BUILDING GUIDELINES

with

Procedures for Application and Issuance of Building Permits

and

Property Maintenance Guidelines

April 2003
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Section 1.01 Background

Since its inception in the 1920s, the Hope Ranch Park Homes Association ("the Association") has sought to maintain and enhance Hope Ranch, especially its natural beauty and its rural setting. A measure of the success of those efforts over the years is the reputation that Hope Ranch enjoys as a highly desirable residential area. The Second Restated Declaration of Covenants, Conditions and Restrictions of Hope Ranch ("the CC&Rs")¹ give the Association the authority to review and approve building design, landscaping plans and other proposed improvements. This authority is exercised to preserve and protect the unique characteristics of Hope Ranch and to maintain high standards of architecture and compatibility with the surrounding properties. These Guidelines are published by the Association under that authority. All definitions of terms contained in the CC&Rs are applicable to these Guidelines.

Section 1.02 Purpose

The Building Guidelines are intended to establish standards for construction in Hope Ranch; to help owners, prospective owners, and their architects and builders understand the policies, regulations, restrictions and certain design principles applicable to architectural review and the use of property in Hope Ranch; and to familiarize them with the procedures for obtaining requisite approvals and permits. Santa Barbara County ("County") also has jurisdiction over land use in Hope Ranch and has its own procedures and permit requirements that are to be followed, and a copy of all required County permits must be filed with the Association office. Deed restrictions unique to individual properties may also constrain use and development of certain parcels.

The Property Maintenance Guidelines inform owners of the standards to which Hope Ranch properties are to be maintained.

Section 1.03 Objectives

The owner of a lot has the right to develop it for single-family residential use. The objective of the architectural review and approval process is to balance the responsible exercise of that right as defined in "The Plan" (as set forth in the CC&Rs) with the rights of other owners. The process of review by the Architectural Board of Review ("the ABR") and the Board of Directors of the Association ("the Board") is intended:

(a) to maintain and enhance the rural character of Hope Ranch;
(b) to encourage high standards in architectural and landscape design;
(c) to minimize incompatibility with surrounding properties;
(d) to minimize the obstruction of views of the ocean, Laguna Blanca Lake and natural land forms such as neighboring hillsides, the Goleta Valley and the Santa Ynez Mountains;
(e) to respect the privacy and quiet enjoyment of residents;

¹ The Second Amended and Restated Declaration of Covenants, Conditions and Restrictions of Hope Ranch, as amended, was recorded on August 15, 1995, in the Official Records of Santa Barbara County, California, as Document Numbers 95-045039 and 95-045040.
(f) to ensure that grading and development are appropriate to drainage and other requirements of the site and surrounding properties;

(g) to ensure that all work is completed in a timely manner, to limit its disruptive effect on the affected neighborhood; and

(h) to minimize any detrimental impact to property improvements in the vicinity of the project or to public health, safety or general welfare.

Section 1.04 Architectural Board of Review

The function of the ABR is to review proposed projects and to make appropriate recommendations to the Board for those projects that require Board approval. Before recommending to the Board that a project be approved and that requisite permits be issued by the Association, the ABR shall find:

(a) that the quality of the proposed project meets the standards of Hope Ranch as detailed in Article IV, below;

(b) that the site layout, orientation, location, size and design of all proposed structures are appropriate for the building site, with regard to the topography, trees, other landscape features and surrounding properties;

(c) that the mass, form and size of each structure and each of its parts are in proportion to and compatible with other existing or proposed structures on the same site and that incompatibility with surrounding properties is minimized;

(d) that the roof, fenestration, materials, color, textures and composition of the proposed structure or structures are harmonious;

(e) that the grading, drainage and landscaping will be adequate and in an appropriate and well-designed relationship to the natural topography and to surrounding properties; and

(f) that appropriate consideration has been given to (1) the location and design of all structures and landscaping, (2) the impacts on views, noise, traffic and intensity of use or any potentially damaging influence to adjacent properties and/or to Hope Ranch and (3) any encroachments on the skyline and ridgelines of both the owner's property and neighboring properties.

