

VISTA DEL CERRO ARCHITECTURAL REVIEW COMMITTEE OPERATING PROCEDURES

I. BACKGROUND

Pursuant to the Declaration of Covenants, Conditions, Reservations & Restrictions (Declaration), an architectural control process has been established to help maintain the quality standards, visual harmony and the overall character and value of our Vista del Cerro (VDC) properties.

To comply with the Declaration, all VDC Lot Owners are advised that new construction, remodeling or landscaping activity that may impact a lot's elevation, design, overall appearance, vegetation or character may not begin until plans and specifications for such activity have been submitted to and approved in writing by the Architectural Review Committee (ARC).

II. AUTHORITY

The ARC derives its authority from Article VI of the Declaration which permits the Board of Directors to delegate all rights and responsibilities for architectural control within VDC to an Architectural Review Committee.

The scope of the ARC's authority extends to such matters as:

- Site location of any new dwelling as it relates to lot topography
- Design, materials and finished construction of new homes
- Add-ons or exterior remodeling/painting and/or roof materials replacement of existing homes
- Major landscaping, fencing and removal of trees (10' or taller) and,
- Other restrictions set forth in the Declaration.

ARC members are VDC Lot Owners appointed by the Board for terms of one year and whose ARC membership may be renewed or revoked at the Board's discretion. The ARC comprises a minimum of three members – one of whom is the President of the Association. A majority of the ARC members constitutes a quorum for meetings, and voting decisions require a simple majority of those attending a meeting.

III. PROCEDURE

The process for seeking ARC approval of major projects is fully described in the VDC Lot Owners' Association Rules and Regulations document. Also, architectural guidelines applicable to VDC are available in that publication and in the Declaration.

ARC related documents and application forms are located in the VDC Web site at www.vistadelcerro.org.

For quick reference, here is a summary of the key steps in the application process:

- Contact the ARC Chairman to discuss the nature of your project and obtain additional guidance on your particular project proposal.
- Complete an application form. Two forms are available; One for new structure builds and one for repairs, remodeling and/or landscaping changes
- Submit to the ARC two application forms, two copies of project plans and any necessary government permits – as well as the Construction Performance Depositor New Construction Review Fee.
- For new structure builds submit an artist's rendering of the exterior side of the structure that will face the road.
- Provide material samples such as paint, siding, roofing, rock, etc.

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- The ARC will review the application and make its decision within 20 days if the application package is complete.
- If approved, a copy of the application form will be marked “Approved” and returned to the Lot Owner. ARC approvals are valid for 180 days.
- If disapproved, the ARC will notify the Lot Owner of the reasons for its decision. An appeal of the ARC’s denial may be made to the Board of Directors.

Again, full details of the project approval process and current architectural guidelines are listed in the VDC Rules and Regulations and the Declaration. Both are posted on the VDC Web site.

Contact Info: Correspondence with the ARC may be addressed to current ARC Chairman. Please refer to VDC website for name and contact information.

Amendments and Variances: ARC operating policies may be amended from time to time by the Board. Further, these policies are intended as guidelines for the ARC. The ARC may vary from these policies as determined appropriate by the Board in its sole discretion.

IV. RESPONSIBILITIES

Architectural Review Committee

- The ARC will objectively consider and act upon all construction or landscaping proposals in accordance with the Declaration and/or Rules and Regulations. The ARC attempts to ensure that all construction and landscaping activities ultimately conform to published standards approved by the Board.
- ARC members shall provide their services without financial compensation. As required, however, and with advance Board approval, the ARC may compensate technical consultants for certain specialized services.
- When the ARC has received a completed application package, including any requisite material samples, construction deposits, copies of municipal permits and fees, it is the ARC’s duty to issue its decision within 20 days. If additional information or documentation is needed from the Owner, the ARC will have an additional 10 days from its receipt of the requested materials to render its written decision to the Owner.
- In evaluating applications, the ARC will consider, at a minimum, the following criteria: substantial uniformity of color, location, type and design in relation to other VDC homes; encroachment on neighboring Owners’ sight lines; and the ARC members’ opinions as to whether the project will truly complement the appearance, safety or value of the property and the community.
- Project approvals by the ARC are good for 180 days. If work is not completed within that period, the Lot Owner must apply to the ARC for a 180-day extension of the approval period. In such case, the ARC may review additional materials and require additional assurances from the Lot Owner as conditions to granting an extension.
- The ARC is authorized to inspect a Lot Owner’s property when notified of a pending property sale, in order to clear any deed-restrictive violations or outstanding fines. For the purpose of remedy, the inspection results will be conveyed to both the Lot Owner and the Title Company. The purpose of this procedure is to prevent new buyers from having to correct violations and pay fines for which the selling Lot Owner is responsible.
- It is the responsibility of the ARC to keep a written record of all actions and decisions in connection with architectural control. It will also keep complete files of all submitted application packages, building plans and other documentation.

VDC Lot Owners

- ♦ It is the responsibility of Lot Owners – not tenants or contractors -to submit a plan, as described above, and then to obtain written approval of that plan from the ARC prior to beginning new home construction, exterior remodeling/painting of existing homes or any significant landscaping on their properties.
- Project approval by the ARC does not constitute a waiver of any requirement of government or regulatory agencies. Obtaining the necessary permits and submitting copies of those documents to the ARC is the Lot Owner's responsibility.
- Lot Owners must ensure that all work fully complies with ARC-approved specifications. Unapproved work, methods or materials may result in a fine to the Lot Owner of up to \$100/day.. In some instances, a project requiring a governmental permit may be "red-tagged" until the work is amended to conform to ARC standards.
- The Lot Owner is responsible for all construction/landscaping work and for any damages, claims or liabilities resulting from such work. Further, Lot Owners shall hold harmless the Association and its members from any expenses, losses or claims arising out of (a) any construction or modification that violates government laws, (b) the adequacy of the specifications or standards for construction, and (c) the actual performance of work.