

RUTH LAKE COMMUNITY SERVICES DISTRICT
Policy Handbook

POLICY TITLE: Non-Recreational use of Individual Sub-Lease Sites

POLICY NUMBER: 6010

6010: The primary purpose of Ruth Lake and the Matthews Dam is to impound water for industrial and residential use of the Humboldt Bay Municipal Water District's customers, and no other use shall interfere with the intended purpose. A secondary use allowed is to provide recreational facilities, roads and structures that cannot interfere with the primary use of the project. Use of sub-lease sites as a permanent residence is clearly not a recreational use, and could jeopardize the master lease between Humboldt Bay MWD, Trinity County, and RLCSD, and continued use of the recreational facilities around the lake. That this has always been a concern and policy of the Board of Directors of RLCSD is evident upon examination of past sub-lease contracts that contain a clause similar to: "The subleased premises shall not be used as a permanent residence or become the permanent domicile of Sub-lessee. The sublease premises shall be for part-time/non-permanent use only which is primarily recreational in nature." This intent of this policy is to provide guidance to determine between residential and recreational use.

6010.10 Recreational use shall be defined as a part time use in order to engage in some form of play, amusement, or relaxation related to use of the lake or the surrounding environment.

6010.11 Residential use shall be defined as living or staying on a sub-lease site while working or commuting to work, conducting business, going to school, or engaging in other non-recreational activities long enough to qualify for certain rights, privileges, etc. Retirement is not a recreational pursuit.

6010.20 Signs of Residential use may include but are not limited to:

- a. Lack of other permanent residence
- b. Regular commuting to and from work including telecommuting
- c. Conducting a business from the lease site
- d. Drivers License, auto, or boat registration address
- e. Voter registration
- f. Children attending local schools
- g. Visible presence on the site for extended periods
- h. Address given to receive benefits (ex. Social security, paycheck, pension)
- i. Extensive gardens or landscaping

6010.30 Multiple Leaseholders:

6010.31 Since one of the intentions of this policy is to prevent overuse of the lease site, the year around use of the site by multiple leaseholders or guests will constitute residential use even though they have separate residential property elsewhere.

6010.40 Enforcement:

6010.41 If the District suspects residential use, it shall send a letter stating its concerns, evidence summary, the possible consequences, and a copy of this policy.

6010.42 The leaseholder is then obligated to refute the evidence or remedy the situation to the satisfaction of the Board.

6010.43 Possible documents that would tend to show evidence of the actual permanent residence are:

6010.431 Rental receipts

6010.432 Property receipts

6010.433 Utility bills for permanent residence and the lease property

6010.434 Insurance policy that shows the leased property as an addition.

If the leaseholder fails to respond or does not respond satisfactorily, the Board of Directors shall consider the evidence and determine if a permanent residence has or has not been established. If so, they shall determine if default proceedings should be commenced or if another action is more appropriate to the situation. The leaseholder shall be informed of the meeting by first class mail and be encouraged to attend.

Approved by the RLCSD Board of Directors: 8/12/1999