Notwithstanding the foregoing, the Board has the authority to review the appropriateness of the ABR's determination relative to these issues. It is important to note that these Guidelines are not intended to convey entitlements with regard to a proposed structure. Material factors including but not limited to the size, shape and topography of a given lot, its visibility, and its proximity to other structures may result in an outcome more restrictive than those stated in these Guidelines.

Section 1.05 Responsibility of Owner

It is assumed that Hope Ranch property owners will employ one or more professionals to assist in the design, permitting and construction of most projects covered by these Guidelines. Regardless of the contractual relationship between the parties, the owner of the property is responsible to the Association for all aspects of the development process.
Article II. DEFINITIONS

Section 2.01 Structure: Defined

A "structure" is defined as anything, of any material, built or installed on the ground or added to an existing structure, including, but not limited to, any:

- Accessory building or structure
- Antenna or satellite dish
- Basement, cellar or underground room
- Barn
- Bath house
- Breezeway
- Children's play equipment
- Compost facility for animal waste
- Constructed screening
- Deck
- Decorative device
- Driveway and/or driveway entry
- Emergency generator
- Exterior storage tank over 55 gallons
- Fence
- Flag pole
- Freestanding utility meter
- Garage
- Gate and/or gate post
- Gazebo
- Greenhouse
- Guest house
- Horse corral and/or paddock
- Horse training equipment
- Lamp or light post and/or fixture
- Lath house
- Mail box enclosure
- Patio
- Paved parking area
- Play house
- Pool and/or spa and related equipment
- Pool house
- Porch
- Residence
- Sculpture or artwork
- Shed
- Sign
- Solar panel
- Stable, barn and/or tack room
- Tennis or other game court
- Trash enclosure
- Trellis
- Wall

Section 2.02 Alteration of Structure: Defined

To "alter" a structure means to make an alteration that changes a structure, including without limitation:

(a) a change in an existing roofline;
(b) an addition to a roofed area;
(c) a change in the size, location, style or exterior appearance of a door or window;
(d) an addition to the existing structure
(e) an alteration of the interior of a structure that changes the use of the space being altered from non-habitable to habitable, or from habitable to non-habitable;
(f) re-roofing with any material other than Class A roof material that is identical, including color, to that being replaced; and
(g) exterior repainting, unless the new paint is similar in color and tone to the old.

Section 2.03 Temporary Structure: Defined

Temporary structures include tents, sports equipment and nets, storage containers, portable toilets, dumpsters and other items the location of which is not intended to be permanent.
Section 2.04 Common Area: Defined
As defined in the CC&Rs, the Common Area includes all real property and improvements owned by the Association in fee or under easements or agreements for the common use and enjoyment of the Owners.

Section 2.05 Minor Project: Defined
Minor Projects, which do not require a building permit or other prior written authorization from the Association, include the following:
(a) Construction, erection, alteration, relocation or removal of a structure if:
   (1) upon completion, the project will have a verifiable aggregate cost or appraised value, whichever is higher, of no more than $2,500; and
   (2) the project will not involve erecting a fence, wall or visual barrier; unreasonably impair views from other properties; or intrude on the privacy of residents on other properties; and
   (3) the completed project complies in all respects with the requirements of the CC&Rs and the Building Guidelines;
   (4) there will be no change in the previously specified use of any existing structure; and
   (5) the completed project will not be visible from the Common Areas or neighboring properties.
(b) Minor landscaping, such as new or replacement plantings, that will not alter surface water drainage; unreasonably impair views from other properties; obstruct clear lines of sight for vehicles; or, if located in a private road easement, obstruct or cause a narrowing of a bridle trail.

Section 2.06 View: Defined
As used herein, a "view" is defined as a vista of features, including but not limited to the ocean, Laguna Blanca Lake and natural land forms, such as neighboring hillsides, the Goleta Valley and the Santa Ynez Mountains, stretching to the natural horizon. The term "view" does not necessarily include an unobstructed panorama of these features.

