Bear Valley Springs Association

Environmental Control Committee Rules



THIS DOCUMENT SUPERSEDES AND REPLACES
ALL PREVIOUS DOCUMENTS OF THE SAME NAME

October 10, 2026

Approved by the Environmental Control Committee

◆ Bear Valley Springs Association ◆
29541 Rolling Oak Drive, Tehachapi, CA 93561

RESTATED COVENANTS, CONDITIONS AND RESTRICTIONS FOR
Bear Valley Springs Association

January 1, 2012

IF THIS DOCUMENT CONTAINS ANY RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS DISABILITY GENETIC INFORMATION, NATIONAL ORIGIN, SOURCE OF INCOME AS DEFINED IN SUBDIVISION (p) OF SECTION 12955, OR ANCESTRY, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PUSUANT TO SECTION 12965.2 OF THE GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF THE OCCUPANTS IN SENIOR HOUSEING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.

Bear Valley Springs Association
Environmental Control Committee Rules
REVISIONS

ADOPTED by the ECC	EFFECTIVE	ACTION	SECTIONS AFFECTED
	Oct. 8, 2003	Revised	ECC Rules document was updated and revised.
	Oct. 15, 2005	Revised	Article II, Sec. 202 (Accessory Structure)
Dec. 12, 2007	Dec. 12, 2007	Transfer	Transfer Sec. 218 to subdivs. J. & K. of Sec. 202.
Nov. 14, 2007	Jan. 10, 2008	Amend	Sec. 113 (Lighting) Sec. 216 (Wind driven electric generators or pumps)
Dec. 5, 2007	Feb. 10, 2008	Amend	Sec. 304 (Foundation Form Inspection) Sec. 600 (General) Sec. 601 (BVSA Board Enforcement)
Dec. 5, 2007	May 10, 2008	Amend Amend/Add Amend/Add	Sec. 513 (ECC Procedure), subdivs. A. & D. Sec. 505 (Appeals), subdivs. A. & B. Sec. 504 (Processing of Submittals), subdivs. A., B., & C. Sec. 215 (Building Materials), subdivs. C.3. Sec. 115 (Signs), subdivs. A.2., A.5. & A6. Sec. 115 (Sign Rules), subdivs. B., Pars. 1., 5., and 6. Sec. 202 (Accessory Structures), subdivs. A., B., C., D., E., F., G., H., I., J., K., L. (Note: Subdivs. J. & K. are provisions transferred from Sec. 218) Sec. 203 (Design-Architecture), subdiv. A. Sec. 200 (Construction & Alterations of Improvements), subdiv. G.
April 16, 2008	July 10, 2008	Add	Subdiv. D to Sec. 120. Fencing
Feb. 20, 2010	May 15, 2010	Amend Repeal	Sec 513.B(2) Sec. 513.D Sec. 120.B(10) Sec. 120.B(11)
Feb. 26, 2010	June 15, 2010	Amend Add	Sec. 202(L) Sec. 101(B) Sec. 101(A) Subsection I to Sec. 105
May 5, 2010	Aug.15, 2010	Add	Subsection (D) to Sec. 101 Touch up painting
Oct. 27, 2010	Feb.10, 2011	Amend	Sec. 107(D) Off-Road Vehicles Sec. 118. Fire Hazard Sec. 114 (4)(b) General Appearance
Feb. 2, 2011	June 15, 2011	Add	Subsection 6 to Sec. 120 I
Aug.2, 2011	Oct. 15, 2011	Amend	Sec. 103(B), Garage/Yard Sales

			Sec. 105(A), Landscaping Sec. 202(I), Accessory Structures Sec. 501, Submittal Forms
Aug. 10, 2011 Sept. 28, 2011	Dec. 15, 2011 Dec. 15, 2011	Amend Amend & Add	Sec. 101(A), Exterior Paints and Finishes Sec. 106(A), Oak Trees Sec. 202(A), Accessory Structures Subsec. (A) to Sec. 118, Fire Hazard
Dec. 17, 2011	Feb. 15, 2012	Amend	Sec. 102, Maintenance & Repair of Lots Sec. 305, Written Notice Upon Work Completion Sec. 511(B), Completion of Work
Dec. 7, 2011	March 15, 2012	Amend	Sec. 200 (B), ECC Responsibility
Sept. 9, 2011 Feb. 29, 2012	May 15, 2012	Amend Amend & Re-number Amend	Sec. 107(A), Junk and Inoperable Vehicles Sec. 120 (A)(1), Fencing Sec. 120(B)(6), Containing Fencing
Mar. 21, 2012	June 15, 2012	Amend	Sec. 105(B)(2), Landscaping Sec. 113(B), (C), and (D), Lighting
August 8, 2012	October 15, 2012	Amend	Sec. 202(B), Accessory Structures Sec. 504©, Processing of Submittals
Oct.2, 2012	December 15, 2012	Amend	Sec. 103(B), Garage/Yard Sales
Dec. 12, 2012	March 15, 2013	Amend Add	Sec. 101(A). Exterior Paints and Finishes Sec. 203©. Exterior Colors Subsection 5 to Section 114(A). Display of Holiday Decorations
Jan. 16, 2013	April 15, 2013	Amend	Sec. 600(A) Field Inspections
Jan. 23, 2013	April 15, 2013	Amend	Sec. 106(A) Oak Trees
May 8, 2013	July 15, 2013	Amend	Sec. 103(A) Occupation and Special Use Permits
May 20, 2013	September 15, 2013	Amend	Sec. 202(A) Accessory Structures
Oct. 2, 2013	December 15, 2013	Amend	Sec. 115(B)(3),(8)&(9) Sign Rules
Oct. 23, 2013	January 15, 2014	Amend	Sec. 105 Landscaping Sec. 106(A) Oak Trees, Cutting, Removal and Trim Sec. 202(A) Accessory Structures
Oct. 29, 2014	January 15, 2015	Amend	Sec. 118(A) Fire Hazard
Dec. 10, 2014	February 15, 2015	Amend	Sec. 120 €(4),(5)&(6) Fencing
Dec. 10, 2014	February 15, 2015	Repeal	Sec. 101(D) Exterior Paints and Finishes
Feb. 25, 2015	May 15, 2015	Amend	Sec. 115(B)(3) Signs
August 4, 2015	October 15, 2015	Add	Sec. 102€ Maintenance
June 7, 2016	August 15, 2016	Amend & Add	Sec. 102(B) Containing Fencing
May 18, 2016	August 15, 2016	Add	Sec. 106(A) Oak Trees
Nov. 15, 2016	Nov. 15, 2016	Amend Remove	Sec. 102€ Maintenance Sec. 118(A) Fire Hazard
Jan. 11, 2017	April 15, 2017	Amend	Sec. 215 (A) New Materials and (B) Used Structures
Mar. 28, 2017	May 15, 2017	Amend	Sec. 114 (A) Garbage Receptacles, Storage Areas, Etc., Subsection (b)

April 10, 2018	April 10, 2018	Amend	Sec. 101 (B), Exterior Paints and Finishes Sec. 202, Accessory Structures Sec. 503, Fees and Deposits
June 10, 2018	June 10, 2018	Amend	Sec. 120 (B) Containing Fencing
July 10, 2018	July 10, 2018	Amend	Sec. 100 (A) Land Use
April 11, 2018	July 10, 2018	Amend	Sec. 102 (B) Maintaining Exterior Surfaces
April 25, 2018	July 10, 2018	Amend	Sec. 202(L) Temporary Storage Units
		Amend	Section 501 Submittal Forms
April 16, 2019	May 10, 2019	Amend	Section 214. Surveying
April 16, 2019	May 10, 2019	Amend	Section 600 Violation Procedures, General
April 16, 2019	May 10, 2019	Amend	Section 601 BVSA Board Enforcement
April 16, 2019	May 10, 2019	Amend	Section 602 Construction
September 17, 2019	October 10, 2019	Amended	Section 103 Garage/Yard Sales
November 17, 2019	December 10, 2019	Amended	Section 103 Garage/Yard Sales
June 1, 2021	June 15, 2021	Amended	Section 601 Enforcement Procedures
June 15, 2021	July 1, 2021	Added	Section 219 Cell Towers and Small Wireless Facilities
September 21, 2021	October 15, 2021	Amended	Section 105 Landscaping, Art Objects
September 21, 2021	October 15, 2021	Amended	Section 107, Vehicles (e) Yard Landscaping
September 21, 2021	October 15, 2021	Amended	Section 505, Appeals
October 15, 2021	November 15, 2021	Amended	Section 100, Land Use
October 15, 2021	November 15, 2021	Amended	Section 201, Secondary Residential Unit/Guesthouse/Accessory Dwelling Unit
October 15, 2021	November 15, 2021	Amended	Section 202, Accessory Structures
November 1, 2022	December 21, 2021	Amended	Section 202, Accessory Structures
January 2022	March 15, 2022	Amended	Section 114, General Appearance
June 21, 2022	July 10, 2022	Amended	Section 120, Fencing
August 23, 2022	October 15, 2022	Amended	Section 100, Land Use
October 1, 2022	November 30, 2022	Amended	Section 202, Accessory Structures
January 1, 2025	January 13, 2025	Amended	Section 103, Occupation and Special Use Permits

3/11/2025	3/11/2025	Amend	Section103, Occupation and Special Use Permits
5/1/2025	7/1/2025	Amend	Section 201 Secondary Residential Unit/Guesthouse/ADU/JADU
8/18/2026	10/10/2026	Amend	Section 102, Maintenance and Repair of Lots
8/18/26	10/10/2026	Amend	Section 115, Signs
8/18/26	10/10/26	Amend	Section 103, Occupational and Special Use Permits, Garage Sales

TABLE OF CONTENTS

These Rules of the Environmental Control Committee are prepared for your use and understanding.

This document is structured to include the seven areas shown below. Each area is further broken down into specific topics or groupings called *Sections*. Each section is numbered for ease of reference. This Table of Contents describes these areas and sections in more detail.

Article I	General Rules of Land Use for All Residential Lots
Article II	Rules Applicable to Construction and Alteration of Improvements on Residential Lots
Article III	Rules Applicable to Construction Phase of any Improvements on Lots
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Preface

Environmental Control Committee (ECC) of the Bear Valley Springs Association

Bear Valley Springs was developed beginning in 1970 by Dart Industries, Inc., and a Declaration of Covenants and Restrictions (C&Rs) for the first tract of land subdivided, Tract No. 3417, was recorded on October 13, 1970 in the Office of the Kern County, California Recorder. As additional tracts of land were subsequently subdivided, a separate C&Rs was recorded for each subsequent tract, annexing that tract into the development and subjecting it to all of the covenants and restrictions stated in the first C&Rs. These C&Rs were established for the purpose of enhancing and perfecting the value, desirability, and attractiveness of all properties within this development. The C&Rs state that each Property Owner is a member of the Bear Valley Springs Association and is, therefore, subject to the C&Rs, Community Service District (CSD) Ordinances, BVSA Rules, and the ECC Rules.

The Environmental Control Committee (ECC) is established under Paragraph 10 of the Declaration of C&Rs. The primary purposes of the Committee are to review and approve or disapprove plans and proposals to construct or alter improvements on lots within Bear Valley Springs, to adopt and amend Environmental Control Committee Rules ("ECC Rules") which are intended to interpret and supplement, but not contradict or supersede, the C&Rs, to assist the Association in the enforcement of its Governing Documents, and to perform other duties that may be delegated to the ECC from time to time by the Association. Where appropriate, the ECC Rules include some references to parallel provisions of the C&Rs from which the particular Rules was derived or to which the particular Rules relate.

The ECC consists of volunteer BVSA members in good standing appointed by the BVSA Board of Directors, and is comprised of three committee members and two to three "associates" and/or "trainees." The ECC is authorized to review and approve or disapprove all proposed work and applications for grading, excavation, building and/or remodeling, painting, etc., of all houses and outbuildings and other improvements (including fencing) in our community. The ECC does not issue building permits nor do the ECC's application and approval requirements replace or supersede Kern County building permit requirements. As discussed below, the ECC concentrates on preservation, protection and enhancement of the quality of life in Bear Valley Springs by endeavoring to ensure that all applications are compatible with the C&Rs and the other BVSA Governing Documents.

Preserve: The intent of the ECC is to maintain, to the extent practical, the natural environment of Bear Valley Springs which provides a safe interface between human and wildlife habitat. This interaction (unlike many typical developments) provides the uniqueness which helps make our community not only a sanctuary for wildlife but also a sanctuary for people.

Protect: A function of the ECC is to protect our community from needless grading and defoliation of the terrain. Each home should blend into the naturalness of its surroundings and not stand out as a transplant from another urban/suburban setting. To help achieve this, paint standards call for "earthen tones," not to exceed 60 in light reflective value (LRV)). The ECC also strives to protect the property use, enjoyment and privacy of each resident by neat, clean and orderly maintenance of lots, restricted outdoor lighting, and an environment free of excessive noise resulting from loud music, barking dogs and other intrusive conditions.

Enhance: Enforcement of the C&Rs helps maintain a quality of life unique to Bear Valley Springs which, in turn, has a positive effect on community living and, in the long run, maintains a standard of living reflective on the value of all properties.

The captions and titles of these ECC Rules and the entries in the Table of Contents or Index are only intended to assist the reader in locating the pertinent Rules with which the reader may have an interest. However, they are not intended to be used or relied upon in the application or interpretation of the Rule(s) itself. Similarly, references to the Declaration of C&Rs or other Association Governing Documents are merely intended to assist the reader in locating some of the parallel references in the other governing documents, and are not intended as a complete expression or reference to the other governing documents. All Owners, contractors and other interested readers are encouraged to thoroughly read, review and become familiar with all of the Association's Governing Documents.

* * * * *

ARTICLE I.
General Rules of Land Use for All Residential Lots

SECTION 100. Land Use

The following provisions shall apply to the use of all residential lots subject to these Rules. *[C&Rs, Para. 4 and 7a]*

A. Residential Use.

No residential lot, condominium lot or condominium shall be used for other than residential purposes. Short-term rentals or leases (less than thirty consecutive days in length at any one time) negatively impact Association resources, resulting in undue costs and liability for the Association, and therefore are disallowed. This includes Air BNB's, VRBO, or any other vacation, weekend or short-term rentals. (*Amended 07/10/18*)

B. Improving Residential Lot.

Each residential lot must be improved with a completed primary residence prior to the construction or installation of any accessory or temporary structures or other improvements or any long-term or permanent parking or storage of vehicles, trailers, machinery or equipment on the lot (except that vehicles, trailers, machinery, equipment or temporary structures actually being used exclusively in the construction of the primary residence may be temporarily parked or used on the lot only during construction of the primary residence), unless otherwise authorized by written permit of the Environmental Control Committee ("ECC"). In the event the ECC issues a written permit allowing any alternative uses, such uses shall be subject to all limitations and restrictions contained in the permit. *[C&Rs, Para. 7.b(11)]*

C. House Occupancy.

No structure shall be occupied until approved for occupancy by Kern County. After a residence is approved for occupancy by Kern County, the Property Owner shall apply for inspection by the ECC. Application shall be made at the BVSA office.

D. ECC Determination.

The ECC may disapprove any proposed improvement, alteration or modification of any improvement if the ECC finds that the proposed improvement, alteration or modification does not conform with the requirements of the Declaration of C&Rs ("C&Rs") or these ECC Rules or would be aesthetically incompatible with the physical site, the adjoining properties, or the environment of the development as a whole. In making this determination, the ECC may consider existing improvements on the Owner's property, and whether any existing violations of these ECC Rules or the C&Rs make the proposed improvement, alteration or modification aesthetically incompatible with the physical site, the adjoining properties, or the environment of the development as a whole.

E. General Restrictions.

All residential lots within the development shall be subject to the following general restrictions:

1. ***Site Inspection -***

The association, or its duly authorized agents, shall have the right at any time, without liability to the Owner, to enter upon any lot for the purpose of: *[C&Rs, Para. 7.b(1) and 11.e(1)]*

a. Maintaining the lot and any improvements located on the lot if for any reason the Owner of the lot fails to do so.

b. Enforcing the C&Rs and other Governing Documents of the Association, including but not limited to these ECC Rules.

c. Inspecting the progress of construction activities.

d. Removing any improvement constructed, reconstructed, refinished, altered or maintained on the lot in violation of the Declaration of C&Rs or these ECC Rules.

e. Restoring the lot or any improvement on the lot as authorized by the C&Rs or these ECC Rules.

