

Ventana Lakes Property Owners Association

Board of Directors Work Session Proposed Architectural Rule Changes, Session #1 Saturday, October 25, 2008 Minutes

Called to Order: by President Sue Alandar at 2:05 p.m.

Pledge of Allegiance

Meeting Location: Ventana Lakes Yacht Club
20015 North 108th Avenue

Board Members Present: Sue Alandar, Tony Fiore, Moe Frenette, Richard (Dick) Matsuishi, Joe McCord, and Lori Norris

Property Manager present: Jack Donovan (set up only)

President Alandar, one of the core reasons we have a homeowners community is to keep your house values up, we have a very, very valuable Architectural Committee who has adopted rules over the years and every year they submit their Rules to the Board for review. This time the Board decided to have the Community assist in the review. The Rules were sent out to the Community, we received a lot of comments and three Board Members consolidated the comments. The Board and Community recommendations are underlined and in CAPITALS.

We are here today to review the Architectural Rules submitted by the Architectural Committee with the Board and Community recommendations added. Comments from today's meeting are in **parenthesis, bolded and italicized** at the end of the recommended changed paragraph.

NOTE: Only categories that had recommended changes are listed, these are not the entire Architectural Rules.

GENERAL

The purpose of this committee is to review submitted CHANGE APPLICATION REQUEST FORMS for additions and changes to home sites within Ventana Lakes, monitor residents' AC compliance to Article IV, Sec.2a of the CC&Rs, and check home re-sales to ensure new home buyers that there are no violations to the exterior of the home and lot being purchased.

(Updated to new name of form)

Article IV, Sec.2a of the CC&Rs states, "No improvements, alterations, repairs, excavation, grading, landscaping or other work, which in any way alters the appearance of any lot within Ventana Lakes or the improvements located thereon from its natural or improved state, (existing on the date a Tract Declaration for such property was first recorded) shall be made or done without prior approval from the AC.

(The word "landscaping" was placed back into document as it was prematurely removed in anticipation of the new CC&R change)

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To maintain architectural ~~control and a standard~~ of CONSISTENCY, property owners shall submit written Change REQUEST FORMS to the Architectural Committee by Wednesday before 4:00 p.m., in order to be placed on the following Monday's agenda.

(Minor word changes)

APPLICATION PROCEDURE (Major Changes)

Requests for approval shall be submitted in the following manner:

1. If a Change Request contains major improvements that would require architectural plans, the request must include rough drawings and a detailed written explanation of what is being requested, along with a "before" photograph. If the request is not prohibited by the Governing Documents, the Architectural Committees should approve the Request with the stipulation that the approval is contingent on presentation of architectural plans.

In all cases, the property owner must submit submits a written request giving specific details of what is being requested. For any alteration to the exterior of the house or yard, a sketch/ drawing with exact measurements, and a before photograph explaining the proposed change or alteration to the Architectural Committee is required. Residents who wish to make several changes at the same time are to submit separate requests for each item. There are four CHANGE APPLICATION REQUEST FORMS, AS FOLLOWS:

- * exterior changes to a home;
- * flagpole installation;
- * installation of a pool, spa, hot tub;
- * installation of a satellite dish

All of these forms are available to download on VLPOA's website www.vlpoa.org. Requests, except those for pools that have a 180-day completion time frame, are valid for 90 days. Work not completed in this time frame will require submission of another request form.

(This was so a homeowner would not be out the expense of architectural plans upfront, which can cost \$500 - \$1000 dollars, should their request be disapproved. Once approved, then the more detailed drawing would need to be submitted)

(Accepted)

6. **VARIANCES. THE BOARD MAY, AT ITS OPTION AND IN EXTENUATING CIRCUMSTANCES, GRANT VARIANCES FROM THE RESTRICTIONS SET FORTH IN ARTICLE IV OF THE CC&R'S IF THE BOARD DETERMINES IN ITS SOLE DISCRETION:**

(A) EITHER

(1) THAT A RESTRICTION WOULD CREATE AN UNREASONABLE HARDSHIP OR BURDEN ON AN OWNER OR LESSEE, OR

(2) THAT A CHANGE OF CIRCUMSTANCES SINCE THE RECORDATION OF THE CC&R'S HAS RENDERED SUCH RESTRICTION OBSOLETE

AND

(B) THAT THE ACTIVITY PERMITTED UNDER THE VARIANCE WILL NOT HAVE ANY SUBSTANTIAL ADVERSE EFFECT ON THE OWNERS, LESSEES, AND RESIDENTS OF VENTANA LAKES AND IS CONSISTENT WITH THE

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QUALITY OF LIFE INTENDED FOR RESIDENTS OF VENTANA LAKES. A VARIANCE GRANTED TO A HOMEOWNER SHALL BE CORRECTED PRIOR TO SALE OF THE HOME.

