

Oak Ranch Estates

Architectural Committee Landscape Rules

Effective April 14, 2014

The following are Architectural Committee (AC) Landscape Rules developed pursuant to Section 6.05 of the OREHOA CC&R's (available in the Resource Center section on the OREHOA website @ www.orehoa.org), which states in part: "The Architectural Committee may, from time to time and in its sole discretion, adopt, amend and repeal, by majority vote, rules and regulations to be known as 'Architectural Committee Rules'."

It is not the intent of the OREHOA Board or the AC to be overly intrusive into home owner's desires for private property landscape in developing these Rules, but to simply provide guidance and clarification concerning what types of landscape Improvements, identified below as softscapes ⁽¹⁾ and hardscapes ⁽²⁾, should be reviewed and approved by the AC. These Rules likely do not cover every landscape scenario and home owners are encouraged to obtain guidance from the AC prior to proceeding with major landscaping Improvements.

It is noted that drought conditions certainly factor in as a design consideration to any and all landscapes. The OREHOA Board and AC Committee have taken this into account in developing these rules, and will certainly promote/accept (but not require) drought tolerant landscape proposals. As homeowners are aware, Oak Ranch Estates is considered to be in a wild fire area, and as such, consideration to planting selections should be made in this regard.

It is also noted that homeowners may want to consider installing graywater systems to help offset irrigation demands where site conditions may allow for this type of water saving improvement. Graywater systems are regulated through Ventura County Building and Safety and information may be obtained at http://www.ventura.org/rma/build_safe/water-use.html

BACKGROUND

SECTION 2.11 of the existing OREHOA CC&R's defines "Improvements" as follows:

"'Improvements' include buildings, outbuildings, paved areas, roads, driveways, parking areas, carports, fences, screening walls, retaining walls, irrigation systems, stairs, decks, hedges, windbreaks, poles, signs and all other structures of every type and kind."

The AC believes that the intent of reference to "irrigation systems", "hedges" and "windbreaks" was to address landscapes in general. Existing CC&R SECTIONS pertaining to landscaping, (i.e. SECTIONS 3.05, 3.08, 3.15, 3.23, 3.30, 6.05, 6.06 and 6.11) refer (in part) to changes to, and maintenance requirements for landscapes. Please refer to these referenced SECTIONS for more detailed information (Attached as Appendix A).

The Board and the AC also believes that because landscaping is an integral part of the overall image and character of Oak Ranch Estates, that it should enhance the architecture of the house, the natural beauty of the environment, and the overall quality of the neighborhood, and that well planned and maintained landscape in turn confers a benefit to home owners by maintaining the value of their properties. Additionally, maintaining the architectural integrity of a development has been recognized by the courts as an important function of a home owners association.

ARCHITECTURAL COMMITTEE RULES:

NOTE: The AC Landscape Rules below are **specific to landscaping** and do not address structural architecture changes or improvements. Please keep a copy of these AC Rules with your copies of the OREHOA governing documents (CC&R's, ByLaws, and Rules and Regulations) for future reference.

The following Architectural Committee Landscape Rules have been developed by the AC to provide clarification to home owners concerning CC&R Article III, Section 3.04 which states:

“Architectural Control. No Improvements shall be erected, placed or altered on any Lot until the construction plans and specifications, color schemes and a plan showing the location of the Improvements have been approved by the Architectural Committee as to quality of workmanship and materials, harmony of the external design with existing Improvements and location. “

To clarify, trees, shrubs, and other plantings are considered Improvements subject to AC approval under the circumstances outlined below.

AC APPROVAL

In general, AC approval is required for all new landscape improvements or existing Improvements to be altered ⁽³⁾ where they are immediately visible from the street, and where the Improvements are “significant” as identified in A. below.

A. APPLICATION TO AC REQUIRED

When considering making landscape changes to property, home owners **will be** required to submit an application to the Architectural Committee for review and approval if landscaping changes are immediately visible from the street and are considered significant as identified in items A.1. through A.4. below.

- A.1 Replacing trees with trees of a different nature (e.g. replacing an oak with a flowering plum tree).
- A.2 Removing and not replacing existing trees or shrubs OR replacing trees or shrubs with different materials).
- A.3 Removing and not replacing hardscape items OR Replacing the following hardscape with different materials: [a] driveway; [b] fences; [c] walls.
- A.4 Installing large decorative rocks and walls, or other design elements that alter the general appearance of existing landscape design.

B. APPLICATION TO AC NOT REQUIRED

When considering making landscape changes to property, home owners will **not be** required to submit an application to the Architectural Committee if:

- Landscaping changes are not immediately visible from the street, (e.g. if landscaping changes will be made to the back yard or side yard that are not immediately visible from the street), even if changes are significant as described in Items A. 1 through A.7 above **OR**
- Landscaping changes are immediately visible from the street, but meet the following conditions as identified in B.1 through B.6.