2. ***One Family Per Lot -*** No more than one family shall occupy any residential lot or condominium with the exception of tenants occupying an ECC approved Acccessory Dwelling Unit/Guesthouse and/or a Junior Accessory Dwelling Unit with a lease or rental agreement of which is not less than thirty (30) consecutive calendar days. (*Amended 12/2021*) *[C&Rs, Para. 7.b(3)]*

3. ***One Residence Per Lot –*** No more than one residence may be constructed on any residential lot, except that an accessory dwelling unit/guesthouse or junior accessory dwelling unit meeting all requirements of the applicable laws of the State of California and the applicable rules, regulations and ordinances of the County of Kern may be constructed on a residential lot after the Owner obtains the written approval of the ECC and the ECC receives a signed off Kern County Job Card and/or Certificate of Occupancy from Kern County. *[C&Rs, Para. 7.d(1)]* Refer to additional guesthouse rules in Section 201.*(amended 12/01/2021)*

F. Mobile/Manufactured Home.

No mobile home, manufactured home, trailer, recreational vehicle, railroad car, metal cargo container or any other structure or facility may be used as a residence or otherwise placed or kept on any lot. Trailers and RVs may be permitted pursuant to Section 107.C.

G. After County Approval.

Promptly after a residence is approved for occupancy by Kern County, the Owner shall apply at the BVSA office for an inspection of the property and the exterior of the residence by the ECC.

H. Land Clearing/Excavation.
No clearing of land or excavation shall take place prior to the approval of grading and house plans by the ECC.

SECTION 101. Exterior Paints and Finishes

A. Approval Required.
The exterior colors of all improvements must be approved by the ECC. Only exterior paints and other finishes of subtle earth-tone colors with a light reflective value (LRV) 60 or less will be approved by the ECC. The use of gloss paints, stains or sealers on exterior surfaces may not be used. Semi-gloss finish paint may be used on trim and doors only. Flat, eggshell or satin finish may be used on any application. All detached improvements and other structures must be painted to match the house siding or other exterior finish, trim and roof color. White, blue, yellow, and some reds and greens are not approved colors. Some other colors with an LRV 60 or less cannot be approved if they are of a hue similar to the unapproved colors described above. *[ECC Rules, Section 203(C)] (Amended: 6/15/10; 12/15/11; 03/15/13)*

B. Check Approved Colors First.
Property Owners are cautioned and strongly encouraged to submit colors for approval by the ECC prior to painting or finishing exterior surfaces. Failure to do so and the use of an unapproved exterior color shall result in an immediate requirement of repainting with an approved color at the Owner's expense. Some colors may fade to an unapproved shade or LRV and require re-painting. *(Amended 04/15/18)*

C. White Vinyl Window Frames.
The use of white vinyl window frames is permitted if the width of the frame does not exceed three (3) inches. This exception to the general prohibition of white exterior finishes applies only to manufactured white vinyl window frames and does not extend to any other trim, accent, building decoration, doors, French doors, or non-vinyl manufactured window materials.

D. *(Repealed 02/15/15)*

SECTION 102. Maintenance and Repair of Lots and Improvements

Each lot and all improvements located on the lot shall, at the Owner's sole expense, be maintained in good, clean, orderly and sanitary condition and repair**.**
(Amended 2/15/12)

A. Complete Improvement in Six Months.
Improvements which have been damaged or destroyed must be repaired, replaced or removed within a period of six (6) months after such damage or destruction has occurred, or after restraints placed by insurer or law enforcement agencies have been removed, whichever time period is longer.

B. Maintaining Exterior Surfaces.
All exterior surfaces which are painted or otherwise finished shall be kept repaired, painted and finished. Wood siding and/or decks must be properly finished and regularly maintained with paint, stain or sealer. Bright or reflective metal (other than

usual and ordinary door and window hardware), wood, primer, or undercoat may not be exposed. (*Amended 07/10/18*)

C. Fences.

Fences shall be maintained and repaired in such a manner and condition as to remain attractive and aesthetically compatible with the environment, the lot and other improvements on the lot and adjoining properties and, in a manner and condition consistent with the purposes of the fence as originally approved, or subsequently modified with approval, by the ECC.

D. After Approval Obtained.

Upon written notice from the ECC, an Owner shall remove, relocate, conceal, screen or otherwise modify any equipment, machinery, device, improvement, condition, or animal enclosure located on the lot in a manner reasonably satisfactory to the ECC, if the ECC determines that the item or condition is inconsistent with the community's aesthetic standards, adversely affects the appearance of the neighborhood, or may negatively impact the enjoyment or value of nearby properties. The ECC shall act reasonably and in good faith when making such determinations.

E. Maintenance

Maintenance shall include weed and dead shrub removal as needed to improve appearance as much as possible. All dead, non-indigenous trees, in particular "Leylandi Cypress trees", must be removed from residential lots. *(Amended 11/15/16)*

SECTION 103. Occupation and Special Use Permits

No gainful occupation, profession or trade shall be maintained, conducted or carried on upon on any residential lot or in any improvement or other structure on any residential lot without the prior written approval of the ECC. *[C&Rs, Para. 7.b(6),(16)]*

A. Obtaining Approval.

Only occupations, trades or professions that do not interfere with the quiet and peaceful use, occupation and enjoyment of other Owners of their lots and the Common Areas will be permitted. All occupations, trades and professions permitted by the ECC shall be conducted and carried on in strict conformance with the conditions that may be imposed on such permit or approval, and any such permit or approval may be revoked in writing by the ECC upon a failure of the permittee to comply with any such conditions. The Occupational agreement between the permittee and his/her client(s) is a business relationship and must be conducted within the confines of said permittee's property. Owners and other residents may obtain the required approval forms at the BVSA office.

B. Garage/Yard Sales

Garage or yard sales may be conducted on a residential lot with the prior written approval of the ECC.

1. An Environmental Control Committee permit is required. No permits will be accepted the day of or day before the proposed garage sale date.
2. Only Association issued garage/yard sale signs are permitted and they must be returned to the BVSA office on the next business day following the completion

of the garage/yard sale. Unauthorized signs may be removed immediately without prior notice to the property owner. Removed signs will be stored at the Association office for a period of five days; thereafter, they will be discarded. *(Revised 12/15/12) (Amended 10/01/19)*

3. All garage/yard sale items are to be removed by sunset on the last day of the sale. *(Added 12/15/12) (Amended 10/01/19)*
4. A partially refundable fee will be charged at the time of the application in accordance with the Association Fee Schedule. The refundable portion of the fee will be refunded after the completion of the sale upon return of the garage/yard sale signs in the condition received. Failure to comply with the ECC Rules regarding garage/yard sales may result in disciplinary action as outlined in Section 601 of the ECC Rules. (*Amended 3/11/25)*
5. No more than three (3) garage/yard sales will be allowed per calendar year, per residential lot. Sales may not be held on two consecutive weekends. (Revised 10/1/2021)
6. Sales are to be no longer than three days, nor can they be held on Association recognized holidays (Easter, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, New Years).
7. Signs may be posted the evening before the sale begins and must be removed by sunset on the last day of the sale. *(Revised 12/15/12)*
8. Flags, pennants, balloons, etc. will not be permitted in conjunction with signs.
9. Cars may not be parked so that they obstruct the normal flow of traffic or interfere with other adjoining property owner's access to their property.
10. The Association will not be responsible for the safety of anyone participating in or attending the sale.
11. Any damage or nuisance caused by the person's holding the sale; their families, other participants or people attending the sale will be the responsibility of the property owner.

(Amended 10/15/11) (Revised 10/1/19)

C. Motion Picture/Commercial Filming.

Motion picture and all other commercial filming in Bear Valley Springs must be approved in writing by the ECC prior to any such filming activities.

SECTION 104. Drilling, Mining, Excavation

A. Drilling, Mining.

No oil, natural gas or mineral drilling, refining, quarrying or mining operations are permitted on any lot. *[C&Rs, Para. 7.b(14)]*

B. Excavation.

No excavation, fill, improvement or other work which in any way alters any lot from its natural or improved state existing on the date the lot was first conveyed in fee to the Owner shall be made or done, except in strict compliance with the Declaration of C&Rs, these ECC Rules, and applicable regulations, rules and ordinances of Kern County and only after the Owner has obtained the prior written approval of the ECC. *[C&Rs, Para. 7.b(2) and 7.c(1)]*

SECTION 105. Landscaping

"Landscaping" is defined as the movement of soil, the planting, transplanting or removal of vegetation of any sort; trees, bushes, shrubs, grasses, etc., for decorative purposes. "Hardscaping" is defined as the addition of durable objects to the terrain for decorative purposes, including, but not limited to, statuary, fountains, birdbaths, trellis, wagons, water wells, ponds, in ground pools, tools, and rocks. This includes walls or fences greater than two (2) feet height measured from the finished ground elevation. (*Amended 01/15/14)*

A. Planting and Maintaining Vegetation.

Vegetation within any lot shall be planted and maintained in such a manner as to prevent or retard shifting or erosion of the soil and to encourage the growth of indigenous ground cover. *[C&Rs, Para. 7.b(5)]* The Owner of each lot shall be responsible for eradicating and controlling the growth of noxious non-native weeds, including, but not limited to, the Yellow Star Thistle and the Russian Thistle, and other additional noxious non-native weeds. *(Amended 10/15/11)*

B. Landscaping and Hardscaping Improvements.

Landscaping and hardscaping are considered improvements subject to the prior written approval of the ECC if any one or more of the following conditions apply:

1. ***Excavation or Fill*** **–** An excavation or fill or combined excavation and fill operation requires moving more than fifty (50) cubic yards of soil, rock, or other solid materials.

2. ***Retaining Wall/Fence*** **–** A retaining wall that is more than four (4') feet high at the highest point measured from the finished grade elevation and any other wall or fence that is over two (2') feet high at the highest point measured from the finished grade elevation. *(Amended 6/15/12)*

3. ***Inhibit Indigenous Vegetation Growth*** **–** A proposed plan might lead to inhibiting growth of indigenous vegetation, the intrusion of noxious weeds, or soil erosion.

4. ***Natural Drainage Change*** **–** A proposed plan will cause or result in a change of the natural drainage.

5. ***Picket Fence, Arbor*** **–** A picket fence, arbor or trellis is to be constructed or installed.

6. ***Art Objects, Statues, Fountains, Etc.*** **–** Four (4) or more art objects, statues, statuettes, monuments, fountains, birdbaths, artifacts (defined as an article or object which is desirable by reason of its traditional, cultural, or historical interest) or similar landscape decorative items are or will be located in such a manner as to be visible without assistance of magnification from neighboring lots, or the streets, roads or Common Areas. These objects or decorative items must blend in with the natural surroundings, must be maintained in such a way as to be aesthetically pleasing, and must be free of weeds, brush or other growth. The ECC may at its discretion determine that the above items do not

blend in with the natural surroundings based on size, content or excessive number of items. (Amended 10/1/2021)

C. T-Posts of an approved color may be used as property markers, plant supports, and sign posts (Sec 115). T-Posts within 10 feet of an equestrian easement must be an Environmental Control Committee approved color and capped in an Environmental Control Committee approved color.

SECTION 106. Oak Trees

A. Cutting, Removal, Trimming.

The cutting down, removal, trimming or other destruction of any living oak tree located on a residential lot requires the prior written approval of the ECC, and any failure to obtain the ECC's approval shall be forwarded to the Association's Board of Directors for appropriate disciplinary action. During construction, remodeling, landscaping, grading or excavating, every reasonable effort shall be made to avoid invading the drip- line area of any oak tree. Removal of a living oak tree may require replacement. Such replacement, if required by the ECC, will be one or more 15 gallon or larger oak trees. Submittals for tree trim or removal must include photo of tree(s) to be trimmed or removed. Branches to be trimmed must be marked on the photo. Contact ECC Field Representative to take photo if needed. Mistletoe removal is possible without a permit; however, removing major branches still requires a permit.
[C&Rs, Para. 7.c(1)] (Amended 12/15/11; 04/15/13; 01/15/14; 08/15/16)

B. Minimize Destruction or Removal of Oak Trees.

Owners shall endeavor to design, locate and construct all improvements to minimize the destruction, removal of, or other adverse impact on, living oak trees located on the lot. All plans related to construction or landscaping which affect oak trees must be submitted to and reviewed by the ECC for a determination of potential impact on oak trees located on the lot. The ECC shall also review the plans for conformance with all existing provisions of the C&Rs and other Association Governing Documents related to oak trees and other indigenous vegetation. No work may commence unless and until plan approval is granted by the ECC.

C. Nails, Screws, Fasteners, etc. on Oak Trees.

No nails, screws, bolts or other fasteners shall be used to attach any signs cables, braces, timbers or other objects to any living oak tree, except when necessary to support the tree for safety and/or the protection of the tree.

SECTION 107. Vehicles/Trailers/Equipment

A. Junk and Inoperable Vehicles.

No stripped down, wrecked, inoperable or junk vehicle shall be kept, parked, stored or maintained on any lot, except in an enclosed garage. *[C&Rs, Para. 7.b(10)] (Amended 5/15/12)*

B. Commercial Vehicles

No truck or commercial-type vehicle (except pick-up trucks) shall be parked on any lot except within an enclosed garage or appropriately screened area in such a manner that the vehicle is not visible from adjoining lots, or any streets, roads and Common Areas unless such vehicle is temporarily parked for the purpose of serving such lot. All such vehicles shall be currently registered and licensed to operate on the streets and roads of the State of California.

C. Motorhomes/Recreational Vehicles.

Rules governing the parking, storage and of recreational vehicles, which are administered by the ECC and set out in Article 16 of the Association Rules, are hereby incorporated by reference. A copy is attached as EXHIBIT A.

D. Off-Road Vehicles/Quads/Dune Buggies.

All vehicles designed to be used primarily for off-road use, including, but not limited to, quads, dune buggies, motorized cycles, and other similar equipment and devices, are prohibited from recreational operation on any property or Common Areas in Bear Valley Springs. Without limiting the generality of the foregoing, no motorized vehicles or cycles of any kind whatsoever may be operated or allowed on the horse trails within Bear Valley Springs.
(Amended effective 02-10-11)

E. Yard/Landscaping/Construction/Farm Equipment, Decorative Artifacts.

All yard, garden and landscaping equipment, construction equipment and tools, lawn mowers, riding mowers, farming and farm maintenance equipment, wood-cutting equipment or tools, and tractors shall be parked, stored and maintained on lots only in areas approved by the ECC which adequately screen all such equipment from view from adjoining lots, or any streets, roads or Common Areas. The use of the above-described equipment, tools or artifacts for display or decorative purposes shall require the prior written approval of the ECC and shall be limited to a total of three (3) such items of equipment, tools or artifacts on each lot. Artifacts are defined as an article or object which is desirable by reason if its traditional, cultural, or historical interest. The ECC may determine that a specific piece of equipment is not an artifact or does not blend in with the natural environment or surroundings at its discretion. When approved, the items must be maintained in such a way as to be aesthetically pleasing, and must be free of weeds, brush or other growth. (Amended 10/1/2021)

SECTION 108. Automobile and Vehicle Parking

A. Required Parking on Lot.

Each residential lot shall have off-the-road parking facilities for at least two automobiles. *[C&Rs, Para. 7.d(5)]*

B. Parking on Streets/Roads.

The parking of automobiles and other vehicles, and trailers and equipment on the streets, roads and Common Areas shall at all times be subject to and in compliance

with all applicable ordinances of the Community Services District (CSD). *[C&Rs, Para. 7.b(10)]*

SECTION 109. Tarps

A. The use of tarps outside of any enclosed improvement or other structure must be done sparingly.

B. No white, blue, shiny or reflective silver or other brightly colored tarps are allowed for exterior use.

C. Tarps used to cover wood piles, yard furniture or fixtures, small yard implements, etc., must be black, brown, tan, or dark green in color. If tarps of colors other than black, brown, tan or dark green are to be used to cover or screen vehicles, recreational vehicles, trailers and similarly large items, the colors must be approved by the ECC prior to installation or use.

