

WESTERN RIDGE

Architectural and Landscaping Guidelines

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WESTERN RIDGE ARCHITECTURAL AND LANDSCAPING GUIDELINES

The Western Ridge Subdivision was planned as a distinctive and unique community in Western Albemarle beginning in 1996 to incorporate a harmonious architecture, design, and landscaping features, theme and aesthetic. Western Ridge has strived to promote the best architecture, design, and landscaping features in order to create a context in which individual tastes are not sacrificed, but blended in such a way to protect overall lot values. To accomplish these goals, the Western Ridge Owners Association, Inc. has established and maintained these guidelines.

I. PURPOSE

The Guidelines are intended to ensure the consistent, harmonious and compatible external design, appearance, use, location and maintenance of improvements to Lot structures and landscaping. The Guidelines are intended to help maintain a harmonious relationship among structures and the natural vegetation and topography, and to preserve the general character, color, tone and architectural compatibility of the Community as originally constructed.

II. DEFINITIONS

The Guidelines utilize the following definitions:

- a. "Association" means Western Ridge Owners Association, Inc.
- b. "Declaration" mean the Declaration of Covenants, Conditions, Restrictions and Easements dated May 21, 1996 and recorded in the Albemarle County Circuit Court Clerk's Office.
- c. "Controlling Authority" means these Western Ridge documents: Declaration, Articles of Incorporation, Bylaws, and Guidelines.
- d. "Guidelines" means this Architectural and Landscaping Guidelines document.
- e. "Community" means Western Ridge Subdivision.
- f. "Structure" means each residential building, deck, driveway, lighting equipment, post, stairway, step, landing, out building, shed, fence, wall, patio, gate, and any other man-made improvements existing on a Lot not otherwise part of Landscaping. Structure includes all man-made improvements used for gardening, farming, plant growing or housing animals. Structure includes each fixture attached to a Structure.
- g. "Landscaping" means both: (a) the activity of altering the appearance, design or functionality the Lot's ground, natural features, plants or hardscapes for ornamentation or functionality (e.g., rainwater control); and (b) the elements of the landscape such as grasses, plants, trees, shrubs, bushes, flowers, plant beds, mulch, ground cover, barriers, edges, trellis, hardscape and any other similar items existing on a Lot (which is not other than a Structure), and includes earth moving, gardening, pruning, cutting, installation, or removal.

- h. “New Project” means for any Lot either: (a) the constructing or adding of a new Structure or Landscaping, or (b) the material renovation or alteration of the design, appearance, construction, operation or functionality an existing Structure or Landscaping from its prior working condition.
- i. “Maintenance Project” means for any Lot the reasonably maintaining and upkeep of a Lot’s Structure or Landscaping where the work does not materially alter the design, appearance, construction, operation or functionality an existing Structure or Landscaping from its prior working condition.
- j. “Minor Project” means for any Lot the adding of a minor Structure or Landscaping element which does not materially effect the design, appearance, construction, operation or functionality the Lot or any existing Structure or Landscaping, and which is not adversely visually or functionally impactful upon either a surrounding Lot or Community common space. Examples include adding a small 12” clay to a patio, adding a small birdhouse to the rear lawn, and adding a tomato plant to the patio planter.
- k. “Lot” means the same as Declaration Article I, Section 10.
- l. “Owner” means the same as Declaration Article I, Section 13.
- m. “ARB” means the Western Ridge Architectural Review Board.
- n. “Board” means the Western Ridge Board of Directors.
- o. “Non-Compliance” means an action (or inaction) which causes a Lot to materially violate the Controlling Authority.

III. DESIGN PHILOSOPHY

In order to create a living environment and community that is harmonious and preserves a sense of identity and community, the design process for individual homes has, as its objective, building forms which are carefully planned additions to the natural setting. Careful siting, selection of colors and materials, and design considerations that extend beyond the building walls to include the entire site are important means of achieving this objective.

Generally, the relationship of the house to the street shall be considered less important than other constraints such as views, topography, trees, etc. It is not as important that the house be parallel to the street as it is for the house to be fitted naturally into the site, taking advantage of and maximizing views, unique vegetation, etc.