7. **Once the approved work has been completed, the approved Change Request is to be returned to the Office,** so members of the AC can make a final inspection of the work to ensure that it was done according to that which was initially approved. **For all completed alterations to the exterior of the house or yard, a post photograph is to be included.**

(There was lots of discussion regarding two possible types of variances; conditional and permanent. Decisions to grant a variance should not be based on an individual; it should be based on the situation and the affect on the community)

(Accepted)

Article I. Architectural Rules

All Changes or alterations to the exterior of a home or a lot require prior written approval from the Architectural Committee, UNLESS SPECIFICALLY EXEMPTED UNDER THESE RULES. Those not referenced to a specific CC&R have been categorized as belonging to Article IV, Sec. C.1.

All approved requests must be completed within three months (90 days) of approval date, except pools which have a 180-day completion time frame.

(Accepted) - The word "All" is removed from the beginning of this paragraph to reflect later proposed changes.

ALUMA WOOD PATIO COVERS: SEE PATIO COVERS

This is not deleted, but moved to the broader category "Patio Covers"

Antennae/SATELLITE DISHES: *(A Cross-reference to satellite dishes is also added later)*

(Has a separate Change REQUEST FORM.) Antennae or other devices for the transmission or reception of television, radio or other form of electromagnetic radiation devices must be installed in accordance with the Ventana Lakes Property Owners Association Antennae Resolution and Policy adopted August 20, 2002. The Resolution regulates the installation, use, and maintenance of satellite dishes and antennae that are governed by rules established by the Federal Communications Commission. While the Resolution applies to all owners, tenants and occupants within the Association, the owner of a particular lot ultimately is responsible for compliance with the Resolution. All antennae/dish placements require prior approval of the Architectural Committee. **RESIDENTS ARE ENCOURAGED TO CONTACT MEMBERS OF THE ARCHITECTURAL COMMITTEE TO DISCUSS PLACEMENT OF THE SATELLITE DISH BEFORE HAVING ONE INSTALLED CAUTION: AN INSTALLER MAY TELL THE HOMEOWNER THE ONLY INSTALLATION LOCATION IS THE ROOF, THIS IS NOT NECESSARILY TRUE. NOTE: ~~Do not allow an installer to tell you the only place to install a dish is on the roof. This is the easiest and quickest for the installer. Before any installation is made, various installation sites should be explored.~~** In all cases, antennas must be shielded from view from the street and neighboring properties **to the maximum extent possible**, as long as AN ACCEPTABLE signal quality may be received. **All dish installations**

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must have a final inspection of the placement by the AC.

(The NOTE is deleted because it is not appropriate. The letter/application should provide all information necessary for the homeowner to comply with rules and be aware of FCC law, and give them the tools to work within both)

(Accepted)

ATTIC FANS: SOLAR POWERED:

PRIOR WRITTEN APPROVAL FROM THE ARCHITECTURAL COMMITTEE IS REQUIRED. THE ATTIC FAN MUST NOT EXTEND ABOVE THE RIDGELINE OF THE ROOF. THE FLASHING AND HOUSING OF THE ATTIC FAN MUST BE PAINTED TO MATCH THE COLOR OF THE VENTS IF ROOF MOUNTED, OR THE BODY COLOR OF THE HOUSE IF SIDE VENTED. PENETRATION THROUGH THE ROOF WHEN INSTALLING THE FAN CANNOT EXCEED 18 INCHES.

(Accepted)

Awnings -Window:

Property owners are required to submit a Change REQUEST ~~Application~~ Form to the Management Office before an installation is made listing the color selected for awnings. All installations of any type of awning are restricted to the approved solid colors on file at the Ventana Lakes Management Office. A small border of another solid color as added by the manufacturer. Is permitted. Awnings must be kept in good condition and maintained in their original color.

