LAW OFFICES OF

PERRY, JOHNSON, ANDERSON, MILLER & MOSKOWITZ LLP

438 First Street, 4th Floor, Santa Rosa, CA 95401

William D. Anderson

David F. Beach

Isaac M. Gradman

John E. Johnson*

Marla Keenan-Rivero*

Scott A. Lewis

Michael G. Miller

Lawrence A. Moskowitz*

Jeremy L. Olsan

Leslie R. Perry

Burton H. Fohrman

Roger J. Illsley

Dapline A. Beletsis

Mary Jane Schneider

Sheila S. Craig*

Deborah S. Bull F

Oscar A. Pardo

Martin L. Hirsch

-- - - - 1 4

Megan J. Lightfoot Amy S. Winters

Nicole M. Jaffee

Kristin Mattiske-Nicholls

Nristin Mattiske-Mich

Traci L. Carrillo

E. Page Allinson

Chad O. Dorr

Sarah Jane T.C. Truong

Kelsey L. O'Rourke

Certified Specialist

* Family Law

F Appellate Law

The State Bar of California
Board of Legal Specialization

TELEPHONE (707) 525.8800

FACSIMILE (707) 545•8242

E-MAIL hirsch@ perrylaw.net August 29, 2019

Permit Sonoma 2550 Ventura Ave. Santa Rosa, CA 95403

Re: Application for Certificate of Modification

To Whom it May Concern:

I am writing on behalf of the project applicant, Greg Dexter, President of the Pool Creek Homeowners Association with respect to the application for certificate of modification. The modification requested in this application is an amendment of the Pool Creek Declaration of Restriction (CC&Rs). The CC&Rs make the County a third-party beneficiary and require the County's consent to any amendment of the CC&Rs.

On March 9, 2019, the membership of the Pool Creek HOA voted in favor of amending the CC&Rs as follows:

- 1. Article X was amended to add the following provision: (y) Commercial Cannabis. No Lot, Common Area, or any other portion of the subject property, or building or other structure constructed, erected, altered, or maintained thereon, may be used for or in connection with commercial cannabis cultivation, processing, or operations of any kind. Any use within the Subdivision for such purposes shall be deemed a nuisance.
- 2. Article X was amended to add the following provision: (z) <u>Vacation</u> <u>Rentals</u>. No building or other structure, whether temporary or permanent, located upon any portion of the subject property may be used as a "Vacation Rental." The term Vacation Rental, as used herein, shall mean rental to a tenant or subtenant of all, or any portion of, a building or structure for a period of thirty (30) days or less. In the event of a use that is in violation of this paragraph, the Association shall have all right and authority to take all action necessary to evict the tenant, and the owner shall be deemed to have conferred said right and authority upon the Association.
- 3. Article VI, Paragraph 1.D. was amended to as follows: Liability insurance insuring the Association and owners against any liability to the public or to any owner, their invitees or tenants incident to their occupation or use of the Common Area and the lots in a combined personal injury and property damage coverage of liability not less than one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) in the aggregate. Coverage to be reviewed at least annually by the Association and increased in its discretion.

