

Bridlevale Homeowners Association

**RULE CHANGE AND POLICY REGARDING LANDSCAPE-RELATED
VIEW POLICY AND COMPLAINT PROCESS**

Dear Members:

The rule change and policy regarding the Landscape-Related View Policy and Complaint Process was adopted by the Board of Directors at the open board meeting on January 10, 2018.

Purpose: The purpose of the proposed rule change is to establish certain guidelines and a procedure for Association members and the Association to use regarding complaints that a member's view is unreasonably impeded by plants and trees on other members' lots.

Effect: The effect of the proposed rule change, if adopted, will be to make the Landscape-Related View Policy and Complaint Process part of the Association's governing documents and establish the procedure which the Association will use in considering view-obstruction complaints.

Please retain a copy of this notice for your records.

LANDSCAPE-RELATED VIEW POLICY AND COMPLAINT PROCESS

Relevant Provisions of the Bridlevale Homeowners Association CC&Rs

Article V, Section 2, of the Declaration of Restrictions for Bridlevale, recorded April 30, 1992, as Instrument No. 156748 ("CC&Rs"), provides in part: "Any [ARC] approval may be subject to conditions imposed by the ARC. Such plans and specifications [submitted by an applicant] shall, at the request of the ARC, include an analysis of whether the proposed improvements or landscaping would impair any view from another residence or Lot within the Properties. Although the ARC may consider view impairment, the ARC shall have the right to balance view considerations with other factors in rendering its decisions and the ARC shall have the right to approve improvements which adversely affect view."

Article V, Section 3, provides: "All questions of interpretation or construction of any of the terms or conditions in this Article shall be resolved by the ARC, and its decision shall be final, binding and conclusive on all of the parties affected."

Article VII, Section 21, of the CC&Rs provides: "All landscaping of every kind and character, including shrubs, trees, grass and other plantings, within any Lot shall be neatly trimmed, properly cultivated and continuously maintained by the Owner thereof in a neat and orderly condition and in a manner to enhance its appearance. The ARC shall have the right to require any Owner to remove, trim, top or prune any shrub, tree, bush, plant or hedge which the Board or the ARC believes unreasonably impedes the view of any other Lot Owner. No Owner shall remove, damage or otherwise change any landscaping within the Common Maintenance Area."

Article X, Section 4, provides in part: "The Owner of each Lot shall water, weed, maintain and care for the landscaping located on his Lot (other than the Common Maintenance Area, if any, the maintenance of which is the responsibility of the Association) so that the same presents a neat and attractive appearance."

Article VII, Section 14, provides in part: "Each Lot Owner will keep, maintain, water, plant and replant all slope banks located on such Owner's Lot so as to prevent erosion and to create an attractive appearance."

Policy and Complaint Process

This policy describes the manner in which landscaping-related view complaints will be addressed by the Association.

A view will generally not be considered to be looking through a neighbor's fence into a neighbor's yard. A view also generally is not going to be considered looking from a minor area of the residence or the lot (such as a bathroom, a hallway or a corridor of a side yard). A view is generally considered a lower and/or distant elevation pleasing to the eye of the average person. A view is not necessarily considered impaired because of an occasional tree or plant in the line of sight. The location of the tree or plant in the view, the size of the tree or plant and the fullness of the foliage will be considered.

The CC&Rs do not guarantee any property or property owner a right to a view.

Accordingly, the Architectural Review Committee ("ARC") and the Board of Directors have adopted this Landscape-Related View Policy and Complaint Process applicable to all residences and residential landscaping located within Bridlevale Homeowners Association. This policy does not govern Common Area or Common Maintenance Area. The Board and ARC appreciate your cooperation and assistance in following this policy.

1. If an Association member believes his/her view is unreasonably obstructed by tree or plant materials, that member ("Complaining Member") needs to communicate, in writing, with the owners of those properties within the Association whom they believe are contributing to

the alleged unreasonable view obstruction ("Responding Members"). The Complaining Member needs to seek the cooperation and assistance of the Responding Member(s) causing or contributing to the alleged unreasonable view obstruction and work towards reaching a voluntary agreement to trim, remove or modify the alleged unreasonable view obstruction. It is the Association's expectation and hope that most disputes can be resolved in this manner.

2. If the alleged unreasonable view-obstruction problem is not resolved to the reasonable satisfaction of the Complaining Member, the Complaining Member may then send a letter to the ARC, in care of management, explaining the nature of the alleged unreasonable view obstruction. That letter needs to enclose copies of all correspondence and communications with the Responding Members on the topic. Current pictures of the alleged unreasonable view obstruction must also be submitted.
3. The ARC will then contact the Complaining Member and the Responding Members with a date and time that the ARC members will visit the subject properties for an on-site inspection. The Complaining Member and Responding Member(s) will have an opportunity at the inspection to express their opinions to the ARC members on the alleged unreasonable view obstruction.
4. The Association's management company will provide the ARC with a copy of the approved landscaping plan (if available) for the Responding Member's property. The ARC will review the plan to determine if the alleged offending tree(s) or plant(s) appear on the plan.
5. Following the inspection, the ARC members will meet in executive session to review and consider the matter. Each claimed unreasonable view obstruction will be considered on a case-by-case basis taking into consideration multiple factors, including, but not limited to, the view sought to be protected, the location(s) from which the view is sought to be protected, nature and age of the landscaping improvements that are allegedly unreasonably obstructing the view, views elsewhere on the lot, duration of the alleged view obstruction (e.g., has it always been that way, is it seasonal, did the situation exist when the Complaining Owner purchased the property) and whether and how the alleged unreasonable view obstruction could be improved. The ARC will then communicate, in writing, its decision to the Complaining Member and Responding Member(s).
6. The ARC's potential determination on the alleged view obstructions include:
 - (a) A finding that there is no unreasonable view obstruction; or

(b) A finding that one or more plants or trees constitute an unreasonable view obstruction, and the owner of the lot(s) upon which the identified landscaping improvement(s) are located must trim, top, thin or remove the plant(s) or tree(s).

- 7. The ARC's decision shall be final and binding.
- 8. The Board will independently determine whether and to what extent the Association will expend Association resources on enforcing an ARC decision requiring trees/plants to be trimmed, topped, thinned or removed. A Complaining Member should be prepared to take reasonable actions, including a possible legal action, to enforce an ARC decision (which benefits the Complaining Member's property) at the Complaining Member's expense. Limited Association resources may not be expended by the Board to enforce an ARC decision which benefits only the Complaining Member and his/her property value.

The Board of Directors hereby directs the Association's managing agent to give notice of the adoption of the foregoing rules to all Association members within 15 days of the adoption of this Resolution.

CERTIFICATE OF SECRETARY

The undersigned, the duly appointed Secretary of Bridlevale Homeowners Association, certifies that the foregoing Landscape-Related View Policy and Complaint Process was duly adopted by the Board of Directors at a properly noticed and agendized open meeting of the Board of Directors following notice to the membership in accordance with Civil Code Section 4360 after consideration of any comments made by Association members in that regard. Said meeting was held on January 10, 2018, at Temecula, California.

Dated: 01/10/2018

Mike Wegman
Secretary
Bridlevale Homeowners Association

APPROVAL OF ARCHITECTURAL REVIEW COMMITTEE ("ARC")

The ARC hereby approves the foregoing Landscape-Related View Policy and Complaint Process.

Dated: 01/10/2018

By: Ray Fisher
ARC Member

By: Ron McGowan
ARC Member