D. When used, tarps must be maintained and repaired in good condition.

SECTION 110. Clearing or Excavation

No clearing or excavation on a residential lot shall be commenced prior to the ECC's approval in writing of grading and house plans for the primary residence to be constructed on the lot. *[C&Rs, Para. 7.c(1)]*

SECTION 111. Camping and Hunting

A. Camping on Temporary Basis.

Camping on a temporary basis shall be permissible only on lot of ten (10) acres in size or greater, if allowed under the laws of Kern County and if a permit is granted by the ECC; provided, however that the restriction shall not prevent such activity in the portion of the Common Areas designated as a campground. Any camping on a lot, shall be subject to the limitations of, and shall be in strict accordance with, the permit granted by the ECC. *[C&Rs Para. 7.b.(7)]* The ECC may withdraw a camping permit because of noncompliance with the terms of the permit.

B. No Hunting.

There will be no hunting in Bear Valley Springs. Discharge of firearms is limited to the Firing Range.

SECTION 112. Trash

All garbage, rubbish, trash and debris shall be kept in appropriate covered containers designed for such use and with adequate capacity. In no event shall such containers be located or maintained so as to be visible from neighboring lots, or the streets, roads or

Common Areas. The storage, collection and disposal of garbage, rubbish, trash and debris shall be in strict compliance with Association Rules. *[C&Rs, Para. 7.b(12)]*

SECTION 113. Lighting

One of the express purposes and intentions of the C&Rs is to preserve the natural environment of Bear Valley Springs to the maximum extent reasonably practicable. Consistent with that purpose and intent, the intent of this rule is to require that exterior lighting be maintained on residential lots in such manner as not to constitute an annoyance to neighbors or the community and that exterior lighting be as unobtrusive as possible. The primary exterior lighting objective is to maintain subtle, low-level lighting that is in keeping with the semi-rural character of Bear Valley Springs. Exterior lighting is permitted to the extent required for safety, but glare or exposed filaments should be kept to a minimum so as to preserve the character and environment of the community. *[C&Rs, Para. 7.d(9)]* Bright and/or shiny fixtures are not permitted in any of the applications below. All exterior lighting installations require the prior written approval of the ECC. All exterior lighting, except low wattage (¼ watt or less) solar, shall be extinguished by 10:30 p.m. To facilitate the arrival or departure of family or guests, exterior lights may be turned on for short periods after 10:30 p.m. Lighting controlled by motion detectors shall be limited to a maximum of fifteen (15) minutes per cycle. Wherever possible, reflectors should be utilized in lieu of light fixtures.

A. Exterior Lighting.

All 110/120-volt a/c exterior lights must be shielded, constructed or installed in such manner that the filaments are not visible from adjacent lots or any of the Common Areas. The number of lights visible on any one elevation (one side) of a residence or other improvement or structure shall not exceed five (5) and no exterior light shall exceed forty (40) watts, incandescent, 750 lumens.

B. Landscape/Decorative Lighting.

Landscape/decorative lighting shall be shielded in fixtures to minimize visibility from neighboring lots and the Common Areas. Low voltage is preferred, with a maximum of fifteen (15) watts, or 120 lumens, frosted, incandescent, and spaced no less than eighteen (18) feet apart. The display of holiday lights during legal federal holidays and holidays when lighting is traditionally displayed does not require prior approval. They can be installed no sooner than 4 weeks before the holiday and must be removed within 4 weeks after the holiday. *(Amended 6/15/12)*

C. Driveway Lights.

When driveway lights are used, they shall be shielded in fixtures in such manner that the illuminating filament is not visible from neighboring lots or any of the Common Areas. Light output shall be limited to a single twenty-five (25) watt bulb, or 120 lumens per fixture, spaced not less than eighteen (18) feet apart along the driveway. The height of lights along the driveway shall not exceed four (4) feet. Lights marking the entrance from the street shall not exceed seven (7) feet at the bulb. *(Amended 6/15/12)*

D. Solar Lights.

Quantity shall be kept to a minimum so as not to constitute an annoyance to neighbors. Low-wattage solar lights, no more than one-quarter (¼) watt per fixture, may be utilized in the above applications **B and C**. They shall be 120 lumens or less and will be spaced no less than eighteen (18) feet apart. The filaments shall be shielded from neighboring lots and Common Areas. *(Amended 6/15/12)*

E. Security Lights.

Security lights programmed to stay on continuously throughout the night are prohibited.

(Amended effective 01/10/08)

SECTION 114. General Appearance

A. Garbage Receptacles, Storage Areas, Etc.

All above-ground trash, rubbish garbage and debris receptacles, exterior incinerators, clotheslines and other outside drying facilities, and storage areas, maintenance equipment, tools, above-ground receptacles, exterior motor compressors, heat-exchange units, and similar items shall be maintained in such a manner and in such location as not to be visible from neighboring lots or the streets, roads or Common Areas. *[C&Rs, Para. 7.d.(6)]*

1. ***Visibility of Garbage/Trash/Etc.*** **–** No garbage, trash, junk, debris, unstacked firewood, rubbish or similar matter shall be kept, maintained or stored in a manner or location visible from neighboring lots or the streets, roads or Common Areas.

2. ***Household Furnishings/Appliances*** **–** No interior furnishings or household appliances shall be kept, stored or maintained outside in a manner to be visible from neighboring lots or the streets, roads or Common Areas.

3. ***Lawn or Garden Equipment.*** No lawn or garden equipment or tools are to be kept, stored or maintained in a manner as to be visible from neighboring lots or the streets, roads or Common Areas.

4. ***Antenna/Satellite Dish*** No owner may install or place or maintain any objects such as masts, towers, or poles on any residential lot without the written approval of the ECC. Satellite dishes with a major axis of not more than thirty-six (36) inches or a maximum face area of three (3) square feet may be installed below the roof line of the residence without ECC approval. (*Amended 3/15/22*)

Broad Band Installation that requires trenching may be done without ECC approval. In rare cases, cable might have to be strung from the pole on the CSD easement to the residence. If a new pole needs to be added it must be approved by the ECC. *(Added 12/15/17)*

5. ***Display of holiday decorations:*** The display of holiday decorations during legal federal holidays does not require prior approval. They can be installed no sooner than 4 weeks before the holiday date and must be removed within 4 weeks after the

holiday date. Quiet time is from 10 p.m. to 7 a.m. Generators/air compressors may not be run during this time period. *(Added 03/15/13)*

B. ECC Request Removal.

The ECC may request the removal, concealment or screening of any equipment, device, improvement or condition if it is determined that it causes unreasonable danger or annoyance to other Owners. No activity or condition shall be conducted or permitted on any residential lot which causes an unreasonable interference with television or radio reception on any neighboring lot. If complaints occur, they will be referred to the FCC for action.

SECTION 115. Signs

A. Allowable Signs.

Except as provided by law, no signs whatsoever shall be erected or maintained upon any lot, except the following: *[C&Rs, Para. 7.b.(9)] (Amended 5/10/08)*

1. Such signs by legal proceedings.

2. Residence address number signs of a combined total face area of one half (1/2) square foot or less for each residence or as otherwise approved in writing by the ECC. *(Amended 5/10/08)*

3. During the construction of any improvement, job identification signs having a maximum face area of six square feet (6 s.f. is 24"x36") per sign and of the type usually employed by contractors.

4. Not more than one "house for sale" or "house for rent" sign having a maximum face area of six square feet (6 s.f.), on each residential lot or condominium. (*Amended 4/15/26*)

5. Except as provided by law, a noncommercial sign, poster, flag or banner may be made of paper, cardboard, cloth, plastic, or fabric, and may be posted or displayed from the yard, window, door, balcony or outside wall of the separate interest, but may not be made of lights, roofing, siding, paving materials, floral, or balloons, or any other similar building, landscaping or decorative component, or include the painting of architectural surfaces. [Ref. Civil Code 1353.6(b)] *(Amended 5/10/08)*

6. Noncommercial signs and posters larger than 9 square feet in size, and noncommercial flags and banners that are more than 15 square feet in size are prohibited. [Ref. Civil Code 1353.6(c)] *(Added 5/10/08)*

B. Sign Rules.

1. ***Sign Colors*** **–** All permitted commercial signs shall have yellow, white or tan letters on a dark brown background, unless otherwise approved in writing by the ECC prior to installation. All other commercial signs shall be submitted to the ECC for approval and shall not be installed or displayed until approval in writing has been obtained from the ECC. *(Amended 5/10/08)(Amended 12/15/13)*

2. ***Attaching Signs*** **–** Signs shall not be attached to any living tree, shrub or bush.

3. ***Commercial Signs –*** No commercial signs, except those specifically permitted in the C&Rs shall be allowed on any residential or condominium lot. Where commercial signs are permitted under the C&Rs, in no event shall more than one such sign be installed or displayed on any lot. Changes to an existing sign must be approved by the ECC. Only one sign type will be approved for each agent. *(Amended 12/15/13; Amended 05/15/15)*

4. ***"Open House" Signs –*** Open house signs shall be allowed on the cross street nearest the property listed for sale between the hours of 12:00 noon, Friday, and 6:00 p.m., Sunday. No more than one "open house" sign shall be posted or displayed at an intersection and no more than a total of three (3) signs for each property listed for sale shall be allowed. Flags, pennants, balloons, etc. are not permitted in connection with open house activities.

5. ***Distinctive Signs –*** Distinctive sign designs, wagons, statues, monuments, etc., to be used for name, identification or address number purposes must be approved in writing by the ECC prior to installation or display. *(Amended 5/10/08)*

6. ***Removal of Unauthorized Signs –*** Any unauthorized signs placed or displayed on public right-of-ways, easements, or the Common Areas, may be immediately removed by the ECC without prior notification. *(Amended 5/10/08)*

7. ***"For Sale" Signs –*** "For sale" signs on motor vehicles or personal property of any type are not permitted. "For sale" signs must be removed from items being sold within seven (7) days after the issuance of a Letter of Cooperation or similar notice or request from the ECC or the matter will be referred to the BVSA Board of Directors for disciplinary action.

8. Pictures or Photos on signs are not allowed. *(Added 12/15/13)*

9. Sign post must be painted or stained in dark brown tones and be maintained in good repair. Signs that are leaning, broken, fallen down or are in disrepair will be removed. *(Added 12/15/13)*

10. Real Estate signs on properties that are for sale or for rent must state "For Sale" or "For Rent". *(Added 12/15/13)*

11. Borders on commercial signs may not exceed 1" in width. *(Added 12/15/13)*

SECTION 116. Animals

Animal control rules, which are administered by the ECC and set out in Article 19 of the Association Rules, are hereby incorporated by reference. A copy is attached as EXHIBIT B.

SECTION 117. Nuisance

No noxious, offensive activity or dangerous activity shall be carried on upon any lot, nor shall anything be done or placed on any lot which may be or become a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to other Owners or unreasonably

interfere with the other owners' enjoyment and use of their lots, the Common Areas or the Community Facilities. Without limiting the generality of the foregoing, no exterior speakers, horns, whistles, bells or other sound devices, except security devices used exclusively to protect the security of the lot and improvements located thereon, shall be placed or used upon any lot without prior written approval of the ECC. *[C&Rs, Para. 7.b(6)]*

SECTION 118. Fire Hazard

Each lot and all improvements located on the lot, shall be maintained by the Owner in good condition and repair, and in such manner as not to create a fire hazard, all at the Owner's expense. *[C&Rs, Para.7.b.(4)]* All flammable vegetation within 100 feet of a building, and within 10 feet of LPG tank, fences, other structures and woodpiles are considered a fire hazard. Owners of empty lot(s) must clear 10 feet away from fenced or improved adjoining lot. All applicable Kern County regulations and ordinances must be followed.
(Amended effective: 02-10-11; 12/15/11; 01/15/15; 11/15/16)

SECTION 119. Subdivision of Lots

A. Minimum Acreage Required.

No residential lot shall be divided unless such lot is at least 20 acres or larger in size and after the division, all resulting lots are at least 10 acres in size and the ECC has approved of the division and the division is in accordance with all applicable laws, rules, regulations and ordinances of the State of California and of Kern County in effect from time to time. *[C&Rs, Para. 7.d.(18)]*

B. Prior Approval.

The division of residential lots must be approved by the ECC prior to recording the parcel map, certificate of compliance or other document evidencing the division with Kern County, and must be done in accordance with paragraph 7.d(18) of the C&Rs. After recording with Kern County, a copy of the recorded parcel map shall be delivered to the BVSA Secretary and a copy placed in the Owner's files.

C. Mergers.

Merger and/or consolidation of lots shall be done in accordance with the rules, resolution or guidelines established by the BVSA Board of Directors and delegated to the ECC for enforcement/monitoring.

SECTION 120. Fencing

General uses and types of fencing which may be considered for approval by the ECC include perimeter, decorative, animal confinement, and screening (solid fencing). All fences require the prior written approval of the ECC before installation is started. *[C&Rs, Para. 7.d(17)]* All fence height limitations expressed in these Rules are measured from finished ground elevation immediately adjacent to the fence line.

When fences or other construction crosses property lines, setback lines, or easement lines, any prior approvals of such construction are voided. If fencing or other construction crosses into Community Services District (CSD) easements, including equestrian easements, property lines, or right of ways, the property owner is subject to fines and penalties as outlined in the BVSA Rules, Section 1701 and 1702, and will be required to relocate or remove the work. The ECC and/or the BVSA do not mediate property line disputes between neighbors. The ECC is not responsible for location of fences or other construction in relation to private property lines. These locations are at owners' risk and should therefore be surveyed prior to any construction. *(Amended 05/01/2020)*

A. General Fence Requirements:

(Re-numbered 5/15/12)

1. No fence may be installed on an empty lot unless a house plan submission has been completed with deposit. In the event the house is not completed per the submittal the fence must be removed. *(Added 5/15/12)*
2. Approved fencing does not serve as an excuse or solution to nuisance problems such as noise, odor, etc.

3. All fencing shall be as unobtrusive as possible.
4. Wooden post-and-rail fencing may have a clear sealing coat or other preservative applied or may be painted an ECC-approved color.
5. Posts on all fences shall generally be placed a maximum of eight (8) feet apart. Fences 2 to 4 feet high shall have posts normally four (4) inches in diameter or be a nominal 4"x4". Fences over four (4) feet high shall have posts nominally six (6) inches in diameter or be a nominal 6"x6". There must be a rail at or near, within six inches, of the top of the fence.
6. Fencing less than two (2) feet in height may be installed without ECC approval if the material used is approvable by the ECC and matches existing approved fencing on the property.
7. Fences 2 to 4 feet high shall have a minimum of one (1) rail with a nominal diameter of three (3) inches or a rail made of nominal 2"x4" board. Fences over four (4) feet high shall have a minimum of two (2) rails with a nominal diameter of four (4) inches or rail made of a nominal 2"x6" board.
8. All metal pipe fencing shall be galvanized, anodized or painted an ECC-approved color.
9. All approved metal fence components shall match.
10. Gates should be constructed and finished to match or complement the fence.
11. Gate posts or other supportive structures for the gate shall not exceed twelve (12) feet in height at any point.
12. All fencing shall be located within property lines and otherwise located and constructed in accordance with ECC Rules, BVSA Rules and all applicable Kern County ordinances.
13. The ECC is not responsible for the location of fences, building structures or any other improvements in relation to easements, right-of-ways, or property lines or boundaries. Fences and all other structures and improvements are located at the Owner's sole risk and should be surveyed by the Owner's licensed surveyor prior to installation or construction.
14. The use of barbed, razor or similar wire is not allowed.
15. Chain-link fencing shall not be used on any lot, except for small dog runs and then only after written ECC approval. Chain link and posts shall be required to be coated or painted an approved color.
16. Cement components shall be an approved color, usually limited to natural wood tones.
17. Any contemplated changes to existing fencing or corrals shall be of the same design and materials as existing fencing or corrals on the lot that have been approved in writing by the ECC. All changes must be approved in writing by the ECC prior to the changes being made.

18. "T" posts shall not be used and will not be approved, unless it can be demonstrated to the ECC that no other type of fencing is practical for the proposed application. If approved, "T" posts must be an approvable color.