M

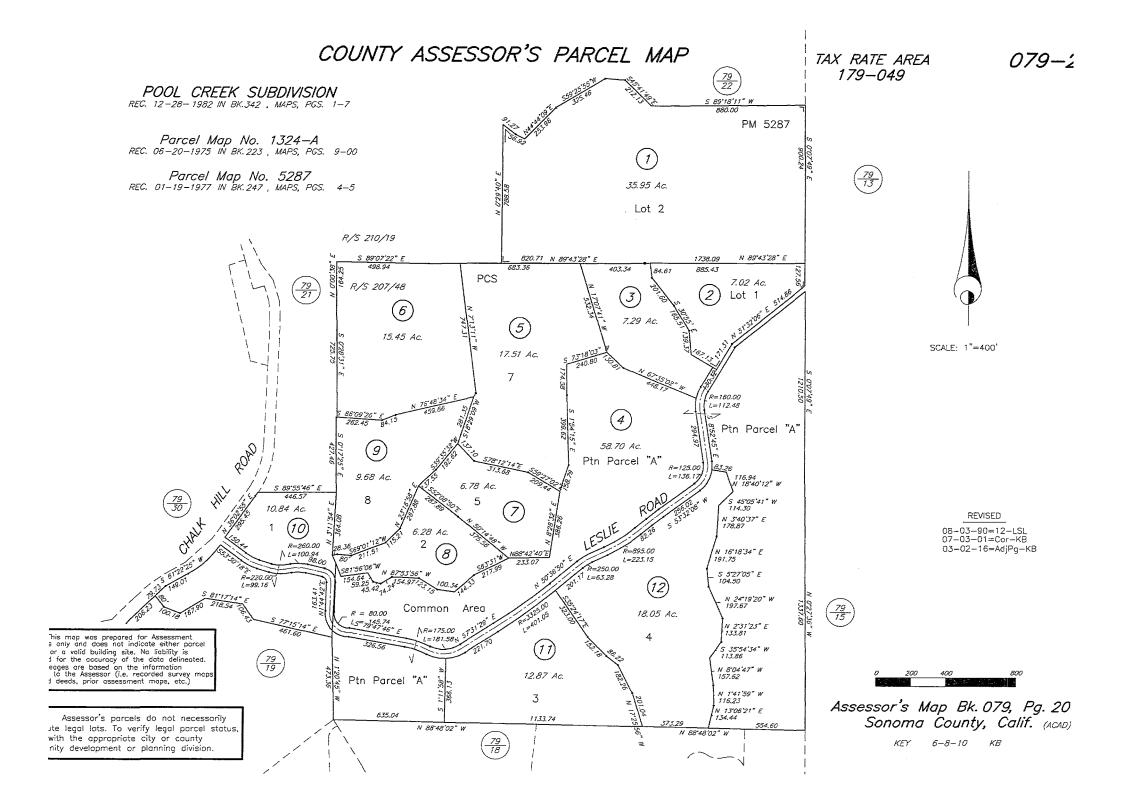
The Pool Creek HOA now submits this application for approval of the CC&R amendment. In support of the application, we submit the following documents:

- 1. Completed Planning Application Form and Indemnification Agreement;
- 2. Parcel Map;
- 3. CC&Rs;
- 4. Deed for the parcels located within Pool Creek HOA; and
- 5. Minutes of March 9, 2019 Board Meeting.

Please feel free to contact me should you need any additional information or documentation. I look forward to working with you.

Very truly yours,

Martin L. Hirsch



Pool Creek HOA

Draft Special Board Meeting Minutes

Saturday, March 9, 2019

Notice

Notice (the Agenda) was sent to all PCHOA members of the Special Board meeting on March 5^h, 2019.

Call to Order

Greg Dexter called the meeting to order and Rob Clark seconded it.

Present

Greg & Melinda Dexter, John Baird, Sue Savage, Jamie Ballachino, and Rob Clark. Also in attendance were Ms. Brenda Lynch and Ms. Michelle Voge from BK Lynch and Associates.

Approval of Minutes

Upon a motion by John Baird the Minutes of the meeting dated February 2nd, 2019 were unanimously approved.

Announcement of Membership vote for proposed CC&R Amendments:

The Inspector of Election opened the ballots and announced the results as follows:

i. Commercial Cannabis

In favor of prohibition – 7

Against - 1

ii. Vacation Rentals

In favor of prohibition – 6

Against - 2

iii. Liability Insurance

In favor – 8

Against - 0

John Baird proposed that the results of the election be approved. Rob Clark seconded. It was further resolved that Greg Dexter be and he is hereby authorized to contact the Board of Supervisors and file the necessary petitions and other documents to finalize the amendments.

