

NELLIE GAIL RANCH OWNERS ASSOCIATION

VIEW OBSTRUCTION POLICY

Article VIII, Section 7 of the Nellie Gail CC&Rs provides that an owner shall not plant, erect or maintain any hedge, hedgerow, trees, shrub or other landscaping or installation on any Lot in such location or of such height so as, in the opinion of the Architectural Committee ("AC"), to unreasonably obstruct the view from any other Lot.

1. Prior to submitting a view obstruction complaint to the AC, an owner must contact their neighbor(s) first and request their cooperation by thinning, pruning, topping or removing trees or vegetation.
2. An owner who wishes to bring a view related complaint to the AC shall submit the complaint in writing by submitting an Application for Determination of View Obstruction form, which can be obtained online or at the Administrative Office. The applicant shall describe the efforts made to gain the neighbor's cooperation and the neighbor's response. The applicant shall identify the offending tree(s) with sufficient particularity so as to enable the Association's AC to identify the subject of the complaint. Owners are required to submit photographs with the form.
3. The Association's AC shall contact the Owner making the request, in addition to the owners, if any, who oppose the request, for the purpose of viewing the reported conditions from the affected lot(s) and/or residence(s) as applicable. The owner making the complaint shall allow the AC and its representative(s) entry onto his property at a reasonable and mutually agreeable date and time. The AC and its representative(s) may take photographs during the site visit.
4. The AC, in its reasonable opinion, shall determine if the alleged obstruction is unreasonable, given the topography of the lot and surrounding properties, the orientation of the lot and residence, and the impact of the tree(s) on the overall view from the property.
5. Factors to take into consideration in determining whether there is an unreasonable view obstruction include, but are not necessarily limited to, the following:
 - a. The percentage of the overall view that is impaired by the obstruction at issue;
 - b. Whether there are other impairments of the owner's view about which the owner did not submit a complaint;
 - c. Whether anything on the owner's lot obstructs the view;
 - d. Whether thinning, pruning, topping or removal of the obstruction will improve the view in light of the totality of the view from the property;
6. If the AC, in its reasonable opinion, determines that the view is not unreasonably obstructed, no action shall be taken and the written notice of the AC's decision shall be sent to the complaining owner.

7. If the AC determines that the view is unreasonably obstructed, the AC shall notify the offending homeowner(s) in writing and will describe the specific violation(s) and give the homeowner(s) thirty (30) day to comply. A copy of the letter will also be sent to the complaining party.

8. If the view impairment has not been abated within thirty (30) from the date of the letter from the AC, the AC will notify the Board of Directors who will determine whether enforcement action should be taken. The AC shall provide their recommendations in writing to the Board of Directors.

9. If the Board of Directors determines that further enforcement is appropriate, the Board of Directors will write the offending homeowner(s) requesting their compliance within thirty (30) days of the letter. If the view impairment has not been abated within thirty (30) days from the date of the letter from the Board, the Board will make a decision as to whether to refer the matter to the legal counsel.