Article III. NEW CONSTRUCTION AND REMODELING
Section 3.01 Approval Required
(a) A building permit issued by the Association is required to:
   (1) construct, erect, alter, move or remove any type of structure, unless the activity qualifies as a Minor Project as defined herein; or
   (2) excavate, fill or move over fifty cubic yards of dirt, whether on site or imported or exported.
(b) Written authorization by the Association is required to:
(1) change surface water drainage; or
(2) remove or kill any living tree having a trunk measuring more than 37.75 inches in circumference or any Coast Live Oak having a trunk measuring more than 19 inches in circumference, when measured six feet above ground level.

Section 3.02 Overview of the Permit Process
The permitting sequence can be flexible but, in general, these are the steps for a new or remodeled structure:
(a) Building permit application submitted to the Association
(b) Conceptual approval granted by the Association
(c) Application for land use permit submitted to County Planning and Development Department
(d) Preliminary approval granted by the Association, after permit fees paid
(e) Final approval granted by Association
(f) Building permit issued by County Planning and Development Department
(g) Association building permit issued once a copy of the stamped and permitted County plans is filed with the Association.

Members should be aware that, except in cases where a Variance is requested in connection with a building permit (see Section 8.04, below), no formal notice is given of either the receipt of a permit application or issuance of a building permit.

Section 3.03 Approvals and the Permit Process
The approval and permit process begins with the submission by the owner/applicant of an initial concept of the proposed project, and continues to completion and occupancy. For the process to work smoothly, early consultation with the Association Staff by owners and their architects or designers is strongly recommended. The Staff can explain the processing requirements, provide an estimate of the time required for their completion, and can advise on the applicability of property line setbacks, square-footage limitations, and other provisions of these Guidelines to a particular project and site.

Many proposed projects do not require the entire formal review procedure, described below, for approval and permitting. If the proposed project is a Minor Project, it requires no permit (see Section 2.05). Association Staff also has the authority to issue permits for some smaller projects without review by the ABR and approval by the Board, but Staff may defer any permitting decision to the Board.

Section 3.04 General Points about the Permit Review Process
(a) For projects that require more than staff approval, there are three review stages: Conceptual, Preliminary and Final. Calculated permit fees must be paid before Preliminary Review will be undertaken. If additional fees are required, they must be paid before a building permit will be issued.
(b) All remodels, renovations and additions that entail, in the judgment of the Association Staff and/or the ABR, involvement of 75% or more of the existing structure will be deemed new construction at the Conceptual Review Stage.

(c) All plans and supporting materials submitted at each stage of review must be clear, complete, accurate, intelligible, and meet the standards of the architectural profession. Use of licensed professionals to prepare plans, outline specifications and make presentations is strongly encouraged. Applicants not represented by licensed architects or design professionals will be held to the same design and engineering standards as applicants represented by such professionals.

(d) A power of attorney or other acceptable evidence of authority must be filed with the Association before an agent may act for the owner in the review and permitting process.

(e) The Association Staff and ABR are primarily responsible for the review process.

(f) The review process is initiated by the applicant contacting the Association Staff with a request to be placed on the ABR's agenda for review.

(g) It is expected that applicants and their designated representatives will be completely prepared for scheduled ABR meetings. For projects scheduled for Preliminary or Final ABR review, Association Staff may require that all plans and specifications be submitted up to one week in advance of the scheduled meeting, so that the documentation package can be reviewed for completeness.

(h) Applicants must give 72 hours notice if they are unable to attend a scheduled ABR meeting. Failure to give such notice will result in charging a cancellation fee, which must be paid before the project will be placed on the agenda for a subsequent ABR meeting.

(i) Following each stage of the ABR's review, the project is submitted for approval to the Board with the recommendations of the ABR and Association Staff.