1. **Fabric House awnings:** The color selected must be an approved color but need not match the body color of the house. The chosen color for the awnings may be coordinated with the house colors.
2. **Metal House Awnings:** The color must closely match the body color of the house.
3. **Backyard Retractable Patio Awnings/ Rollup Patio Shades:** The color selected must be an approved color but need not match the body color of the house. The chosen color for the awnings may be coordinated with house colors.
4. **Retractable front yard RV type awnings are prohibited.**

(RV type awnings were described as the ones that are attached to a Recreational Vehicle or Mobile Home and roll straight out)

(Accepted)

Backyard issues: homeowners with backyards not visible from outside the lot are not required to obtain approval for changes to their back yard, except as follows:

1. Installation of a pool, spa, and hot tub (has a separate change request **form**)
2. Pond, fountain or other water-related equipment must have water that re-circulates SUFFICIENT TO PREVENT THE BREEDING OF MOSQUITOES or the feature is to be left dry; stagnant water is a breeding site for mosquitoes
3. Nothing in the backyard may extend above the privacy wall except for trees, shrubs and umbrellas
4. Trees must be planted at least 6 feet from the privacy wall and/or property line
5. A grading change should not be made which will allow irrigation water to seep into the privacy wall which will eventually damage the wall
6. ~~no other rules may be violated, such as installation of a clothes line~~

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7. Homeowners with lake front property shall obtain prior written approval for landscaping and other work for back yard.

(# 6 was removed because the new CC&R proposal allows clothes lines & provides stipulations)

(# 7 is not deleted, but clarified and moved to the front)

(Accepted)

Bamboo Fences

~~This type of decorative fence is not approved.~~

(Denied)

(There seems to be no harm to the community and no reason to disallow as long as it is maintained properly)

Boat Docks: Painting (applies to lots on the lakes)

Current owners with existing boat docks must keep them in good condition and adequately painted in an approved color. Painting of a boat dock and fence requires prior written approval from the Architectural Committee. Boat docks and dock fences may be stained with water-based redwood color or painted, using Navajo White paint. (CC&Rs Article IV, Sec. F5.). Any repairs of a dock must be submitted to the Architectural Committee for review. Depending upon the nature and the extent of repair, approval of the request may not be granted. The decision will be on a case by case basis.

(Accepted)

Clothes Drying Facilities:

~~Outside clotheslines or other outside facilities for drying or airing of clothes shall not be permanently erected or maintained on any lot, **except for a temporary drying rack on the patio and/or a retractable line on the patio for brief, reasonable use, and not visible when not in use.**~~

(This is the new "Green" movement to coincided with the proposed CC&R change)

(TABLED pending CC&R changes and opportunity of AC to draft a response)

Completion Periods:

When an architectural request for additions, alterations or improvements has been approved, the project must be completed within three (3) months (90 days) from the date of approval. The exception to this is the installation of a pool which has a six (6) month completion time frame.

(This is not really new, but copied from the "Note" at the end of the document)

(Accepted)

Doors: new or replacement house doors:

A new painted front entry door color should closely match the one being replaced. **However, a painted door may be replaced with a wood-finish door with Architectural Committee Approval.** The color of a garage side door should closely match the body color of the house.

(Accepted)

DRIVEWAY EXTENSION:

Driveway expansions require prior written approval from the Architectural Committee. The maximum width a driveway may be expanded is three feet on one side, or 18 inches on each

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side, providing that no more than 30% of the front yard is covered in concrete. Separate concrete strips, which may serve as a second driveway, may not be added.

(Accepted)

FENCE PAINTING BY HOMEOWNER (WROUGHT IRON VIEW FENCE ON LAKES OR COMMON AREAS)::

A homeowner on a lake front lot or common area may paint his/her own fence with prior written approval from the Architectural Committee. ALL PARTS OF THE fence must be painted. Rust areas on the fence must be sanded and primed before the fence is painted. The paint color for the fence, other than at the shores, is Dunn Edwards' navajo white. The shores' fence color is Dunn Edwards' enchanting ivy. The association will not compensate a homeowner who paints his/her own fence. Owners who have fences that extend over the water at the back of their property are responsible for painting the fence.