IV. ARCHITECTURAL RESTRICTIONS

a. GUIDELINES

The Guidelines are intended to govern the design, construction, renovation, use and maintenance activities occurring upon each Lot within the Community. The Guidelines were adopted by the ARB and the Board of Directors (“Board”) pursuant to authority set forth in Controlling Documents.

b. NEW PROJECT APPROVAL

Except as otherwise provided in the Controlling Authority, the Owner must obtain advance written approval from the ARB prior to beginning any New Project. In order to request approval, the Owner must comply with the approval process outlined in the Controlling Documents including submitting the required forms and project details. The Owner must follow the procedures and restrictions as set the Controlling Documents including the Guidelines. If applicable, the Owner must obtain a building permit before the Owner may begin any construction, demolition or renovation.

c. MINOR PROJECT APPROVAL

Except as otherwise provided in the Controlling Authority, the Owner is not obligated to obtain advance written approval from the ARB prior to beginning any Minor Project. However, the Owner must ensure the Minor Project is consistent with all portions of the Controlling Authority. If the Owner is unclear whether an action consists of either a New Project or a Minor Project, then the Owner can request feedback from the ARB.

V. ARCHITECTURAL REVIEW BOARD

The ARB will consist of members who are appointed by the Board as outlined in the Controlling Authority. A quorum of the ARB is a simple majority of members. The Board reserves the right to replace any ARB member at any time. For any period where the ARB lacks at least three members, then the Board may act as the ARB.

VI. DESIGN

A. SITING:

Houses will be blended into the natural landscape by careful siting so that they fit the natural contour of the land, maximize views, maintain a harmonious relationship among structures and preserve existing natural vegetation and topography. Particular care should be taken to preserve ground cover so that the likelihood of soil erosion is minimized. General clearing of the site is not permitted. If supplemental plantings are expected, the variety and placement of such shall be designated by the ARB.

B. DESIGN:

Massing of various elements, such as garages and chimneys, proportions of windows in relation to solid walls, finishes, colors, roof pitch, etc. must be carefully considered. The following list highlights specific restrictions which will be rigidly enforced in Foxcroft in order to implement the concepts outlined above.

C. SIZE:

A Community dwelling unit is not permitted to contain less than the following square feet of habitable, heated floor area above grade for the specified lot sizes (measured from outside wall counting the stairs once):

<u>Lot Size</u>	<u>Square Foot Requirement</u>
70'	1,000 - 1,800
80'	1,500 - 2,200
90'	2,100 - 2,100+

d. GENERAL REQUIREMENTS:

1. Driveways.

- i. Rear entry garages are permitted only in unique situations since the extra amount of necessary clearing is extremely detrimental to surrounding houses.
- ii. The design, construction and maintenance of a driveway should ensure safe egress and ingress from the street, ease of grade, minimize the amount of required clearing, and comply with all appropriate Virginia Department of Transportation (VDOT) standards. Each driveway entrance must conform with VDOT Standard PE-1, Standard Private Entrances. More specifically no part of the driveway shall be closer than 15 feet to the side property line within the right of way; however, driveways may be closer to the property line so long as there is 40 feet from center of line of the driveway to the center line of the driveway on the adjoining lot. Two entrances per lot is not allowed unless approved in writing prior to construction by VDOT and the County of Albemarle Engineering Department.
- iii. During initial construction, standard CMP road pipes (minimum 15" X 24') must be installed where needed at driveway entrance before site excavation begins.
- iv. All driveways that do not comply with VDOT specifications will be corrected at the Owner's expense.
- v. Rear entry garages are permitted only in unique situations since the extra amount of necessary clearing is extremely detrimental to surrounding houses.
- vi. Driveways must be paved with asphalt at all times. Other surface types are not permitted including but not limited to tar and chip.

2. Walkways. Walks of stamped cobblestone concrete, exposed aggregate concrete, standard concrete or brick designed as an integral part of the house and landscape must be provided from the driveway to the front door. Asphalt, loose gravel and flagstone "dropped" on top of the ground in an ill-defined pattern are not acceptable.

3. Landscape Plan. Each Lot All houses must incorporate a minimum landscape plan and specifications for plan and specification for plants as referenced in the attached landscape plan. This plan will be established in advance for each neighborhood by the ARB.