Open Forum

Greg Dexter stated it had been a pleasure to work with James Ernst, prior to his sudden passing.

Jamie Ballachino indicated that he would submit a resolution for the membership to consider to further amend the CC&Rs prohibiting the use of pesticides anywhere on the HOA. He subsequently decided, on the advice of HIS counsel, not to make such a proposal at this time.

Sue Savage proposed that the adopted amendment pertaining to Vacation Rentals be further amended, when appropriate, to include house exchanges. Until such time and the amendment is voted on, the Board agreed with the proposed change.

Adjournment

There being no further business, the meeting was upon notice duly made and seconded adjourned.

Next Board Meeting

The next Board Meetings is scheduled for March 30, 2019.

OWNERS CERTIFICATE

THE LAZY "G" BOYS, A LIMITED PARTNERSHIP, HEREBY CERTIFIES THAT IT IS THE OWNER AND HAS THE RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP, AND IT IS THE ONLY PARTY WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY, AND IT CONSENTS TO THE MAKING OF SAID MAP AND SUBDIVISION WITHIN THE BORDER LINES AS SHOWN HEREON, AND HEREBY DEDICATES TO PUBLIC USE LESLIE ROAD AS SHOWN HEREON.

use of said real property is subject to the restrictions of that certain declaration entitled "declaration of covenants, coaditions and restrictions," recorded in the office of the recorder of the county of sonoma, 12-28, as document number $\underline{82-70165}$ of official records. $\underline{82-70166}$

THE LAZY "G" BOYS, A LIMITED

RECE ROBERT CLAR BY ROBERT A. HYERLE, HIS ATTORNEY IN FACT.

NOTARY PUBLIC

STATE OF CALIFORNIA)

COUNTY OF Agency

ON THIS 6 DAY OF COLUMN, 1982, BEFORE ME,

JAMES 1. ANOTARY PUBLIC IN AND FOR THE

COUNTY OF GALLE STATE OF CALIFORNIA, RESIDING THEREIN,

DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED ROBERT A.

HYERLE, PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF

SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED

TO THIS INSTRUMENT AS THE ATTORNEY IN FACT OF RECCE ROBERT

CLARK, AND ACKNOWLEDGED TO ME THAT HE SUBSCRIBED THE NAME OF

RECCE ROBERT CLARK THERETO AS PRINCIPAL AND HIS OWN NAME AS

ATTORNEY IN FACT.

IN WITNESS WHEREOF, I HAVE HEREUNIO SET MY BAND AND AF-FIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

OFFICIAL SEAL
JAMES R. DAY
NOTARY PUBLIC - CALIFORNIA
PLACER COUNTY
My Comm. Expires Aug. 27. V85

NOTARY FUBLIC IN AND FOR THE COUNTY OF STATE OF CALIFORNIA.

SURVEYOR'S CERTIFICATE

I, ROBERT W. CURTIS, HEREBY CERTIFY THAT I AM A DULY LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THIS MAP CORRECTLY REPRESENTS A TRUE AND COMPLETE SURVEY MADE UNDER MY DIRECTION IN JULY, 1981, THAT THE IRON PIPES SHOWN THEREON HAVE BEEN SET, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: Nov. 16, 1982

ROBERT W. CURTIS LICENSED LAND SURVEYOR NO. 3216 HEALDSBURG, CALIFORNIA.

COUNTY TAX COLLECTOR'S CERTIFICATE

THE LAND IN SAID SUBDIVISION IS NOT SUBJECT TO A SPECIAL ASSESSMENT OR BOND WHICH MAK BE PAID IN EULL

SECURITY REQUIRED PURSUANT TO GOVERNMENT CODE SECTIONS 66493(a) AND 66493(c) IS HERREN ACCEPTED AND APPROVED.

DATE: New 1982 Similar Tolletto 57
28 OULECTOR 4 REDERTION OF SOME SOME COUNTY, CALIFORNIA.