(Accepted)

(Homeowner objected stating, why is a homeowner responsible for painting a fence on Associate property? President Alandar, the Association doesn't have access to the fence, it is on private property)

FENCE TO PREVENT RABBITS:

Small metal or wooden fences are not permitted to prevent rabbits from eating the vegetation in a homeowner's yard. A small piece of chicken wire screen no higher than 24 inches may be used around individual shrubs. Prior Architectural Committee approval is needed for the screening of shrubs to prevent damage from rabbits.

(Chicken wire was removed to afford homeowner some latitude in the material used with AC approval)

(Accepted)

Garage Door Louvers/Vents:

Prior written approval from the Architectural Committee must be obtained before garage door louvers are installed. Vents cannot be homemade or altered from their original form or size as purchased. The vents are to be placed in the lower panels of the door. The vents must match the color of the garage door.

(Accepted)

Gazebos, Ramadas, Elevated Spa Covers:

Gazebos, Ramadas, or Elevated Spa Covers require prior written approval from the Architectural Committee. A design plan with dimensions including color, material and type of roof must accompany the Change Application Request Form. No tent coverings are permitted. ~~In addition, because these structures will be visible from the street or neighboring property, a letter from the neighbors on all sides of the property must be submitted stating they have no objections to the planned structure that will be visible to them.~~

(Neighbor approval removed. There was strong community and Board objection regarding neighbor approval: getting neighbors' permission should not be required; either a thing should be allowed or not, independent of personalities. This gives too many people too much arbitrary power. Any neighbor with any grudge can stop any other neighbor from fully enjoying their own property. Approval of a gazebo, etc., is a responsibility of the Architectural Committee; that

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responsibility should not be delegated to an assortment of neighbors. Furthermore, this provision sets up an adversarial neighborhood relationship which does not benefit Ventana Lakes. Current CC&R's restrict anything above the wall.)

(Accepted)

Granite:

Homeowners who are changing to granite, or changing the color of the granite in their yards need prior written approval of the Architectural Committee. After the granite has been spread in the yard, the homeowner is responsible for sweeping up the dust that is left. The dust or dirt that has been left may not be hosed down the driveway or street.

(Accepted)

HOME ADDITIONS:

All additions to a home, including patio covers, security doors, walkways, and buildings, shall be submitted to the Architectural Committee for written approval prior to construction. ~~No room additions to a home may be attached to the outside patio supports or be free standing~~

(If an addition can be approved that is attached to the house under City Code, then the Board saw no reason to restrict a resident regarding a free standing or a structure attached to the patio supports that meets City Code)

(Accepted)

House Painting:

All repainting of exterior portions of homes is restricted to using ANY approved paint color schemes **IN ANY SUBDIVISION** on file at the Ventana Lakes Management Office. Painting of a home requires prior written approval of the Architectural Committee. Residents are asked to submit the letter/number of the color scheme selected on the application form.

1. If touch work is to be done on the house, then the old paint books may be used. However, the touched up areas must blend into the current colors so the areas repainted do not stand out. If the entire house is to be painted, the new paint books in the Management Office are to be used to select a color scheme.
2. A two-color combination (body and trim) is acceptable, except for those homes found in Bay Pointe II, Heritage II and South Bay II. Homes in these three subdivisions must have the pop-outs painted. Pop-outs in all other areas may be painted the same color as the body color of the house.
- 3. When the house is painted, the garage door, the trim around it, and the front walls that face the street must also be painted the body color of the house. If the front entry door is to be painted, the door and trim around it may be painted the body color of the house or the trim color.**
4. Either flat or semi gloss type of paint may be used when the house is painted. In addition, a clear acrylic finish may be applied over the paint if the homeowner wants to extend the life of the paint finish.
5. Other notes regarding house painting: any material - wood or stucco – abutting the roof line and extending out from the house wall must be painted the trim color.
6. Front sidewalls that extend to the sidewalk area must be painted the body color of the house.
7. For a house on a corner lot where the wall on the side street is not common area, the

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homeowner is to maintain the outside of the wall. If the homeowner wishes, or needs to paint the outside of the wall on the side street, he must use Dunn Edwards' Navajo White paint.