4. Free Standing Structures. Structures which are freestanding rooms such storage sheds, workshops, and garages must be designed, located and maintained as an integral part of the house, service yard, and Landscape designs. Structures which are freestanding dog houses, playhouses, gazebos, and porch railings must be painted or stained to blend with the house and/or natural landscaping.
5. Fences.
 - i. The installation of any Lot perimeter or access fence and fencing components requires approval by the ARB as described in Declaration Article IX Section 1(u). As set forth in the Declaration Article IX Section 1(u), an Owner may not erect a fence in the Lot front yard. Any fence proposed on a shared property line must have the approval of both Lot owners.
 - ii. The installation of any small (less than one foot high), decorative garden or fence, or fencing installed by the Association on Common Area is not deemed a Lot perimeter or access fence but is governed by Section VI(d)(18)
 - iii. The installation of a small privacy, screening fence is governed by Section VI(d)(18). Privacy fences are not desirable, but those constructed of wood may be considered in special circumstances of demonstrated hardship only, as determined by the ARB. An example of such a hardship may be a lot line that is adjacent to the railroad tracks.
 - iv. Acceptable fences are those constructed of natural wood, vinyl, or composite material, with a maximum height of 4 feet (4.5 feet is acceptable for posts). Fences may be painted white or dark brown, stained in a natural wood color, or left untreated. Recommended styles are spaced-picket (minimum 3-inch pickets), post & board, or split-rail. Chain link and barbed wire fencing is not allowed.
 - v. The Owner must maintain the Owner's fences in good condition. Any deteriorated or damaged parts are to be repaired in a timely manner, and proper paint coverage will be maintained. Hardware and wire mesh will be kept free of rust.
 - vi. All fence proposals should include a site plan showing the current location of Lot lines, easements, and existing structures with the proposed fencing area drawn in. Also include a picture or drawing of the proposed fence style and an accurate description including materials to be used, height, and color. If the fence is proposed on a shared property line, submit proof of approval of the adjacent Lot owner.
6. Flashing. No unpainted naturals (mill finished) aluminum or galvanized flashing is permitted.
7. Windows. Wood windows, including vinyl clad, and vinyl windows will be permitted. Where the window color does not match the color of the trim or siding, particular attention will be given to the selection and approval of the exterior colors. Wood windows must be painted to match the trim or body color of the house. No storm windows will be allowed. Screens and storm doors will be anodized bronze, white or painted to match the trim.

8. Roof Pitch. The minimum roof pitch permitted shall be 7" in 12". Flat roofs or lessor pitches will only be considered by the ARB when they are integral parts of outstanding architectural design. As departures from the norm, they will be reviewed in the context of the total design of the house, its relationship to adjacent houses to its site.
9. Foundations and Walls. Houses must be designed and located so as to minimize exposed foundations. Proper grading of the site so as to "sink" the house into the ground, and siting to grade are acceptable means of disguising awkward foundations. Front and side exposed foundations must be brick. The exposed rear wall of basements may be stamped concrete, parged, brick, or siding consistent with the exterior of the house. All walls, including the rear basement wall, may be covered with siding to within 8" of grade.
10. Chimneys. Exposed chimneys must be brick or identical to the composition of the house such as vinyl or Hardi plank. Vents for direct vent prefabricated fireplaces shall be allowed. Cantilevered (no foundation under) gas fireplaces will not be allowed unless they are on the rear of the house. If located on the front or side of the house the chimney must include a foundation. All brick and mortar selections must be approved by the ARB from samples submitted. Buff colored mortar is approved. Simple massing and "clean" designs are desired. Many windows of different sizes and shapes, mullet-directional siding, towers, too many materials, "wild" shapes, etc., is discouraged.
11. House Paint. All homes must be painted or have a painted appearance. Natural wood finish, and semi-transparent, or opaque stains will not be allowed. The color palette for homes, shutters, and exterior doors will not be limited to a restricted list, but no extremely bright, offensive or "jarring" colors will be approved by the ARB. Further, paint colors should be dissimilar on houses next door or across from each other. The decision as to whether a design is "substantially" different will be at the discretion of the ARB.
12. House Gutters. All homes shall have gutters, unless otherwise approved by the ARB.
13. House Design. No houses may be repeated side by side or directly across the street from each other in the same neighborhood unless the exteriors are substantially different in design. Plans submitted to the ARB must be accompanied by a site plan that shows the location of the house and driveway and describe any changes in the natural topography.
14. Pools. Above ground pools, other than those of a portable and temporary nature, may not be installed on individual Lots. Pools of a portable and temporary nature are those of "child-sized" proportions (non-filtered and less than 300 gallon capacity) and intended to be filled and used on a temporary basis. When not in use, such pools should be emptied and stored out of sight of streets and adjacent properties. In ground pools are not allowed.
15. Hot Tubs. Hot tubs, or spas, are permitted to be installed on individual Lots, provided that an application is submitted to and approved by the ARB. These should be installed in a location that minimizes visibility from Streets and the potential for disturbance to adjacent Lots. Screening may be required. Please see Guideline #24 for further information on screening. Hot tubs are to be maintained in good condition. Any deteriorated or damaged parts are to be repaired or replaced in a timely manner. Hot tubs should be covered when not in use.

