



Common Open Space Use Policy

Adopted by the Board of Directors November 18, 2015

The Open Space Maintenance Declaration authorizes the Fountaingrove II Open Space Maintenance Association (the "OSMA"), through its Board of Directors, to adopt, publish, and enforce rules for the regulation of the use and enjoyment of the Fountaingrove II Common Open Space. The Fountaingrove II residential development has over 200 acres of designated Common Open Space. In an agreement entered into with the City of Santa Rosa in December 2012, the City granted a Conservation Preservation Easement to preserve the Rincon Ridge and Parker Hill Wildland Parks from any significant development, and the OSMA will maintain the Wildland Parks under the same guidelines as the Common Open Space. Hereinafter, any references in this document to Common Open Space shall include the Rincon Ridge and Parker Hill Wildland Parks. This policy identifies allowable and unallowable uses and activities within the Common Open Space and the remedies available to the OSMA to correct abuses.

Permitted Uses:

According to the Fountaingrove II Use Permit, "Open space areas are provided for native plant and wildlife habitat conservation, preservation of visual values, preservation of natural drainage, erosion control, and passive recreation." These areas shall be accessible only to Members of the Fountaingrove II Open Space Maintenance Association and their invited guests. Further, the Use Permit identifies permitted uses as: "Passive recreational uses, including but not limited to, hiking trails, picnic areas, and other uses which do not significantly injure or scar vegetation, promote erosion, or interfere with wildlife use of the area."

At this time, the OSMA has not undertaken to develop and maintain any hiking trails, picnic areas or other passive recreational facilities. Therefore, permissible activities are limited to hiking on game paths and preexisting, non-maintained trails and with care being taken to not significantly injure or scar vegetation, promote erosion, or interfere with wildlife use of the area.

Prohibited Uses and Actions:

- Inhibiting the free flow of pedestrian traffic or in any other way obstructing or interfering with the rights and privileges of other Members in the Common Open Space.
- Installing or cause to have installed, any plant material (trees, shrubs, flowers, etc.) landscape feature or structure, irrigation system, drainage system, or alter or cause to have altered any existing landscaping or other feature, structure, or system installed on the Common Open Space.
- Locating, constructing or storing objects of any kind such as sheds, playhouses, fences, toys, vehicles, tools, garden equipment, etc. in the Common Open Space.
- Injuring or scaring vegetation, promoting erosion, or interfering with wildlife use of the Common Open Space.
- Dumping of any kind, including disposal of tree branches, brush, grass clippings, trash, yard waste, debris, or pet waste in the Common Open Space.
- Entering upon the Common Open Space with construction or delivery vehicles to access lots. In circumstances where no other alternatives for access exists and material damage will not occur,

the OSMA may consider granting temporary access privileges to a Member or his or her agents upon the written request of the Member. Monetary cost to Members is not a justifiable reason for access privileges. The Member must agree to indemnify and hold the OSMA harmless from any resulting damage or injury. The Member is responsible for all personnel costs including arborists, engineers, consultants, and any and all costs incurred for restoration of the Common Open Space to its original condition, and may, at the discretion of the OSMA, be required to place a deposit with the OSMA to ensure compliance.

- Using the Common Open Space for offensive activities that annoy the neighborhood or damage the Open Space, including using bicycles, skateboards motorcycles, ATVs, and any other motorized vehicles.

This list is not intended to be exhaustive and the OSMA Board reserves the right to take appropriate action in any situation where the usage is clearly inconsistent with the stated intent of the Use Permit or the OSMA governing documents.

Remedies:

If a Member violates this policy, the OSMA shall have the right to restore the Common Open Space to its prior condition and assess the cost thereof against the Member who violates this section and such cost shall become due and payable upon demand. The OSMA shall have the same rights and powers to collect the cost of such restoration as provided for the collection of delinquent assessments. Additionally, the OSMA shall have the right to suspend the violating Member's voting rights in the OSMA, suspend his or her use privileges over the Common Open Space, and commence any legal or equitable action against him or her for damages, injunctive relief, or both, including the recovery of costs and reasonable attorneys' fees.

See OSMA's Enforcement Policy and Schedule of Fines for additional activities prohibited on Open Space.