B.1 New plantings intended to simply enhance existing landscape.

B.2 Plants (flowering and non-flowering plants of a decorative nature) are to be replaced with plants of a similar nature.

B.3 Replacing shrubs with shrubs of a similar nature.

B.4 Replacing a tree with a similar tree.

B.5 Replacing ground cover with ground cover of a similar nature.

B.6 Removing an existing irrigation system that is not working properly or that is not providing adequate coverage to the plantings and replacing the system with new irrigation to address the problems.

B.7 Removing a concrete drive and replacing it with concrete.

NOTE: Section 6.06 of the OREHOA CC&Rs outlines the procedures for obtaining AC approval and subsequent Sections discuss other aspects of AC review and inspection of a project.

These Rules are not intended, nor should they be interpreted as an indication that the project meets any applicable State, County, or other codes or regulations

THE ABOVE ARCHITECTURAL Committee RULES HAVE BEEN REVIEWED AND APPROVED BY THE OREHOA Architectural Committee on February 11, 2014

AND

The Board of Directors on April 14, 2014

ARCHITECTURAL COMMITTEE:

Pamela Duarte

Mike Ogden

Jeff Stone

BOARD OF DIRECTORS

Todd VanPelt, President

Pat Stone, Vice President/Secretary

APPENDIX A of the OAK RANCH ESTATES ARCHITECTURAL COMMITTEE LANDSCAPE RULES

The following Sections are currently encoded in the existing OREHOA CC&R's

SECTION 3.05. Permitted Improvements.

The primary improvements on each Residential Lot shall be one detached, single-family dwelling with a floor area of not less than one thousand five hundred (1,500) square feet, exclusive of outside or open porches, basements, cellars, garages and carports. A Residential Lot may also be improved with one additional attached or detached dwelling for servants and/or guests, without kitchen facilities other than a small kitchenette suitable only for preparing breakfasts and light lunches; provided, however, that no such additional dwelling shall ever be rented separately from the primary dwelling; and provided further, that no such additional dwelling shall be erected until the primary dwelling on the same Lot has been constructed or is in the process of construction. Each Residential Lot may also be improved by one garage designed for use by not more than three (3) automobiles, one barn or stable, one corral, one swimming pool, and such decks, paved areas, screening walls, fences, hedges and windbreaks as may be incidental or appurtenant to the residential use of the premises; but barns, stables, and corrals may be erected only on Lots of twenty thousand (20,000) square feet or more. All residential structures shall be built with raised sub-floor construction, excepting garages, patios, barns, carports and stables which may utilize slab concrete construction. No other Improvements shall be erected or permitted upon a Residential Lot without the express written consent of the Architectural Committee, the provisions of Section 6.08 below for tacit approval notwithstanding.

SECTION 3.08. Fences and Walls.

The height limits, specifications, material and color of all fences, hedges and walls shall be determined and specified by the Architectural Committee. No fence, hedge or wall shall be installed, altered, modified, removed or demolished without the written approval of the Architectural Committee. No fences, hedges or walls shall be erected or maintained on any Lot other than as are already in place as of the date of adoption of this restatement or as installed by Association, unless first approved by the Architectural Committee. All fences placed along the equestrian trail easements by Lot Owners shall be in accordance with the design standard established by the Association for construction of fences along equestrian trails.

SECTION 3.15.

Oaks. Each Owner shall, at his or her sole cost and expense, maintain, keep, preserve and care for all oak trees located on his or her Residential Lot in accordance with standard horticultural principles so as to preserve such trees. No Owner shall, without first procuring the written consent of the Architectural Committee, remove, destroy or in any manner damage any oak tree located on his or her Residential Lot, including all devices constructed thereon to preserve and protect such oak trees. No Owner shall prune or trim any oak tree except in accordance with the advice and recommendations of a professional horticulturist or tree service company. No Owner shall permit anything or condition to exist upon his or her Residential Lot which shall induce, breed or harbor infectious plant diseases or noxious Insects.

SECTION 3.23.

Maintenance of Lawns, Plantings and Landscaping. Each Owner of a Lot shall keep all shrubs and trees, grass and plantings of every kind of his or her Lot neatly trimmed, properly cultivated and free of trash, weeds and other unsightly material. Said Owner and the successors-in-interest to said Owner shall maintain all existing trees. Each Owner shall perform all necessary rodent control activities on his or her Lot. All trees shall be kept sufficiently trimmed so as to prevent safety hazards to other Lots, the Common Area, sidewalks and streets, or the obstruction of equestrian trails and the unreasonable impediment of the view of adjoining Owners. No Owner shall remove, alter, injure or interfere in any way with any existing tree or any tree or shrub in the Common Area without the written consent of the Association having first been obtained. The Association or its authorized agents shall have the right to enter upon any Lot at any reasonable time for the purpose of removing a hazard to the Common Area. Routine weed and rodent control shall be performed on the Common Area by the Association in accordance with Section 3.30 herein.

