

Accessory structures must be located within the Lot's Building Envelope and, if possible, match the architectural details of the residence. Roofs and exterior walls must match the residence in both design and color.

N.     Utility Connections

No lines, wires or other devices for communications purposes, including telephone, television, data and radio signals, or for transmission of electric current or energy shall be constructed or placed on any Lot unless the same shall be in or by conduits or cables constructed, placed and maintained underground or concealed in, under or on buildings, or other approved improvements. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings.

ISSUE #1

O.     Antennas, Solar Devices or Satellite Dishes

No antenna, satellite dish or other device for the transmission or reception of television or radio signals shall be erected, used or maintained where visible from an adjacent Lot or other property. The ARC must approve all locations; provided, however, any such approval or denial shall be in accordance with applicable local, state or federal law. All solar equipment must be integrated into the architectural theme of the Lot.

P.     Water Wells

The Owner of a Lot shall be permitted to drill and operate one household use water well on the Lot, subject to the terms and conditions of the applicable augmentation plan, the Plat, the CC&Rs and the Well Construction Requirements, **Exhibit "H"** attached hereto. The Owner shall be responsible for obtaining all state and local permits and approvals for any well, and the payment of all costs associated with the drilling, development, operation, repair, maintenance and replacement of any well. Developer makes no representation or warranty that water is available for any particular Lot or, if available, the depth, location, quality or quantity of water that may be available. The ARC also needs for our files a signed copy of CCR's General Well and Septic System Construction Requirements Form, Cub Creek Ranch, Adjustment 3, **Exhibit "I"** attached hereto. Owner understands and agrees that the water well shall not be used for irrigation of more than 1,000 square feet, per **Exhibit "J"** attached hereto.

Q.     Septic Systems

Each residence shall be served by an individual sewage disposal system. Owners will be responsible for the design of their individual systems with due regard for specific soil conditions, percolation rates and the like. All systems shall meet the minimum requirements of the County and shall (a) be subject to prior approval of the ARC, (b) be located entirely within a Lot, (c) blend into the natural landscape and not be located or constructed above graded except where approved by the ARC, and (d) not be located, designed or operated so as to encroach upon or otherwise affect any domestic water distribution systems, wells, ditches, natural drainage courses, or any sewer disposal systems on other Lots.

R.     Propane Tanks

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. IV (p. 14): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.**

**Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)**

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

**CURRENT WORDING IN DOCUMENT:**

Antennas, Solar Devices or Satellite Dishes No antenna, satellite dish or other device for the transmission or reception of television or radio signals shall be erected, used or maintained where visible from an adjacent Lot or other property.

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

**Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).**