19. All fences shall be constructed of the same material and configured in the same manner unless specifically approved by the ECC.

B. Containing Fencing**:**

1. Small animals may be contained within all types of approved fencing.

2. Fencing requirements for unusual or exotic household pets shall be determined on an individual basis, taking into consideration the potential for odor and noise nuisance as well as health and safety.

3. Metal pipe may be used for corrals but not as perimeter fencing. The height of a pipe corral shall be a minimum of five (5) feet, with a minimum of three (3) rails. Pipe shall be no less than two (2) inches nominal diameter for posts and rails. (1-7/8" measured).

4. Large enclosures and pasture fencing can be four (4) feet high, with three (3) rails, if constructed of wood or in lodge pole styles.

5. Field fencing with larger diameter welded steel is approvable if it is shown that other fencing would be impractical. It may not be required to be painted.

6. All fencing for stallions must be at a minimum of five (5) feet high with five (5) rails and meet other strength requirements that may be imposed from time to time. A perimeter fence may not be used as stallion containment fencing. *(Amended 5/15/12)*

7. When used, only approved wire shall be affixed to the inside surface of the fence. (For horses, no-climb wire is required if wire is to be used.)

8. Low voltage, pulsating, UL approved electrical fencing may be placed only on the inside perimeter of the fence but only as a supplementary component and not in lieu of rails.

9. Fencing, barns, corrals, and other enclosures for domestic farm or large animals shall be located no closer than fifty (50) feet to the exterior of any and all living quarters. All fences, barns, corrals and other enclosures must be maintained in good repair. Approved corral fences can be built with lodge pole fencing, wood post and rails, and galvanized pipe. *(Amended 04/13/16; Amended 06/10/18)*

   NOTES: 1. All fence, corral, barn and other enclosure designs, dimensions, setbacks, materials, and colors must be approved in writing by the ECC prior to installation, construction or alteration. Barbed wire shall not be used for any purpose. Reinforcing posts are required as necessary to keep fencing in-line and vertical.

10. The minimum horse and other large animal containment area shall be not less than a total area of twenty-four (24) feet square or five hundred seventy six (576) square feet total. Barns, loafing sheds and stalls shall be constructed on level ground.

11. *(Repealed 5/15/10)*

C. Screening (Solid Fencing/Privacy):

1. All propane (LPG) tanks must be screened with solid fencing and painted to match the primary residence. (*Added 7/7/22*)

2. Screening/Solid Privacy fencing may only be used when it is demonstrated to the ECC that no other type of fencing or evergreen vegetation will serve a valid and necessary purpose as determined by the ECC. Where approved, on lots of .5 (one-half) acre or more, this type of fencing may only be placed in the immediate vicinity of the object or area to be screened. (*Amended 7/7/22*)

3. When approved by the ECC, all solid screening shall be constructed of wood and/or natural evergreen vegetation. Where evergreen vegetation is used, it shall reach its useful density and height within four (4) growing seasons and thereafter continue to effectively screen the item. Submittals are not required for evergreen vegetation or other landscaping used for screening. (*Amended 7/7/22)*

4. Solid screening may be necessary to reduce visibility of the area to be screened from neighboring lots or streets, roads or Common Areas.

5. The permissible maximum height of privacy fencing shall be five (5) feet high with the exception of when it will be used to shield hot tubs or Jacuzzi's and then the height will be a maximum of six (6) feet high. Privacy fencing, without exception, will not be allowed to encroach on or encompass the front yard of property. *(Amended 02/15/15)*
   (a) Houses facing the street: The fence will extend to the furthermost front right corner and the furthermost left corner of the house.
   (b) Houses located at an intersection: The fence will extend to the furthermost front non-side street corner and to the furthermost back corner facing the side street of the house.
   (c) Houses located on an angle to the main street and side street: The fence may not extend past the closest most right corner and closest most left corner of the house.
   (Added 02/15/15)

6. When screening is required or approved by the ECC in accordance with these Rules, all posts, rails and structural reinforcements shall be on the inside of the screening so as not to be visible from other lots, streets, roads or the Common Areas i.e, the finished side must face the neighbor or Common Area. The ECC may require the fence to be painted to blend in with the property or natural surroundings. (*Amended 7/7/22*)

7. Properties adjacent to the golf course or lake may not use privacy fencing except in an area close to the house where a hot tub or a Jacuzzi is located and only to enclose the immediate area of the hot tub. *(Added June 15, 2011; Amended 02/10/15, 7/07/22)*

8. When any previously approved screening/solid/privacy fencing or portions of the screening needs to be repaired or replaced, a new submittal and approval is required by the ECC to determine of the solid/privacy fence is still necessary based on the purposes for which the fence was originally approved. (*Added 7/7/22)*

9. Privacy fencing that is constructed without ECC approval may be referred to the Board of Directors for possible disciplinary action, and if the fencing is not approved by the ECC may be required to be removed at the Owner's expense. (*Added 7/7/22*)

D. Drive-way Entry structures.

1. Driveway entry structures are not permitted in high density property areas where lot sizes are less than one (1) acre.

2. The height limits imposed by this subdivision shall apply to posts with cross bars at or near the top. The MINIMUM unobstructed height shall be thirteen feet, six inches (13'6") and the MINIMUM width between posts shall be twelve feet (12'), in accordance with (IAW) section 403.2 of the 2000 URBAN-WILDLAND AND INTERFACE CODE, from which the Kern County Fire Department has adopted its rules regarding height and width minimums for Fire Equipment access.

3. Placement of posts shall include adequate setback from the centerline of any road twenty feet (20') in width to accommodate a minimum turning radius for Fire Equipment onto any property considering posts with cross bars. Minimum Fire Equipment inside turning radius is specified as thirty feet (30') by IAW section 403.3 of the 2000 URBAN-WILDLAND AND INTERFACE Code. Further consideration shall require all driveways to be constructed as all-weather road surfaces with adequate turnarounds as described in that code. The ECC determines whether the structure is compatible with the aesthetics of the surrounding properties.

4. The ECC may deny approval of any structure where the highest point of the structure exceeds eighteen feet (18 '), erected at or near the driveway, unless the committee determines that the structure is compatible with the aesthetics of the surrounding properties.

* * * *

ARTICLE II.
Rules Applicable to Construction and Alteration of Improvements on Residential Lots

[From C&Rs, Para. 6.7.c.]

SECTION 200. Construction and Alteration of Improvements: Change in Topography; Approval of Plans

The right of an Owner of a lot to construct, reconstruct, refinish, alter or maintain any improvement on the Owner's lot, or to install any utility line, wire, pipe, conduit, cable, or other utility conveyance on the lot, or to do any grading or make any excavation, or to drill any water well, or to cut or remove any trees from the lot, or do any act which would affect the drainage of the lot, or to make any exterior changes to existing improvements or changes to the lot, other than landscaping, is subject to all of the following Rules: *[C&Rs, Para. 7.c(1)]*

A. Construction or Alteration.

Any act mentioned in the previous paragraph above is absolutely prohibited unless and until the Owner of such lot first obtains the written approval thereof from the ECC, and otherwise complies with all of the applicable provisions of these Rules and the C&Rs. The Association may remove any improvement constructed, reconstructed, refinished, altered or maintained in violation of these Rules or the C&Rs and the Owner shall reimburse the Association for all expenses incurred in connection with such removal.

B. ECC Responsibility.

The ECC has the obligation to help ensure the maximum practicable preservation and conservation of all oak trees in the community. Owners shall not install utilities beneath the drip line of any oak tree. Owners must develop a plot plan to preclude as far as possible the removal of trees and/or damage to trees caused by grading too close to the drip line. Drip lines shall be staked with yellow ribbon to prevent access by construction equipment. Trees to be removed shall be marked with red ribbon, and trees to be trimmed shall be marked with yellow ribbon. Owners shall forward the plot plans to the ECC for approval in all circumstances where trees will be or will likely be affected by the construction, addition to, or alteration of improvements. If the ECC grants approval to remove a tree, the Owner must plant a replacement tree of at least 15-gallon size and maintain the replacement tree to encourage its proper and healthy growth.
(Amended effective 3/15/12

C. ECC Approval Required.

Any Owner intending or proposing to construct, reconstruct, refinish, alter or maintain any improvement on a lot, install any utility line, wire, pipe, conduit, cable, or other utility conveyance, do any grading or make any excavation, or to drill any

water well, or to cut or remove any trees from the lot, or do any act which would affect the drainage of the lot, or to make any exterior changes to existing improvements or changes to the lot, shall apply to the ECC for approval by submitting to the ECC for approval such plans and specifications for the proposed work as the ECC shall request, including, but not necessarily limited to, a plot plan of the lot showing all of the following:

1. Buildable space.
2. Contour lines.
3. The location of all existing and/or proposed improvements.
4. The proposed drainage plan.
5. The location of all trees and vegetation which the Owner proposed to remove, and the location of the oak trees that will remain.
6. The location of all proposed utility installations.
7. The design and location of the septic tank and sewage facilities to serve the lot with a certification of a Registered Civil Engineer or other consultant approved by the Kern County Environmental Health Services Department.

D. Requiring Architect or Building Designer.

If at any time the ECC shall determine that it would be in the best interests of the community or the preservation of the environment of Bear Valley Springs for the Owner to employ an architect or licensed building designer to design any improvement involved in the proposed work, the ECC shall inform such Owner in writing of its determination, whereupon all plans and specifications designated by the ECC to be so prepared must be prepared by such an architect or licensed building designer.

E. ECC to Approve Plans, Etc. and Conditions.

The ECC shall approve the plans, drawings and specifications for any structure or improvement or alteration of a structure or improvement submitted to the ECC only if all of the following conditions have been satisfied: *[C&Rs, Para. 7.c(2)©]*

1. The ECC finds that the plans and specifications of the proposed structure or improvement, on the property, conform with the requirements of the C&Rs and these ECC Rules; and
2. The ECC finds that the proposed structure or improvement is aesthetically compatible with the physical site, the adjoining properties, or the environment of Bear Valley Springs; and
3. The ECC is satisfied that the proposed septic tank or sewage facility will adequately serve the property without creating a health hazard or nuisance to those occupying or using surrounding properties which determination is ordinarily made by the Kern County.

F. Complete Applications for Approval.

Any complete application for approval submitted by an Owner to the ECC for approval, which has been neither approved nor rejected within forty-five (45) days after the date of complete submission thereof to the ECC, shall be deemed approved. *[C&Rs, Para. 7.c(2)(d)]*

G. Disclaimer.

The ECC is not responsible for and does not review applications for or make any decisions regarding the application's compliance with building codes or other laws. ECC approval does not relieve the owner of any duties to obtain city or county permit(s), nor does the ECC approval reflect compliance with any other public agency requirements. If an applicant contends that any provision of law mandates or requires the installation of all or any part of any proposed Improvement, the applicant must specify, in writing, to the ECC what provision of law applies and what components of the proposed Improvement are required by law. *(Added 5/10/08)*

SECTION 201. Secondary Residential Unit or Guesthouse/Accessory Dwelling Unit (ADU)/Junior Accessory Dwelling Unit (JADU)

No secondary residential unit or guesthouse may be constructed or otherwise established unless it complies with all the following standards: *[Kern Co. Ord. 19.90]*

A. An Accessory Dwelling Unit must include complete independent living facilities for one or more persons including facilities and permanent provision for living, sleeping, eating, cooking, and sanitation, as well as a separate entrance. A detached ADU is separated from the primary structure. It may be converted space in an existing accessory structure that is converted into an independent living unit. A JADU is a complete independent unit attached to the primary residence with all of the above independent living facilities. (*Added and Restated 12/01/2021)*

B. Guesthouse.

One (1) accessory dwelling unit (ADU) and one (1) Junior Accessory Dwelling Unit (JADU) may be constructed or otherwise established on a legal residential lot. (*restated 12/01/2021)*

C. Floor Area.

The total floor area not to exceed the following:
Accessory Dwelling Unit- may not exceed or 1200 square feet.
Junior Accessory Dwelling Unit- May not exceed 800 square feet.. (*restated 12/01/2021, Amended 8/20/2025)*

D. Requirements for ADU and JADU.

The ADU and/or JADU shall contain separate kitchen and bathroom facilities and have a separate entrance. (*restated 12/01/2021*)

E. Owner Occupancy of Principal Dwelling.

If a JADU is being constructed, owner occupancy on the lot is required. *(restated 12/01/2021)*

F. ADU and JADU Compliance with Development Standards.
The ADU and JADU shall comply with the development standards for the zoning district in which it is located, including front-yard, rear-yard and side-yard setbacks, minimum distance from/between structures, and height limits, but excluding minimum lot area per dwelling unit standards. (*restated 12/01/2021)*

G. ADU and JADU Off-Street Parking.
Off-street parking for the guesthouse shall be provided in accordance with Chapter 19.82 of Kern County Ordinances or any other applicable superseding ordinances. (*restated 12/01/2021)*

H. ADU Compatible with Principal Dwelling.
The ADU shall be constructed in such a manner as to be compatible with existing principal dwelling unit and neighborhood in terms of design, height, material and landscaping. (*restated 12/01/2021)*

I. Entrance of ADU and JADU.
The principal entrance to the guesthouse shall not be visible from the streets or roads. (*restated 12/01/2021)*

J. Kern County Permit Required for ADU and JADU.
No guesthouse may be constructed or otherwise established until an application has been submitted and approved by the Kern County Board of Zoning Adjustment for any ADU or JADU constructed after 2008. The ECC must receive a Certificate of Occupancy upon completion of construction. (*restated 12/01/2021)*

SECTION 202. Accessory Structures

A. No permanent accessory structures shall be constructed, placed or maintained upon any lot prior to the construction and completion of the primary residence, except by written permit of the ECC in which case the construction, placement, maintenance and use of the accessory structure shall be subject to all of the limitations of the permit. This rule shall not apply to temporary construction shelters or facilities maintained during, and used exclusively in connection with the construction of the primary residence. A permanent accessory structure is defined as a garage, work-shop, storage building, storage shed, barn, accessory dwelling unit, or other structure designed as a stand-alone, unattached building. Additionally, hot tubs, above-ground pools, and/or any playhouse or play structure cemented into the ground are considered permanent structures. Temporary structures including swing sets, trampolines, and small prefabricated play houses do not require a submittal, but must blend in with the natural surroundings, be maintained in good repair, and be orderly in appearance.
(Amended 5/10/08; 12/15/11; 09/15/13; 01/15/14, 12/01/2021, 11/30/22)

B. Applications are required for construction of any permanent accessory structure, as well as additions made to accessory structures that have been previously approved. Permanent accessory structures may be required to include landscaping to mitigate the impact of the structure. Permanent structures must also follow Article 5. ECC Submittal and Approval Procedures, as well as Section 203 A. 1 through 4, and C. Detailed plans shall be submitted with each application. Submittals for structures or additions to current structures over one hundred twenty (120) square feet in area will require a deposit and fee according to the current BVSA fee schedule. The ECC requires the completed and signed "job card" from Kern County on all applications for inspection for any structure or addition over one hundred twenty (120) square feet in area in order to receive the completion refund. *(Amended 10/15/05; 10/15/12; 04/15/18, 11/30/22)*

C. Accessory structures shall not be obtrusive and must blend with surrounding buildings and landscaping, and shall not overwhelm the principal residence or the lot on which it is to be located. *(Amended 10/15/05)*

D. Nothing in the foregoing shall be understood as all-inclusive and all of the provisions of Section 203 (paint and colors) below shall apply. *[Amended 10/15/05; 5/10/08]*

E. Submittals for any accessory structure may also include the requirement to plant fast growing vegetation to mitigate the impact of said structures. Architectural amenities to the façade such as windows, doors, planter boxes, may be substituted for, or added to the vegetation to reduce any harsh visual impact when viewed from a distance or a neighboring dwelling, or common area. Detailed plans must be submitted with each application**.** *(Added 5/10/08)*

F. Accessory structures may not be higher than the primary residence and primary residence lot square footage is to be determined by the latest approved drawings on file with the ECC. Lots with less than one acre (high density lots) are allowed a single accessory structure with a square footage relative to the primary residence lot size in accordance with TABLE below (and are amended to reflect Kern County zoning Article 19.08.180.1 &2 for R1, R2, & R3 zoned properties):

TABLE

1. .32 to .49 acre lots are allowed one structure up to 900 Square feet.
2. .50 to .99 acre lots are allowed one structure up to 1250 Square feet.