16. Mailboxes.

- i. To maintain a congruent look throughout the neighborhood, the ARB adopted a design for all mailboxes in Western Ridge. The mailboxes will be supplied and installed by the Builder prior to the closing of the house. All mailboxes in Western Ridge must conform to the approved design. Permanently affixed decorations, including but not limited to decals, painting, artificial plants, artificial wildlife, or signs, may not be applied to mailboxes (temporary seasonal decorations are allowed).
- ii. Maintenance and replacement of the mailbox is the responsibility of Western Ridge. WROA will not be responsible if it has been less than one year since the prior replacement, or if the mailbox was damaged (i.e. car crash). In such instances where the Member is responsible for the cost of replacement, Members will pay WROA directly for cost of materials and labor.

Mailboxes are to be maintained in good condition with posts straight and free of cracks, and newspaper slots upright, not slanted. Proper paint coverage is to be maintained. Black boxes are to be free of dents and rust, with hinges, door, and flag in good working order. Address numbers should be visible and replaced when missing. Any deteriorated or damaged parts are to be repaired or replaced in a timely manner. Members are responsible for notifying WROA of when mailbox maintenance/replacement is necessary.

- iii. ARB approval is required for the relocation of a mailbox.

17. Satellite dishes. Satellite dishes are to be installed in a location to minimize visibility from the streets and adjacent Lots without impacting signal strength. When locating a dish, consider the following order of priority:

- i. First, on either the back side of the roof or house exterior below the roof line or in the rear yard so as not to be visible from the front Street; but if not an acceptable signal then,
- ii. Second, exterior side of house; but if not an acceptable signal then,
- iii. Third, side yard; but if not an acceptable signal then,
- iv. Fourth, top or front of the roof; but if not an acceptable signal then,
- v. Fifth, front yard.

If a satellite dish is to be installed in a location other than the First or Second priority, as described above, screening may be required. Please see Section VI(d)(18) for further information on screening. Satellite dishes are to be maintained in good condition and removed if no longer functioning.

18. Screening Devices. The installation of screening devices requires approval by the ARB as described in the Covenants Article IX Section I(e). Objects considered for screening include, but are not limited to, garbage receptacles, fuel tanks, landscaping equipment, and satellite dishes (dependent on installation location). Screens may be of natural wood, vinyl, composite material, or in the form of landscaping. Metal or other synthetic material may be considered in special circumstances only, as determined by the ARB. Screens are to be maintained in good condition.

Any deteriorated or damaged parts or dead landscaping are to be repaired or replaced in a timely manner.

19. Hunting. No hunting is permitted at any time on a Lot or in the Community, as defined in the Declaration, and any additional property that is or may hereafter be brought within the jurisdiction of the Association.
20. Beehives. A beehive is considered a structure and requires plan approval in advance. The Owner must include in the plan the proposed beehive type, location, and size, beehive management plan and address all applicable Covenant and ARB concerns. The Owner must ensure that beehive does not violate at any time the Declaration of Covenants, Article IX (d), (m), (s) or any other applicable covenant or rule. A beehive must not present a safety hazard to any other Lot owner, guest, pet or property. An Owner must use the beehive for personal, residential, non-commercial purposes only. The Owner must store and kept the beehive out of sight from other lots and each street. The Owner should obtain approval from each contiguous Lot owner. The Owner must only use native, non-evasive honeybees. The Owner's beehive must boarder a common area. The Owner may not locate the beehive within 75-feet of an adjacent Lot structure. If the ARB provides conditional approval, then ARB may revoke the approval upon Owner's violation of the Owner's beehive plan or any applicable covenant or rule.