SECTION 3.30. Maintenance, Repair and Reconstruction.

No building or structure on any Lot shall be permitted to fall into disrepair and the landscaping thereon shall be kept adequately watered and weed free. Each such building and structure shall at all times be kept in good condition and repair and be adequately painted or otherwise finished. Prior written consent of the Architectural Committee shall be obtained before any painting or refinishing of a dwelling unit or exterior appurtenance thereto, if such painting or refinishing involves a change of color or texture. No Owner shall do any act or work that will impair the structural soundness of any building or the safety of the property. If any improvements on a Lot are damaged or destroyed by fire or any other calamity, the insurance proceeds shall be paid to the Owner of said Lot, or the mortgagees thereof, as their respective interests may appear, and such Owner or mortgagee shall use said proceeds to rebuild, repair the damage or clear the property of all debris.

SECTION 6.05. Architectural Committee Rules.

The Architectural Committee may, from time to time and in its sole discretion, adopt, amend and repeal, by majority vote, rules and regulations to be known as "Architectural Committee Rules." Said Rules shall interpret and implement the provisions hereof by setting forth the standards and procedures for Architectural Committee review and guidelines for architectural design, placement and size of buildings, landscaping, maintenance requirements, color schemes, exterior finishes and materials and similar features which are recommended for use in Oak Ranch Estates; provided, however, that said Rules shall not be in derogation of the minimum standards required by these Restrictions.

Section 6.06. Application for Approval of Improvements.

Any owner proposing to perform any work of any kind whatsoever which requires the prior approval of the Architectural Committee, or any other section of this Declaration, shall apply to such Committee for approval by notifying the Architectural Committee of the nature of the proposed work with such information as the Committee may require, including, but not limited to:

- (a) a plot plan of the Lot showing the location of all existing and proposed improvements;
- (b) elevation drawings;
- (c) a description of exterior materials and colors;

(d) landscaping drawings; and

(e) the Owner's proposed construction schedule.

SECTION 6.11. Inspection of Work.

Inspection of work and correction of defects therein shall proceed as follows:

(a) Upon the completion of any construction or reconstruction or the alternation or refinishing of the exterior of any improvements, or upon the completion of any other work, such as landscaping, for which approved plans are required under this Article, the Owner shall give written notice thereof to the Architectural Committee.

(b) Within sixty (60) days thereafter the Architectural Committee, or its duly authorized representative, may inspect such improvement to determine whether it was constructed, reconstructed, altered, refinished or landscaped in substantial compliance with the approved plans. If the Architectural Committee finds that such construction, reconstruction, alteration, refinishing or landscaping was not done in substantial compliance with the approved plans, it shall notify the Owner in writing of such noncompliance within such sixty (60)-day period, specifying particulars of noncompliance, and shall require the Owner to remedy such noncompliance. .

(c) If upon the expiration of thirty (30) days from the date of such notification, the Owner shall have failed to remedy such noncompliance, the Architectural Committee shall set a date on which a hearing before the Architectural Committee shall be held regarding the alleged noncompliance. Notice of the hearing date shall be given at least ten (10) days in advance thereof by the Architectural Committee to the Owner and, in the discretion of the Architectural Committee, to any other interested party.

(d) At the hearing, the Owner, the Architectural Committee and, in the discretion of the Architectural Committee, any other interested person may present information relevant to the question of the alleged noncompliance. After considering all such information, the Architectural Committee shall determine whether there is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance exists, the Architectural Committee shall notify the Board and the Board shall then require the Owner to remedy or remove the same within a period of not more than forty-five (45) days from the date of notice to the Board. If the Owner does not comply with the Architectural Committee ruling within such period or within any extension of such period as the Architectural Committee in its discretion may grant, the Board, at its option, shall either remove the noncomplying improvement or remedy the noncompliance and the Owner shall reimburse the Association for all expenses incurred in connection therewith upon demand. If such expenses are not promptly repaid by the Owner to the Association, the Board shall levy a reimbursement assessment against such Owner pursuant to Section 5.03 hereof.

(e) If for any reason the Architectural Committee fails to notify the Owner of any noncompliance within sixty (60) days after receipt of said notice of completion from the Owner, the improvement shall be deemed to be in accordance with said approved plans.

(f) Notwithstanding the provisions of subsection (e) above, no residence or portions thereof shall be utilized for any purposes until certified as being complete by the Architectural Committee.