Section 3.05 Conceptual Review

Conceptual Review allows the owner/applicant to discuss the project scope and design concept with the ABR to obtain an early indication from the Association about whether the project is approvable. Conceptual Review focuses on the project site, with consideration given to the potential physical and visual impact of the proposed project on the site, neighboring properties and Common Areas. The owner/applicant is offered clarification of the Building and Property Maintenance Guidelines as they pertain to the proposed project, design solution commentary, and direction. The Association does not charge a fee for Conceptual Review. Unless Association Staff determines otherwise, the following information is required for Conceptual Review:

(a) Photographs of the site, including existing access, neighboring properties, existing structures, and important site features that may be affected by the proposed project.

(b) A conceptual site plan showing property lines, site access, setback lines, existing topography, existing site features and trees, proposed grading (with estimated cut-and-fill calculations), areas requiring slope retention, existing and proposed hardscape, with parking plan, and existing and proposed building footprints.
(c) Square footage calculations of all existing and proposed hardscape, existing structures that are to remain, proposed structures, and totals by category (i.e., main residence, garage, guest house, studio, basement, stables).

(d) Schematics and perspective sketches of the proposed project, including rough floor plans, elevations showing heights of existing and proposed structures, and indications of proposed materials and colors.

The following information may, at the discretion of the Association, also be required for Conceptual Review:

(e) A current, professional survey showing property lines, topographic contours at 2 foot intervals, easements, setbacks, existing improvements, trees having a trunk measuring more than 37.75 inches in circumference or any Coast Live Oak having a trunk measuring more than 19 inches in circumference, when measured six feet above ground level, with driplines, and an elevation benchmark.

(f) Story poles, string lines and similar devices to indicate the elevations and extent of all proposed structural elements. Story poles are to be constructed to stay in place for a period of 30 days or more. They should provide clear articulation of the required project features and rooflines. Often, only ridgelines may be required, but occasionally, corners of architectural features or other details will be required to replicate the mass, bulk, height and/or the location of the proposed structure. The Association may specify the materials from which story poles are to be constructed and may require, at the expense of the applicant, certification by a licensed surveyor of the siting, height and location of the poles. When directed to do so by Association Staff, story poles shall be promptly removed.

Board action at the Conceptual Review stage generally includes approval of (1) the project scope and orientation to the site, (2) the building footprint, height and scale, (3) verification of compliance with setbacks, (4) design concept and (5) square footage requirements; and also a determination that no unreasonable view blockage as determined in accordance with Sections 6.03, 6.04 and 6.05 will be created as a result of the project.

Section 3.06 Preliminary Review

Preliminary Review involves substantive analysis of the proposed project's compliance with the CC&Rs and these Guidelines. Fundamental issues involving site and landscape design, building design, and material and color choices will be resolved with the ABR and approved or disapproved by the Board at this stage of review. Payment of the prescribed permit fee is required to initiate Preliminary Review. It is strongly recommended that the owner/applicant not proceed with the preparation of construction documents until after Board approval at the Preliminary Review stage has been granted.

Unless Association Staff determines otherwise, the following plans and information are required for Preliminary Review:

(a) Photographs submitted at Conceptual Review, and additional photographs as deemed necessary by the Association Staff for clarification of the proposed project.

(b) Site plan with a site elevation benchmark; property lines; easements; topographic contours at 2 foot intervals, setback lines; site access; bridle trails; trees having a trunk measuring more than 37.75 inches in circumference or any Coast Live Oak having a trunk measuring more than 19 inches in circumference, when measured six feet above ground level with
driplines; site utility plan; septic system plan; existing and proposed site features that include entrance amenities, perimeter fencing, hardscape with parking plan and square-footage calculations, swimming pools, sports courts, and building footprints of existing and proposed structures. All proposed improvements must include site elevations that are tied to the site elevation benchmark, which benchmark must remain undisturbed throughout construction. All potential sources of mechanical noise must be identified.

(c) Grading and drainage plan, with site plan background, showing existing and proposed topography, grading solutions (with complete cut and fill calculations, and estimates of import and export quantities), slope retention solutions, drainage solutions (including on-site distribution and retention, and off-site discharge), and impact of proposed site improvements on existing site features and trees. Grading, slope retention and drainage solutions must include site elevations that are tied to the site elevation benchmark. On some sites, course of construction erosion control measures may be required.

