

High Country Pines

Rules and Regulations

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1.0 Introduction

Pine Country HOA has three documents, which provide guidance and the rules for developing, enhancing, and maintaining our property. These are listed and defined below. Additionally, the CC&R's, By-Laws and the Articles of Incorporation are a legal, binding contract between Pine Country Homeowner Association and the Homeowners.

- **CC&R's** – were created by the Developer when the neighborhood was first created. It has since had minor revisions approved by a majority vote of the property owners. This document provides the basic rules for the operation of the HOA. A portion of this document (Article II) provides high level rules/restrictions regarding the use of and development of our properties. These rules are enforceable and allow for monetary fines. It also provides for the creation of an Architectural Committee, which will oversee (review, approve and enforce) the CC&R's as they relate to construction projects and alterations. The CC&R's focus on all forms of construction, as well as ongoing use and maintenance of developed property. The CC&R's take precedence over the other documents noted below. Each Homeowner in the Pine Country Homeowners Association (PCHOA), at close of escrow (COE), entered into a contract to adhere to the CC&R's, and all documents related to the Association. The HOA board is legally responsible for enforcing this contract.
- **Architectural Guidelines** – were significantly revised in 2018. The focus is to add detail to the CC&R's by providing clarification for rules and guidelines in the CC&R's as related to all forms of property development projects. It also details the process for approval of development projects and all aesthetic changes to the property.
- **Rules and Regulations (This document)** brings together the Association's Legal Documents and clarifies the CC&R's and Architectural Guidelines. This document provides more detailed guidelines and examples for maintaining our properties in line with the CC&R's and Architectural Guidelines. Guidelines are recommendations which, if followed, will keep our property in line with the CC&R's and Architectural Guidelines. Rules are enforceable through the violation/fine process when compliance is not obtained by a Homeowner. This document applies to maintaining vacant lots, as well as developed lots, both during and after completion of construction projects.

2.0 Guiding Principles

As an HOA we do not want to impose burdensome, nor autocratic, restrictions and rules as to how our property looks and how we use it. Therefore, we should all strive to live together under the following guiding principles:

- **Respect your neighbors;** Consider how your activities, maintenance and development affects your neighbors. Diseased trees may infect neighboring trees; changing drainage may have a negative impact on neighboring properties, as well as loud late-night parties, etc.

- Strive to live in harmony with the forest and nature. We live in a forest and we need to help maintain it by not creating fire hazards, limiting man made erosion and keeping the wildlife “wild”, etc.
- Developed properties should not look abandoned, or in disrepair. These affect property values and potentially invite vandalism.

Not everyone will follow the Guiding principles, therefore it is necessary we implement and enforce the outlined rules.

Article II 2.4 Additional Restrictions (J) of the CC&R’s states: “No unlawful, offensive, or obnoxious conditions shall be carried on or maintained on any Lot, nor shall anything be done or permitted thereon which may be or become a nuisance or annoyance to the neighborhood. There shall not be placed, stored, kept, allowed or maintained upon any lot any junk, trash, refuse, rubble or other unsightly condition or excessive weed growth.”

Terms such as “offensive”, “obnoxious”, “nuisance”, “annoyance”, “unsightly” are all subjective terms. For example, what is obnoxious to one person may not necessarily be offensive to another. In the following sections we provide guidelines, with examples, to help define and establish objective, consistent standards for these subjective terms as to when a situation crosses a line and becomes a violation. If we stay within the guidelines, we should remain in compliance.

3.0 Environment – Maintaining Natural and Formal Landscape

Our properties are located within a National Forest. Each of us has our own perspective for the appearance of our property. Some may want to keep a natural forest look, whereas others may want a more formal developed look. Both options are permitted, provided we adhere to the guiding principles and the rules set forth in the CC&R’s.

3.1 Undeveloped vs Developed Property

Although the standards need to be the same for all property owners, it is assumed that the owner of an undeveloped lot is more likely to not visit their property as frequently as a developed property owner. The nature of a developed property requires continual maintenance for the developed portions, and for this reason, owners of developed properties are held to a higher expectation in responsiveness to maintaining their land. On the other hand, owners of undeveloped property may need to be notified more frequently regarding the condition of their property.

3.2 Guidelines for a Natural Forest Appearance (managed)

Although we live in a forest, it is not a virgin forest. The forest is managed by the National Forest Service, with the intent of maintaining a healthier forest and minimizing fire danger, as compared to a virgin forest. Likewise, even when we have a natural forest appearance on our property, we need to maintain this small piece of forest. In the example below, the trees are thinned, there is a limited amount of low vegetation, and the meadow is native grass and flowers.