VI. CONSTRUCTION RULES

In order to protect the investment of Lot owners and to minimize inconvenience to families already living in Western Ridge, the following regulations apply to each New Project including new construction:

- a. Standard CMP road pipe (minimum 15" X 24') must be installed at Owner's expense at driveway entrances before site excavation begins unless the area is already paved.
- b. Unless the area is already paved, a gravel surface to the construction area must be maintained at all times to keep mud from being tracked on hard surface roads.
- c. All equipment must be loaded and unloaded on the Lot. No tracked vehicles or equipment are allowed on hard surface road for any reason. When parking is not possible on the lot due to inclement weather, parking will be allowed on the hard surface along the lot under construction, except during periods of snow removal. Any damage to the grass area is the responsibility of the Owner. **PARKING WILL NOT BE PERMITTED ON ANY ROAD SHOULDERS.**
- d. The Owner is required to keep trash on construction sites consolidated in orderly piles and protected from the wind. Construction sites must be cleared of trash piles a minimum of every two (2) weeks.
- e. **UTILITIES:** Before any excavation begins, the Owner shall contact all utilities including but not limited to power, gas, water, phone, cable providers in order for the provider to properly mark their respective. Owner must reseed all disturbed areas. **IT IS THE RESPONSIBILITY OF THE OWNER TO MAKE SURE THAT THE FOREGOING PROCEDURES ARE FOLLOWED BY BUILDER AND ALL BUILDER SUBCONTRACTORS, EMPLOYEES AND SUPPLIERS.**

VII. LANDSCAPING

All Lots must incorporate a variety of plants and trees in their landscape plan. At a minimum, each Lot should include at all times the following Landscaping items visible from the road:

- a. One flowering or shade tree.
- b. One large evergreen shrub or tree, or a series of small to medium evergreen shrubs.
- c. One flowering shrub.

VIII. THE ARCHITECTURAL REVIEW PROCESS – NEW PROJECTS

Request. The Owner who desires a construct or install a New Project must notify the ARB via email any request for alterations and additions (“Request”). Additionally, owners are recommended to submit an Adjacent Neighbor Notification for all New Projects, but are required to submit an Adjacent Neighbor Notification for fences or any New Project that falls within the building setback lines.

1. At an early stage during the design process for new home construction and large renovation projects (before beginning working drawings), the Owner’s submission may include schematic designs (including floor plans and all elevations at a scale of 1/4" = 1') to enable the Owner to incorporate any ARB suggestions or request for changes into the final working drawings. The Owner should include a preliminary site plan to enable the ARB to confirm setbacks.
2. For new home construction, the Request should include preliminary working drawings showing including a listing of exterior materials and colors.

Acknowledgment. The ARB will acknowledge the receipt of the Request.

Review.

1. The ARB will review and assess the Request to determine if the proposed New Project complies with the Controlling Authority including these Guidelines and if compatible with the neighboring Lots and Common Areas.
2. For new home construction and larger projects, the ARB may request to accompany the Owner (or builder) to the site to review the stakeout and approve the flagging for clearing. Each corner of the house should be clearly marked by a stake and the entire clearing (including the driveway) should be defined with flagging tape. Any other clearing (for views, etc.) should also be clearly marked. Whenever possible, trees should be left to create privacy buffers for the house.
3. For new home construction, the ARB will expect to review the final working drawings showing including a listing of exterior materials and colors.
4. Once the ARB has completed its review, then the ARB is authorized to take the following action:

- i. Approve the Request;
- ii. Deny the Request; or
- iii. Request the Owner to provide supplemental or clarification information. Upon receipt of the requested supplemental or clarification information, then the ARB will reconsider the Request.

ARB Notice. Once the ARB has either approved or denied the Request, then the ARB provides reasonable written notice describing the ARB's action to the Owner. ARB reasonable written notice should not exceed twenty (20) days from the most request or submission of information.

Approved Requests.

- a. When a Request is approved by the ARB or Board, the approval is deemed "conditional" approval if the details described in the Request and for the applicable time period.
- b. The Owner must both start and complete the New Project within sixty (60) days after receiving approval from the ARB or Board.
- c. The Owner must strictly comply with the details in the Request. The New Project must be completed in substantial conformance with the Request.
- d. Within ten (10) days after completion of the New Project, the Owner must notify the ARB. Upon notification, the ARB will determine if the New Project was completed as authorized by the approved Request within twenty (20) days of receiving notice of New Project completion.
 - i. If the ARB accepts the New Project's completed status, then the ARB closes its file.
 - ii. If the ARB rejects the New Project's completed status, then the Owner must take the necessary action to bring the New Project and Lot into compliance within thirty (30) days.
 - iii. Any interested party may appeal the ARB's decision related to a submitted Project Completion Form to the Board upon notice to the ARB. Upon appeal, then the Board will handle the appeal using the same procedure as if an appeal of an ARB approval or denial of a Project Approval Request Form.
- e. Any material deviation from the Request details is deemed a Non-Compliance. The failure to complete the New Project within the allocate time period is deemed Non-Compliance. The Owner will lose the authorization to proceed with the Request if the New Project is not started within the allotted time period.