Lot sizes are determined by Dart Industries maps as recorded in BVSA Data Base. *(Added 5/10/08)*

G. Accessory structures on lots 1.0 acre or greater (an acre contains 43,560 Square feet), and may be allowed multiple structures dependent on placement, use and architectural design, subject to additional ECC requirements for approval. *(Added 5/10/08)*

H. All lots are restricted as to placement of structure, vegetation, watering, and/or architectural amenities to the façade as may be required by the ECC on a case by case basis for compliance with ECC Rule 100D. *(Added 5/10/08)*

I. Accessory structures may not be attached to the primary residence under any circumstances and must be at least six (6) feet from any other building, with the exception of a Junior Accessory Dwelling Unit (JADU) as outlined in Section 201 and farm animal shelters as outlined in BVSA Rules Section 1901.f. *(Added 5/10/08; Amended 10/15/11; 12/01/2021, 01/11/2022)*

J. Required ECC Approval. In addition to compliance with other provisions of these ECC Rules and the C&Rs regarding the construction and use of accessory structures, specific written permission from the ECC is required if an accessory structure is to be constructed, placed or maintained on a residential lot prior to the commencement of construction of the principal residence. The number of accessory structures, for residential lots may be limited in accordance with Paragraph 7.c.(2)(c)(bb) of the C&Rs. *(Transferred from Sec. 218, on 12/12/07)*

K. Construction Shack. The Owner or the Owner's authorized agent may apply to the ECC and receive permission to erect one construction shack on a lot, until the time that the primary dwelling is fully enclosed and secured, not to exceed a total of six (6) months after commencement of construction of the primary dwelling. Commencement of construction is defined for purposes of this Rule as the date building materials are first delivered to the lot, or when the foundation excavation for the primary dwelling begins, whichever date is earlier. A camper, motor home or trailer up to thirty-two (32) feet in overall length may be approved for use in place of a construction shack. Campers and motor homes or trailers approved for the above purpose shall NOT be used as living quarters, but only for storage of construction materials, tools, plans and other uses directly related to the coordination and supervision of construction activities *(Transferred from Sec. 218, on 12/12/07)*

L. Temporary Storage Units – Prior ECC approval is required for all POD / metal storage containers, tarp covered sheds/shelters/carports, or canopy shelters/buildings. Such containers are not allowed for permanent installation or storage. Duration that the container may be kept on your property will be decided on a case by case basis. *(Amended 6/15/10; 07/10/18)*

SECTION 203. Design – Architecture

The ECC believes that Bear Valley Springs, with its natural environment, offers a unique living experience in a setting that should not be patterned after an urban or suburban residential subdivision. From this basic policy concept, the ECC has developed these Rules to give assistance to designers and builders of residential improvements in Bear Valley Springs, from the initial planning stage to the final submittal of plans for ECC approval. Careful design considerations coordinated with the building site and surrounding properties, create a maximum potential for enhancing property values, uses and enjoyment without unnecessarily causing higher building costs. Consistent with the principles of the Declaration of C&Rs and the above-stated policies, all of the following rules shall be observed and complied with:

A. Placement of Structure/Improvement.

Each structure and improvement shall be sighted on the lot so that it will:

1. Conform and be compatible with the natural topography of the lot.
2. Avoid awkward or unsightly perspectives as viewed from adjacent properties.
3. Take advantage of natural cover, rock and trees on the site.
4. Minimize the need to remove or severely trim existing oak trees located on the property.

(Amended 5/10/08)

B. Building Design.

Building design should show quiet repose and unobtrusiveness as the design goal for all improvements. Beauty, imagination and original design are welcomed and encouraged; however, garish designs and/or colors shall not be permitted. ECC consideration of unconventional design shall take into account the natural topography, degree of visibility, employment of available natural cover and intrinsic merit of the design. It is ECC policy to discourage an Owner, builder or developer from building a house within six lots, or in line of sight, of an existing house with similar shape silhouette, mass, exterior design, etc., as determined by the ECC.

C. Exterior Colors.

Exterior colors shall be selected which harmonize with the predominant natural colors of the surroundings. The ECC has found through experience that certain colors are not always accurately depicted on the printed color chips. Therefore, the designer is cautioned NOT to UTILIZE white, yellows, blues, gray colors with blue undertones, or redwood colors featuring intense reds and orange. The use of gloss paints, stains or sealers on exterior surfaces will not be approved. Semi-gloss finish paint may be used on trim and doors only. Flat, eggshell or satin finish may be used on any application. *(Amended 03/15/13)*

1. ***Paint Match Primary Residence –*** All accessory structures shall be painted to match the primary residence unless otherwise approved in writing by the ECC.
2. ***Balconies, Decks, Railings –*** Balconies, decks and railings shall be designed, constructed and painted or stained to give an appearance of permanence and unity to the structure.
3. ***Underside of Decks/Foundations –*** Underpinning, foundations, bracing members, plumbing and the underside of decks and floors shall be attractively designed or hidden from view by proper screening or painting.
4. ***Roofing Materials/Colors –*** Since the roof may be highly visible from other building sites, from a distance and from higher elevations, roofing materials and colors shall be selected as carefully as other exterior colors. Consideration of the fire hazard in many parts of the community should influence the choice of roofing materials.

5. ***AC/Heating Units –*** Air conditioning and/or heating units shall not be mounted on the exterior roof surfaces. When placed at any other exterior locations, these units shall be appropriately screened from view.

6. ***Exterior Surfaces –*** Wood is the preferred exterior surface; however, the use of stone, tile, brick, stucco (painted) to enhance or authenticate the architectural design may be permitted.

SECTION 204. Design – Construction Changes

ECC approval in writing is required before making any changes from approved plans regarding exterior design and colors, positioning of any improvement, grading or tree removal. The Owner shall resubmit plans and specifications for a change by filing the same type of form that was submitted originally for the improvement. Proposed changes may be noted on separate sheets of paper.

SECTION 205. Improvements Before Approval

A. Notice of Non-Compliance at Construction Site. The ECC, or any member thereof, may authorize a Notice of Non-Compliance to be posted at the construction site under any of the following conditions:

1. If construction or alteration of any improvement (including excavation) has been started prior to approval by the ECC.

2. In the case of any unapproved changes from the original ECC approved plans.

3. In the case of any other violations of the ECC Rules or the C&Rs, which the ECC considers serious enough to warrant this action.

NOTE: To continue any unauthorized work without correction of the violation is at the Owner's or contractor's own risk. In addition to other possible action, a complaint shall be filed by the ECC with the BVSA President.

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SECTION 206. Occupancy of Improvements

No structure or improvement shall be occupied or used until the same has been substantially completed in accordance with its plans and specifications approved in writing by the ECC and approved for occupancy of other intended use by the Kern County Building Department.

SECTION 207. *Blank*

Left intentionally blank.

SECTION 208. Compliance with Rules

No improvement, excavation, fill or other work which in any way alters any lot from its natural or improved state existing on the date such lot was first conveyed in fee to an Owner shall be made or done except upon strict compliance with these ECC Rules and the C&Rs, including, but not necessarily limited to, the prior written approval of the ECC.

SECTION 209. Size Limitation of Residence

Every residential dwelling constructed on a residential lot shall contain a minimum of eight hundred fifty (850) square feet of fully enclosed floor area to be devoted to living purposes (exclusive of roofed or unroofed porches, terraces, decks, garages, carports and other outbuildings). This square-footage limitation is not applicable to a guesthouse constructed on a residential lot as provided in Section 100.E.3.

SECTION 210. Structure Height

No structure or improvement having a height of more than one story shall be constructed or maintained on any residential lot; provided, however, that the height of a structure or improvement may exceed one story if permissible by applicable laws, rules, regulations and ordinances, and if the ECC determines that the proposed height is compatible with the physical site involved and adjoining properties and approves the proposed height in writing. *[C&Rs, Para. 7.d(4)]*

SECTION 211. Height of Roof Line

The ECC may deny approval of any structure or improvement where the highest point on the roof line is more than eighteen (18) feet above the highest ground elevation beneath the structure or improvement, if the ECC determines that the proposed height is incompatible with the site location, or with the height of structures or improvements on adjoining lots.

SECTION 212. Two-Story Residence

Where a two-story principal residence is allowed, the structure must contain a minimum of one thousand two hundred fifty (1,250) square feet of fully enclosed living area, and meet the one-story requirement stated in Section 210, above. A loft with six (6) feet or more of clearance from the floor to the highest point of the ceiling is considered an additional story.

SECTION 213. Zoning Ordinances

All improvements shall be constructed in accordance with applicable building line and setback provisions of applicable zoning ordinances.

SECTION 214. Surveying

Lots should be professionally surveyed and property lines and building locations staked before submitting an application to the Committee. The Owner is responsible for the accuracy of boundary lines and the location and placement of all buildings, structures, fences and other improvements as they are represented in the drawings, plans and specifications and as they are staked out on the property and constructed. The Environmental Control Committee and/or the BVSA do not mediate property line disputes between neighbors. The ECC will not be responsible for location of structures or fences in

relation to property lines, easements, and right-of-ways. These locations are at owners' risk and should be surveyed prior to construction (Amended 05-10-19)

SECTION 215. Building Materials

A. Reflective Surfaces.

No reflective finishes (other than glass) shall be used on exterior surfaces of structures or other improvements, other than surfaces of hardwood fixtures.

1. ***Exterior Metal Surfaces*** **–** Exterior metal surfaces on any building or structure shall be painted or treated to match the appropriate siding, roof or trim color. This includes window and screen frames, metal and metal-clad house and garage doors, flashings and vents, skylights, solar panel frames, etc. Metal sheds shall be treated or painted to match the color of the principal residence, including the roof color, of other structures on the lot. Metal surfaces on gates may require treating or painting an approved ECC color.

2. ***Electric, Telephone, Cable Line*** **–** Electric, telephone and cable utility-line installation from service pole to dwelling shall be underground unless otherwise approved in writing by the ECC.

3. ***Solar-Electric Generation*** **–** Solar energy equipment systems must meet the following guidelines, unless adherence to the guidelines would significantly increase the cost of the system or significantly decrease its efficiency.

   a. Solar electric generation facilities must be installed so as to be unobtrusive and shielded from view, whether part of the original construction or added later.

   b. Installation or construction of all solar electric generation facilities or equipment requires the prior written approval of the ECC.

   c. White translucent sky light panes normally shall not be approved, unless it can be demonstrated that the panes are not visible from the other lots and the streets, roads and common areas.

(Amended 5/10/08)

SECTION 216. Wind-driven Electric Generators or Pumps

Wind-drive water (well) pumps of any kind are not permitted on any residential lot.

Wind-driven electric generators (WDEG's) are not permitted in all locations and restricted to 5 KW Hour maximum output. Mounting towers are limited to a maximum height of 50% of combined lot width & depth and must be placed in such a fashion to allow for lowering. Towers must be lowered from being viewed from any lot or common area during daylight periods. Towers must be erected in accordance with all Kern County codes and restrictions.

Sounds emitted from blades must be less than 38 Db when measured at a distance no greater than 50 Feet from tower in a 40 MPH wind. Manufactures Certification is required and Standards and test Methods used must be traceable to NIST. Members are

cautioned that selection of a particular brand or manufacture is the responsibility of the member, and must meet all criteria as set forth in this rule.
Member must be aware that complaints received will result in revocation of the approval and WDEG's must be removed from the lot at member's expense.

It must be noted that wind-driven generators are most effective at higher elevations where un-hindered by obstruction from trees, hills, or other obstacles. These systems are not suitable at lower elevations where wind currents are diminished by such obstructions.

The ECC has sole authority to allow or disallow installation on a case by case basis. (ref. C&R's 10, (3), (b)).

(Amended effective 01/10/08)

SECTION 217. Sewage Systems

A. Outside Toilet.
No outside toilet shall be constructed on any residential lot. All plumbing fixtures, dishwashers, toilets, and sewage disposal systems shall be connected to a septic tank or other sewage system constructed by the Owner.

B. Chemical Toilet at Construction Site.
A chemical toilet must be placed in the least conspicuous location on a lot (inside the property line) during construction of a primary dwelling.

C. Septic System.
No septic tank system or other sewage facility may be installed or constructed to serve a residential lot unless it has been designed by a Registered Civil Engineer and certified by such engineer or other consultant approved by the Kern County Environmental Health Services Department as being adequate to serve the lot, and unless its design and location has been approved in writing by the ECC. *[C&Rs, Para. 7.d(12)*]

SECTION 218. Repealed December 12, 2007.

Provisions transferred to subdivisions J. and K. of Section 202.

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SECTION 219 Cell Towers and Small Wireless Facilities

A. Definitions

Cell Tower Installation "CTI" is a cellular communications and transmission facility comprised of antennae, poles, camouflaging elements, power source, wiring, screening, or other components necessary to operate such a facility.
Wireless Communications Facilities "WCF" is a small cell facility for the transmission or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation. These facilities help to compliment or stretch tower macro cell coverage and add capacity in high demand areas.

B. Approval Process for "CTI" or "WCF" towers or facilities.

1. The Property Owner, private or public (i.e. CSD owned properties), must submit a sympathetic approval to the ECC as outlined in ECC Rules Section 506.A.
2. The ECC will make sure that the application is complete and within the guidelines set forth below and will vote to approve or disapprove the sympathetic approval. The application materials for sympathetic approval will include:
   - **a.** A statement of consistency explaining why the CTI or WCF is consistent in aesthetic appearance of Bear Valley Springs.
   - **b.** Accurate view simulations reflecting the built appearance of the CTI or WCF and demonstrating visual impact on surrounding properties.
   - **c.** A visual resources compatibility study describing how the aesthetic appearance and physical features of the CTI or WCF would impact the built environment, open space, and overall rural character of the immediate area
   - **d.** A wildland fire mitigation plan, explaining how the CTI or WCF would be constructed and operated to prevent the ignition and spread of fire from the CTI components.
3. The ECC will forward the sympathetic approval to the BVSA Board of Directors for review and public comment/notification. The BVSA Board of Directors will provide the information from the sympathetic approval to the membership and notify the membership of any hearing scheduled with the Kern County Planning Department/Commission or Kern County Board of Supervisors. Additionally, at least two (2) public hearings will be held by the Board of Directors and ECC Members. The Property Owner and/or the project proponent will be responsible to bear the cost of such public notices and may attend such hearings.
4. Written comments from Association members regarding the CTI or WCF will be reviewed and considered. The ECC may choose to suspend further action in situations where an EIR or Mitigated Negative Declaration are required pursuant to the California Environmental Quality Act (CEQA) until the comment period for the environmental document.
5. The ECC may report back to the petitioning Property Owner of any changes that must be made prior to approval and instruct the Property Owner to make a formal submittal.
6. The Property Owner will then submit full plans utilizing the General Form and the ECC will make a recommendation to approve or disapprove the submittal within 45 days of receipt of submittal.