(This change from the AC proposal would allow any of the approved colors to be used anywhere in Ventana Lakes. This issue was raised by several people, who would like to be able to use any color allowed in Ventana Lakes, noting it has to be approved by the AC anyway. The form could be changed to advise the Committee of the tile color and if the homeowner has considered if the paint will complement the tile color)

REVIEW STOPPED DUE TO TIME – TO BE CONTINUED AT A DATE TO BE DETERMINED

The following transcript is being provided due to the conflicting and misinformation regarding what Residents and the Board President stated at the end of the meeting:

Resident DeMont, thank you Board for giving us the opportunity to be here, thank you to the Architectural Committee. I get a little nervous when I read your letter dated October 3rd, where you stated you were a little hesitant about going after people who are in violation because it will cost us money? You did say that?

President Alandar, no I didn't said that, I said it will cost us money, so we want to make sure we are going after people for the right reasons. It's not cost efficient.

Resident DeMont, if it is in the CC&R's and they violate the CC&R's should they not be taken to task, prosecuted or gone after?

President Alandar, if they are doing something that is harmful to this community, then you're darn right we should.

Resident DeMont, okay, then how come you're not doing that?

President Alandar, What is the problem?

Resident DeMont, are there people now in violation that you know of that came from the Architectural Committee? Are there any violators that you know of?

President Alandar, No.

Resident DeMont, you don't know of any? Bill you've never told them about any?

President Alandar, they have referred some cases to us, we have looked at them and given our results of what we thought. Tony what are you trying to tell us?

Resident DeMont, I'm trying to tell you, I can't believe these rules and regulations. I want my house to look nice; I want the community to look nice. If you go on the other side of Rose Garden where those nice homes were just built 2-3 years ago, go take a ride through there and

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see what they've done, with the crap that's lying around in front of the houses, trucks, broken down cars.

President Alandar, there's no place here that looks like that.

Resident DeMont, I used that because I don't want this place to look like that.

President Alandar, neither do I.

Resident DeMont, if there are violations going on, they should be handled right?

President Alandar, Yes Tony.

Resident DeMont, that's what I'm asking you, are there violations now that you know about?

President Alandar, No, if I know of any violations that are harmful to the community we will go after them. What are you telling me?

Resident DeMont, I guess I must be hearing two different stories then.

President Alandar, I think you are.

Resident DeMont, okay then somebody's lying to me.

AC Committee Member Keitel, there are violations that have been referred to the Board and there are some outstanding.

President Alandar, (asking other Board Members) do we have some outstanding that we haven't acted on?

Resident DeMont, that's what I want to know.

Secretary Norris, not that I'm aware of.

Director McCord, I don't know of any.

President Alandar, I thought we had acted on everything you gave to us. Is there something we haven't?

VP Matsuishi, we've addressed everything they've given us.

AC Committee Member Keitel, the Manager has it, you require and I think you are aware of them.

President Alandar, then the Manger hasn't given them to us. No, we thought we had handled everything you gave to us Bill.

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AC Committee Member Keitel, the antenna violation that I believe you are aware of; we have garbage can violations which you are aware of and have decided not to do anything about it. There was a sign violation that you were made aware of and you decided not to do anything.

President Alandar, that was a City violation, it was to be reported to the City.

AC Committee Member Keitel, it's a violation of our CC&R's.

President Alandar, okay everyone stick around, apparently they've decided to bring out the fireworks with the Board. There are two For Sale signs on a house; one sign is visible from Beardsley Road that is a City violation, a violation under City Code.

AC Committee Member Keitel, it's a violation of our CC&R's.

President Alandar, if the City won't take care of it we'll spend the money and take care of it.

VP Matsuishi, what's the antenna violation, I don't remember that one.

President Alandar, no I don't remember that one either and as for the garbage can violation we handled that and we gave you an answer and if you don't like it, it's too damn bad.

Norris moved, Frenette seconded, THERE BEING NO FURTHER BUSINESS TO DISCUSS,
MOVED TO ADJOURN.

Motion passed

Board Meeting adjourned at: 4:10 p.m.

Lori Norris, VLPOA Secretary

Date