ARB Appeal. The Owner or any other effective Lot owner may appeal the ARB approval or denial to the full board of directors by providing reasonable notice to the ARB within 10 days of receiving the ARB's notice.

Board Consideration.

- a. Upon an appeal from the ARB, the Board shall consider the Request, including the file provided by the ARB including any papers and information provided by the ARB.
- b. The Board may, but is not required, hold a hearing to allow the Owner and any other interested person to present information in favor or against the Request.
- c. Upon considering the appeal, the Board is authorized to take the following action:
 - Approve the Request;
 - Deny the Request; or
 - Request the Owner to provide supplemental or clarification information. Upon receipt of the requested supplemental or clarification information, then the Board will reconsider the Request.
- d. Board Notice. Once the Board has either approved or denied the appealed Requested, the Board will provide written notice within 10 days of its next meeting.
- e. No ARB. For any Request where the full Board acted as the ARB, then the interested person shall not have a right of appeal under this subsection.

Decision Finality.

1. No Appeal - For any Request which is approved or denied by the ARB but not appealed, then the decision becomes final 15 days after the Notice Date.
2. Appeal - For any Request which is approved or denied by the Board, then the decision

IX. MAINTENANCE

- a. Each Owner must maintain each Lot Structure and all Landscaping in reasonably functional, clean, orderly and safe condition and in a state of reasonable repair at all times. The Owner must use its reasonable and prompt efforts to fully address the required maintenance and repair any Structure or Landscaping.
- b. An Owner is not permitted to allow any Lot Structure to remain in a state of disrepair. For example, the surface of house should be repainted or restrained when needed to maintain a clean and orderly appearance; a missing roof shingle should be promptly replaced; an old-shingled roof should be promptly reshingled; house siding and trim should remain painted or stained, clean and free of mildew or discoloration; a broken shutter should be repaired or replaced; gutters should stay painted, clean and unobstructed without leaves or debris; driveways should be structurally and aesthetically sound.

- c. An Owner may not permit any Lot Landscaping to remain in a state of disrepair. For example, the lawn should consist of a customary grass; the lawn must be regularly cut and maintained; dead grass should be promptly reseeded; weeds should be regularly removed from the lawn; dead limbs, fallen limbs, and dead flowers must be promptly removed from the Lot; fallen leaves should be removed from the Lot in a timely manner.
- d. Failing to provide required maintenance for a period of in excess of 30 days is deemed a material violation of the Guideline. Failing to provide required maintenance within 30 days after an ARB warning is deemed a material violation of the Owner's maintenance obligations. Allowing the lawn grass to reach 6-inches in height for more than 3 days is deemed a material violation of the Owner's maintenance obligations.

X. PROCEDURE FOR HANDLING ARB NON-COMPLIANCE MATTER

Complaint Filed. A complaint is filed with the ARB or Board of Directors by either an ARB member, a Board member or a Lot owner alleging the Non-Compliance of an Owner and or Lot. *NOTE: The WROA Board, or a Board Officer, is permitted to act on the ARB's behalf in the absence of the ARB or upon a Board determination for the Board to intervene.*

Informal Communication. If the violation is not yet serious or urgent, then the ARB will place a quick informal phone call or send a quick informal email to the owner stating:

I am providing a courtesy email to information you about a concern raised about your _____, which I hope is just a misunderstanding or an oversight. Before this becomes an official ARB matter, I hope you will consider addressing this matter quickly. If this is resolved within a week, then I see no reason why this should become an official matter. If you would like to talk about your position or discuss options, please let me know. These ARB matters are no fun for anyone so I hope it's resolved quickly.

