



## Road Improvement Application Guide for More Mesa Shores Homeowners Association

4-29-2019

### 1. Introduction:

This More Mesa Shores (“MMS”) Road Improvement Application Guide (“Guide”) has been developed to assist MMS HOA members (“Members”) navigate the process of obtaining permission from the HOA to perform construction and make other improvements to the roads within the HOA.

Members must contact the HOA board of directors prior to the commencement of any road improvement project.\*\* The HOA is required to ensure that any road improvement project conforms to the MMS Amended and Restated Conditions, Covenants, and Restrictions recorded on April 22, 2008 (“CC&Rs”). Members may be required to obtain permission from the HOA through an application process. This Guide may not be comprehensive; there may be unforeseen consequences, special circumstances, future changes to requirements, or exceptions to be considered for any specific road improvement project.

Potential reasons that a Member needs to obtain permission from the HOA include but are not limited to:

1. The imposition of conditions by government agencies on Members to widen or otherwise modify a road in connection with a Member’s application for a Santa Barbara County building permit.
2. The repair of significant road damage related to other construction activities.

\*\*Road projects that are minor in scope, such as the connection of a sewer lateral to the main sewer line, or minor cosmetic repairs, require prior notification be made to the board of directors, but may be exempt from the following application requirements. Members must contact the HOA board for clarification.

### 2. Member Application Requirements for Road Improvement Projects

- A. **Engineering design** – Professional drawings and any contract documents must be prepared by a licensed civil engineer. The professional drawings are required to include:
  - I. Existing and proposed road placement relative to the common property line, the subject property and affected neighbor parcels.
  - II. MMS non-exclusive right of way road easements.
  - III. Any existing and/or proposed fences, walls, curbs, driveways, dense hedges, or other fixed structures that are within 10 feet of the edges of the proposed improved road.
  - IV. Pavement specifications relative to road base and asphalt thicknesses, road crown, slope, and factors especially relative to impacts on drainage.
- B. **Pavement** – The improved road must, at a minimum, be consistent with the materials, composition, and condition of the existing and adjacent roads affected, and be designed to prevent differential settlement



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between the existing road and new pavement. If a Santa Barbara County agency should request a more stringent requirement or specification, that requirement takes precedence over this Guide.

- C. Safety** – The improved road must meet the following minimum requirements:
- I. Provide an acceptable safety buffer/clearance between the edge of the pavement and any continuous fixed structure, including a wall, fence, or dense hedge.
  - II. Maintain a smooth and safe transition for a vehicle to travel between the existing and the improved roadway.
  - III. Create a 12-14 foot radius at any intersection of two or more roads.
- D. Road placement** – As specified in the CC&Rs, the Beguhl Track Map, and the individual plot maps, the HOA and each Member is granted a non-exclusive right of way easement for ingress and egress in, on, upon, and through our MMS private roads. The right of way easements run along each homeowner's property line that abuts the MMS road regardless of whether homeowners have encroached into this easement with fences, walls, mail boxes, driveways, pillars, or landscaping. The center of the existing road may or may not be located on equal sides of the affected neighbors' property line. The proposed widened and/or existing road placement must be located within this right of way easement.
- E. Road Construction Company** – The road construction company selected for the road improvement project must be licensed, bonded, insured, provide a written one year warranty, and provide written agreement to indemnify and hold harmless the HOA from any and all liability which might result from the road work.
- F. Aesthetics** – Road improvements should maintain the semi-rural character of the neighborhood. No sidewalks, streetlights, bike lanes, street signs, or any other commercial/urban street conditions should be constructed or installed.
- G. Affected neighbor impact and notification** - The HOA requests that the Member endeavor to consult with affected neighbors to explain the scope of the project and to consider how to address any potential impacts the road improvement may cause, such as drainage concerns, impact on existing fences, walls, & landscaping, etc.
- 3. Application Review and Agreement** – When applicable the HOA board of directors will review road improvement applications. Approval of a Member's application is contingent upon a formal road improvement Agreement between the HOA and the Member. A road improvement project may not begin without a signed Agreement in place as determined by the HOA Board. Outside legal counsel has advised the HOA that the cost of road improvements is the responsibility of the applicant. The HOA assumes



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responsibility for maintaining road improvements that are completed under such an Agreement, after the contractor's warranty period expires.

4. **Santa Barbara County Road Reference Documents:** These documents provide general design standards related to private roads. The Santa Barbara County Fire Department or other agencies may require portions of these specifications and requirements to be incorporated into a MMS road improvement project.
  - A. Engineering Design Standards, Santa Barbara County Depart. of Public Works Transportation Division
  - B. Private Road and Driveway Standards, Santa Barbara County Fire Department, Fire Prevention Division