COUNTY CLERK'S CERTIFICATE

I CERTIFY THAT ALL BONDS, MONEY OR NEGOTIABLE BONDS REQUIRED UNDER THE PROVISIONS OF THE SUBDIVISION MAP ACT TO
SECURE PAYMENT OF TAXES AND ASSESSMENTS HAVE BEEN FILED WITH
AND APPROVED BY THE COUNTY OF SONOMA, NAMELY BOND (S) UNDER
GOVERNMENT CODE SECTIONS 66493(a) AND 66493(c) IN THE SUMS
OF S

AND S

RESPECTIVELY.

I FURTHER CERTIFY THAT SAID BOARD OF SUPERVISORS HAS APPROVED THIS FINAL MAP AND HAS ACCEPTED IN BEHALF OF THE PUBLIC LESLIE: ROAD AS SHOWN UPON THIS MAP.

DATE: 12-73-82 RESOLUTION NO. 73325

CLERK OF THE BOARD OF SUPERVISORS SONOMA COUNTY, CALIFORNIA.

COUNTY SURVEYOR'S CERTIFICATE

I, LEON E. ANDERSON, COUNTY SURVEYOR IN AND FOR THE
COUNTY OF SONOMA, STATE OF CALIFORNIA, HAVE EXAMINED THE MAP
OF THIS SUBDIVISION AND FOUND IT TO SUBSTANTIALLY CONFORM TO
THE AFPROVED TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF. ALL THE PROVISIONS OF THE STATE SUBDIVISION MAP ACT AND
APPLICABLE LOCAL SUBDIVISION PRECIDENCES HAVE SEEN COMPLIED
WITH. I HEREBY CERTY'S THE MAP IN TECHNICALLY CORRECT.

DATE: December 17 ACC ANDERSON

DEPUTY COUNTY SURVEYOR

COUNTY RECORDER'S CERTIFICATE

FILED THIS 28 DAY OF DECEMBER, 1982 AT 10'000 Q.M. IN BOOK 342 OF MAPS AT PAGES 1-7, AT THE REQUEST OF THE COUNTY CLERK, SONOMA COUNTY, CALIFORNIA.

FRE. P18=

SED LAND SURL

ROBERT W. CURTIS No. 3216

Bernice A. Peterso

82-70162

P. J. Laughlin

DEDUME COUNTY DECOURS

TRACT NO. 613 POOL CREEK SUBDIVISION

BEING A DIVISION OF THE LANDS OF LAZY "6" BOYS, A LIMITED PARTNERSHIP, PER THE DEEDS RECORDED IN OFFICIAL DOCUMENT NUMBERS 82-07865 AND 82-07887 SONOMA COUNTY RECORDS; LOCATED IN SECTIONS 8 817 T.S.N.; R.S.W.; M.D.M.

PLANNING DEPT, FILE NO. 160.867

COUNTY OF SONOMA, STATE OF CALIFORNIA SCALE: AS SHOWN AUGUST, 1981

CURTIS & TURK, INC.
805 HEALDSBURG AVENUE: HEALDSBURG, CA. 95448: 433-4808
A.P.N. 65-200-30, 65-340-01 THRU 06 | SHEET | 0F 7 | 29-45

CURTIS & TURK, INC.

805 HEALDSBURG AVENUE · HEALDSBURG , CA. 95448 · 433-4808 A.P.N. 65-200-30 , 65-340-01 THRU 06 SHEET 2 OF 7 29-45

TRUSTEES CERTIFICATE

WE, THE TRUSTEES UNDER THE DEED OF TRUST RECORDED IN BOOK 1999, OFFICIAL RECORDS, PAGE 315, SONOMA COUNTY RECORDS. AGAINST THE TRACT OF LAND HEREON SHOWN, HEREBY CONSENT TO THE MAKING AND FILING OF THIS MAP.

