

The Southview Homeowners Association
Board of Directors Resolution Regarding
Architectural Control

WHEREAS Article VII, Section 7.1 of the Association's CC&R's, as amended on May 24, 2019 states:

Architectural Control

Review. No building, fence, wall or other structure shall be constructed, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration of any existing Living Unit be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by an Architectural Control Committee (ACC) appointed by the Board of Directors, as provided in the Bylaws.

The ACC shall hold a formal meeting to consider all plans and specifications submitted by the Owner. The meeting of the ACC shall be held no later than fourteen (14) days after submission of said plans and specifications, and the Owner shall have the right to attend the ACC meeting and to make a presentation of their plans or specifications to the ACC. Such meetings shall be open to all Members. The ACC shall set the time, day and place of the meeting of the ACC, and notice of the meeting shall be delivered to the Owner and all Members not less than seventy-two (72) hours before the time set for the meeting, either personally or by electronic mail.

The ACC shall consider such plans and specifications with regard to the type and style of the structure, the quality and use of materials, the exterior design, the location of the structure upon the Lot, the proposed finished grades, the harmony of external design and location in relation to surrounding structures and topography, and the unique climatological and topographic elements of the Properties. No building may have finished exterior walls of masonry blocks (except on the foundation only) or tar paper siding. The colors of the siding and roof material are subject to approval by the ACC, which approval shall not be unreasonably withheld.

The ACC shall issue in writing its approval or disapproval within seven (7) days of the date of the meeting at which the ACC considered the plans and/or specifications. To maintain the natural beauty of the Properties, no Lot shall be cleared of natural growth or vegetation until plans for construction have been approved by the ACC. In the event the ACC fails to approve or disapprove any plans and/or specifications within thirty (30) days after said plans and specifications have been submitted to it, or in any event, if no suit to enjoin the addition, alteration or change has been commenced prior to the completion thereof, approval will not be required and this Article will be deemed to have been fully complied with. The ACC may condition its approval of plans and/or specifications on the execution of a Construction Agreement setting forth the timing of all construction and the manner in which any contractor or subcontractor may operate on the Properties. The ACC shall maintain minutes of the meeting of the ACC, and such minutes, together with the written approval or disapproval of the ACC, shall be submitted to the Secretary of the Association for authentication pursuant to the Bylaws of the Association.

To ensure that approved designs and construction are built in a timely manner, actual construction of approved plans shall commence no later than twenty four (24) months from the date of approval. Failure to begin construction within that twenty four (24) month period will necessitate a re submission of the plans for a new approval by the ACC, which approval shall not be unreasonably withheld. "Commence actual construction" shall mean the date that footings are poured for the

dwelling. Once construction has begun on any Lot, construction shall be ongoing and continuous until the new construction, addition, alteration or change subject to the ACC approved plans has been completed.

The Association has the right, but not the obligation, to hire an architectural advisor to assist and advise the ACC in their review of the proposed design and location of any structure.

The Association, in the Association's sole discretion, may make any such architectural advisor available to assist and advise the person seeking approval. If the proposed structure is to be constructed upon the Common Properties, the cost of such architectural advisor shall be paid by the Association. If the proposed structure is to be constructed upon a Lot or Living Unit, the cost of such architectural advisor shall be assessed against such Lot or Living Unit and shall be immediately due and payable by the Owner(s) seeking approval, and such payment shall be a condition precedent to approval of the design and location of the proposed structure.

In the event of damage or destruction of any improvements on a Lot, the owner shall have the right, in his or her discretion, to repair or restore the improvement to the condition and exterior visual integrity to which the improvement existed prior to such damage or destruction, without additional approval by the ACC.

The previous provisions of this section apply only to construction of new homes, construction of "significant detached buildings," or "significant alterations" of existing Living Units upon the Properties. By way of example, "significant alterations" include modifications, alterations, or changes to the exterior of the Living Units requiring structural or exterior construction. A "significant detached building" includes a garage, workshop, building with additional living area, or similar outbuilding. For any other change or alterations to a previously approved design, color, texture, material, or any other exterior changes to existing structures (including painting and re-roofing) or additional improvement to Lots including, but not limited to, patio construction, or a deck not exceeding two feet above ground level, fence installation, driveway paving/installation or modification, hedge planting or installation of other detached structures that are smaller than 5 feet in height and 72 square feet, Owners may make no changes or alterations without prior ACC approval and in accordance with ACC procedures. By resolution, the Board of Directors shall establish a resolution outlining the procedures that the Owners and ACC must follow for the types of changes and alterations described in this paragraph. The resolution shall describe the application process, the ACC review period, applicable ACC considerations, requirement for hearings, and the appeal process.