Figure 1 - Managed Forest Example

Dead vegetation - Dead trees, and other dead vegetation, should be removed as soon as possible after becoming aware of the condition. Dead vegetation creates a significant fire hazard for everyone. Also, bark beetles, which can kill ponderosa and pinyon pines, spread from the dying trees to healthy trees. For these reasons, violations may be written regarding dead trees.



Figure 2 Mistletoe Infested Juniper

Mistletoe – Mistletoe is a parasitic plant which is species specific. In our area the Junipers and the Pinyon are susceptible to mistletoe. Although mistletoe rarely kills the host tree, over time it will infest the tree, thereby weakening the tree and making it vulnerable to other diseases, which will kill the tree. Mistletoe left unchecked will spread within your property and to your neighbor's property. In late August through September mistletoe literally shoots out its tiny sticky seeds up to 50', infesting the tree where they land. The only way to remove mistletoe is to remove the infected branches.

Mistletoe is impossible to eliminate completely. Violations are not written for excessive mistletoe since there is no standard for how much is too much. However, we encourage property owners to make a best effort to minimize the amount of mistletoe.

Tree Density, Thinning and Trimming – An unmanaged forest will overpopulate with vegetation and create a significant amount of dead wood, creating greater fire danger, and a forest more sensitive to drought and insect problems. To aid in the safety and health of all our properties, property owners should endeavor to remove dead and diseased trees in a timely manner. Removal of ground fuels and low branches up to a height of approximately 4 feet or higher will also help reduce fire risk.



Figure 3 Dense ponderosa thicket will eventually need to be thinned, too many trees, many will die if not thinned



Figure 4 Trees thinned and trimmed up from ground lowers fire danger

Grass and Meadows – The predominant native grass in our area is blue gramma. It is a warm weather short grass with blades reaching 6" - 8" and seed stalks reaching about 18" in late summer. The tall grasses growing along the road are of several varieties, are not native, and will grow to a height of 3 feet or more. We encourage property owners to mow the tall grasses over 18". However, there is no requirement to mow these grasses or other grasses on your property, even when dead. For homeowners who want a meadow, we encourage use of the shorter native blue gramma grass.



Figure 5 Blue Gramma grass example



Figure 6 Tall roadside grass (should be mowed)



Figure 7 Natural Meadow Example

Native vs Non-Native Trees and Vegetation – We have seven (7) common tree species native to our properties. Common names are Ponderosa Pine, Pinyon Pine, Alligator Juniper, Shag Bark Juniper, Arizona White Oak, Holly Oak and Scrub Oak. The Association encourages the use of native vegetation. Smaller native pine and juniper trees, approximately 3 ft in height, can be transplanted on your property with good success if watered frequently the first year or two. Oak trees are difficult to transplant due to their deep tap root. Some Homeowners will choose to plant non-native species obtained from local nurseries. These types of trees and plants are permitted, but all of the native trees are drought tolerant, whereas most non-native trees are not. Most non-native species will need supplemental watering most years throughout their life. Another consideration is for the wildlife, which enjoy eating many non-native plants. There is a reason why these plants are not native, it may be that they taste good to the wildlife.

3.3 Guidelines for Managing a Formal Landscape (developed land)

In the process of building on our lots much of the vegetation is removed and must be restored. Some owners may choose to restore the land to a natural look, while others may choose a more formal developed look. The following guidelines are in addition to the items in section 3.1.2 above.

Driveways – In line with the Guiding Principles, driveways should be maintained to look as if someone lives at the home. Grasses and other vegetation will grow on gravel driveways and walkways. If kept to a minimum and mowed this is not a problem. However, when the grasses in the driveway grow a foot



Figure 8 Grass encroaching on driveway example

tall, or the gravel is not maintained, the house starts to look abandoned. This is not an attractive aesthetic. Violations may be written for these reasons.

Yard Art (pink flamingos) – A limited amount of tasteful yard art, which blends in with the aesthetic of the Association is permitted. See examples below. When in doubt, check with the Architectural Team.



Figure 9 Yard art done well example



Figure 10 Functional yard art done well

On the other hand, below is an example of yard art gone wild. If this were in HCPII, a violation would be written.



Figure 11 Too much yard art

Developed Garden Areas and Decorative Features – Developed areas for flowers and other plants can be very attractive when maintained. Use of natural materials such as rocks is encouraged. Decorative fencing and other materials are also permitted. Below are examples of more formal landscaping and features.



