

Glenoak Hills Community Association

TREE AND VIEW POLICY AND COMPLAINT PROCEDURE

I.

TREE AND VIEW POLICY

A. Pertinent CC&R Provision

The Declaration of Covenants, Conditions and Restrictions for Glenoak Hills, as amended (the "CC&Rs"), provide as follows regarding views and trees and other plantings:

Ornamental plantings and trees shall not unduly¹ impede view from neighboring parcels. Planting and trees attaining a height which would cause view interference shall be periodically trimmed and cut back as necessary. (Sec. 4.10, second paragraph.)

In accordance with the above CC&R provision, the Board of Directors ("Board") has, from time to time, responded to view blockage complaints; requested various owners to trim, thin or top trees; and tried to reasonably resolve disputes related thereto.

It is recognized that, because of the terrain and varied positions of the lots in Glenoak Hills, each alleged view impediment must be evaluated individually in relation to the contour of the affected lots, the lots' locations, siting of structures and the existing landscape.

The Board will evaluate view obstruction complaints with a central consideration of whether complaining owner's view is unduly impeded.

The Board cannot precisely define or create a uniform standard on what may constitute a "view." Therefore, a decision regarding what is a "view" such that the protections of the CC&R provision will be applicable will be made on a case-by-case basis by the Board.

¹"Unduly" is defined as ". . . 1. Excessively...(Webster's Encyclopedic Unabridged Dictionary of the English Language (1989), a p. 1547.)

B. Trimming of Existing Landscaping

The Board may request that owners trim or cut back plants and trees if they are determined to constitute an undue view impediment. The Board is authorized to make these requests even if the landscaping in question was originally approved by the Architectural Committee.

The Board will not be bound by the determination of the complaining homeowner as to what he/she believes may constitute their "view" or as to the extent the complaining resident believes that it is necessary to trim or cut back the trees or shrubs which are alleged to unduly impede the view.

II.

VIEW COMPLAINT PROCEDURE

This procedure describes the manner in which view disputes will be addressed by the Association.

1. If an Association member believes that an undue impediment of his or her view exists, that member ("Complaining Member") must first communicate in writing with the owner of the property where the alleged view impediment exists ("Responding Member"). The Complaining Member needs to seek the cooperation and assistance of the Responding Member toward reaching a voluntary agreement to trim and/or cut back the alleged undue view impediment. It is the Association's expectation and hope that most view issues can be resolved in this manner. (A Complaining Member may pursue the undue view impediment claim directly without involvement of the Association. The Association is not required by Section 4.10 of the CC&Rs to be involved.)
2. If the alleged problem is not resolved to the reasonable satisfaction of the Complaining Member, the Complaining Member may then send a letter to the Board, in care of management, explaining the nature of the alleged view impediment. The Complaining Member must enclose in any letter to the Board copies of all correspondence and communications with the Responding Member on the topic as well as current pictures of the alleged view impediment.
3. The Board may contact the Complaining Member and/or the Responding Member with a date and time that the Board members may visit the subject properties for an on-site inspection.
4. The Board members will meet in executive session to review and consider the matter. Each claimed undue view impediment 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, the nature of the landscaping improvements that are allegedly unduly impeding the view, views elsewhere on the lot, duration of the alleged view obstruction (i.e., has it always been that way? is it seasonal? did the situation exist when the Complaining Member purchased the property?), and whether and how the alleged view impediment could be mitigated. If the Complaining member and/or the Responding Member have statements they wish to make or further evidence to present, they may do so at the executive session. The Board's hearing will then be closed, the Board will take the issue under submission, after which the Board will communicate, in writing, its decision to the Complaining Member and Responding Member.

5. The Board will use its reasonable business judgment in determining whether and to what extent the Association will pursue enforcement as to any view blockage violation. The Association's many obligations and need for prudent financial management must be balanced by the Board in making such enforcement determinations.

CERTIFICATE OF SECRETARY

The undersigned duly appointed or acting Secretary of the Glenoak Hills Community Association hereby certifies the foregoing Tree and View Policy and Complaint Procedure was duly moved, seconded and adopted by the requisite majority of the Board of Directors at a duly noticed open meeting, following compliance with Civil Code Section 1357.130, of the Board of Directors held on 10/24/13, in Temecula, California, following the Board's provision of the proposed policy to the members for a 30-day comment period and the Board's consideration of the comments received from the members.

Dated: 10/24/14

Susan Clay
Secretary

Glenoak Hills Community Association