C. Development Standards – Location & Aesthetics

- **a.** A CTI/WCF shall not be placed within one-thousand (1,000) feet of a school bus stop, historical facility, recreational facility (including golf course and equestrian facilities), park, playground, Common Area or public assembly area.
- **b.** A CTI/WCF shall not be placed more than fifty (50) feet from the exterior wall of an existing private residence where the property owner has entered into a lease agreement with a cell provider. If a residential lot is unimproved, a CTI/WCF shall not be placed less than one hundred (100) feet from an exterior property line (measured from the exterior footprint of the CTI/WCF equipment bank to the the property line.

c. A CTI/WCF shall not be placed less than one thousand (1000) feet from the outer edge of any street or private road or the exterior right-of-way thereof.

d. A CTI/WCF shall not be placed on a residential lot with an acreage less than ten (10) acres.

e. No CTI/WCF will be permitted on any lot on the "valley floor," defined as a property with an elevation below 5,000 feet AMSL.

f. No CTI/WCF will be placed on a ridgeline surrounding the perimeter of Bear Valley Springs.

g. Any new CTI/WCF or supporting equipment shall be co-located with existing CTI/WCF installations with Bear Valley Springs with ECC approval. Any addition of equipment or extension of current equipment will require a new review by the ECC.

h. A CTI/WCF shall not be placed in an area where the facility appears immediately out of place or otherwise conflicts with the enjoyment of community visual resources. This concept extends to the use of "stealth" camouflage (ex. a single pine tree in an open meadow which would diminish the panoramic views of the overall valley).

i. The maximum height of any CTI/WCF shall be restricted to sixty (60) feet.

j. Any CTI/WCF shall be installed employing "stealth" technology to mitigate aesthetic impacts. A CTI/WCF shall not be placed so that the "stealth" unit has the appearance of a single visual element, but in an existing aesthetic context (ex. a grove of trees) or otherwise provided with new surrounding components to give this appearance. This provision may require additional construction (such as the placement of mature specimen trees) in order to achieve compliance. A "mature specimen tree" shall be defined as a tree that will reach full height and development within four (4) years. The Property Owner shall be responsible for watering of trees until established or replacement of similar size tree for any dead/dying trees in perpetuity. Where trees are specifically purposed as a stealth element, the selected camouflage must employ facsimile species which is consistent with the immediate surroundings (i.e. a stealth pine tree will not be placed where only oak trees exist).

k. Equipment necessary to serve the CTI/WCF (including but not limited to, transformers, metered switchgear, backup generator, communications cabinets, or wiring) shall be housed in an underground vault where the top margin is below the level of surrounding finish grade for fire safety.

l. The base (surrounding the perimeter of underground equipment facilities) of the CTI/WCF shall be completely screened from surrounding viewpoints. A minimum of three (3) mature specimen trees of a species consistent with indigenous trees in the immediate area and consistent with any proposed stealth tree will be required as part of this screening.

m. The impact cost to the Property Owner and/or proponent will not be a consideration in the application of conditions or requirements pertaining to screening or other aspects of a proposed CTI/WCF to ensure aesthetic consistency with the surrounding area.

n. At such time as the CTI/WCF is no longer utilized or becomes technologically obsolete, the installation as well as supporting equipment and structures shall be completely removed and the property returned to its original condition. This

action shall occur within sixty (60) days and will be paid for entirely by the Property Owner.

* * * *

ARTICLE III. Rules Applicable to Construction Phase of Any Improvements on Lots

SECTION 300. After Approval Received

Upon receipt of the approval in writing from the ECC, the Owner shall, as soon as practicable, proceed with the project as approved in the application.

A. Commencement Within One Year.

If the Owner fails to commence the work within one (1) year from the date of written ECC approval, the approval shall be deemed revoked unless upon the written request of the Owner made to the ECC prior to the expiration of the initial one-year period, and upon a finding, by the ECC, that there has been no change in circumstances, the time for such commencement is extended in writing by the ECC.

B. Revoked Approval.

Where approval is revoked, the refundable portion of the deposit will be refunded when the originally approved plans are returned by the Owner or the Owner's authorized agent to the ECC. Before construction of improvements may commence pursuant to an extension of time approved by the ECC, complete and appropriate plans and specifications must be resubmitted to the ECC for approval, and a deposit made in the required amount at the current rate.

SECTION 301. Completion Time Period

In all cases, all exterior work on structures and other improvements is to be completed within six (6) months after commencing construction. The ECC, in its sole discretion, may grant additional time to complete the exterior of residential dwellings. If the Owner fails to comply with this Rule and the construction, alteration or improvement has not been completed within six (6) months after beginning construction, or within any extension of time granted in writing by the ECC, the ECC shall notify the BVSA Board of Directors and provide the Board with the ECC recommendations, and further action will be taken at the discretion of BVSA Board.

SECTION 302. Written Approval Required

ECC approval in writing is required before making any changes from approved plans regarding exterior design and colors, positioning of any improvement, grading or tree removal. The Owner shall resubmit an application for approval of any change by filing the same type of form that was submitted originally for the improvement. Changes may be noted on separate sheets of paper, but only approved changes may be noted on copies of the original plans in the file.

SECTION 303. Construction Materials

Construction materials, supplies, trash, rubbish and debris shall be stored in an orderly manner. A covered trash bin or container of sufficient size shall be kept on the lot in the least conspicuous location during construction, and construction trash, rubbish, debris and other discarded materials shall be kept in the covered container and shall not be permitted to accumulate on the jobsite. Construction materials, trash, rubbish, debris and other unused or discarded materials shall be disposed of outside of Bear Valley Springs by the Owner or the Owner's contractor. Chemical toilets are required on all jobsites during new construction.

SECTION 304. Foundation Form Inspection

An inspection by the ECC Field Representative is also required after excavation, when foundation are in place, and before any concrete is poured, only to ensure that placement is in general agreement with the approved plot plan. Owners should contact the BVSA Office to arrange for this inspection, (661) 821-5537. Allow 24 hours for this inspection after your call is placed excluding week-ends, holidays and inclement weather. Leave a number where owner can be reached for approval to proceed with concrete pour.

Form inspection does not relieve the Owner of the responsibility to ensure that a proposed structure or improvement does not encroach on other property or rights-of-way or easements, and that the location meets legal setback requirements. (Amended effective 2-10-08)

SECTION 305. Written Notice Upon Work Completion

Upon completion of any work for which approval is required under these ECC Rules, the Owner shall give written notice of completion to the ECC, and within sixty (60) days thereafter, the ECC, or its authorized representative, may inspect such work to determine whether it was done in substantial compliance with the approved application and all requirements of these ECC Rules and the C&Rs. The ECC requires the completed and signed "job card" from Kern County on all applications for inspection for houses and other structures over one hundred twenty (120) square feet in area. If the ECC finds that such work was not done in substantial compliance with the approved application and these ECC Rules and the C&Rs, the ECC shall notify the Owner of such non-compliance within this 60-day period and shall require the Owner to remedy such non-compliance. If upon the expiration of 60-day period the Owner has failed to remedy such non-compliance, the ECC shall notify the BVSA Board of Directors of such failure, and the Association, at its option, shall have the right to take all steps necessary to remedy the non-compliance in accordance with the C&Rs and applicable law and to collect from the property Owner all expenses incurred in connection therewith. If for any reason the ECC fails to notify the Owner of any non-compliance within sixty (60) days after receipt of the Owner's written notice of completion from the property Owner, the work shall be deemed to be in accordance with the approved application.
(Amended 2/15/12)

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ARTICLE IV.
Rules Applicable to Common Areas and Community Facilities: Construction and Alteration of Improvements

[From C&Rs, Para. 7.f.g.(2)]

If the Community Service District (the "CSD"), or any person or entity proposes to construct or reconstruct, or to refinish or alter the exterior of, any improvement located on or to be located upon any Common Area, or to make or create any excavation of fill, or to change the natural or existing drainage of surface waters, or to remove any trees, shrubs, or ground cover, or to plant any trees, shrubs or ground cover upon a Common Area, it shall not do so until a permit has been obtained from the ECC. The CSD, person or entity proposing to do such work shall submit to the ECC for approval two sets of final plans and specifications for any such work in such form and containing such information as the ECC may require. The ECC shall approve the plans and specifications submitted to it pursuant to this Rule only if all of the following conditions have been satisfied. *[C&Rs, Para. 7.g.(2)]*

SECTION 400. Plans to Construct New Improvement

If the plans are to construct any new improvement, including any alterations of the exterior of a Common Area or Community Facility, the ECC finds that such improvement complies with these ECC Rules and the C&Rs, and:

A. That the improvement is reasonably necessary for any utility installation serving any property to be annexed to the development, or any property for which an easement has been reserved or granted by Declarant or the Association to the District; or

B. That the improvement is desirable in order to provide or improve access to or to enhance the use and enjoyment of any such property; or

C. That the improvement is desirable to protect or preserve any property within the Development; or

D. That in the case such improvement is a leach line or leaching field to serve a residential or condominium lot, the ECC finds it is not reasonably possible to properly serve the residential or condominium lot by the location of the improvement on the residential or condominium lot, and the proposed improvement is reasonably necessary in order to serve the residential or condominium lot with a sewage system; and

E. The ECC finds that the proposed work shall not materially prejudice the development or any Owner in the use and enjoyment of the Owner's property.

SECTION 401. Without ECC's Approval, the CSD May *[C&Rs, Para. 7.g(3)]*

Without the approval from the ECC, the CSD may:

A. Construct, reconstruct, replace or refinish any improvement or portion thereof upon Common Areas in accordance with the plans for such improvement as they existed upon the Common Area when it was conveyed by developer, Dart Industries Inc., to the CSD; and

B. Replace destroyed trees or other vegetation, and, to the extent that the CSD deems necessary, plant trees, shrubs, ground cover and other vegetation; and

C. Take whatever measures that may be necessary to prevent or retard the shifting or sliding of earth.

NOTE: Pursuant to the C&Rs, the CSD or any person or entity proposing to construct or reconstruct, or to make any other changes in the appearance or drainage of a Common Area location as defined in Paragraph 3.f of the C&Rs, must obtain a permit from the ECC before commencing any work.

* * * * *

ARTICLE V. ECC Submittal and Approval Procedures

SECTION 500. Application Procedure

Any Owner proposing to construct, reconstruct, refinish, alter, modify or maintain any improvement on the Owner's lot, or to install any utility line, wire, pipe, conduit, cable, or other utility conveyance on the lot, or to do any grading or make any excavation, or to drill any water well, or to cut or remove any trees from the lot, or do any act which would affect the drainage of the lot, or to make any exterior changes to existing improvements or changes to the lot, shall first apply to the ECC for approval as follows:

A. Plan Submittal.

The Owner shall submit to the ECC for approval such plans and specifications for the proposed work as the ECC shall request, including, but not necessarily limited to, the following:

1. A plot plan of the lot showing -

- **a.** Buildable space
- **b.** Contour lines
- **c.** The location of all existing and/or proposed improvements
- **d.** The proposed drainage plan
- **e.** The location of all trees and vegetation which the Owner proposes to remove
- **f.** The location of all proposed utility installations
- **g.** The design and location of the septic tank and sewage facilities to serve said lot with a certification of a Registered Civil Engineer or other consultant approved by the Kern County Environmental Health Services Department.

2. Floor plans.

3. Drawings showing all elevations of structures.

4. Description of exterior materials and color, with samples.

5. Working drawings and construction specifications of all structures and improvements.

6. Description of provisions for replanting trees and vegetation and for stabilizing slopes during and after construction.

7. The Owner's proposed construction schedule.

B. Commence Within One Year.

The ECC will not accept or approve applications for construction, alteration or modification of structures or improvements where the work is not scheduled to commence for more than one year after the date of the submittal. The purpose of this Rule is to help prevent and mitigate erosion and other adverse effects on the environment and to maintain the natural state development.

C. Architect or Building Designer.

If at any time the ECC determines that it would be in the best interest of the community or the preservation of the environment of Bear Valley Springs for such Owner to employ an architect or licensed building designer to design any improvement involved in the proposed work, the ECC shall inform the Owner in writing of its determination, whereupon all plans and specifications designated by the ECC to be so prepared must be prepared by such an architect or licensed building designer.

D. ECC Appointments.

The ECC meets regularly to consider applications submitted and signed by the lot Owner or the Owner's authorized and designated agent or representative introduced to the ECC by the Owner, in writing, delivered by U.S. Mail or in person. Appointment times to meet with the ECC may be arranged by calling the ECC Secretary at (661) 821-5537 or 1-800-942-5319.

SECTION 501. Submittal Forms

A. Obtaining Forms.

Forms and instructions needed to apply for ECC review and approval may be obtained at the Bear Valley Springs Association (BVSA) office during business hours, or by mail, upon request, at 29541 Rolling Oak Drive, Tehachapi, CA 93561. Forms are also available on our website: www.bvsa.org in the Environmental Control Committee section under "ECC Submittal Forms."

B. Application Forms.

The following lists forms required for ECC Approval.. Review the list to determine which forms are required to complete the intended work.

1. Addition or Alteration in Excess of 120 Square Feet
2. Antenna, Tower, Radio Pole, Flag or Satellite Dish
3. Build a New Home
4. Campground Permit During Home Construction
5. Camping on Property Permit
6. Exterior Lighting
7. Fencing
8. Garage Sale
9. General (Paint, Shed or Accessory Structure under 120 square feet, Roof Excavation, Other)
10. Merge, Demerge Lot or Lot Line Adjustment
11. Motion Picture Authorization
12. Occupation Permit
13. RV/Trailer Placement & Screening
14. Signs
15. Sympathetic Approval
16. Temporary Construction Trailer/Dumpster/POD/Cover/Shelter on Property
17. Tree Trim/Removal
18. Animal Project (4-H or FFA)

SECTION 502. Submitting Application, Plans and Specification

A. Complete ECC Forms.

Each form is to be signed by the Owner. Use the "Submittal Form Checklist" to be certain that all of the required information is properly documented.

NOTE: The Owner is responsible for adherence to all conditions of the approved submittal.

B. Plans.

Two identical duplicate sets of plans are required.

1. ***Structure Plans*** **–** Structure plans (floor, elevations, etc.) must be drawn to scale ¼" = 1'0" and dimensioned.
   - **a.** Floor plans and all elevations must show critical dimensions, including decorations and facing, and roofs, building height, exterior siding, trim materials and window frames shall be clearly indicated.
2. ***Plot Plans*** **–** Plot plans must show all proposed improvements being submitted (showing contour lines, location of all improvements, structures, driveway, fences, etc., and shall be drawn to scale 1" = 20/30'.

   NOTE: If required by Kern County, when plans call for moving 50 cubic yards or more of dirt, a grading plan shall also be submitted.
   - **a.** All trees, whether on or off the lot, within fifty (50) feet of any building, fill or cut shall be accurately located on the plot and grading plan. Plans and a schedule for replanting trees and vegetation and for stabilizing slopes during and after construction must be submitted.
   - **b.** Plot plans must note the trunk size and drip line of the trees and indicate those to be removed or trimmed. Data sheets for the treatment of trees are available at the BVSA office.
3. ***Plans for Vegetation Replacement*** **–** Plans and schedules to replace disturbed vegetation for preventing erosion during construction and after construction must be submitted.
4. ***Color Samples*** **–** Submission of exterior color samples is required. Samples of roofing and decorative facing may be required if they are unusual or distinctive in nature.

   NOTE: A check with the BVSA office for acceptable colors, etc., may save the Owner considerable time and expense.
5. ***Exterior Lighting*** – Exterior lighting location, wattage, design and finish of all exterior light fixtures must be shown on the plans.

C. Encroachment Permit.

A submittal for any improvement on a lot which includes the alteration of, or passage over, any easement, Common Area, or right-of-way, or which alters a drainage easement, shall be accompanied by a copy of an "Application for Excavation and/or Encroachment Permit" and any other documents required by the CSD. (Normally this is required when a new home is built, or when any work is to be accomplished in

an easement.) All applications for fences shall be referred to the CSD for easement review.

SECTION 503. Fees and Deposits

When submitting an application for construction of the first improvement on a lot, although usually the primary dwelling could also include excavation, fences, etc., a fee payable to the BVSA is required. Submittals to build an addition, an accessory structure, or alteration to a home or structure in excess of one hundred twenty (120) square feet in area will require a deposit and fee payable to the BVSA. The ECC requires the completed and signed "job card" from Kern county on all applications for inspection for houses, additions, or other structures over one hundred twenty (120) square feet in area. The current fee schedule is available from the BVSA office. (*Amended 04/15/18*)

SECTION 504. Processing of Submittals

It is the responsibility of the Owner to ensure that the submittals are complete and contain no errors or omissions.