WHEREAS the first two paragraphs of Section 7.1 stipulates that no new building, fence, wall or other structure shall be constructed, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration of any existing Living Unit be made without the ACC reviewing an application from the Member for this construction in an open meeting properly noticed and providing a decision about the application in a timely matter as more fully described in of Section 7.1.

WHEREAS Section 7.1, the last paragraph, clarifies circumstances where a noticed meeting is not required, allowing the ACC to process applications for alterations to a previously approved design, color, texture, material, or any other exterior changes to existing structures (including painting and re-roofing) or additional improvement to Lots including, but not limited to, patio construction, or a deck not exceeding two feet above ground level, fence installation, driveway paving or modification, hedge planting or installation of other

detached structures that are smaller than 5 feet in height and 72 square feet, using a procedure outlined in a Resolution of the Board to simplify the process for the more routine architectural requests of a primarily built-out community.

WHEREAS Article III, Section 3.12a of the 2007 Amended and Restated By-laws of SVHOA provides that the Board of Directors will appoint an Architectural Control Committee.

NOW THEREFORE BE IT RESOLVED that the Board will appoint three or more Southview Members to perform as the Architectural Control Committee, also known as the ACC, with at least one Board Member, and in no event a quantity of Board Members on the ACC equaling a quorum of the Board. Should a quorum of the Board perform the functions of the ACC, the meetings reviewing ACC requests will be noticed and held pursuant to the provisions of SVHOA By-laws for a Special Meeting; and it is further

RESOLVED that a streamlined process for approving certain construction and maintenance processes as defined in the amended Article VII is hereby established. This process establishes categories of structures and maintenance, each with procedures that are appropriate to the impact on the neighborhood.

Examples of Structures and Changes to Structures as a basis for ACC processing procedure, defined in more detail below:

CATEGORIES:

1. Reroofing and /or repainting of existing home or structure with substantially the same color of paint or color and style of roofing material or repairing or replacing existing structure elements to the condition and exterior visual integrity to which the structure existed prior to such damage or destruction.
2. Reroofing and /or repainting with different color of paint or color and style of roofing material.
3. Adding a wall, fence, arbor, trellis, or other hardscape structure or feature.
4. Building a detached structure on a lot such as a generator or propane enclosure or other minor structure or a significant structure such as a garage, workshop, additional living area or other similar building.
5. Modifying the exterior of a home or adding a building addition or physical structure attached to home.
6. Building a new home

Members Procedure: For all construction processes, including the categories described above, **except Category 1** (reroofing and/or repainting with the same materials and colors), Member must submit a written request to the ACC using the Architectural Request/Submission Form for approval including plans and specifications of the project showing the nature, kind, shape, colors, height, materials and location of the structure relative to property lines. The ACC may request additional information. Color samples, and actual samples of materials are requested as opposed to small printed color examples or brochures describing materials. Complete and easily understood information will expedite the approval process. Member may present the details of the architectural proposal to the ACC in person. The ACC may request the Member present their proposal to the ACC in person.

For new homes (category 6), the Member will also be required to submit a fully executed New Construction Agreement with a damage deposit of \$500. Significant architectural changes or additions to existing homes (categories 4 and 5), may also require a fully executed Construction Agreement with a \$500 deposit, at the discretion of the ACC.

An Appeal of an ACC decision may be made in writing to the ACC, by delivering a copy to the President and Secretary of the Board of Directors, stating the reason why the Member feels the ACC unreasonably withheld approval. The Board of Directors will address an Appeal at a Special Board of Directors Meeting. A decision by the Board of Directors is final.

Approval of an architectural request does not waive the necessity of Member obtaining any required County permits and obtaining a County permit does not waive the necessity of obtaining ACC approval.

Any construction or any alteration of the subject property commenced before approval by the ACC is strictly prohibited. Should construction or alterations of subject property be conducted prior to ACC approval or after ACC denial, Member may be required to return the property to its original condition at Member expense and be subject to a fine. If Member refuses and HOA incurs legal expense, Member will reimburse HOA for any legal expense incurred.

ACC Procedure: The purpose of the ACC review is to ensure that any additions or modifications to property maintain the appearance and property values of the community, do not unreasonably impact the rights of the surrounding neighbors who may be impacted by the modification/addition and comply with SVHOA governing documents.

