c) Please send all applications for approval to THE MANAGEMENT COMPANY at:

Whitney Oaks Architectural Review Committee  
c/o KOCAL MANAGEMENT GROUP  
P.O. Box 1459  
Folsom, California 95763-1459  
ATTN: Julia Plummer

**Please remember that you must get approval BEFORE making any changes or additions.**

- d) Alterations, additions or modifications made to your lot or the exterior surfaces of your home must have prior written approval from the Architectural Review Committee or the Board of Directors. This includes landscaping, solar energy systems, fences, walls, sun screens, bamboo blinds, decks, lattices, pools, spas, color changes, sheds, any sports apparatus, etc.
- e) Any alterations that do not have prior written approval by the Committee or Board of Directors will be removed by the homeowner and the area will be restored to its original condition. Should the homeowner fail to comply, the Association will pursue its legal remedies including, but not limited to having the alteration removed at the owner's expense.
- f) In addition, the Board of Directors may also assess fines of not less than \$10.00 per day or more than \$50.00 per day for non-compliance of Board requests to have non-approved alterations restored to their original condition.

**B-20. RECREATION FACILITIES (updated 8/2011)**

**1) Pool Rules:**

- a) The pool areas are open between the hours of 7:00 a.m. - 10:00 p.m. The pool areas may **NOT** be reserved for private use.
- b) **All Members are required to have in their possession their numbered "Member Identification Tag" attached to their common area key. Failure to do so may result in denial of access to the facilities.**
- c) Appropriate swimming attire is required. No cutoffs, jeans, etc.
- d) All bobby and hair pins must be removed before entering the pool area.
- e) Radios, record players and other audio devices are not permitted in the pool areas, unless they are used with earphones.
- f) Diving, cannon-balling, running, skateboarding, bicycling, skating, boisterous play and animals of any kind are not permitted in the pool areas.
- g) Only unbreakable containers are permitted in the pool areas and must be removed following use. **NO GLASS CONTAINERS ARE PERMITTED.**
- h) **No alcohol may be consumed in the pool area.**
- i) Suntan oils and lotions are to be showered off prior to entering the pool.
- j) The pool is closed during maintenance services.
- k) No smoking within the enclosed pool area.
- l) Barbecues are not permitted in the pool area or sidewalks at the Recreational Facilities.
- m) Lap lane is for lap swimming only.
- n) Hanging or playing on lane divider is prohibited.
- o) Profanity, improper behavior, intoxication and vulgarity are prohibited.
- p) No toys, tubes or mattresses of any kind are allowed in the pool area except in special circumstances.
- q) Throwing objects such as baseballs, footballs, rocks, etc. is prohibited within the pool area.

- r) Only one Member Identification Tag and common area key will be issued to each household. Replacement keys and tags will cost \$15.00 each. If your permit number is not on the list given to the pool monitor, you are to contact management.
- s) All incontinent swimmers must wear swim diapers.
- 2) **Patio Furniture:**
- a) Patio furniture shall always be returned to the original location and adjustment; please lower umbrellas when done using them.
- b) Towels should be used to avoid suntan lotions from contacting the surface as this accelerates the wear of the furniture.
- 3) **Common Area/Lawn Area:**
- a) Games, use of towels, blankets, umbrellas and canopies are permitted.
- b) No tarps, barbecues, tents or flooring such as Slip n' Slides, toddler pools, etc.
- c) No activities that will damage the lawn are permitted.
- 4) **Guests:** It is the responsibility of each Member to accompany any guests to the pool areas. The number of guests should be limited so that other Members may have reasonable use of the pool facilities at all times.
- 5) **Children:**
- a) Children under the age of fourteen (14) should not use the pool unless accompanied by an adult 18-years of age or older. There is no life guard on duty. Parents are responsible for their children.
- 6) **Exercise Room:**
- a) Use of the equipment is on a first come basis.
- b) The equipment should be wiped clean of any perspiration after use. Equipment is not to be moved.
- c) The exercise room is available from 6:00 a.m. to 10:00 p.m.

**Persons who violate these rules may lose their privileges.**

Revised and Adopted: August 17, 2011  
Date

Attest:

Stan Laderman, President

Julie Stadel, Secretary

8/17/11  
Date

8-17-11  
Date

**B-21. HOLIDAY DÉCOR**

Door and other exterior decorations are permitted during holidays with the following guideline:

- a) Must not be put out until one month before the holiday and removed no longer than 2 weeks after the holiday.

**C. ENFORCEMENT**

Reimbursement Assessment (Fines): To ensure compliance with the above mentioned rules, Owners may be fined According to the fine schedule below. Fine amounts are to be set by the Board of Directors based on the merits of each violation.

1 <sup>st</sup> Violation	Warning or fine: \$50.00
2 <sup>nd</sup> Violation	Same offense: \$100.00
3 <sup>rd</sup> Violation	Same offense: \$200.00
Additional/Continuing violations	Same offense: \$100.00 per day may accrue until the violation is cured
Vandalism, Endangering others	Fines up to \$500.00 per incident, depending on the Violation.
Suspension of Privileges	In addition to or in lieu of fines, privileges may be suspended for up to 30 days.

**Speeding Violations**

1 to 15 miles over the speed limit	\$50.00 1 <sup>st</sup> Offense
1 to 15 miles over the speed limit	\$100.00 2 <sup>nd</sup> Offense
1 to 15 miles over the speed limit	\$200.00 3 <sup>rd</sup> Offense
1 to 15 miles over the speed limit	\$200.00 + \$100.00 each additional offense.
16 to 25 miles over the speed limit	\$150.00 1 <sup>st</sup> Offense
16 to 25 miles over the speed limit	\$250.00 2 <sup>nd</sup> Offense
16 to 25 miles over the speed limit	\$350.00 3 <sup>rd</sup> Offense
16 to 25 miles over the speed limit	\$350.00 + \$100.00 each additional offense

Due Process Requirements: Before the Board imposes any monetary penalties or suspension of membership rights or Common Area use privileges against any member for failure to comply with the Declaration, the Bylaws or the Association Rules, the Board must act in good faith and satisfy each of the following requirements:

1. The member must be given 10 days prior written notice specifying the nature of the damage or violation and stating the time, date and place that the member will have an opportunity to be heard. Notice may be delivered personally or by mail. If the notice is given by mail, it must be sent by first class and registered mail to the last address of the member as shown on the Association's records.
2. The member will be given an opportunity to be heard, orally or in writing, by the Board. Members shall have the opportunity to present witnesses on the member's behalf and to cross-examine any witnesses that may testify against the member. After the hearing, the Board shall determine whether owner damage or a violation has occurred and, if so, may impose a "Reimbursement Assessment" which shall become effective not less than five (5) days after the date of the hearing or the Board may take such other action as may be appropriate.

# **WHITNEY OAKS COMMUNITY ASSOCIATION**

## **ASSESSMENT COLLECTION POLICY**

**DECEMBER 2005**

All regular assessments are due, in advance, on the FIRST (1) day of each month and are delinquent if not paid in full and received by mail within FIFTEEN (15) days of the due date. Special Assessments and Special Individual Assessments are due on date(s) specified upon imposition and each installment thereof shall be delinquent if not received within FIFTEEN (15) days after it is due. A late fee will be added monthly to the outstanding and delinquent amounts.

If any portion of any such assessment, late charge, or cost of collection remains unpaid sixty (60) days after the original due date, a "Notice of Intent to Lien" will be prepared and sent to the record of owner(s) by certified mail. The Notice will, among other things, state the current charges owed by the owner(s) and any additional information required by California Civil Code Section 1367.1 or comparable superseding statute. Please be advised that the Association has the right to collect all reasonable costs of collection.

If all such amounts have not been received ninety (90) days after the original due date thereof, or thirty (30) days after the mailing of a "Notice of Intent to Lien", whichever is later, a Notice of Delinquent Assessment ("Lien") will be prepared and recorded as to the delinquent property and the owner(s) thereof, and all resulting collection fees and costs will be added to the total delinquent amount secured by the lien.

If all such amounts have not been received, in full, within thirty (30) days after the recordation of such Lien, the Association may, without further advance notice, proceed to take any and all additional enforcement remedies as the Association, in its sole discretion, deems appropriate, including, without limitation, non-judicial foreclosure of such Lien, judicial foreclosure, or suit for money damages, all at the expense of the property owners.

The Board may, for good cause based upon the Board's sole discretion, agree to a payment plan which permits payment of the delinquent assessment(s), late charges, and cost of collection.

Unless the Board agrees to a payment plan, all amounts due pursuant to this policy, and all other assessments and related charges thereafter due to the Association until all such amounts are paid, must be paid in full and the Association shall not be required to accept any partial or installment payments from the date of the institution of an action to enforce the payment of delinquent amounts to the time that all such amounts are paid in full.

All payments received by the Association, regardless of the amount paid, will be directed to the oldest assessment balances first, until which time all assessment balances are paid, and then to late charges, and costs of collection unless otherwise specified by written agreement.

The Association shall charge a "returned check charge" of thirty dollars (\$30) for all checks returned as "non-negotiable", "insufficient funds" or any other reason.