A. Decision in 45 Days.

Applications may be approved or disapproved. A written decision shall be mailed to the Owner no later than forty-five (45) days after the date a complete submittal has been provided to the ECC. ECC approval shall be implied if the ECC does not approve or reject the complete submittal within the 45-day period. If the ECC determines that an Owner's submittal is not complete, the ECC shall advise the Owner, in writing, of its determination, and further advise the Owner that the forty-five (45) day period in which an application must be approved or disapproved has not commenced and will not commence until a completed submittal has been received. *[C&Rs, Para. 7.c(2)(d)] (Amended 5/10/08)*

B. Ensure Submittal is Complete.

The ECC Chair shall instruct the ECC Secretary concerning the acquisition of information missing from a submittal.
(Amended 5/10/08)

C. Decisions Recorded.

Disapproval decisions shall be in writing, to include the reasons for the disapproval and shall be accompanied by an explanation of the procedures for obtaining reconsideration of the decision by the Association's Board of Directors. ECC decisions shall be properly logged in either a bound record book or in a computer system by the Committee. Guidance given to the ECC Secretary on the appropriate language of approval provisions and conditions and disapproval decisions and reasons, with appropriate references to these ECC Rules, the C&Rs and other controlling documents and authorities. *(Amended 5/10/08; 10/15/12)*

D. Inspections.

Inspection of the property before, during or following construction shall be delegated to the ECC Field Representative. The ECC may also inspect the Owner's property at

any other time where the unusual circumstances or elements of a proposed project have been noted or are anticipated. ECC members will ordinarily inspect any site where a structure with a high roofline is proposed to be certain that the guidelines contained in these rules shall not be violated.

SECTION 505. Appeals

A. An Owner may appeal disapproval by the ECC by arranging for a meeting with the ECC on a date and at a time when a regular ECC meeting is scheduled. The ECC shall render a decision within twenty-one (21) days after the meeting and a written decision of the ECC will be mailed to the Owner. *(Lettering Added 5/10/08)*

B. An Owner may appeal final disapproval by the ECC to the Board of Directors by written request for reconsideration must be given within 21 days after the date of the ECC's disapproval. The Board of Directors shall have 45 days within which to reconsider the disapproval. Such reconsideration shall be in an open meeting of the Board. The Board's written decision of the appeal shall be provided to the Owner within 15 days of the meeting at which the Board reconsidered the disapproval. *(Added 5/10/08)*

SECTION 506. Types of Approval

A. Sympathetic Approval.

Sympathetic Approval is to assure the Owner, before the Owner expends time and money on detailed plans that the grading and design concept shall be acceptable when the formal application to build is submitted to the ECC. The most common reasons for seeking Sympathetic Approval are: (a) placing a multi-story building on the site; (b) using materials other than wood and window glass on the exterior; (c) designing a shape or silhouette that differs from the standards of the community; and (d) significant deviation from the architectural guidelines in these Rules.

B. Final Approval.

Final Approval by the ECC permits the Owner to proceed with an improvement, provided that permit requirements of other governmental agencies are met. (NOTE: Revoked Approval in following paragraph.)

C. Revoked Approval.

ECC approval of an improvement is revoked if construction does not commence within one (1) year from the date of written ECC approval, unless a written submittal is made by the Owner for an extension of time and ECC extends in writing the time within which construction must commence.

SECTION 507. Site Preparation

The ECC will view a building site prior to making a final decision. Therefore, the Owner or builder shall mark and identify the lot with a temporary sign not to exceed one square foot in size, showing the tract-and-lot number and the street address. Property lines and the perimeter of buildings and driveways are to be properly staked before submitting plans. Trees that are proposed to be removed shall be marked by red ribbons, and those to be trimmed 20-50% by yellow ribbons. Drip lines shall be staked with yellow ribbon. Except

for an area within three (3) feet around a stake, indigenous growth should not be removed without prior approval of the ECC.

NOTE: In no case shall a tree be removed, pruned or trimmed, or a lot scraped, without prior approval.

SECTION 508. Notification

The Property Owner shall be notified in writing of the ECC's decision, usually within one week after complete submittal has been made. If approved, the Owner should note carefully and special provisions or conditions added to the approval letter by the ECC. For example, approval of one of two color schemes submitted, but disapproval of the other, or a notation that a propane tank shown on the plans must be screened, etc.

SECTION 509. Non-waiver

The approval by the ECC of any plans, drawings or specifications for any work done or proposed, or in connection with any other matter requiring the approval of the ECC under these ECC Rules or the C&Rs, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar plan, drawing, specification or matter.

SECTION 510. Variances

The ECC shall have the power to allow reasonable variances to the provisions of Paragraph 7 of the C&Rs and the corresponding provisions of these ECC Rules in order to overcome practical difficulties and prevent unnecessary hardships, provided that all of the following conditions are met:

A. A public hearing on the application for such variance is held by the ECC after giving ten (10) days prior written notice to: (a) Owners of lots and condominiums in the Development within a radius of one-half (½) mile from the subject lot or Common Area; (b) the Association, and (c) the District; and

B. The ECC finds that the variance will not materially be detrimental to other lots, condominiums and/or Common Areas in the Development.

SECTION 511. Owner's Responsibility

A. Commence Work.

The Owner shall, upon receipt of the approval from the ECC, as soon as practicable, proceed with the commencement, and completion of the work contemplated by the application, pursuant to the approved plans and specifications.

B. Completion of Work.

In any event, completion of the work (all exterior requirements) must be completed within six (6) months of start of construction or any extensions requested by the Owner and approved by the ECC. If not completed, the ECC shall notify the Board with their recommendations. Further action is then the responsibility of the BVSA Board of Directors.
(Amended 2/15/12)

C. Remedies.

The remedies hereby specified may be cumulative and the deposit amount held by the BVSA shall not be taken to preclude the BVSA or any Property Owner to resort to any other remedy at law, in equity, or under any statute, to enforce any other clause or condition under the C&Rs.

SECTION 512. Liability

A. Disclaimer of ECC.

Neither the ECC, nor its members thereof, shall be liable to the CSD, the Association, or any Owner for any damage, loss, or prejudice suffered or claimed on account of: *[C&Rs, Para. 10.h]*

1. The approval or rejection of, or the failure to approve or reject, any plans, drawings or specifications, whether or not defective;

2. The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;

3. The development or manner of development of any property within the Development; or

4. The execution and filing of an Estoppel Certificate, whether or not the facts therein are correct; provided, however, that such ECC member has, with the actual knowledge possessed by him or her, acted in good faith.

B. Disclaimer of Board of Directors.

No member of the Board of Directors shall be personally liable for any error or omission of the Association, its representatives and employees, the ECC, or the general manager, provided that the action or inaction of the Director has been in good faith.

SECTION 513. ECC Procedure

A. Meetings.

Meetings shall be held regularly on a day of the week at a time and place specified in a permanently posted notice in the Oak Tree Country Club. Notice of a canceled or rescheduled regular meeting shall be posted on BVSA bulletin boards, when possible, at least five (5) days prior to the date of the regular meeting:

1. ***Confidentiality*** **–** Business shall be conducted in closed session, which shall include ECC members, ECC associate members, ECC trainees, and may include the ECC Secretary, ECC Field Representative, building professionals and up to two Board members. *(Amended 5/10/08)*

2. ***ECC Members*** **–** The ECC consists of three (3) members appointed under Paragraph 10.a of the C&Rs by the BVSA Board of Directors. From time to time, the BVSA Board of Directors also may appoint trainees. The ECC shall be furnished with a Secretary and a Field Representative who shall be employees of the BVSA.

3. ***Special ECC Meetings*** **–** Special ECC meetings may be conducted to collect information and to hear appeals of ECC decisions, provided interested parties

have made prior arrangements for an appointment time with the ECC Secretary. If an Owner wishes to have their legal counsel present, written notice must be given at least 24 hours prior to the actual appointment time. *(Amended 5/10/08)*

B. Duties

1. ***Minutes*** **–** A record in the form of meeting minutes shall be kept for all regular and special meetings of the ECC. As a minimum, the minutes shall include the date and time of meeting, ECC members and guests in attendance, and a record of ECC actions in sufficient detail to constitute a clear record of the transactions.

2. ***Files*** **–** Files shall be maintained by the ECC Secretary as prescribed by the Association Office Standard Operating Procedure, and ECC Chairperson. The ECC Chairperson shall not authorize the use of plans, portions of plans or letters to or from the Owner by anyone other than the Owner, absent written instructions from the Owner, specifying exactly which documents may be released. Under no circumstances shall an Owner's folder be available for perusal by anyone other than the ECC members, the ECC staff and persons specifically authorized by the BVSA Board.

C. Succession.

A Chairperson shall be elected by the ECC only when the ECC has a fully authorized strength of three (3) permanent appointees. When the Chair is vacant, or during a temporary absence of the Chairperson, the most senior member of the ECC present shall be the acting Chairperson to conduct normal operation of the ECC. In the event that two (2) ECC members have equal tenure, succession shall be determined by mutual agreement, or rotated between them.

D. Trainees.

Non-voting and pro-tem voting trainees appointed by the BVSA Board of Directors shall attend all meetings of the ECC. The purpose of appointing trainees is to provide a pool of trained Association Members from whom the Board may appoint a replacement because of inability of an ECC member to perform his or her duties. A person who has served in the position of trainee for a period of one (1) year, who is not currently a voting member of the committee, may be designated by the Board of Directors as an associate non-voting member of the ECC. If the Board appoints one or more trainees or associate members as pro-tem voting members, in the temporary absence of a permanent ECC member, a pro-tem voting associate member or pro-tem voting trainee may be selected by the Chairperson to act as a temporary voting member of the ECC for the duration of the absence. *(Amended 5/10/08)*

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ARTICLE VI. Violation Procedures

SECTION 600. General

A. Field Inspections.

The ECC Field Representative shall make systematic inspections to observe conditions in our community, and shall personally investigate citizen reports of alleged violations. A report of alleged violations of the C&Rs, the BVSA Rules or ECC Rules shall be submitted to the ECC at each regular ECC meeting by the Field Representative.
(Amended effective 4-15-13, Amended 05-10-19)

B. ECC Action.

The ECC shall determine if action is required and instruct the staff on the nature of action to be taken. A record of the action taken shall be placed in the ECC file. Action taken may be in the form of written communication. ECC to enforce BVSA Rules in Article 17 as written.
(Amended effective 2-10-08)

SECTION 601. BVSA Board Enforcement

When the ECC informs the BVSA Board of Directors that compliance with these ECC Rules and/or the C&Rs has not been achieved despite the ECC's efforts, the BVSA Board will proceed in accordance with the applicable administrative procedure adopted by the Board and appended to the Association Rules and incorporated by reference in Section 1702 of the Association Rules, as those Rules may be amended from time to time. Failure of the Board of Directors or the ECC to enforce the C&Rs, Bylaws, Association Rules, and/or these ECC Rules shall not constitute a waiver of the right to enforce any or all of them at a later time. The remedies set forth in these ECC Rules and the other Governing Documents of the Association are cumulative and none is exclusive.

A. ECC to enforce BVSA Rules in Article 17, as written. (Amended effective 02-10-08)

1. Enforcement: The Board has the power and authority to take one or more of the following action: (Amended 06/10/13)
   a) Levy a Special Assessment to cover the cost of the enforcement as provided in the C&R's.
   b) Levy up to the following fines in addition to or in lieu of the Special Assessment, to be effective 30 days following the Board's action:

LACK OF ENVIRONMENTAL CONTROL COMMITTEE APPROVAL FOR:	
VIOLATION	FINE UP TO
Unapproved Grading Sec. 105.B.1. and Sec. 110	$20,000.00
Construction of any building including but not limited to houses, guesthouses, garages, barns, carports, sheds, or any other building Sec. 200.C, E, 201, 202	$ 20,000 .00
Construction of any temporary accessory tarp-like structures, fences, corrals, solar panels, horse/animal shelters, chicken coops Sec. 202.B, and 202.L	$500.00
Oak Tree removal Sec. 106.B.	$5,000.00
Oak Tree trims Sec. 106.A	$3,000.00
Exterior colors Sec. 101.A.	$1,500.00

Roofing Sec. 500	$1,500.00
Failure to call for, obtain and complete a foundation (footing) form inspection by ECC Sec. 304	$1,000.00
Unauthorized signs Sec. 115	$500.00
Doing business without permit, including Occupation Permit or Yard Sale permit Sec. 103	$500.00
VIOLATION OF ENVIRONMENTAL CONTROL COMMITTEE RULES OR BVSA RULES	
VIOLATION	FINE UP TO
Incomplete Construction Sec.300.A and 301	$5,000.00
Abandoned, inoperable or junked vehicles Sec. 107A.	$2,000.00
Recreational Vehicles BVSA Rules Article 16	$2,000.00
Primary residence siding in need of paint or maintenance Sec. 102.B. Primary residence trim, fascia, doors/garage doors, in need of paint Accessory structure or propane tank screen in need of paint	$2,000.00 $750.00 $500.00
Materials, equipment, trash/storage matter visible to the public Sec. 112 and 114	$2,000.00
Nuisance/Noxious Activity Sec. 117	$2,000.00
Commercial vehicle parked or stored on lot Sec. 107B.	$1,000.00
Roof on primary residence in disrepair Sec. 102 Roof on accessory structure in disrepair	$1,000.00 $500.00
Animal violations, including but not limited to, excessive number, possession of animal not permitted under the Association Rules, no leash, excessive noise/barking; aggressive animal behavior. BVSA Rules Article 19	$1,000.00
Absence of trash bin/chemical toilet at construction site Sec. 217 A and B	$1,000.00
Weeds/Dead Trees/Fire Hazard Sec. 102.E and 118	$1,000.00
Fence in disrepair Sec. 102.C. and 120	$750.00
Signs Sec. 115	$500.00
Lighting Sec. 113 and Sec. 114.A.5	$500.00
Garage/Yard Sale Sec. 103. B.	$500.00
Unscreened/improperly screened propane tank or propane tank screen in need of repair Sec. 102.B. and 120.C.1	$500.00
Tarp-Unapproved color Sec. 109	$500.00
Other violations: Any other violation not expressly stated	$20,000.00

(Amended 10/21/06; 4/10/08; 05/10/19; 08/01/21)

c)) Suspend the Members' membership privileges, including but not limited to voting privileges, for a period of time as may be determined by the Board up to and including one (1) year from the date the suspension is imposed in the case of any non-continuing violation, but in the case of a continuing violation, including but not limited to non-payment of any assessment, the suspension may be imposed for so long as the violation continues. (Amended 9/19/98; 10/21/06, Added 05-10-19)

d) d) Suspend the privilege or right of the Member, the Member's family members, guests, tenants, licensees or invitees, to use and enjoy any or all Common Areas, Community Facilities and Association Property for a period of time as may be determined by the Board up to and including one (1) year from the date of the

suspension is imposed in the case of any non-continuing violation, but in the case of a continuing violation, including but not limited to non-payment of any assessment, the suspension may be imposed for so long as the violation continues. (Added 9/19/98; Amended 10/21/06; Renumbered 9/10/10)

e) The fines imposed by this subdivision are for a single violation occurring on a single day. Similar violations on different days shall justify the Board's imposition of cumulative fines. [Ref: Bylaws, Art XII, Sec. 4] (Repealed and added 9/16/95) (Amended 10/21/06; 9/10/10)

f) Specifically, the Board and any Member may bring an action at law or in equity for violation of the Rules of the Association, the Bylaws or the C&Rs. (Amended 10/21/06)

SECTION 602. Construction

Construction or any site improvements other than maintenance, commenced without first obtaining written ECC approval will result in contact by the ECC Field Representative and the immediate issuance of a citation requesting compliance with the applicable ECC Rules and of C&Rs. Failure to comply may result in the imposition of a fine or monetary penalty by the Board of Directors and/or other appropriate disciplinary action. Payment of fines and monetary penalties does not relieve the Owner of the obligation to comply with these ECC Rules and the C&Rs. Fines and/or monetary penalties may continue to be imposed and accrue until the violations have been corrected and the conditions have been brought into compliance with the requirements of these ECC Rules and the C&Rs.

The ECC shall inspect the Owner's property periodically to determine whether the violation has been abated. If the inspection reveals the violation has not been abated, the ECC will so advise the Board who will then take appropriate action to collect the fine and to abate the violation by legal action.

* * * * *

ARTICLE VII. Definitions

SECTION 700. General

Unless the provision or the context otherwise requires, the definitions set forth in or incorporated by reference into in these ECC Rules govern the construction of these Rules, whether or not the term defined is capitalized in the text of these Rules.

Unless the context of these ECC Rules otherwise requires, the definitions contained in Paragraph 3 of the Declaration of Covenants & Restrictions (C&Rs) are incorporated into these Rules by reference.