An ACC review and decision will be made in good faith and not be unreasonable, arbitrary or capricious.

The timing of ACC consideration of and response to the Member's application for the simplified process shall be equivalent to the timing defined in the process outlined in Article VII, Section 7.1 of the CC&Rs. For the simplified process a decision will be provided to the Member in writing by email or if requested, by US Mail as soon as possible but in no event, if by email, later than 21 days from the date the ACC receives all information requested, or if by US mail postmarked no later than 21 days from the date the ACC receives all information requested. If the architectural request is denied, a reason for the denial will be provided.

ACC Minutes will be produced for all ACC meetings of any kind using a standard form with all Member submissions attached to memorialize all ACC requests and the results. Should an appeal be made, a note of the appeal will be made in the ACC minutes form. The final decision on the appeal will be in the Board of Directors minutes. The ACC minutes will be completed by the ACC committee chairperson and forwarded to the Association Secretary who will keep the ACC records on file.

The ACC committee will follow the full procedure with noticed ACC meeting outlined in Article VII, Section 7.1 for new homes on currently unimproved lots, or when the ACC

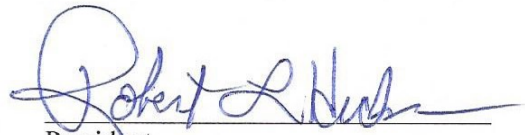
determines that the full review procedure with noticed open meeting outlined in Section 7.1 should be applied.

For all Categories generally described above, the ACC shall use the following procedure:

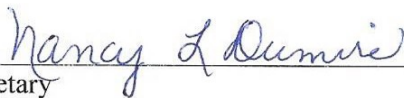
- Category 1: Reroofing and/or repainting of existing home or structure with substantially the same color of paint or color and style of roofing material or repairing or replacing existing structure elements to the condition and exterior visual integrity to which the structure existed prior to any deterioration, damage or destruction shall be considered maintenance only and not subject to ACC review.
- Category 2: Re-roofing or painting home with different materials or different color is subject to ACC review as follows:
 - The ACC committee will evaluate the Member's architectural submission without a Member-noticed meeting.
- Category 3: Adding wall, fence or hardscape structure or feature:
 - If the submission is not a fence, free standing wall or significant structure (example trellis, bench, bear carving—a minor landscape feature); the ACC will evaluate the submission without a noticed meeting.
 - If the submission is a fence or wall or hardscape feature or structure over 48 inches, a noticed formal meeting may be held by the ACC to consider the change. The ACC may instead consider the application without a noticed meeting and render a decision.
- Category 4: Detached Structures:
 - Minor detached structures such as propane enclosures, small generator enclosures less than 5 feet tall or other minor structures less than 5 feet tall and under 72 square feet, or as determined by the ACC, will be reviewed by the ACC.
 - Should a homeowner wish to build significant detached structure such as a garage, enclosure over 5 feet tall and over 72 square feet or similar building on a lot with an existing home, the ACC will follow the requirements outlined for new homes and significant alterations to existing living units which require a formal ACC meeting, meeting notice to the Membership and timely decision more fully described in Article VII section 7.1.
 - In addition, a significant detached structure would also require the completion of a Construction Agreement by the homeowner's contractor and the submission of a refundable deposit pursuant to that agreement.
- Category 5: Modifying the exterior of a home or adding a building addition or physical structure attached to home.
 - Minor modifications to a home, such as enclosing an existing covered patio that is already a part of the approved footprint of the home and minor changes in trim and similar may be reviewed by the ACC without a formal, noticed meeting.
 - All other material exterior modifications or additions to the physical structure of a home will require a noticed meeting of the ACC pursuant to Article VII section 7.1 and will be subject to a Construction Agreement completed by the homeowner's contractor and the homeowner with a refundable deposit pursuant to the conditions of that Construction Agreement.

- Category 6: New Home:
 - The ACC committee will follow the full review procedure with noticed ACC meeting outlined in Article VII, Section 7.1 for new homes on currently unimproved lots.
 - The ACC will make the final determination and notify the Member of its decision in a timely fashion.
 - A Construction Agreement will be required, completed by the homeowner's contractor and the homeowner with a refundable deposit pursuant to the conditions of that Construction Agreement.

This Resolution was adopted by the Board of Directors at the Annual Meeting on May 24, 2019, and shall be effective the day of mailing this Resolution to the owners at their addresses on file with the Association.


President

Attest:


Secretary