All above-referenced notices will be mailed to the record owner (s) at the last mailing address provided in writing to the Association by such owner (s).

The mailing address for overnight payment of assessments is Western Sierra Bank, 1545 River Park Dr. Suite 200, Sacramento, CA 95815 Attention: Cash Management. A different address for delivery of assessment and related payments may be designated by the Board from time-to-time.

The Board of Directors of the Association may revise this policy, either generally or on a case-by-case basis, if it finds good cause to do so.

All assessments are to be made payable to your Association and mailed to P.O. Box 13280, Sacramento, CA, 95813. Membership assessments may not be delivered to Board Members or Kocal Management Group, Inc.

### **MINUTES OF THE BOARD MEETINGS**

Members may receive copies of the Association Board meeting minutes by requesting same, in writing, from the association manager. There is a minimal copying charge for this service.



# WHITNEY OAKS

## ARCHITECTURAL RULES



Adopted January 4, 2017

Whitney Oaks  
Architectural Rules

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## **PURPOSE OF THESE DESIGN RULES**

1. Ensure a high standard for development in Whitney Oaks and to establish parameters for designs that encourage and support unique design solutions.
2. Provide residents and property owners with a flexible set of principles that encourage diversity while establishing a cohesive sense of community with respect for the heritage and character of Whitney Oaks.
3. Encourage property improvements by ensuring that future adjacent development is held to comparable standards.
4. Ensure high standard of maintenance for all property improvements visible from common areas of the association.
5. Assist the Whitney Oaks Homeowners Association (HOA) Board of Directors (Board) and the Architectural Review Committee (ARC) in their development review responsibilities by providing a checklist of important issues and considerations, while at the same time protecting property owners from arbitrary design review decisions that undermine the valued character of Whitney Oaks.

### **Order of precedence / conflicts with other documents**

These Architectural Rules are not intended to permit any improvement or feature that is prohibited by the City of Rocklin.

These Rules are intended to supersede “Whitney Oaks Design Guidelines.”

These rules should be used in conjunction with all applicable City ordinances, maps and use permit conditions of approval, as well as any other applicable requirements, including, but not limited to, Whitney Oaks’ Covenants, Codes, and Restrictions (CC&Rs, also known as Master CC&Rs), and Whitney Oaks Owners Manual. Where there are conflicts, the stricter language and penalties and more restrictive dimensions shall apply. If any rules are unclear please seek clarification from the ARC prior to commencing work.

For reference, the “Annual Disclosure on the ARC Whitney Oaks Community Association Summary of Procedure for Approval of Physical Changes to Property (Architectural Review Procedures)” is included in these Rules’ addendum.

## BASIC RULES FOR RESIDENTIAL DEVELOPMENT

- **Lots shall not be subdivided.** A maximum of one home may be located on each lot. A maximum of one meter for each respective utility (electric, gas, water, etc.) may be installed at each lot. Propane tanks are not allowed when a utility gas meter is located on the lot.
- **Minimum and Maximum square footage.** Minimum square footage shall not be less than 2,000 square feet. For units other than Unit 39 and Unit 44, the maximum square footage of any home for all floors combined, including decks, plus square footage of detached structures such as garages, sheds, greenhouses, sunrooms, gazebos, and pergolas, shall not exceed 35% of the lot size square footage.
- **Setbacks.** Minimum side yard and rear yard setbacks for structures, or from the perimeter of a structure's roof, whichever is more restrictive is:
  - 10'-0" from property lines;
  - 15'-0" from property lines adjacent to open space;
  - 15'-0" from property lines adjacent to golf course.

Aforenoted setbacks do not apply to Unit 39 and Unit 44. Setbacks for Unit 39 and Unit 44 shall be considered on a case-by-case basis according to the Supplemental CC&Rs for Units 39 and 44.

The dimension(s) between an overhead structure's roofline and all perimeter walls of the overhead structure shall be clearly identified on all submittals to ARC.

Plants, trees, or other vegetative screening shall not be considered a mitigation-workaround where allowed setbacks are less than stipulated in these Architectural Rules, particularly with respect to drought and water restrictions that may adversely impact viability of vegetation and screening attributes.

- **Slopes.** No cutting into or encroachment upon a slope or hillside will be permitted without approval first obtained from the Architectural Review Committee.

Interior hillsides in excess of 30 percent slope gradient are to be left as undeveloped open space. Development of slopes between 20 – 30% shall only be permitted upon the granting of ARC approval.

Owners shall maintain slope areas within any lot in a neat, orderly and safe condition and in such a manner as to enhance their appearance, maintain established slope ratios or existing slopes, prevent erosion and sliding problems and to facilitate orderly discharge of water through drainage systems.

No structure, planting, debris or other materials shall be placed or permitted to remain, or other activities undertaken, which might damage or interfere with established slope ratios and visual slopes, creating erosion or sliding problems, or interfering with established drainage function or facilities.

## DESIGN REVIEW PROCEDURES

### **Applicability**

These Architectural Rules are applicable to undeveloped land parcels and all new construction projects, all remodel projects, all upgrade projects, all proposed additions, all construction of or modifications to pools and spas, and all other elements relating to improvements including landscape. In addition to abiding by these Architectural Rules it is Owner's responsibility to comply with all laws and ordinances.

Renters and leasers are not permitted to modify any land parcels or public-facing property or structures, other than to perform basic maintenance.

As noted in the Whitney Oaks Covenants, Conditions, and Restrictions (CC&Rs), exterior construction, installation, modification or alterations of buildings, outdoor structures, fences, awnings, outdoor lighting, and all other exterior improvements require approval by the Architectural Review Committee or Board of Directors. ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATIONS are available from the management company and on the Association's website [WhitneyOaks.net](http://WhitneyOaks.net) under "Documents & Forms."

### **Architectural Review Committee Meetings**

In reviewing an ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION, ARC may (i) have Owner's plans reviewed by professional consultants and others including those who are not Members of the Association, (ii) conduct open hearings and consider evidence and comments from all relevant sources, and (iii) make a personal inspection of the property involved.

If ARC chooses to conduct an open hearing, at least five (5) days prior written notice of such hearing must be given to the Owner submitting plans for approval. Such hearing may be adjourned and reconvened at a time no later than thirty-one (31) days from the date the completed plans were initially reviewed by the committee.

ARC Members will review the plans and either grant approval in entirety, disapproval in entirety, or approval subject to conditions (aka, contingencies). Management shall notify Owner in writing of the action taken by the Committee.

Any Member of ARC, or any consultant retained by ARC who has an ownership or financial interest in the property for which an Application is being considered, or is legally related to the Owner, must disqualify himself or herself from participating in the architectural review process of that Application.

Approval of any Application by ARC does not waive the necessity of obtaining all permits that may be required by City of Rocklin, County of Placer, State of California, other government agencies, and local utilities. If ARC approval is obtained and subsequent modifications to the plans are required by the City or other authority, such modification to the plans must be reviewed and approved by ARC pursuant to procedures set forth in these Architectural Rules, prior to the start of any work; in cases where work has started, the Owner may be held responsible for all costs associated with stop-work orders.

Owner should be aware that Design Review process time limits, as imposed by this document or any other articles, covenants, or laws, shall not be considered as “starting” until submitted applications to ARC conform with the requirements set forth by these Architectural Rules and all submittal requirements identified on ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION.

ARC reserves the right to reject submitted drawings that are illegible, incomplete, or not professionally prepared where warranted; in this case any time limits imposed on ARC by these Architectural Rules for approval of application shall not be in effect or “starting” until ARC receives acceptable drawings.

The Board, at its discretion, may override any decisions of ARC. The Board, at its discretion, may grant variances as are permitted under Covenants, Conditions, and Restrictions (CC&Rs) Section 4.31 “Variances,” attached in addendum at end of these Architectural Rules.

## **CONSTRUCTION RULES AND SECURITY DEPOSITS NEW CONSTRUCTION AND REMODEL PROJECTS**

All ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATIONS submitted to the Whitney Oaks Community Association requesting approval for the construction of a new residence or major remodel of an existing residence must include a Security Deposit. The Security Deposit shall be in the amount of One Thousand Dollars (\$1,000.00) and shall be held, administered and distributed by the Association in accordance with the procedures set forth below. In addition to the text included in this section, the builder shall provide proof of workers' compensation and liability insurance to ARC. Whitney Oaks Homeowners Association shall be named as an additional insured on builder's liability insurance.

### **1. Definitions**

- a. Adjacent Street Improvements: The sidewalks, curbs, gutters, and paving or other site improvements within the street rights-of-way immediately adjacent to the Lot.
- b. Association: The Whitney Oaks Community Association, a California nonprofit mutual benefit corporation, and committees under the association including Board, Landscape Committee, Architectural Review Committee, and Finance Committee.
- c. Lot: The residential lot on which the improvement is proposed to be constructed.
- d. Owner: The lot owner
- e. ARC: Architectural Review Committee

### **2. Damage to Adjacent Street Improvements**

Before obtaining a building permit for the construction of the residence, Owner shall be responsible for all damage to the adjacent street improvements and request a joint inspection. Except for damage noted in the Joint inspection, Owner shall be responsible for all damage to the Adjacent Street Improvements, which occurs prior to the date that the Security Deposit is refunded to Owner when such damage is caused by Owner, Owner's Employees, contractors, subcontractors or suppliers. Owner agrees to make such repairs to the Adjacent Street Improvements to the full satisfaction of the Association, ARC and any appropriate governmental agencies.