(d) Preliminary landscape plan showing existing major plantings and trees; proposed site features, including patios with square-footage calculations, structured landscape, water features, gardens, slope retention plantings, property-line screening, and trees. Any trees or mature plantings which are to be removed must be identified. (Living trees having a trunk measuring more than 37.75 inches in circumference or Coast Live Oaks having a trunk measuring more than 19 inches in circumference, when measured six feet above ground level are protected. Staff approval is required to remove these trees.)

(e) Floor plans of all proposed structures must be to scale and major elements must be dimensioned. Square footage calculations and totals by category must be included; these must describe all existing structures to remain and all proposed structures (i.e., main residence, garage, guest house, studio, basement, stables, etc.).

(f) Building elevations of all views of altered and proposed structures must be to scale and tied to the site elevation benchmark. They must clearly convey the mass, form, height, and proportions of all structural and decorative elements, including but not limited to terraces, decks, porches, pergolas, towers, chimneys, windows and doors.

(g) Roof plans must be intelligible and consistent with building footprint, building sections and elevations.

(h) Exterior materials, details and colors; also any other documentation or actions required during Conceptual Review.

Section 3.07 Final Review

The Final Review stage confirms that the construction documents are in substantial conformity with the design documents as approved at the Preliminary Review. Any changes that were made after the granting of preliminary approval must be itemized in a separate document and submitted for approval.

Site and landscape design details must integrate and enhance the proposed site improvements as approved at the Preliminary Review, and as shown on the site plan, grading and drainage plan and landscape plan.

Building design details must be consistent with the design intent of the floor plans, building elevations, roof plans, and materials as approved at the Preliminary Review.
Exterior material and color choices must be consistent with materials and colors as approved at the Preliminary Review, and must be indicated on the site plan, building elevations, roof plan, etc., and must clearly communicate the complete finish palette of the proposed project.

Unless Association Staff determines otherwise, the following plans and other information are required for Final Review: all construction drawings necessary for approval by the County for undertaking and completing the project, including without limitation:

- Title 24 compliance
- Septic system plan
- Site plan
- Utility plan
- Grading and drainage plan
- Foundation plan
- Structural sections and details
- Floor plans
- Building elevations
- Architectural details
- Window and door details
- Exterior materials and colors
- Landscape plan
- Irrigation plan
- Parking plan

The Board may, at its discretion, require a performance bond, completion bond, landscape bond or other security intended to guarantee the satisfactory completion of the project.

Section 3.08 The Permit

After the Final Review of the project by the ABR and approval by the Board, and provided there are no outstanding violations of the CC&Rs or these Guidelines, or unpaid assessments or fees due the Association with respect to the property, a building permit may be issued once a complete set of plans, approved by the County, is filed with the Association. It is the applicant's responsibility to request issuance of the permit by the Association Staff.

Permits must be requested within two years of final Board approval or the permit approval shall expire. Construction must begin within one year from the issuance of the building permit, and all construction must be completed within 24 months of date of commencement. It is within the discretion of the Board, taking into consideration the scope of the project, to require that construction be completed within a shorter period of time.

Any application for a time extension shall be made in writing to the Board prior to the expiration of that time period. The application shall state the reason why the extension is necessary and shall provide a comprehensive schedule for completion of the project. All decisions to grant an extension are solely within the discretion of the Board. If a permit expires, the Board may, at its discretion, require a new permit application. The Board may also require a performance bond as a condition precedent to granting an extension.

When evaluating extension requests and/or subsequent permit requests, consideration will be given to the impact lengthy construction has on the immediate neighborhood.