WESTERN TITLE INSURANCE COMPANY, A CORPORATION, formerly THE SONOMA COUNTY ABSTRACT BUREAU, A CORPORATION

IN WITNESS WHEREOF, SAID CORPORATION HAS CAUSED ITS CORPORATE NAME TO BE HEREUNTO SUBSCRIBED THIS 244h DAY OF SEPTEMBER , 1982, BY ITS OFFICERS THEREUNTO AUTHORIZED.

SUSAN M. WEAVER VICE PRESIDENT

WILLIAM A. WOOD ASSISTANT SECRETARY

NOTARY PUBLIC

STATE OF CALIFORNIA) COUNTY OF SONOMA

ON THIS 24th DAY OF SEPTEMBER, 1982, BEFORE ME, DIANE MATTHEWS , A NOTARY PUBLIC IN AND FOR THE COUNTY OF SONOMA, STATE OF CALIFORNIA, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED SUSAN M. WEAVER AND WILLIAM A. WOOD, PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AS VICE PRESIDENT AND ASS'T. SECRETARY ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED IT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AF-FIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE COUNTY OF SONOMA, STATE OF CALIFORNIA

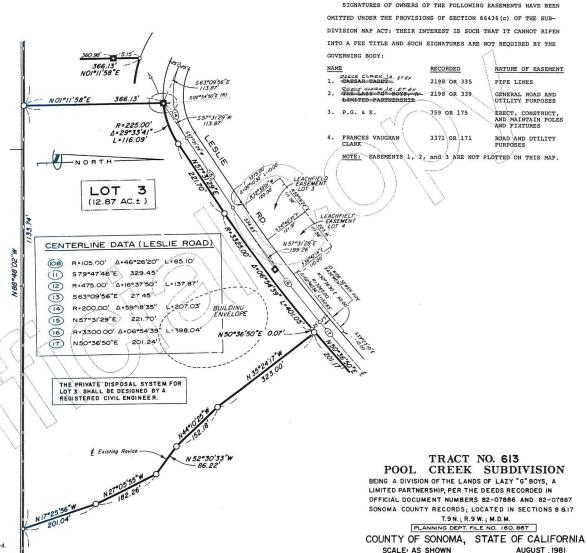
LEGEND

DIANE MATTHEWS

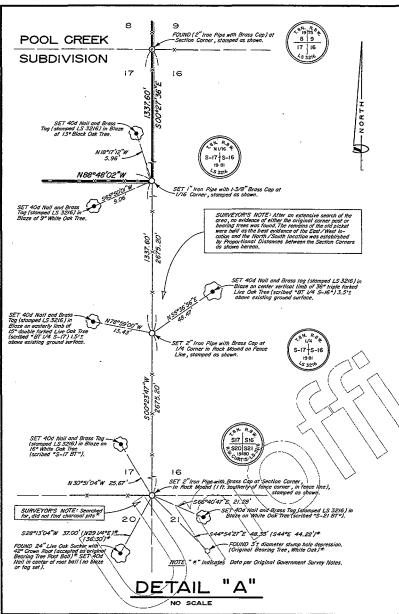
s July 23, 198

- SET 1/2" Iron Pipe, tagged LS 3216.
- SET Brass Disc in concrete (6"sq.X 36" deep), stamped L.S. 3216.
- FOUND SURVEY MONUMENT SEE SHEET 3 for reference data.
- Point of termination and/or change in line direction, not monumented.
- -x- Existing fence at/or near boundary line

...... Indicates Radial Bearing.



EASEMENTS CERTIFICATE



P.R.A.C. REQUIRED NOTES

WATER AGENCY: A Building Setback Line along the waterway shall be measured from the toe of the streambank outward a distance 2 l/2 times the height of the streambank plus 30 feet or 30 feet outward from the top of the streambank, whichever distance is greater.

<u>PLANNING</u>: Areas outside building envelope may require review and approval of the planning director prior to issuance of building permits.