### **3. Street Cleanup**

Owner agrees to clean daily (and prior to 3:00 p.m. on every Friday) any mud, dirt or debris from the street rights-of way caused by, or the result of, construction activities. Leftover material shall be removed from the community promptly upon completion of its use. Street and sidewalk shall be scraped, broomed and then washed immediately after materials have been removed from this area. Owner must keep any construction material and water containing construction materials from entering storm drain inlets. Storage of construction materials on streets is not permitted.

#### **4. Other Damage and Cleanup**

Owner acknowledges that the construction of a residence may cause damage to Association improvements in open space areas, common areas and other portions of Whitney Oaks may require general cleanup of debris resulting from the construction of Owner's residence. Owner agrees to repair any such damages, including damaged landscaping, and to remove any such debris from the open space, common areas or other areas which is caused by or the result of construction activities conducted by Owner or Owner's employees, contractors, subcontractors, or suppliers.

#### **5. Storage of Debris**

Owner hereby agrees that Owner shall store all trash and debris in appropriate containers. Such containers and any stored material shall not be located on any street, curb, sidewalk, or adjacent property. All uncontained debris shall be removed by 3:00 p.m. each Friday or, if sooner, within three (3) days after receipt of a demand from ARC or the Association.

#### **6. Application of Security Deposit**

The Association shall deposit the Security Deposit into an interest bearing account; interest shall accrue to the benefit of the Owner. In the event that Owner does not (a) make any repairs as required by 2. or 4., above, within ten (10) days after delivery of written notice by the Association, or (b) remove any material, trash or debris as required by 3., 4. or 5., above, within three (3) days after delivery of written notice by the Association (by 3:00 p.m. on any Friday, in which case no notice is required), as the Association shall have the right, but not the obligation, to perform such repairs, replacements or removal and the cost thereof shall be promptly reimbursed to the Association by Owner. In addition, either the Association or ARC shall be entitled to construct temporary screening to prevent debris from entering open space, common area or other areas and the cost thereof shall be promptly reimbursed to the Association by Owner.

#### **7. Refund of Security Deposit**

Owner shall notify the Association as soon as the residence has been completed per approval granted by ARC. Within ten (10) days after the last day of the calendar quarter during which the Association receives such notice, the Association shall inspect and accept or reject the condition of the Adjacent Street Improvements. As soon as the condition of the Adjacent Street Improvements has been accepted, and compliance to ARC is verified, the association shall refund the Security Deposit, less any unrecovered amounts applied pursuant to 6., above, with interest.

#### **8. General Safety**

Owner shall install temporary fencing and barriers to assure that no passersby gain access to construction site wherein they may be injured by any hazards associated with construction activities or construction site. A reflective device (such as highway road cones) must be used to surround material to notify others of a potential hazard.



Temporary fencing and barriers shall be erected during all construction hours and after all construction hours. Workers shall be considerate of other residents. The Contractor shall control where their workers park their vehicles.

Alcohol, non-prescription drugs, and loud music shall not be allowed. Owner agrees to hold harmless Whitney Oaks Homeowners Association and all individuals serving on the Board and Homeowners Association subcommittees.

#### **9. Construction Activity Hours**

Construction activities are permitted Monday through Friday, 7:00 a.m. to 6:00 p.m. and Saturday/Sunday 8:00 a.m. to 6:00 p.m. only, unless prior approval is received from the City of Rocklin Chief Building Inspector based on special circumstances. Construction activities shall be pursued diligently and continuously through completion, subject to weather, strikes, force majeure, acts of God, and other matters beyond the control of the Owner.

#### **10. Call 811 before digging**

Contractors and homeowners are advised to call Underground Services Association (USA) prior to any digging by calling 811 and waiting to dig until USA surveys the site. USA is a free 24-hour-turn-around service whereby utility companies will locate and mark their lines to otherwise prevent damage and better assure the safety of individuals.

#### **11. Approval of City of Rocklin**

Without approval of the City of Rocklin, no Owner may construct an addition to or remodel a residence, or construct or architecturally alter a swimming pool, spa, accessory structure, or fence. No owner shall install new landscape over 500 square feet or landscape renovations over 2,500 square feet unless it meets state water use regulations.

## OWNER SUBMITTALS CHECKLIST

Owner shall submit to Whitney Oaks Homeowners Association (HOA) ARC an ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION detailing all proposed work, along with the applicable Application fee, if any. Owner may request a conceptual review of preliminary plans to determine if the proposed design is consistent with the community prior to submitting an Application; requests should be directed to management for proper scheduling with ARC.

Design Review and Approval shall consist of the following elements:

☐ **Completed ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION**

- Owner to sign and date Application acknowledging Architectural Rules.
- Owner to include all identified submittals.

☐ **Signatures of Neighbors**

- Required with all Applications.
- Application shall include signatures from neighbors who are able to see the proposed improvement from their home.

Signatures confirm that neighbors have seen proposed plans and where applicable, elevations showing all features of proposed work. Signatures are not approval of plans. Each new Application shall be accompanied by a new set of signatures from neighbors. After acknowledging Applicant's plan, any neighbor concerns should be directed to the management company immediately for consideration by ARC.

☐ **Grading Plan / Drainage Work**

- Minimum 11"x17" drawing; note name, address, and date on drawing.
  - Scale: 1"= 20'-0" or appropriate legible scale.
- The plan shall show property lines, dimensions, easements, setback requirements, and existing topography. Indicate square footage of lot, proposed grading and drainage. Show existing and proposed driveways and structures. If v-ditch modifications are proposed, Application must be accompanied by a drawing prepared and stamped by a licensed professional civil or soils engineer.

☐ **Site Plan / Landscape Plan (includes Irrigation Plan)**

- Minimum 11"x17" drawing; note name, address, and date on drawing.
- Scale: 1"= 20'-0" or appropriate legible scale.
- Required for front yard.
- Required for back yards that are visible from common areas and golf course.

Plan shall identify all plant material, groundcover, type of irrigation, hardscape (including retaining walls), hardscape dimensions, fence design, yard art, structures, and trees.

Exception: Lots not adjacent to common area open space or golf course must only identify

structures, trees, and yard art that will exceed height of existing *solid* fence, or are visible from adjoining lots, street, or open space.

Residents are encouraged to use drip irrigation where appropriate. Irrigation shall be maintained to prevent erosion and runoff onto common or adjacent properties. Damaged irrigation and leaks shall be repaired immediately to prevent damage to common or public areas.

All drawings shall clearly identify all items to be removed.

Landscape plans should include legend that defines drawing's graphics, markings, and symbols. If ARC approves Owner's proposed work, ARC does not approve any undefined graphics, markings, and symbols on drawings. Owner shall identify yard art colors, whether yard art surfaces are reflective, and where applicable, screening from streets, golf course, and adjoining common area open space.

Landscape Applications shall include photographs of existing conditions.

**❑ Exterior Elevations**

- Required when structure's exterior is physically altered; not required for painting.
- Minimum 11"x17" drawing; note name, address, and date on drawing.
- Scale: 1/4"= 1'-0".

The elevation(s) shall show all elevations with existing and finished grades, and all elevations of existing and proposed structures, including retaining walls. Dimensions and colors for proposed and existing yard art, fountain(s), and other appurtenances shall be clearly identified, including proposed light fixtures.

**❑ Floor Plans**

- Required for new construction and construction that alters existing house footprint.
- Minimum 11"x17" drawing; note name, address, and date on drawing.
- Scale: 1/4"= 1'-0".

Include plan for each level.

**❑ Square Footage**

- Required for new construction, additions, sheds, greenhouses, sunrooms, gazebos, pergolas, patio covers, trellises.
- Minimum 11"x17" drawing; note name, address, and date on drawing.
- Scale: 1"= 20'-0".

Plan shall show area of first floor, including garage. Square footage of second floor (and third floor if applicable) shall also be identified on each floor's drawing. Square footage of existing decks, detached structures, walkways, and patios shall be identified on drawing. Square footage of proposed construction, including decks, walkways, and patios shall be clearly identified on drawing. Plan shall also include square footage of lot.

**❑ Roof Plan**

- Required for new construction or modifications to roof.
- Minimum 11"x17" drawing; note name, address, and date on drawing.
- Scale: 1/4"= 1'-0".

The plans shall identify roof pitch, roof material, roof color, and shingle manufacturer.

**❑ Solar Electric (photovoltaic, "PV") System Plan and Solar Heating (hot water) System Plan**

- Minimum 11"x17" drawing; note name, address, and date on drawing.
- Scale: 1/4"= 1'-0".

Solar Electric: Plans to identify all PV panel manufacturer(s), model number(s), locations, number of panels, system generation size (KW (DC)), as well as inverter manufacturer(s), model number(s), location, and number of inverters.

Solar Heating: Plans to identify all solar heating panel manufacturer(s), model number(s), locations, and number of panels.