Section 3.09 Inspections

Association Staff must be notified prior to the commencement of construction of any project. Thereafter, the Association Staff shall conduct periodic inspections to assure compliance with approved plans. Association inspections are separate from those conducted by the County pursuant to the County's building permit procedure. The first step in the inspection process is a review of the County-approved building permits and plans by the Association Staff, for
consistency with those approved by the Association. It is the obligation of the applicant to provide the Association Staff a stamped copy of the County approved building plans, permits and other County-related documents. During construction, the Association Staff is authorized to enter the site to inspect:

(a) Siting. Identification and marking of property lines and setbacks by a licensed surveyor may be required
(b) Rough grading
(c) Foundation excavations prior to concrete pour
(d) Framing, following installation of exterior doors and windows
(e) Roofing
(f) Design conformance
(g) Irrigation and landscaping
(h) Finish grading/drainage
(i) Design changes as required
(j) Final inspection, after all construction is complete, landscaping is installed and debris has been removed from site

The Association Staff is granted wide discretion during inspections and has, where necessary, the authority to demand that the applicant or its representative appear before the Board prior to continuing construction. The different stages of construction at which inspections should occur will be listed in the permit issued by the Association, and it is the responsibility of the owner to ensure that the Association Staff is advised when each such stage is reached, and to request the required inspection. Inspections by the Association Staff will be performed in a timely manner.

During construction, all incidental or other changes shall be brought to the attention of, and approved by, either the Association Staff or the Board prior to amending plans or effecting the changes. Changes shall be documented in writing and delivered to the Association and the County for signed approval. Any change may, at the Board's discretion, be disallowed and ordered removed at any time prior to the applicant receiving a Certificate of Occupancy. If, in the judgment of the Staff, a change is substantial in nature, review by the ABR and Board approval shall be required. Any increase in fees is due and payable at the time of approval of the changes.

Section 3.10 Conduct of Construction Activities

(a) Except as provided in subsection (h) of this section, below, no accessory building of any kind shall be erected, maintained or occupied on any lot prior to the erection of the principal residence.

(b) In the event of any violation of the CC&Rs, these Guidelines, the terms or conditions of any permit, or approval given by the Association, the Association Staff may order work stopped and post a Stop Work Order notice at the site. Monetary penalties may be imposed and other remedies invoked by the Association for the cited violation and for any violation of the order to stop work. The Hope Ranch Patrol shall have the authority to post a Stop Work Order for work being done outside of authorized days and/or hours.

(c) It is the responsibility of the property owner to ensure that all construction personnel and all material delivery personnel respect the speed limits and other rules of safe driving within
Hope Ranch. Association Staff may issue Stop Work Orders on sites or issue citations to owners whose contractors or subcontractors violate traffic rules within the Ranch. Owners may also be subject to disciplinary action pursuant to the Association's enforcement rules.

(d) The location of all structures shall be accurately staked in the field by the owner or the owner's agent and approved by Association Staff before the start of excavation or construction. If requested by the Association Staff, property and/or setback lines shall also be marked on the ground by a licensed surveyor.

(e) The Association Building Permit shall be posted on the job site throughout the construction period.

(f) Upon commencement of construction, work on the project shall be pursued diligently until it is fully completed. Construction shall be completed within the time period indicated on the Association Building Permit.

(g) Upon completion of construction, a copy of the final grading, drainage and building plans, as approved by the County and reflecting the "as built" details of the project, shall be submitted to the Association in digital format compatible with the Association's computer system (DXF, DWG, TiFF, or such other format as may be added). These copies shall become the property of the Association and shall remain with the Association as a part of its permanent records. No copies shall be removed from the files without authorization from the Association Staff.

(h) A construction shed, portable toilet, dumpster and/or storage or tool shack may be placed on site in unobtrusive locations approved by the Association Staff, and may remain on site during the time of construction only. Screening may be required at the discretion of Association Staff.

(i) Construction equipment, including dumpsters, must be on the construction site and out of sight relative to the neighboring properties and to the Association's road easements except with the written permission of the Association Staff.

(j) It is the responsibility of the property owner to assure that all vehicles related to construction are parked on the construction site and not on Hope Ranch easements, except with prior written permission of the Association Staff.