Figure 12 Decorative fence, keep small animals out



Figure 13 Decorative landscape features



Figure 14 Decorative bridge



Figure 15 Decorative use of rocks

Protecting Trees and Plants from the Wildlife (fences) – Elk, javelina, deer and rabbits will feast on many of our plants, especially in a dry winter. Although sprays and other deterrents can be tried, fencing is the only method which consistently works. Homeowners are encouraged to make the plant protecting fencing to blend in as much as possible. However, another permitted option is an ornamental type of fencing as shown above.

3.4 Rules for Maintaining the Land and Environment (Natural and Formal)

When the guidelines in Section 3.2 and 3.3 above are not followed and the condition becomes excessive, this may result in a rule violation.

General Restrictions / Rules Violations – Although subjective to the degree where it becomes a violation, per Section 2.3 of the CC&R's, the following are not permitted when it offends neighbors. If you are unsure whether your activity is in violation, check with the management company or board first.

- Odor
- Dust
- Smoke
- Noise
- Glare
- Heat
- Sound
- Vibration
- Electromechanical disturbances
- Electromagnetic disturbances
- Radiation
- Fire Danger
- Explosives
- Discharge of toxic matter into sewer



Gates in Forest Barbwire – Although the HOA has no rules regarding gates in the barb wire separating the national forest from private property, the Forest Service does. The forest service does not permit gates to be made in the barb wire. The reasoning behind this restriction is when gates are installed by Homeowners whose property backs to the forest, too often the gates are either not installed correctly or are not maintained, therefore resulting in collapse of a portion of the fence. However, the forest service does permit English Ladders to be built over the barb wire. (Example shown).

Figure 16 English ladder example



Figure 17 Short terrace wall to divert water within property

Drainage – Due to the slope of the land and its limited ability to absorb water, drainage can be a challenge. Article II, Section 2.4.P of the CC&R's states that any change in grading requires approval of the Board of Directors. In general, runoff should not be diverted towards, or blocked from the original flow to a neighboring property. The example shown here diverts water around the house, rejoining with its natural path before construction.

Ground covers - May be plants, natural materials such as gravel, or man-made materials which are created specifically for ground cover, such as artificial turf. Materials which rapidly degrade, look messy, or blow into other properties are not appropriate.

Fire Hazard – Per the CC&R's Article II section 2.3 fire hazards are not permitted. This includes excessive accumulation of dead trees and vegetation. Outdoor wood burning is not permitted unless the conditions specified in Section 4.0 "Burning" are met.

Camping – Per the CC&R's Article II section 2.3 Camping is not permitted. Camping is defined as an overnight stay and presumably sleeping in a tent, trailer, etc. The intent is to not use an RV, tents, etc. to expand the capacity of the house. An RV may be brought onto a vacant lot during daylight hours while working on the lot but must be removed before sundown.

Firearms - No shooting of any form of weapon (rifle, handgun, Bow and arrow) is allowed anywhere in the HOA areas including homeowner's property.

Motor Vehicles – Per CC&R's Article II Section 2.4 F, Street parking is not permitted after dark. However, daytime street parking is permitted when the driveway and garage may not be practical for use for the day. This would include such activities as a construction project or yard maintenance.

RVs and travel trailers are permitted to be parked on a developed property for up to 7 days. Please notify the Management Company as to the timeframe the RV/travel trailer will be parked on your property so that we are aware of the 7-day timeframe. If there is a need to park an RV/travel trailer longer than 7 days, the homeowner must submit their request to the Management Company and receive a time variance. Storing or living in an RV/travel trailer are not valid reasons to extend beyond 7 days and will be denied.

The CC&Rs state that flatbed trailers may only be used to haul an RV. The Board agrees this was probably not the intent. Therefore, a flatbed trailer under 20' may be used by the owner to haul anything.

4.0 Homes and Structures - Maintaining Manmade Structures

When developing our properties, owners are encouraged to consider maintenance. Some materials, although very attractive when new, require annual maintenance to continue their new appearance. Whereas other materials are nearly maintenance free for years to come. It is best to avoid the “abandoned” look to the property for safety purposes.

4.1 Guidelines for Maintaining Structures



Figure 18 Neglected wood deteriorating

Paint and Stain - The exterior of homes and structures should appear to be in good condition. Peeling paint and fading stain are indications that maintenance is needed. Once the paint or stain is gone, the wood will deteriorate rapidly. Wood siding, decks or other painted structures will require maintenance every few years or more frequently. Materials will not only look better if maintained, but also last much longer.