Once approved, the number, dimensions, and locations of solar panels cannot change from the specifications set forth in the construction drawing. Solar energy system installations shall be done in a manner to reasonably reduce visibility from the street or common areas, to the extent possible and allowed by law.

**❑ Materials Samples Board**

- Provide paint color chips and building materials samples of all exterior materials including, but not limited to, siding, shingles, and brick. Where metal shingles are proposed, a full-size physical sample shall be provided to ARC so that committee members may check dent resistance and deflection.

**❑ Tree Removal / Tree Preservation**

- Owners shall include photographs of proposed trees to be removed and photographs showing overall perspective of area around tree. Owners should consult a licensed arborist and request a report before proposing to remove a tree. The report should address the possibility of root pruning and supplemental irrigation where tree roots are observed to be invasive or exposed at grade. For oak tree preservation please refer to page 26.

**⇒ Undefined graphics, markings, and symbols**

Undefined graphics, markings, and symbols on any drawing(s) reviewed by ARC shall not be considered "approved" whether or not ARC (or Board, if appealed) approves Owner's Application.

## ENFORCEMENT

Pursuant to receipt of written approval from ARC or Board, the Owner shall complete all approved work within one year from the date of written approval. Otherwise, approval given shall be deemed revoked.

### a) WORK PERFORMED WITH PRIOR APPROVAL

Written notice of completed work shall be submitted by Owner to management company within 30 days of completion. A member(s) of ARC, Board, or management may inspect work before or after the 30 days to confirm work complies with what was approved. If work does not comply with the approved plans, Owner shall be notified in writing and requested to remedy same. If Owner fails to correct the non-compliance within thirty (30) calendar days after the date of the notice of non-compliance, the Board shall determine next steps. Undefined graphics on approved plans that are not specifically and clearly defined shall not be considered approval-to-install or construct an addition or appurtenance that Owner claims corresponds to that graphic, marking, or symbol. If the Board incurs costs for enforcement of any non-compliance, including consulting engineers and or the removal of non-approved work, the Board may seek reimbursement of all costs, including all legal and court costs, from Owner.

### b) WORK PERFORMED WITHOUT PRIOR APPROVAL

If work is commenced or completed without ARC approval, the Owner shall submit plans, which may or may not be approved. If plans submitted for approval are found to be in violation of these Architectural Rules or the CC&Rs, or if the Owner fails to submit plans to ARC within thirty (30) business days after the date of written request, the Board shall set a date on which a hearing will be held. If the Board incurs costs for enforcement of non-compliance, including consulting engineers and or the removal of non-approved work, the Board may seek reimbursement of all costs, including all legal and court costs, from Owner.

### c) PENALTY FOR NON-COMPLIANCE

In circumstances where Owner:

- (i) disregards filing of an ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION with management and completes work that may or may not ultimately be approved by ARC and or Board;
- (ii) adds non-approved features to property under the cover or pretense of an Application that was previously approved;
- (iii) disregards notices from management requesting that property be brought into compliance with these Architectural Rules or general safety;
- (iv) disregards an ARC decision or Board decision that denies approval of any part of an Application, and Owner or Owner's representative subsequently proceeds with non-approved work;

then for any of these circumstances the Board may assess fine(s) upon the Owner. Fines will be imposed in accordance with the Association's published fine schedule, which may be found in the Owners Manual.

## GENERAL CONSTRUCTION FEATURES

### Awnings

Awnings are permitted in Unit 39 and Unit 44 only. Awnings may be constructed of aluminum or wood, and shall be painted with an approved color.

### Barbeques

Whether built-in or portable, barbecues are not permitted in front yards or front yard courts. Built-in barbecues shall not be installed in direct contact with any combustibles. Built-in barbecues that are installed in cabinetry or similar structures shall use the barbecue manufacturer's thermal jacket. Clearance from overhead combustibles shall be in compliance with building code and fire code.

### Buffer zone

Buffer zone is the space that adjoins or extends from (many) lot fence lines to common area open space. Buffer zone also includes area between lot lines and as-is fence lines.



The purpose of buffer zone is to maintain free-of-development, no-landscape natural terrain throughout Whitney Oaks common areas, and to preserve hiking trails. Relocation of fences to property line(s) shall be reviewed by ARC on a case-by-case basis.

### Chimneys

Chimneys shall be constructed of the same material and texture as the home, or with brick or stone. Owners are cautioned that earthquakes may dislodge chimney materials and cause property damage or personal injury. Construction, replacement, or upgrade of chimneys shall comply with all applicable building codes, and air regulations as promulgated by local jurisdictions and the California Air Resources Board.

### Clothes drying facilities

Clotheslines, if used, shall be placed in the least visible location from the common areas and neighboring lots and shall not exceed 5' in height. Clotheslines that are visible from the golf course shall be retractable, and shall be in the retracted position when not in use.

## **Columns**

Freestanding columns in landscape or along walkways that are visible to the public shall not exceed 30" square or 30" diameter. Finished height of columns, including light, shall be no higher than 42" above grade; where two columns at driveway or walkway are located along a sloped street or sloped lot, the tallest allowable dimension shall be 42". If a light fixture is not used, the maximum height to column shall be no higher than 36" above grade; where two columns at driveway or walkway are located along a sloped street or sloped lot, the tallest allowable dimension shall be 36."

Driveway gates are allowed for custom homes only; columns supporting gates may be no higher than 72" above grade. Lights added to the top of columns, in all cases, shall be no taller than 16" overall height.

The above dimensions are maximum allowable column height, however, the ARC may determine appropriate (lesser) dimensions if it deems they would better integrate within the respective neighborhood without changing the character of that neighborhood.

Columns should be finished with stone or stucco, and a finished concrete or stone cap. Color and materials shall complement residence's character. Plain-face manufactured concrete blocks on any part of column are not acceptable. Electric service to lights on columns shall be via electric conduit located on the inside of column. External surface-mounted conduit is not acceptable.

## **Decks and balconies**

No balcony may be built that may infringe upon a neighbor's privacy unless the neighbor gives their consent in writing. Such consent letter shall be attached to the submitted plans.

Deck material may be lumber or composite lumber. Composite lumber shall be a color that matches the Owner house, or brown. Owners should be aware that some composites may act as a heat sink and may be hot in direct sunlight.

Railing may be wrought iron tube steel, wood, or tensioned stainless steel cables; however proposed railing shall match railing within visual proximity. If more than one rail types exists the proposed railing shall match the railing that constitutes the majority of that visible from the Owner's deck or balcony. Deck railing that is visible to the public, including the public on the golf course, shall be free of clothing or other unsightly items.

No decks shall be permitted in Owner's front yard, other than entry platforms that act as a landing to foot traffic entering or exiting Owner's house.

## **Drainage, culverts, and v-ditches**

Owners shall not construct or modify any drainage systems without prior approval from ARC. Owners shall maintain v-ditches so that they are free of debris. If Owner proposes to modify a v-ditch in any way, said modifications must be clearly identified in attachments accompanying ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION, including drawing prepared by, and stamped by licensed professional engineer, along with letter from licensed professional engineer. Submittals of such documentation do not guarantee that ARC will approve Owner's Application.

#### Drainage pipe painting:

1. Plastic or galvanized drainage pipes that are visible to the public shall be painted black or brown.
2. Plastic or galvanized drainage pipes that are part of a home's gutter downspout and lay against, are fastened to, or are otherwise in proximity to the home shall be painted to match the home's trim or wall color; all visible piping shall be completely painted to where it meets grade.

#### Driveways

Overall driveway width shall be no wider than 24'-0" maximum at curb and continue back a minimum of 10'-0" from curb before any increase in driveway width.

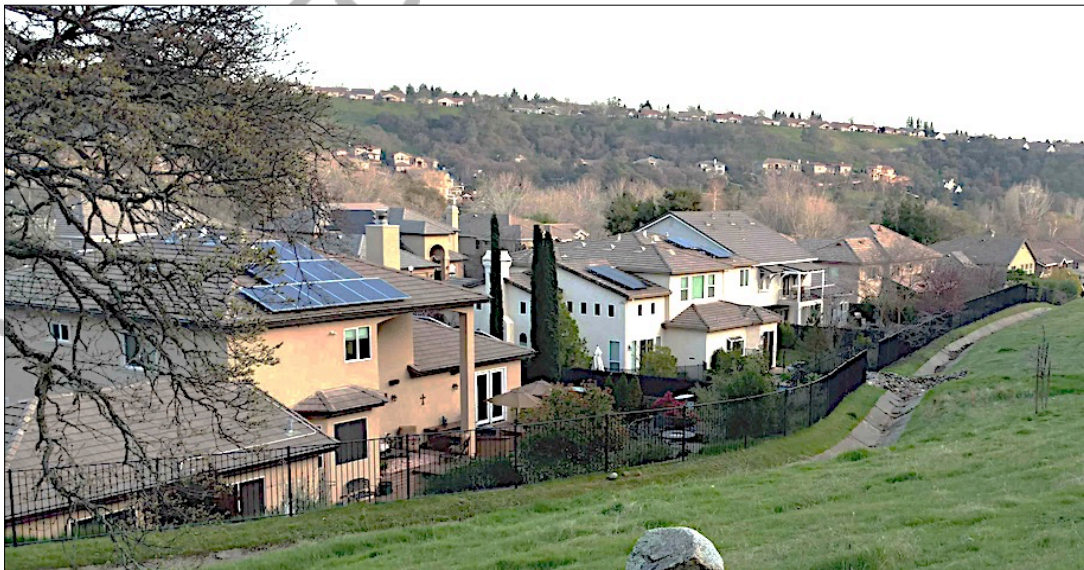
Driveways should be constructed of darkened or colored concrete, textured or stamped concrete, interlocking pavers, or other materials that reduce the visual impact. Overall driveway width is determined by any single construction material or any combination of the previously noted materials.