Investigation. If the Owner fails to contact the ARB with an acceptable explanation or if the Lot's non-compliance is not remedied within one week after the informal email or phone call, or if the matter is already serious, then the ARB conducts a fact finding review to determine if a violation does in fact exist. The scope of the review will depend on the scope and type of violation alleged. The ARB may consider as much evidence as reasonably necessary (pro and con) before determining if a violation exists. The review might consist of one or more of the following:

1. Visual confirm the violation by an ARB member.
2. Photographs or video documenting the violation.
3. Interviews of one or more witnesses (possibly even the property owner).

Determination. After conducting and considering a reasonable fact investigation, the ARB will vote to determine if a violation does exist. If the ARB determines that a violation does exist, then the ARB will determine what corrective action is required by the Owner to remedy the violation.

First Official Notice. Once the ARB concludes that a violation does exist and determines the necessary corrective action, the ARB prepares and sends the owner the First Official Notice letter by certified mail (NOTE: return receipt requested is not necessary).

Owner Hearing. If the Owner asks to present his case to the ARB, then the ARB will schedule a time for the owner (and any other interested parties such as the complainant) to present a case as to whether or not the property has a violation. The ARB will establish the reasonable rules and procedures for conducting the hearing. After considering the facts and arguments presented by the witnesses, the ARB will then vote to determine whether it believes a violation has occurred or is occurring based on the owner's facts.

1. If the ARB determines that a violation DOES NOT exist, then the matter is dismissed and the witnesses and owner are advised of the decision.
2. If the ARB determines that a violation DOES exist, then the ARB provides the owner with written notice by email, phone, letter or otherwise that the ARB believes the violation does exist and asks the owner to comply with the First Official Notice letter. The ARB may provide an additional period of time in which to comply with the letter.

Second Official Notice. If the owner fails to remedy the violation by either the date provided in the First Official Notice letter or the date of any extension provided by the ARB, then the ARB sends the Second Official Notice letter by certified mail (NOTE: return receipt requested is not necessary).

ARB Recommendation. If the owner fails to remedy the violation by the date provided in the Second Official Notice letter, then the ARB may recommend to the Board for the Board to solicit and hire a contractor to perform the remedial work as described in the Second Official Notice letter.

Board Action. If the Board desires to proceed to hire a contractor to perform the remedial work, then the Board:

1. Final Official Notice - Votes to send the Final Official Notice letter by either regular mail or email.
2. Assessment - Votes to assess the owner for the cost of correcting the violation (including all costs and expenses associated with the correction of the violation, including costs to hire the contractor, legal fees, administrative costs, mailing costs, etc.) pursuant to Declaration Article IV(3)(c).
3. Contractor - Votes to hire the contractor and instructs the contractor to perform the required work pursuant to Declaration Article IX(2).
4. Revocation of Owner Rights - Votes to revoke the owner's rights (and any his family members, guests or tenants) as a Western Ridge owner, including denying the owner access to common areas, facilities and meetings, until such time as the Assessment (and all violation costs) are paid in full pursuant to Declaration Article IV(3)(c), Bylaws section 2.03 and Bylaws section 6.07.
5. Accounting - Keeps a record of all costs and expenses associated with the correction of the violation, including costs to hire the contractor, legal fees, administrative costs, mailing costs, etc.
6. Invoice - Issues invoices to the owner for reimbursement of all costs incurred to remedy the violation with payment Net 10 days (or as otherwise determined by the Board). The Board may issue invoices as the costs or incurred or as otherwise deemed reasonable by the Board.

7. Interest - For any invoice not timely paid, imposes a late interest fee of 18% on the unpaid balance pursuant to Declaration Article VI(7).
8. Other Legal Remedies. If the assessment remains outstanding longer than six months, the Board should contact its attorney to discuss options including but not limited to filing a lawsuit to recover unpaid assessments pursuant to Declaration Article IX(2) and Declaration Article VI.
9. Reinstallation of Owner. Once the owner pays in full all invoices, the Board should vote to re-install the owner with all rights previously revoked.
10. Liability of New Owner. If the owner sells his property before paying in full all assessments related to the violation, then unpaid amounts plus interest remain tied to the property and become the responsibility of the new owner. The prior owner also remains liable pursuant to Declaration Article VI.

XI. ARB PROCEDURES WHEN SELLING

1. In the event an owner intends to sell his property, prior to sale completion, the ARB must inspect the property. It is recommended that prior to listing, the seller request said inspection.

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These Guidelines are approved by the Western Ridge ARB and Board of Directors effective as of February 8, 2020.