Structural integrity – In general, structures should be structurally sound and not appear to be in disrepair. Issues requiring attention include, but are not limited to, rain gutters coming loose or falling off, missing shingles, warped siding, holes in siding, trim coming loose and broken screens.

When in doubt, ask the ARC.

4.2 Clarification of Rules and Violations for Constructing and Maintaining Structures

The rules for maintaining structures are detailed in the CC&R's. However, the standard for what falls below the required maintenance level is somewhat subjective. For example, at what point does a structure's paint condition warrant repair/repainting? The CC&R's empower the Board and Architecture Committee to make subjective decisions regarding the level of maintenance required. This empowerment extends to the landscape as well, not just structures.

CC&R's Article IV section 4.1 *In the event the Owner of a Lot fails to maintain his Lot(s) including the exterior of the improvements thereon and the yard and landscaping in a neat and clean condition, and generally in a manner satisfactory to the Architectural Committee and Board of Directors,*

The following is a summary list of rules related to developed properties along with clarification as needed:

Paint/Stain and Structural integrity – As stated in the guidelines section 4.1 above, if paint/stain or the structural integrity of a structure becomes excessively poor, it will result in a rules violation.

Setbacks and Public Utility Easements (PUE) - Article II Section 2.4.C - The Architectural Guidelines define the minimum setbacks. Structures such as homes, garages and sheds may not be built in the PUE. Fences and walkways may be constructed in the PUE per the Architectural Guidelines. However, anything placed in the PUE may not interfere with access or use of the PUE. For example, at the time a fence is built, it may not be blocking access. However, if a situation arises in the future where the fence blocks access, the fence may be required to be removed. It is the owner's responsibility to ensure that the fence does not interfere with the utility and to correct if necessary.

Sign Restrictions -Article II Section 2.4.D – Signs are defined as any material with symbols or letters which communicate a message. This includes banners and flags. Yard signs are limited in size and quantity

- Residential name plates (2 max) and address (1) combined area must not exceed 6 square feet combined.
- For sale, for rent, and open house signs must not exceed 18x24 inches.
- Political signs are allowed 71 days before an election and 15 days after and must not exceed nine square feet in total.
- Security signs may not exceed two square feet.
- Caution signs regarding children must comply with the Planned Community Act and be professionally produced.
- All other types of signs must be permitted by State or Federal Law

Animals and Pets - Article II Section 2.4.E – Animals may not be raised/bred for commercial purposes. Traditional pets (cats, dogs, fish, birds) may be kept as pets, provided they are not a nuisance or threat to neighbors.

Equipment and Items Left Exposed on Property – Article II Sections 2.4.G, H, J, N - The following are not permitted to be exposed to neighbors unless approved by the Architectural Committee.

- Clothes lines
- Equipment
- Service yards
- Wood piles – Neatly stacked firewood is permitted. It should be stored away from flammable structures. If covered, an earth tone tarp should be used.
- Washing machines and other appliances
- Machinery and tools – Portable tools and machines being used temporarily for a construction project or other use are permitted. The intent is to not have these items consistently over a long period of time left out in the open.
- Junk, trash, refuse, and rubble
- Excessive weed growth (drive and walkways are primary concern)
- Garbage and trash containers (may be put out on trash day) Article II Section 2.4.N states the trash containers may only be in view on the day of pickup. This is not practical. Trash containers may be placed at the curb the day before pickup and remain for one day after pickup.

Generators and propane tanks - Article II Section 2.4.M, must be approved by ARC and may not disturb neighbors. Permanent generators must be enclosed to reduce noise when running.

Burning - Article II Sections 2.4.Q – Open burning of any kind is not permitted with the exception that propane and charcoal grills are permitted. Fire pits are permitted with the following conditions:

- A metal fire arrestor or spark guard must always be in place.
- A perimeter of non-flammable material maintained.
- A fire extinguisher, water, and shovel are always present.

In all situations any local fire restrictions shall take precedence.

Exterior Lighting - Article II Section 2.4.R – States:

"All exterior lighting shall be installed in a manner that will contain the light on-site. Fixtures must be shielded to control the direction of light and to not be offensive to the Owner of any other Lot. All such lighting shall be subject to approval by the Architectural Committee."

At the November 20, 2021, board meeting, the board unanimously agreed that trying to enforce this section of the CC&Rs as written, at this time, would be impractical. In addition, the majority of the board did not want to provide recommendations or suggestions for lighting. The board has waived enforcement of this restriction, per the provision of Article II Section 2.5. We ask that property owners be considerate of their neighbors with regards to exterior lighting.