Driveways may be painted with an approved color, but homeowners should be cautioned that many paints will quickly show tire wear marks. Acid staining is a good alternate. Two-part epoxy paints may be used, however these may be slippery unless sand is included in mix. Homeowners are encouraged to work with concrete contractors, paint contractors, and paint suppliers in order to more fully vet their options. Fading and peeling paint shall be refinished.

#### Fences

Chain link fencing and mesh fencing is not permitted at Whitney Oaks.

#### Rear yard, uphill lots adjacent to open space corridors:



Lots contiguous to open space areas and visible from public street rights of way shall have:  
(i) 30" high by 18" wide fieldstone or (ii) 30" high stone veneer over concrete stem wall plus a



maximum 42" high black wrought iron panel (including vertical pickets at 4" on center (o.c.) for a maximum overall height of 6', or (iii) 6' high, above grade, black wrought iron panel fence with vertical pickets at 4" o.c.. Alternately, fence may match neighboring rear yard fences.

Rear yard, downhill lots and open space lots adjacent to street right of way:

Lots adjacent to open space areas, but not visible from street right of way, (generally downhill), and open space areas adjacent to street right of way shall have 5' high wrought iron fence. Alternately, fence may match neighboring rear yard fences. Stone or decorative masonry walls may be installed where lots abut thoroughfares that have a posted automobile speed limit of 30 mph or greater.

Rear and side yard lots adjacent to golf course:

Rear and side yards abutting the golf course are not required to have fencing but may be fenced with up to steel fencing consisting of welded pickets spaced 4" on center. Fence shall be up to 60" tall, or per code. Fencing at back property lines not abutting the golf course shall consist of field stone base 30" high by 18" wide plus 30" high (maximum) black wrought iron style, including pickets at 4" o.c., or 60" high (maximum) black wrought iron style, including pickets at 4" o.c.. Alternately, fence may match neighboring fences.

Solid fencing for pool deck areas and solid privacy type fencing for immediate rear or side patio areas are limited to 6 feet maximum height, or applicable building code. Solid fencing is not permitted within a 25-foot setback area from the rear property line that is contiguous with the golf course or open space.

Rear and side yards adjacent to one another and down slope lots adjacent to open space:

"Good Neighbor" fence shall be stained wood, or redwood that matches color and height of fences in proximity to "Good Neighbor." Fence(s) shall be a maximum 6'-0" height. These fences should be constructed using vertical planks so that there is no visibility across lot line between fence planks.

All fence types and materials may be changed or modified to enhance privacy, mitigate noise, or improve aesthetics, per ARC or Board decision.

**Fire pits**

No exterior fires are allowable except for fires contained within pits such as formed concrete, steel, mortared stone, or natural gas or propane fire pits designed for such purpose. Overhead combustibles, including tree branches that grow over fire pits, shall be kept away from fire pits. No fires are allowed in public areas such as parks or open space. No fires are allowed in front yards.

**Front doors**

Front Doors may be solid wood construction, metal doors with simulated wood grain, or either of these with inlaid glass. Owners are cautioned that if mitered locksets are used, much of the door framing on both sides of the lock is milled, decreasing the integrity of the door. Owners are cautioned to work with door suppliers in order to mitigate. Screen doors are discouraged.

### **Garage doors**

Section wood, composite, or metal is acceptable. Windows may be included in the tops of doors, so long as “glass” does not exceed 25% of a door’s square footage. Garage doors shall be closed within 10 minutes after opening. Garage doors shall not be used as a backboard or backstop for sports activities. Dented metal doors that are visible from the street shall be replaced within sixty (60) days.

### **Mailboxes**

Mailboxes and mailbox structures must be approved by the local postal authority and ARC. There shall be no exterior newspaper tubes or individual mailboxes other than the cluster mailboxes.

### **Mechanical Equipment**

With the exception of flat panel solar energy systems, no rooftop-mounted equipment is allowed. Ground mounted equipment including air conditioners located in side or rear yards shall be screened from view if visible from street.

All mechanical equipment, including pool filters and pumps, shall be located no closer than 5’-0” from side yard property lines, nor closer than 15’-0” from rear yard property lines, and shall be screened from common or public areas. Mechanical equipment shall be maintained in good working order to minimize noise.

### **Overhead structures**

The perimeter roof line of sunrooms, gazebos, pergolas, patio covers, trellises, and arbors shall be set back a minimum of 10’-0” from the side and rear property lines, except where rear or side of lot is adjacent to open space or golf course; in this latter case the setback shall be minimum 15’-0”. Lots or site conditions that cannot meet the 15’ setback will be reviewed by ARC on a case-by-case basis.

Maximum height to any part of top-of-finished-roof is 10’0”, except for some covered patios as noted below in “Covered patios height exception.”

Approved colors in these Rules, and construction materials shall complement the architecture of the house. Roof color shall complement the colors of the Owner’s house.

Structures shall be made of wood or masonry construction only. The sides shall not be enclosed in any manner.

The following materials shall NOT be used for the roof (top cover surface) on any overhead structure:

- A. Metal structures and supports, including metal awnings.
- B. Plastic and fiberglass panels.
- C. Plastic webbing, reed or straw like materials.
- D. Prefabricated aluminum simulated wood.

*Covered patios height exception: The roof pitch and shingles shall be a physical continuation of existing house and constructed in such a manner that covered patio appears to be a room physically attached to house. These patios shall share at least one common internal wall with*

*house. These covered patios shall share a top-of-finished-roof-height that matches the house's roof height, to a maximum of 18' above the finished floor of the underlying covered patio. Exterior walls shall be a continuation of house walls, and shall duplicate exterior wall materials, finish, and color of adjoining house structure.*

### **Pools & Spas**

All pools and spas shall be located at backyard of home site, and setbacks shall be in accordance with City requirements.

### **Retaining Walls, pool foundation walls, and spa walls**

Individual retaining wall faces that are visible from common areas, street or abut golf course, including bramble/wetlands adjacent to golf course, shall be no higher than 36" above finished grade. In the case of terraced walls, each 36" face shall be no higher than 36" above the top of the next lower wall. Vertical faces of terraced walls shall be spaced no closer than 24" on center (o.c.). Walls that are visible to the public shall be made of complementary colors, textures and materials with those of the residence and adjacent environment.

Owner shall plant vegetation to minimize visibility of all retaining walls.

Terraced floor levels and step foundations shall conform to hillside slope whenever possible.

### **Roofs**

All roofs shall meet current codes. Fire-treated shakes, concrete shakes, concrete tile, and clay tile shingles are acceptable. "Slate" is acceptable only if homes along the same street and within direct proximity of the proposed project also have slate roofs.

Metal shingles that simulate slate, shakes, concrete tile, or clay tile shall be strong enough to hold shape without denting or permanently bending under the weight of an adult. Metal shingle finish shall be durable and show no wear from foot traffic or sunlight.

ARC prefers all shingles be uniform color. Any variances need to be approved by the Board.

- Straw or straw-like materials shall not be allowed for any roofs.
- Asphalt shingles are not acceptable.

### **Security Doors**

Security doors may be installed in front of an existing door that is framed into the Owner's house. Security doors may be metal with heavy screening, painted to match door and door trim.

### **Sheds and Greenhouses**

Sheds and greenhouses should be no taller than 8' to the highest point of any part of the roofline. No part of a shed or greenhouse shall be visible from common or public areas or street, and shall not protrude over the top of a fence. Sheds shall be painted to match the existing house. Materials shall be similar to existing house siding. All sides of sheds and greenhouses shall be completely enclosed.

The following materials shall NOT be used for the roof (top cover surface) on sheds:

- Metal structures

- Plastic or fiberglass panels
- Plastic webbing, reed or straw-like materials.

Minimum set back shall be 10'-0" from perimeter roof line to side and rear property lines, except where rear or side of lot is adjacent to open space or golf course; in this latter case the setback shall be minimum 15'-0".

### **Solar Energy Systems**

Solar Electric (photovoltaic or PV) and Solar Heating (hot water).

Homeowners may install PV and hot water systems at their homes so long as systems are located on roofs or, when necessary, ground mounted out of public view. Hot water systems shall be flat panel type in order to match appearance of PV panels; cylindrical design solar energy systems are not allowed. The purpose of roof mounted solar energy systems is to preserve the public view of open areas and natural spaces around homes and on hillsides throughout Whitney Oaks.

Where some or all of a PV system cannot be mounted on Owner's roof, otherwise causing Owner to incur increased installation costs in excess of \$1,000.00, or a decrease in the efficiency of the system in excess of 10%, Owner may petition to install PV panels on Owner's lot at a location other than Owner's home's roof.

