

APPENDIX I

Encinitas Ranch Community Association
Architectural Committee
Landscape View Impairment Guidelines

***Officially adopted at the Board of Directors meeting held on November 9, 2015**

Based on the Declarations of Covenants, Conditions and Restrictions (CC&Rs) of Encinitas Ranch, dated February 26, 1999, Document #1999-0121953, paragraph 6.1.23 View Impairment on page 38 states:

“ View Impairment. There is no representation that any view exists from any Lot. Each Owner, by accepting a deed to a Lot, acknowledges that grading of, construction on or installation of improvements, including landscaping, on other Lots within the Covered Property and on surrounding real property may impair whatever view may exist from the Owner’s Lot and each Owner consents to such impairment and waives any claim for view impairment. Each Owner and the Community Association, by accepting a deed to a Lot or any Community Common Area and Common Maintenance Area, acknowledges that any construction or installation by Declarant or a Merchant Builder or by other Owners following Architectural Committee approval as provided in Article 7 hereof may impair the view of such Owner and each Owner and the Community Association on behalf of the Members hereby consent to such impairment.”

With this in mind, there may be cause for a homeowner to comment about a tree and/or shrub in a Common Maintenance Area causing view impairment for them.

The following policy has been adopted to address such complaints.

1. The Landscaping Committee, and/or contracted Arborist for the community will assess the specific request through an on site visit and make recommendations. The inspection will include viewing from the requesting homeowner as well as from other points within the community that might be impacted by the removal of the tree or shrub. i.e. on the downslope side. During the inspection of the tree(s)/shrub(s), the Landscaping Committee and/or Arborist will also assess the percentage of view impairment. As an example, if the said tree/shrub only blocks 15% or less of the view, the group may elect to keep the tree/shrub in place and take no action.
2. During the inspection the Landscaping Committee will also determine if the tree(s)/shrub(s) in question are diseased or represent a safety issue as well as determine if the tree(s)/shrub(s) should be replaced. If the tree(s) or shrub(s) in questions are diseased or represents a safety issue, all expenses incurred for removal and replacement may be at the Association’s expense. The replacement will be selected by Landscape Committee, Landscaper and Association Property Manager.
3. If the tree(s) or shrub(s) in question are not diseased and/or do not represent a safety or health issue, the Landscaping Committee can approve the homeowner’s request for removal in which case all costs associated with removal and/or replacement will be at the homeowner’s expense. The work will be completed by the Association’s Arborist or Contractors.
4. If the Landscaping Committee determines that a replacement tree/shrub should be planted then the costs for that will be borne by the homeowner. The selection of a replacement tree or shrub will take into account future growth expectations, height restrictions and any screening requirements needed for downslope neighbor (if necessary).

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5. Payment from the homeowner will be made in advance for all costs associated with the expense to remove and/or replace.

At the current time of preparing these guidelines, September 2015, the State of California is in a severe drought situation with strict watering guidelines in place. Accordingly, the Landscaping Committee has elected not to make any new plant (tree, shrub, etc.) installation as the likely chance of survival would be minimal due to the fact that the plant cannot be watered in correctly for healthy establishment.

Once the Landscaping Committee has reviewed a request from a homeowner to remove a tree or shrub, they will respond to the Homeowner in writing of their decision. This policy only applies to landscaping on Common Maintenance Areas.