5.0 Resolution of Rules Violations

Article III 3.5 (F) of the CC&Rs empowers the HOA board *"To enforce the provisions of this Declaration by all appropriate means ..."* The following details the process of creating violations through the resolution of violations.

5.1 Resolution Process (Informal Process)

Sources of violations – Although HOAMCO creates the physical violation letter and maintains violation tracking, they do not determine what is a violation. The board determines what is a violation.

Violations can result from the following sources

- HOAMCO inspection of community – HOAMCO may note what they believe are violations, but the president, or his designee, shall review and confirm any noted violations.
- Escrow inspection – Every time a property sells, an escrow inspection of the property is performed to see if there are any existing violations. On the escrow form the property is marked as compliant or not compliant, in which case an explanation is written. The purpose of the inspection is to inform both the seller and buyer of all violations which currently exist on the property. It is up to the seller and buyer as to how these violations are resolved. Should the seller not resolve the violation, by default, the buyer assumes responsibility for resolution. The inspection is conducted by the ARC. Violations are reported to HOAMCO for record keeping and communicated to the owner/buyer through the escrow process. At times the ARC is brought back into the process to work with buyer and seller to resolve the violation.

A few properties have "conditional violations" where a violation exists today, but is allowed to continue, with no penalty, until a defined event/condition occurs. An example is a house with a non-compliant roof. The condition for resolution is when the roof needs to be replaced or

repaired. An escrow inspection of such a property will result in being marked as non-compliant with an explanation of the condition when it needs to be brought into compliance.

- Architectural Review follow-up – The ARC exists to prevent violations with projects and alterations. This is done through the ARC review and approval process. To the best of the ARCs ability, the CC&Rs, Architectural Guidelines and Rules and Regulations are interpreted and used as the basis for approval of projects. However, at times the project owner does not follow the approved project and creates a violation. The ARC monitors projects in process. If a violation from the project is observed by the ARC, the ARC will generally, but not always, speak to the property owner to resolve. If not resolved, then HOAMCO is notified, and a violation is created.
- Property owner initiated – When a property owner feels his neighbor is in violation of a rule (non-compliance), generally they start by complaining to other neighbors, some of whom may be board members. When a board member is contacted, we encourage the offended party to try to resolve the issue with the neighbor. For example, if a neighbor places building material on your property without permission, the first course of recommended action is to make the offending party aware of the situation and see if a resolution can be worked out to the satisfaction of both parties. If a solution cannot be worked out, then bring the issue to HOAMCO. Do NOT call the sheriff, unless it's an illegal activity. The sheriff is not responsible for enforcing our CC&R's. HOAMCO will then contact the board president to determine if a property owner is in violation. The president may attempt to contact the property owner to work out a resolution. If the president is not able to work out a solution then HOAMCO will create the violation.

Resolution of Violations

Once a violation is created, the violator has 21 days to resolve or contact HOAMCO to work out an agreed upon timeline. HOAMCO will engage the board president for the decision. If a violator ignores the violation (does not resolve), then future violations letters, with fines as indicated below, will be sent and applied.

All property owners have the right to appeal a violation. An appeal must be made in writing to HOAMCO (email is okay) explaining the reason for the appeal. The board will then hear the appeal at the next board meeting or at a special meeting (board discretion) and vote to enforce the violation, accept the appeal as presented and wave the violation, or jointly work out another arrangement with the party making the appeal.

5.2 Schedule of Fines for General Rule Violations

When a violation resolution cannot be reached, the Board of Directors may impose a fine. The fines fee and timing are as follows:

1. Courtesy Notice to Homeowner with 21 days to respond with a resolution solution or make compliant. The Courtesy Notice formally presents the nature of the violation.
2. 21 days after the Courtesy Notice has been sent, if the Homeowner is not in compliance or a resolution solution time variance has not been granted, a First Notice of Violation may be mailed to Homeowner, with 10 days to comply and a fine may be assessed of \$75.00.
3. If not compliant after 10 additional days, a Second Notice of Violation to Homeowner may be mailed, with 10 days to comply and a fine may be assessed of \$100.00

4. If not compliant within an additional 10 days, a Final Notice of Violation to Homeowner may be mailed; giving 10 days to comply and a fine of \$150.00 may be assessed.
5. If not compliant within 10 days, the account may be forwarded to the attorney to begin legal action with costs assessed to the Homeowner and possible daily fines assessed.

5.3 Resolution of Waste Water Rule Violations

Article IV 4.2 of the CC&R's addresses rules regarding the waste water plant. At the discretion of the Board/Management Company, a violation may result in the violating property being disconnected from this service. Violations include non-payment of quarterly waste water service fee.