Solar panels must be installed on the plane of roof material (flush mounted) or ground mounted out of view of the common area as much as possible.

All ground mounted solar units must be installed so that they are not visible from the streets, and shall be screened by plants from view of adjacent homes.

Aluminum trim, if used and visible, must be anodized or otherwise color treated.

All exterior conduits must be installed out of sight, such as in the attic or under the eaves, and painted to match the tile roof, eaves or stucco where it is not reasonably possible to conceal them. The inverter, DC and AC disconnect boxes, any alterations to the existing electrical panel, and any other exterior system components (excluding the solar panels) must also be concealed and/or color coded to blend with the structure, and must be mounted on an exterior wall of the house.

Solar panels must be firmly secured to the roof in accordance with local building codes.

The solar energy system shall meet all applicable health and safety standards and requirements imposed by state and local permitting authorities.

Homeowner must provide for the maintenance, repair or replacement of the roof and solar energy system to the satisfaction of the Whitney Oaks Community Association. In particular, the solar panels must be kept free of dried leaves to avoid fire danger, and cleaned at least twice a year.

The approval of this solar energy system does not create or grant any solar easement. No guarantees as to future solar easements are made.

### **TV Antennas / Satellite Dishes**

Television or radio poles, or antennae of any description installed outside of a dwelling must be installed in the least visible location that an acceptable signal can be received; they should not be higher than 72" above roof eaves. Satellite dishes shall not be mounted to any chimney. No more than two satellite dishes per home are allowable; size shall conform to dishes available from commercial carriers and shall not exceed 36" in any dimension. Cables connecting to satellite dishes shall be painted to match the house.

### **Walkways**

New or modified walkways shall comply with all local building codes. Walkways within public view shall be constructed of concrete and reinforcing steel (rebar) if required on appropriate longitudinal and transverse centers to reduce cracking and displacement from roots. Concrete walkways should be finished in a manner that surface does not promote foot traffic slippage. Concrete blocks are not permitted.

Walkways that are not primary foot traffic routes and that are primarily decorative in nature and are integrated into landscape may be crushed rock, gravel, decomposed granite, etc. These walkways shall include an appropriate compacted sub-base, over which finish material would be spread. All walkways, except for concrete walkways shall include edging material that maintains original pathway borders. No asphalt stairs or asphalt pathways to front door are permitted. Cracked concrete greater than 1/8" in front yards shall be replaced.

### **Window treatments**

Treatments, including shutters, curtains, drapes, and blinds, shall complement the exterior colors of the respective structure. No window shall be covered with aluminum foil, sheets, blue tint, or smooth or wrinkled reflective coating. Exterior window screens that are designed to inhibit sunlight intrusion and which impart an opaque appearance to the window are discouraged. Screens shall blend with the house color. The side of all permitted window coverings facing public view shall be white, beige or off-white in color, except that shutters may also have a natural wood color finish. Outdoor curtains are not allowed.

### **Yard art**

Yard art, including fountains, sculptures, statues, birdbaths, free-standing columns, etc., should be decorative accents but should not be sized to dominate the site. Yard art should be in size that is proportional to the scale of the setting.

Certain yard art that incorporates highly reflective surfaces and bright colors is unadvisable in front yard and back yard locations and should be screened from streets, golf course, and open space. Unscreened yard art may create a distraction to operators of motorized vehicles, resulting in unsafe conditions for passengers, pedestrians and other vehicles.

"Yard Art" that may be construed as signage is not allowable.

## **PAINT AND STAIN**

All whole house painting and painting of sheds, as well as structures included under “Overhead structures” on page 17 of these Rules requires approval of ARC.

Houses and buildings shall only be repainted with approved colors for Whitney Oaks. Houses and accessory structures shall have a different body color from trim color. House and “overhead structures” shall be same color on all sides. The Board will update the applicable paint color palette periodically. Current approved paint color list may be located at <http://whitneyoaks.net>

### **Unit 39 and Unit 44**

All conditions noted under “Home and ‘Overhead structures,’” above, apply to Unit 39 and Unit 44. However, Unit 39 and Unit 44 have a different paint color palette than the rest of Whitney Oaks. The Board will update the applicable paint color palette periodically. Current approved paint color list may be located at <http://whitneyoaks.net>

## **FENCE STAIN**

The approved wood stain colors may be located at <http://whitneyoaks.net>. Matching the aged color or an existing fence, or other fences in proximity to their fence shall be the objective. Owners should apply a small sample to assure an appropriate match. Color photographs of the existing fence and other fence(s) in proximity shall accompany Applications that are submitted to ARC.

## LANDSCAPE AND IRRIGATION



Owners are invited to visit <http://whitneyoaks.net> to view the required minimum quality of landscape drawings that are acceptable by ARC. Incomplete and illegible drawings are not acceptable and will not be reviewed by ARC.

The following outline of landscape design principles should be used by Owners to ensure all residences will complement each other and complement the rural fabric of the Whitney Oaks Community.

Landscape features that respond to or "blend" with the natural character of the land and the adjacent land uses (ie, open space, golf course, and park areas) are encouraged.

Whitney Oaks historical ranching operations included orchard crops. In an effort to incorporate some of the historical aspects of the ranch the use of ornamental fruit trees, and/or fruit producing trees wherever practical is encouraged as an underlying theme for the community as a whole.

Existing trees in construction areas shall be protected during grading of, and construction on, nearby soil. Appropriate precautions to minimize compaction and/or concentrated drainage within the drip line zones of these trees shall be used and shall also comply with City of Rocklin requirements.

Native vegetation shall be protected and maintained wherever reasonably possible in order to minimize erosion.



Ground cover plantings at full maturity shall cover at least 50% of the front yard; sparse and spread out landscaping will not be accepted. Tree canopies shall not be interpreted as a substitute for “ground cover plantings.” For drought-resistant gardens and low water use landscape designs, California native plantings should be used.

Owners shall keep their yards in good repair. Owners shall not dump any landscape debris, including excavated dirt, onto neighboring properties, streets, open space, common areas, v-ditches, or park areas.

### **Rocks, boulders, and gravel**

Rocks, boulders, and gravel should be accents rather than the main feature of a landscaping plan, and should be the “natural” occurring color in the stone or gravel. Acceptability of color(s) shall be at ARC’s discretion. Rocks, boulders, and cobble river rock should constitute no more than 15% of landscaping that is visible from public areas or street.

Gravel shall constitute no more than 5% of any part of front yard that is visible from public areas or street. Gravel shall constitute no more than 5% of any part of side yard that is visible from public areas or street. Gravel shall constitute no more than 5% of any part of rear yard that is visible from public areas or street.

### **Ground cover and trees**

Ground cover bark mulch shall be maintained at 2” thick. Color should be black or brown. All new and existing planting areas must be barked. Bark shall be maintained in uniformity and thickness after it is installed.

Gravel, lava rock, broken slate and other flat materials are not allowed as a primary ground cover and shall constitute no more than 5% of area that is visible from public areas or street.

Where oaks trees are present, there will be exceptions to not have landscaping and only bark mulch under the driplines.

### **Street Trees**

Canopy type street tree, medium to large height (not palms), shall be used for trees along the streets to maintain Whitney Oaks tree canopy appearance. Each front yard shall have a minimum of two trees: (i) at least one street tree and (ii) one accent tree(s) small to medium size or multi-stem or other proposed tree pending lot and space availability. Trees shall be 15 gallon minimum and staked/secured properly.

### **Tree Removal**

The following tree removal guidelines should be considered when deciding whether a tree should be removed:

- The tree poses a substantial hazard to people or property
- The tree is dead, dying or has short life expectancy
- The tree is seriously diseased
- The tree is part of a group that is overcrowded



- The tree has caused extensive utility damage (sewer, water main, power lines, etc.)
- The tree has caused extensive concrete or property damage
- The tree has been damaged to the extent that it cannot be feasibly restored

Where removal of any tree is proposed, ARC requires a report from a certified California arborist detailing the health of the tree and recommendations on how to manage the tree differently, water differently, prune roots, etc. Approved removed trees or large shrubs shall have trunks ground down below grade or removed.

### **Irrigation**

The use of an automatic irrigation system for each lot is required. Any renovations over 2,500 square feet shall conform to State of California Water Efficient Landscape Ordinance (WELO). <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>

Plants' water use should be grouped by water used and irrigated by separate valves for low, medium, and high water use.

Applications not demonstrating WELO compliance will be denied. Plans shall show, but not be limited to:

- type of irrigation;
- water usage and existing pressure;
- post construction water audit;
- pressure reducing equipment if required;
- percent of turf;
- 'smart' irrigation weather based irrigation controller.

Spray irrigation is not allowed within existing oak driplines. Irrigation under existing oaks is not allowed unless necessary for oak health. Irrigation shall be managed to limit overspray and run-off on to sidewalks, roads and adjacent property. Irrigation shall be maintained and leaks fixed to eliminate on-site erosion and damage to adjacent properties.

Where irrigation control valves are located above ground and visible to the public they shall be screened with plants or fully covered with a fixed redwood box that is constructed with a removable lid. White or gray plastic piping that is visible to the public should be painted black or brown.