All utilities shall be placed underground at the time of dwelling construction. Evidence from the utility shall be submitted with the building permit application stating the undergrounding has been done, or will be done, during construction.

The General Plan adopted January 1978 does not allow further divisions of these parcels shown hereon. Future divisions are subject to the General Plan in effect at that time.

LEGEND

- O SET 1/2" Iron Pipe , tagged LS 3216.
- SET Brass Disc in concrete (6" sq. x 36" deep), stamped LS 3216.
- FOUND 1/2" iron Pipe, tagged LS 3216 per 247 Maps 4 (PM 5287).
- 9 * " " 210 Maps 19.
- © FOUND I/2" Iron Pipe, tagged LS 2798 per Plat of Survey for E. Bertolone, February 1964, on file in the office of Curtis & Tuyk, In
- FOUND 1/2" Iron Pipe, no tag per (10 Maps 3 (except as noted).
- FOUND Monuments as shown per 223 Maps 9 (PM 1324-A)-
- FOUND 3/4" Iron Fipe stamped "CSSC" per County of Sonomo-Map entitled Chark Hill Road - 3-614", dated May 1947.
- O Point of termination and/or change in line direction, not monumented.
- -x- Existing fence at/or near boundary line.
- Indicates Radial Bearing.

REFERENCE DATA (Sonoma County Records, unless otherwise noted)

- RECORD MAP DATA per Parcel Map No. 5287, 247 Maps 4.
- Record of Survey , 210 Maps 19.
- MAP DATA per un-recorded Plat of Survey for E. Bertolone, dated February 1964, by Richard Hogan LS 2798. A copy of said plat is on file at the office of Curtis & Turk, Inc.
- RECORD MAP DATA per Record of Survey , 110 Maps 3.
 - " Parcel Map No. 1324-A, 223 Maps 9
- MAP DATA per County of Sonoma Map entitled "Chalk Hill Road, 3-6IA", sheet 2 of 5, dated May 1947. Said map is on file at the Sonoma County Department of Public Works.

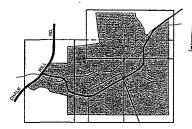
BOUNDARY AGREEMENT LINE per Doc. No. 82-20684 , Sonoma County Records.

NOTES

- All distances are shown in feet and decimals thereof, to convert to meters, multiply feet by 0.3048.
- 2. The RED BORDER indicates the boundary of the lands subdivided by this map.
- BASIS OF BEARINGS: SO0°07'49"E per found Section Line monuments as shown on Parcel Map No. 1324-A., 223 Maps 9, Sanoma County Records.
- 4. Monuments at Lestie Road are set at the Points of Intersection (P.1.) of the roadway centerline tangents.
- Bench Mark Chiseled square in the top of easterly concrete rail at the southeast corner of the Chalk Hill Road bridge crossing over Pool Creek, southerly of Leslie Road, Elevation - 192-05.



VICINITY MAP



SHEET INDEX

HEALTH NOTE

Sewage disposal systems for LOTS 3,4,788 shall be designed by a Civil Engineer.

TRACT NO. 613 POOL CREEK SUBDIVISION

BEING A DIVISION OF THE LANDS OF LAZY "G" BOYS, A LIMITED PARTNERSHIP, PER THE DEEDS RECORDED IN OFFICIAL DOCUMENT NUMBERS 82-07886 AND 82-07887 SONOMA COUNTY RECORDS; LOCATED IN SECTIONS 8 &17 T.S.N.; R.9 W.; M.D.M.

PLANNING DEPT. FILE NO. 160.867

COUNTY OF SONOMA, STATE OF CALIFORNIA SCALE: AS SHOWN AUGUST . 1981

CURTIS & TURK, INC.

805 HEALDSBURG AVENUE - HEALDSBURG, CA. 95448 - 433 - 4808 A.P.N. 65-200-30, 65-340-01 THRU 06 SHEET 3 OF 7: 29-45 (\mathcal{N})