Unless the context of these ECC Rules otherwise requires, the definitions contained in Article I of the Association's Bylaws are incorporated into these Rules by reference.

SECTION 701. List of Definitions

A. **District, BVCSD and CSD** mean and refer to the Bear Valley Community Services District.

B. **Chairperson or Committee Chairperson** means the current Chairperson of the Environmental Control Committee.

C. **Designated Agent** means the person designated by the Owner to the Committee either in person or in writing by U.S. Mail, to act in behalf of the Owner.

[From C&Rs, Para. 2.3.a.]

D. **Association and BVSA** mean and refer to Bear Valley Springs Association, a California non-profit mutual benefit corporation, or its successor.

[From C&Rs, Para. 2.3.b.]

E. **Association Rules** means the Association Rules adopted by the Board of Directors from time to time pursuant to Paragraph 11.d(9) of the Declaration of C&Rs and Article X, Section 5, of the Bylaws.

[ECC]

F. **Date of Complete Submittal** shall mean the date the submittal is accepted as complete by the ECC.

[From C&Rs, Para. 2.3.c.]

G. Development shall mean

1. All of the real property consisting of approximately 24,000 acres situated in the County of Kern, California, which is being developed by Declarant, and of which the parcel of property included in the Subdivision Map of said "Tract No. 3417" is a part, and

2. Any property annexed to the Development pursuant to Paragraph 4 and 5 following.

[From C&Rs, Para. 2.3.d.]

H. Board and Board of Directors mean the Board of Directors of Bear Valley Springs Association.

[From C&Rs, Para. 2.3.e.)]

I. Bylaws shall mean the Bylaws of the Association, such as Bylaws may from time to time be amended.

[From C&Rs, Para. 2.3.f.]

J. Common Area shall mean and include collectively all real property (with the exception of the dedicated roads) conveyed to the District by Developer, including (without limitation) any real property upon which Community Facilities are located or are intended to be located.

[From C&Rs, Para. 2.3.g.]

K. Community Facilities shall mean the following facilities now or hereafter owned by the District and located, or to be located, within the Development referred to collectively:

1. ***Entrances*** consisting of gatehouses and landscape areas;

2. An ***Equestrian Center*** consisting of a clubhouse (with manager's quarters), barn, tack room, stables, corrals, paddocks, training ring, pond and parking area;

3. A ***Recreation Center*** including clubhouse (with restaurant and bar), swimming pool, locker room, tennis courts, miscellaneous game areas, picnic and barbecue area, and parking area;

4. ***Park Areas*** including campgrounds, overnight equestrian stops, rifle range, trail bike course, and ponds;

5. ***Wilderness Area and Equestrian Trails***.

6. ***Any other recreational facilities*** owned and maintained and/or controlled for the common use, benefit and enjoyment of the Owners of real property within the Development.

[From C&Rs, Para. 2.3.h.]

L. Condominium shall mean those single family residential units consisting of an interest in a condominium lot coupled with a separate exclusive interest in an apartment unit in the building situated on said condominium lot.

[From C&Rs, Para. 2.3.i.]

M. Condominium Lot shall mean a parcel of land intended to be used for residential purposes upon which the construction of an apartment building containing condominium apartment units is allowed under the applicable laws of Kern County. When any provision of these Declaration of C&Rs is intended to apply only to a Condominium Lot, then the term "Condominium Lot" shall mean a condominium lot on which no condominium apartment has been occupied for residential purposes. The term "Improved Condominium Lot" shall mean a condominium lot upon which a condominium apartment unit has been occupied for residential purposes.

[From C&Rs, Para. 2.3.j.]

N. Covenants and Restrictions, Declaration of C&Rs and C&Rs mean the limitations, restrictions, covenants, terms, conditions, easements, reservations and other provisions contained in that certain Declaration of C&Rs, Tract No. 3417, Bear Valley Springs, recorded on October 13, 1970 in Book 4446, Page 449, as amended and supplemented, by amendments and subsequent tract Declarations, all in the Office of the Kern County, California, Recorder.

[From C&Rs, Para. 2.3.k.]

O. Environmental Control Committee and ECC mean the Environmental Control Committee created and established pursuant to Paragraph 10 of the Declaration of C&Rs.

[From C&Rs, Para. 2.3.m.]

P. Excavation shall mean any disturbance of the surface of the land (except to the extent reasonable necessary for planting), which destroys any vegetation or results in the removal of earth, rock, sand or other substance.

[From C&Rs, Para. 3.3.n.]

Q. Fill shall mean any addition of rock or earth materials to the surface of the land, which increases the natural elevation of such surface by more than twenty-four (24) inches.

R. Governing Documents mean and include the Declaration of C&Rs, the Bylaws, Association Rules, these ECC Rules, the Articles of Incorporation and any other documents such as operating rules of the Association which govern the operation and management of Bear Valley Springs Association, the Common Areas and Community Facilities.

[From C&Rs, Para. 3.3.p.]

S. Improvements shall mean buildings, outbuildings, roads, pools, courts, barns, stables, paddocks, corrals, driveways, parking areas, fences, retaining walls, stairs, decks, landscaping, poles, signs, and any structures of any type or kind.

[From C&Rs, Para. 3.3.s.]

T. Residence shall mean the building or buildings, including any garage, carport, or similar outbuildings, used for residential purposes.

[From C&Rs, Para. 3.3.s.]

U. **Residential Lot** means any lot intended to be improved with a residence to be used solely for single-family residential purposes. Residential lots are designated on subdivision maps as numbered lots. Subject to the next succeeding sentence, when any provision of these ECC Rules is intended to apply only to a residential lot, then the term "residential lot" is used. When the application or context of these ECC Rules so require, the Rule(s) in question applies to condominiums and condominium lots.

[From C&Rs, Para. 3.3.u.]

V. **Road and Street** mean any vehicular way designated on a subdivision map as a road, court or street.

[From C&Rs, Para. 3.3.v.]

W. **Structure** shall mean anything constructed or erected, the use of which requires location on the ground. *[From C&Rs, P.3.3.w.]*

[From C&Rs, Para. 3.3.w.]

X. **Subdivision Map** shall mean

1. Any final map within the meaning of the provisions of Division 4, Part 2, Chapter 2, of the Business and Professions Code of the State of California; or

2. Any final record of survey map within the meaning of the provisions of Division 3, Chapter 15, Article 5, of the Business and Professions Code of the State of California, as such provisions may from time to time be amended.

* * * * *

<u>Exhibit A - ARTICLE 16 Association Rules</u> – Parking & Storage of Rec.Vehicles.
(Adopted 7/9/88)

SECTION 1600. DEFINITIONS

As used in this Article, the term "Recreational Vehicle" includes, but is not limited to, Class A, B and C motorhomes, campers, camper shells, horse trailers*, cargo trailers, utility trailers, 5th wheels, recreational trailers and car haulers. Also included are dune buggies, and watercraft, which includes, but is not limited to, boats, jet skis and associated trailers. *(Amended 10/21/06; 4/10/11; 10/20/14)*
*Horse trailers are exempt from compliance during periods of high fire danger. During the rest of the year they will be expected to comply with the rules. *(Added 10/20/14)*

SECTION 1601. UNIMPROVED LOTS

(a) No recreational vehicle may be stored or parked indefinitely on any unimproved lot, except that a camper shell, motor home, trailer, up to 32 feet in overall length may be approved by the Environmental Control Committee for use as a construction facility.
(b) Except as provided in Sections 504(e)(10) and 604, no recreational vehicles may be stored on the common areas.*(Added 8/19/00; Amended 10/20/14)*

SECTION 1602. SCREENING OF *RECREATIONAL VEHICLES NOT PARKED OR STORED WITHIN APPROVED STRUCTURES*

(a) Recreational vehicles parked on any lot, not within an approved structure, within BVS will require and ECC/RV Trailer placement and screening form to be submitted and approved by the ECC.

(b) A recreational vehicle as defined in section 1600 must be parked or stored in the least conspicuous location on the Member's lot which may be reviewed/changed by the ECC Committee, subject to the approval of the ECC. Lots of one acre or more may park or store up to three (3) "Recreational Vehicles" as defined in Section 1600 in any combination but may not have more than one (1) of any of the same type of recreational vehicle. Lots of less than one acre may park or store no more than two (2) "Recreational Vehicles" as defined in Section 1600 but may not have two (2) of the same type of recreational vehicle. *(Amended 3-10-08; Amended 2-10-09; Amended 10/20/14; Amended 06/10/18)*
(c) The ECC may require additional screening, when reasonable and appropriate, to further limit visibility from adjoining lots, roads or common areas. This additional screening may include, but is not limited to, one or more of the following:
(1) Evergreen vegetation with a minimum height of 6 feet when installed, that is expected to grow to shield eighty percent (80%) of the vehicle within three (3) years or less,

with properly maintained irrigation to ensure sustained growth. In drought years consideration will be given to vegetation growth with respect to the 80% requirement.

(2) Constructed screens that meet ECC requirements.

(3) Members who are in compliance and contemplate substantial changes that are inconsistent with compliance, or if the ECC determines that Members are no longer in compliance due to significant changes, those Members will be required relocate the recreational vehicle to a new, least conspicuous location on their property. *(Amended and renumbered 03/10/16)*

(4) The temporary parking of a Member's recreational vehicles on their improved lot for loading and/or unloading purposes shall not exceed 72 hours. *(Added 3/10/08; Amended 2-10-09; Renumbered 03/10/16)*

(Added 10/21/06; 3/10/08; Amended 2/10/09; Amended, Removed (2), and Renumbered 10/20/14; Removed (c) and Amended & Renumbered (b)(3)&(4) 03/10/16)

(d) Recreational vehicles may not be used for camping, as a residence, or as a rental unit. Members and guests may utilize the BVSA campgrounds according to Article 5 of the BVSA Rules and may camp on a temporary basis on lots of ten (10) acres or greater with prior ECC approval (see ECC Rules Section 111.A.). *(Added 06/10/18)*

SECTION 1603. ADMINISTRATION

Administration of this article is delegated to the Environmental Control Committee. *(Amended 1/27/01)*

SECTION 1604. ENFORCEMENT

This Article will be enforced as provided in Article 17 and Article 3. *(Amended 12/10/13)*

* * * * * *

Exhibit B - ARTICLE 19 Association Rules – Animal Control

(Adopted 4/17/89)

SECTION 1900. ADOPTION; PURPOSES AND APPLICATIONS; DEFINITIONS

(a) This Article is adopted pursuant to Paragraphs 7b(8), 11e(2)(j)(ee) of the C&Rs and Section 100 of these Rules.

(b) The purposes of this Article are:

(1) To establish uniform Association Rules for keeping animals in BVS;

(2) To maintain a pleasant and safe environment for all Members and BVS residents;

(3) To provide for the protection of wildlife in BVS; and

(4) To accommodate participation of young residents in youth organization projects with animals.

(c) This Article applies to all Association Members, their families, guests, invitees, and licensees, and to all residents of BVS. *(Amended 1/27/01)*

(d) Unless the context indicates otherwise, the term "animal" as used in this Article, includes fish, birds, reptiles and insects.

SECTION 1901. GENERAL

(a) All State and Federal laws and Kern County Ordinances must be observed.

(b) Applications for animal shelters and enclosures must be reviewed and approved by the Environmental Control Committee (ECC) before construction is begun.

(c) Slaughtering of animals for commercial purposes is strictly prohibited.

(d) Keeping animals for profit is considered an occupation and requires an Occupation Permit from the ECC.

(e) Notwithstanding any other provision of this Article, the ECC may, upon written application filed with it, approve special projects of members of 4-H Clubs and Future Farmers of America, provided all the following conditions are met:

(1) The project is carried out on lots of not less than one acre;

(2) Animals in the project do not include more than one bovine; and

(3) Any animal in the project that is not permitted to be kept under other provisions of this Article is disposed of within 30 days after the completion of the project.

(f) Sanitary conditions must be maintained by cleaning animal enclosures at least weekly, but not less often than necessary for the animal's good health and not less often than necessary to prevent the odors from becoming offensive or to prevent conditions that tend to breed flies or other insects or furnish food for breeding places for rats or mice.

Farm animals, horses, cattle, goats, sheep, etc. shall not be permitted to feed or graze within 50 feet of any residence or other structure where food for human consumption is prepared, served or consumed. See County of Kern Code of Ordinances 7.12.030 for other dimensions based on lot sizes.

(Amended 02-10-11)

(g) The following protective measures for domestic animals and wildlife must be practiced:

(1) Dogs must be on a leash when off their owner's property. Dogs running at large are prohibited by Kern County Ordinance. *[Ref: CSD Code 3-2-1]*

(2) Stallions, bulls, rams and bucks must be kept in fenced areas built strong enough to contain them and isolated from other animals.

(3) Bees must be provided a supply of water near their colony.

(4) Animal density must be kept low enough to prevent over grazing of pastures.

(5) Release of any domestic animal into the wild is strictly prohibited.
(6) Capture or attempts to capture or tame any wild animal is prohibited.
(7) All native mammals, reptiles and birds are protected by Federal law and cannot be taken or kept without a permit from the California Department of Fish and Game.

SECTION 1902. ANIMALS PERMITTED IN BVS - GENERAL

(a) Animals owned or controlled by persons residing in condominiums are subject to BVS Condominium Association Rules. *(Amended 1/27/01)*

(b) No animals of any kind may be raised, bred, or kept on any lots in BVS except the following:

(1) Pets kept in cages or aquariums;

(2) A reasonable number of usual and ordinary household pets, such as dogs or cats, provided they are not kept, bred or maintained for any commercial purposes and are kept under control at all times; and

(3) Other animals expressly permitted under this Article.

(c) Notwithstanding the foregoing, no pet or other animal may be kept in BVS that is obnoxious or unreasonably annoying to other persons or creates a nuisance. The term nuisance includes, but is not limited to, habitual running at large, howling, screeching, yelping, barking, or other noise that disturbs or annoys other persons. The Bear Valley Police Department is solely responsible for responding to all complaints regarding animal nuisances. *(Amended 1/27/01; Amended 08/10/16)*

SECTION 1903. FARM ANIMALS

Except for cattle, the following animals are permitted on lots of one acre or more, subject to the specified limitations:

(a) Poultry and pigeons are limited to an aggregate of ten and must not be allowed to roam or fly outside their enclosures.

(b) Rabbits are limited to ten.
(Amended and moved to subsection (c) 11/10/14)

(c) Goats, sheep, alpacas, horses, mules and donkeys are limited to four per acre in any combination but not to exceed a total aggregate of four animals per acre. Effective July 1, 1990 the minimum corral area must be at least 576 square feet for each horse. For each additional one quarter of an acre over and above the minimum of one acre for horse property an additional horse, mule or donkey may be kept. *(Amended effective 4-10-08, Amended and renumbered effective 11/10/14)*

(d) On lots one acre or more, chickens are limited to 10 per acre. On lots larger than one acre, an additional 5 chickens per ½ acre are permitted, but not to exceed a maximum of 50 chickens on any lot. *(Added 8/10/11) (Renumbered effective 11/10/14)*

(e) One (1) potbellied pig is limited to lots of one acre or more. There shall be a minimum of five hundred (500) square feet of securely fenced outside yard area that is available and accessible. The fence shall be designed and maintained to prevent escape from the enclosed area. All fencing must be approved by the Environmental Control Committee. *(added 04/10/18)*

SECTION 1904. CATTLE
Cattle are limited to parcels ten acres and larger in size and are limited to one animal per two acres of usable pastureland.

SECTION 1905. BEES
Bees are limited to two colonies per acre, placed a minimum of 75 feet from any residential structure, property line or right of way. The total number may not exceed 10 colonies.

SECTION 1906. APPLICATION OF NUMERICAL LIMITS
The numerical limits on animals under this Article do not apply to the animal's offspring under six months of age.

SECTION 1907. ADMINISTRATION OF ARTICLE
Administration of this Article is delegated to the Environmental Control Committee.

SECTION 1908. ENFORCEMENT
This Article will be enforced as provided in Article 17 and Section 308.

SECTION 1909. WAIVER OF PROVISIONS
Any waiver of a provision of this Article requires the prior written approval of the Board.

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