### **Artificial Turf**

Artificial turf shall be thoroughly researched for its pros/cons and varying products. Artificial turf shall be the highest quality available and thickness/height shall be of an appropriate dimension to not diminish balance of landscape. Base preparation shall be installed per manufacturers specifications with proper base material, compaction, and edging to fasten turf carpet tightly. Care should be taken to assure the bias in each section of turf runs in the same direction as adjoining and adjacent sections to minimize "section" appearances.

If turf fades, deteriorates, wrinkles, lifts or settles, the homeowner shall replace and or correct

turf for a tight, smooth and seamless appearance. Owner shall keep turf free of debris after turf is placed into service. For artificial turf applications, a sample of product must be provided, plus manufacturer's warranty and contractor's warranty (if any).

Maximum allowable use of artificial turf:

Front Yard	40% of total area
Side yard (if visible from common area or golf course)	40% of total area
Back Yard (if visible from common area or golf course)	40% of total area

Where any combination of front, side, and back yards are contiguous and visible from common areas or golf course, the ARC at its discretion may reduce the maximum allowable square footage of artificial turf and direct Owner to relocate turf. This is done to eliminate the visual appearance of large areas of turf that result from aggregating together the maximum allowable square footages where front, side, or back yards intersect. For instance, the area where "40%" of a side yard joins "40%" of a front yard may have the undesired effect of dominating the overall yard.

## OAK TREE PRESERVATION

No oak trees shall be removed unless they pose a safety hazard or are causing physical damage to structures.

Homeowners can take several steps to increase the long-term health of native oak trees such as removing soil from around the base of the tree trunk, avoiding irrigation and spray irrigation around driplines, maintaining existing grades around dripline (unless for tree health), not planting turf under driplines, and exposing the top of major roots at the base. Healthy oak trees tend to have a slightly wider trunk at the bottom, rather than appearing to be a “telephone pole” rising from the soil.

Removing mistletoe, dead wood, and unwanted smaller branches can minimize branch breakage of main limbs.



The City of Rocklin's Oak Tree Preservation document may be located [at www.rocklin.ca.us](http://www.rocklin.ca.us), search for Oak Tree Preservation Guidelines. Please be sure to consult a certified arborist when planning for landscape changes that include grading or planting around oak trees.

## LANDSCAPE LIGHTING

### Light Emitting Diode (LED)

Energy efficient LED lighting is encouraged to highlight landscape features and for illumination of outdoor areas. Homeowners are encouraged to work with lighting professionals to achieve desired color temperatures, light intensity, and beam spread.

### High Intensity Discharge (HID)

Use of high intensity discharge lighting such as metal halide is allowable in limited applications. Metal halide produces a natural white light.

Special care shall be taken to assure light does not affect neighboring properties and create stray lighting of hillsides.

Mercury vapor lights that yield a bluish colored light, low-pressure sodium that produces a yellow-orange light, and high-pressure sodium that produces gold light, are not allowed.

Outdoor lighting designs and drawings should include dimensional notation indicating proximity to neighboring houses from light fixtures that are oriented in general direction of neighboring house.

In no event shall outdoor lights be positioned or oriented to create a distraction to automobile traffic, nor shall any lighting be positioned to cause a safety hazard to golf cart traffic. Lighting shall not be installed in community property areas, including trees located in parks.

Lighting fixtures should be securely mounted so that they maintain a plumb orientation. Fixtures that randomly lean in various directions is not allowed.



Lasers and colored lights that are visible from the street or common areas are not allowed, except during holiday period December 1 – January 2.



## GENERAL TERMS AND CONDITIONS

1. No part of any residence shall be used, or cause to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending or non-residential purposes unless specifically permitted by local ordinance and by articles of the CC&Rs.
2. No lines, wires, or other devices for communication or transmission of electric current or power, shall be constructed, placed or maintained anywhere in or on any lot, unless contained in conduits or cables underground or concealed in, under or on a building or other approved structures, excluding temporary power or telephone services incidental to construction of approved buildings.
3. No trailer, tent, shack, barn, garage, basement of any incomplete building, or temporary building or structure may be used as a residence, either temporarily or permanent. No occupancy of any structure on a lot may be occupied as a residence until the City of Rocklin issues "final" approval for all building permits for that structure.
4. No plans shall be approved which might, in the opinion of the Architectural Review Committee, render any lot portion thereof, unsanitary, unsightly, harmful or detrimental to any property in the vicinity or to the occupants thereof. No exterior speakers, horns, whistles, bells, wind chimes, or other sound devices, except security devices used exclusively for security purposes shall be located, used or placed on any lot.
5. No structure for the care, housing or confinement of any animal shall be maintained so as to be visible from common area, neighboring property or golf course. Whitney Oaks Homeowners Association or HOA or Association shall mean Whitney Oaks Community Association.
6. Board of Directors or Board or Directors shall mean the governing Board of Whitney Oaks Community Association.
7. Association, Whitney Oaks, Whitney Oaks Community Association, Whitney Oaks Homeowners Association, and HOA shall be interchangeable and synonymous.
8. ARC or Committee or Architectural Review Committee shall mean the committee formed pursuant to Article 10 of the CC&Rs.
9. Member shall mean any person who is a member of the Board or a member of the ARC.
10. Application shall mean ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION and includes accompanying submittals such as drawings, sketches, photographs, etc.
11. Applicant or Homeowner shall mean Owner who is by these Architectural Rules required to submit an ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION to ARC.

12. Owner shall mean any person, firm, partnership, corporation, or entity in which fee title to a lot or home in Whitney Oaks is vested as shown by official records of the office of the Placer County Recorder, including those entities having such interest as security for the performance of an obligation.
13. Management or management company shall mean The Management Trust, Northern California Division. Management assists the Board with day-to-day management of the Association.
14. Common area shall mean streets, and shall also mean open space that is owned by the Association.
15. City means City of Rocklin.
16. Structure shall mean any building, timbers, load-bearing framing and non-load bearing framing, concrete, ceramic, stone, metal, or any other man-made or naturally occurring materials that are erected, stored, or placed on a lot at grade or above grade, or located below grade whether by excavation or placed in an earth depression.
17. Development or improvement shall mean all construction or placement of structures or overhead structures, and includes yard art, pathways, and all landscape alterations or additions to the untended or naturally occurring terrain, including such additions or alterations that require water from a hose, well, spring, creek, or automatic irrigation system.
18. Proposed types of improvements not discussed in these Architectural Rules shall not be considered as conforming to these Rules merely because they are not specifically identified. Any condition or material not defined within these Architectural Rules shall become a matter of judgment on the part of ARC unless specifically addressed in the CC&Rs.
19. In the process of enforcing these Architectural Rules, the Board may seek from Owner the reimbursement of all costs, including all legal costs.
20. Neither the Board, ARC, or Whitney Oaks Community Association, shall be liable to any Owner for any claimed damage, loss, or prejudice suffered, whether apparent or latent, on account of:
  - a) approval or disapproval of any plans, drawings and specifications, whether or not defective;
  - b) construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.
21. Approval of any Application by ARC or Board is only acknowledgment that proposed work satisfies these Architectural Rules. Approval shall not be interpreted as ARC, Board, or Whitney Oaks Community Association extending or providing any warranty, including warranty of merchantability or warranty of fitness, to Owner.

22. These Architectural Rules may be amended only by a majority vote of ARC members and a majority vote of the Board of Directors after proper notice and opportunity to comment on proposed changes is given all Owners per civil code.
23. Any text or statements contained in these Architectural Rules that is deemed unenforceable or contrary to law shall not obviate or otherwise void the remaining text, statements, or concepts contained in these Architectural Rules.

NOT VALID FOR TITLE TRANSFER

## **ADDENDUM**

### **Annual Disclosure on ARC**

Whitney Oaks Community Association  
Summary of Procedure for Approval of  
Physical Changes to Property  
(Architectural Review Procedures)

The following summary is provided pursuant to Civil Code Section 4765. The procedures for applying for additions, alterations or modifications to a lot (or unit) within the Association, and for reviewing and approving or disapproving such applications, are set forth in the Covenants, Conditions and Restrictions of your homeowners association.

See CC&Rs Article 10 for details regarding architectural procedures. The following general procedure is used by the Association to review and approve or disapprove applications for physical changes to a lot (or unit):

All applications for physical changes must be in writing and accompanied by any plans, sketches, specifications and/or diagrams necessary to adequately describe the nature and extent of the proposed change and as may be required by the rules of the Association. An application shall not be deemed to be complete until all required documentation has been provided.

The Association shall review the application and supporting documents and shall either approve or disapprove it based upon the following criteria:

Compliance of the application and supporting documents with the requirements of the governing documents of the association; Confirmation that the proposed change conforms to the requirements and restrictions of the governing documents of the association; Confirmation that the proposed change will otherwise be consistent with the architectural and aesthetic standards prevailing within the development, in harmony with the existing structures, landscaping and/or topography existing within the development and consistent with the overall plan and scheme of the development.

The Association is not required to approve a requested change simply because it has been previously approved for another lot (or unit).

A vote of a majority of a quorum of the Board/Architectural Committee shall be sufficient to approve an application.

The Association shall either approve or disapprove the proposed change within 60 days after receipt of the application and all supporting documents. The Owner shall be promptly notified of the decision.

Any decision may be appealed to the Board. The vote of the Board as to the application shall be final.



# WOCA Landscape Committee Plant Palette

- The palette will be used as the basis for new plantings
- Plant replacements will be guided by what is being replaced and the existing plants in the area
- The Palette will be a living document and can be amended

# WOCA Landscape Committee Plant Palette

## 5 Gallon:

Berberis “Barberry” Ruby Glow  
Loropetalum Purple Majesty or Razzleberri  
Mexican Bush Sage  
Yellow Ligustrum  
Karl Foerster Pennisetum grass  
Cistus ( Rock Rose ) pink or white  
Saint John’s Wart – ( Hypericum Calycinum )

## 1 Gallon:

Green Society Garlic  
Variegated Society Garlic  
Agapanthus Africanus  
Variegated Dianella  
Star Jasmine  
Purple Lantana  
Carpet Rosa Drift  
Ceanothus Carmel Creeper

## 15 Gallon:

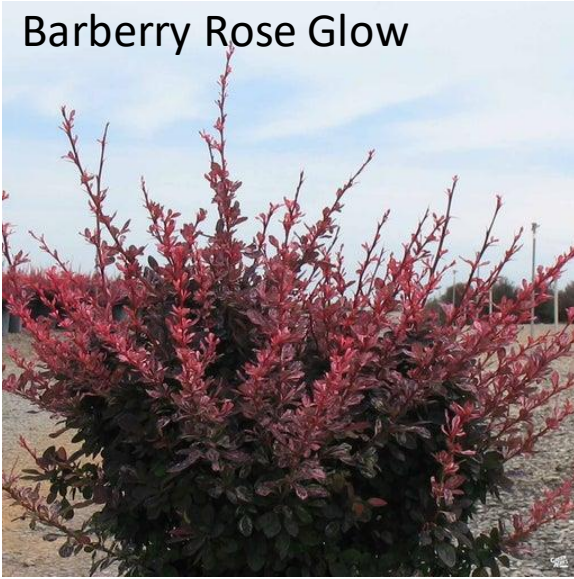
Crape Myrtle Trees (White, Pink, Purple)  
Maples ( Trident, Crimson King, October Glory )  
Native Oaks (Valley, Blue, Valley Live)  
Eastern Redbud

## Alternatives for special locations:

California Fuchsia (in the right areas)  
Bush Anemone 'Elizabeth'  
Manzanita 'Howard McMinn'

## 5 Gallon

Barberry Rose Glow



Loropetalum 'Purple Majesty'



Razzleberri® Fringe Flower



Mexican Bush Sage



Yellow Ligustrum



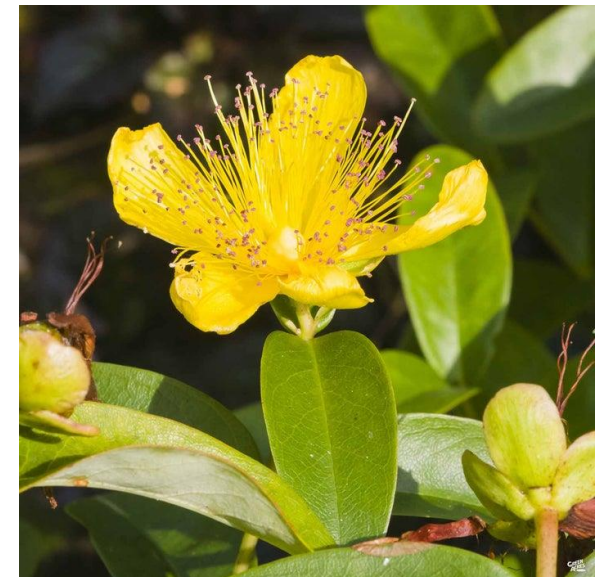
Karl Foerster Feather Reed Grass



Cistus Orchid RockRose



Hypericum Calycinum  
St. John's Wort





# 1 Gallon

Green Society Garlic



Variegated Garlic



Agapanthus Africanus



Variegated Dianella



Star Jasmine



Lantana Purple



Carpet Rose Drift Red



Ceanothus Carmel Creeper





# 15 Gallon

Crape Myrtle



Trident Maple



Crimson King Maple



Maple October Glory



Native Oaks where appropriate



Eastern Redbud



# Change Log

[illegible]



## **ADDENDUM**

(continued)

### **CC&Rs Article 4.31, "Variances."**

4.31 Variances. The Board shall be authorized to grant reasonable variances from the provisions of Article 4 of these Master CC&Rs upon written application from any Owner provided that the Board determines, in its sole discretion, that the specific application of the restriction to such Owner will (a) cause substantial undue hardship to the Owner, or (b) fail to further or accomplish the common plan for the Development as contemplated by these Master CC&Rs. The Board shall have the power to limit any variance granted in scope or duration or otherwise impose such specific requirements as the Board may, in its complete discretion, see fit to require. The Architectural Review Committee shall not have the authority to grant variances without Board approval. The term "variance" shall mean the allowance of a deviation, disagreement, or violation of the terms of the Governing Documents.





## ARCHITECTURAL REVIEW COMMITTEE REQUEST APPLICATION

**TWO (2) FULL SETS OF PLANS MUST BE SUBMITTED. IF YOU ARE SUBMITTING FULL SIZE PLANS (ANYTHING LARGER THAN 11X17) FOR YOUR PROJECT, YOU ARE REQUIRED TO SUBMIT AN ELECTRONIC VERSION SO THEY MAY BE FILED WITH MANAGEMENT.**

**NOTE:** Plans can take up to 45 days to be processed; you will be notified by mail when the committee makes their decision.

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Address of project: \_\_\_\_\_ Unit No.: \_\_\_\_\_ Lot No.: \_\_\_\_\_  
Mailing address (if different): \_\_\_\_\_  
Phone: (h) \_\_\_\_\_ (w) \_\_\_\_\_ (cell) \_\_\_\_\_  
Email: \_\_\_\_\_  
Proposed Completion Date: \_\_\_\_\_

### **Improvements**

- ☐ Front or ☐ Rear Yard Landscape (complete re-do/ tree replacement/new plants)  
☐ Yard Art (fountains, statues, boulders, etc)  
☐ Remodeling      ☐ Addition      ☐ Garage Doors (total replacement)  
☐ Greenhouse      ☐ Sunroom      ☐ Driveway(s) (☐ alterations and/or ☐ staining)  
☐ Gazebo      ☐ Sheds      ☐ Walkway(s) (☐ alterations and/or ☐ staining)  
☐ Patio Cover      ☐ Decks  
☐ Arbors      ☐ Overhangs      ☐ Trellis  
☐ Front Door      ☐ Security Door      ☐ Play Equipment  
☐ Fence Addition(s)      ☐ Retaining Walls  
☐ Swimming Pool      ☐ Spa/Hot tub/ Jacuzzi  
☐ Solar Panels (must provide plans from installer)  
☐ Whole home painting (must be from the approved paint color palette. Can be found at [www.whitneyoaks.net](http://www.whitneyoaks.net))

Other \_\_\_\_\_

- All dimensions, colors to be used, and materials must be listed and samples submitted.
- For landscape submittals, site photos must be provided to document the existing conditions.
- A complete plant list will be needed for all landscape plans (major/minor).
- Owners must submit a site map showing the location of the proposed improvement in relation to the home.
- Acknowledgement of all neighbors that can see the improvement of their lot/home is required.
- Failure to provide any of the requested information or the processing fee will delay your application. Your application will not be forwarded to the committee until complete.
- Applications are to be submitted no later than seven (7) days prior to the meeting to ensure it is forwarded to the committee in a timely manner. **An application received within less than seven (7) days of the meeting will be put on the following month's meeting Agenda.** If you wish to send the application via FedEx or UPS to ensure it gets to Management in enough time, please contact Management for their physical address. **Do not use express mailing options when using the PO Box as it will delay processing of the application.**



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OWNER SIGNATURE:** I/we have reviewed the Architectural Rules and agree to comply with them as well as any contingencies imposed by the ARC:

Signature(s): \_\_\_\_\_/\_\_\_\_\_

**NEIGHBOR ACKNOWLEDGMENT:** I have reviewed the attached plans and am aware of all their proposed alterations/improvements shown. By signing this I am aware that I am not giving approval just acknowledgment of the project.

<u>Address</u>	<u>Name</u>	<u>Signature</u>	<u>Phone #</u>	<u>Date</u>

**ALL SUBMITTALS SHOULD BE TURNED IN TO:**

WHITNEY OAKS COMMUNITY ASSOCIATION  
Attn: Architectural Review Committee  
C/O The Management Trust – Northern California Division  
P.O. Box 1459  
Folsom, CA 95763-1459

**Questions? Call Keya Pomerantz, Architectural Coordinator (916) 985-3633 ext. 142**

**For Association Use Only:**    \_\_\_\_\_ Approved    \_\_\_\_\_ Conditionally Approved    \_\_\_\_\_ Not Approved

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_