(k) All proposed road closures, encroachments or partial closures must have prior written approval of the Association Staff, which shall be requested at least 72 hours in advance. The Santa Barbara County Fire Department also requests a minimum of 72 hours notice for approval prior to closing any road within Hope Ranch. Proper signage and traffic controls (flagmen) shall be required for all road closures, encroachments, partial closures (including deliveries), or complete closures. Notice to neighboring property owners may be required prior to approval of road closure.

(l) Noise levels are to be kept at a minimum at all times during construction. All truck, generator, construction equipment and other mechanical noises shall be muffled.

(m) Permissible hours of construction are Monday through Friday from 8:00 a.m. to 5:00 p.m. Non-noise-generating construction activities may be allowed on Saturday if prior written approval is granted as a condition of the permit. There shall be no construction activity on Sundays, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving or Christmas.
(n) All soil resulting from any excavation, except soil used as fill material on the property, is to be offered to the Association and, if accepted, hauled by the owner to designated points within Hope Ranch. The owner or agent shall advise the Association at least twenty-four hours before any such soils are to be removed from the property.

(o) The Road Use Fee described in Section 7.04(f) for transporting material over Association roads covers only normal wear and tear from such use. If the Association determines that the cost of repairing damage to Association roads exceeds the road use fee paid for a project, additional fees shall be charged. The property owner is responsible for any road or island damage. Special attention is called to the potential for road damage by heavy trucks during rainy periods.

Article IV. DESIGN GUIDELINES AND STANDARDS

Section 4.01 Site Design

(a) Appropriate site development blends the site and proposed structures into the surroundings in an unobtrusive manner and minimizes the alteration of natural landforms. Site design shall, among other things:

1. take into account all of these Building and Property Maintenance Guidelines including without limitation floor-area, height and setback restrictions;

2. protect natural slopes, contours and ridgelines;

3. be sensitive to existing vistas and view corridors;

4. be compatible with existing structures and surrounding properties;

5. separate structures from each other;

6. minimize grading and impacts on natural drainage systems; and

7. minimize removal of mature, healthy trees.

(b) The size, shape, design, bulk and location of accessory buildings, fences, walls, gates and entryways can significantly affect the appearance of a community. The following are among the considerations that shall be taken into account with respect to such structures:

1. Accessory buildings and related structures, such as guest houses, stables and corrals, shall be located away from neighboring residences and screened where appropriate.

2. Perimeter fences and walls are generally not in keeping with the rural character of Hope Ranch and are not favored, although sound and privacy walls may, under certain circumstances, be approved along the Las Palmas-Marina Drive corridor. Perimeter fences and walls, if approved, shall be adequately landscaped and screened, and shall be consistent with the Association's guidelines and policies for maintaining the Canary Island Palms located along these roadways.

3. Solid-appearing and/or massive gates are not favored, especially at the main entrance to a property. Solid-appearing gates may be approved at service entrances if their purpose is to screen an unsightly utilitarian area from the Common Area or from a neighboring property.
Section 4.02 Architectural Design Principles

The architecture of Hope Ranch homes has evolved over the years. Although the traditional Ranch and Spanish styles still dominate, other styles have gained acceptance. Lot size, visibility, topography and compatibility with surrounding properties all play a part in the development of good design. The structure should fit and not overpower the site. Concepts favored in building design include:

(a) designing low profiles where possible to minimize impacts on views
(b) mitigating second-story mass by varying the heights of second-story elements

Second Story Massing

(c) avoiding placement of towers and chimneys where views from other properties or the Common Area may be affected
(d) avoiding encroachments on the skyline and ridgelines
(e) ensuring that additions to existing structures and accessory buildings are in a well designed relationship with existing buildings

Section 4.03 Rules Applicable to All Structures

The following floor area, height and setback requirements are imposed by the CC&Rs and apply to the construction, reconstruction and alteration of structures on any lot:

(a) Floor Area. Total floor area is defined as the total area of all levels of a structure, as measured from the interior surface of the exterior perimeter walls.

(1) All residences shall have a floor area (exclusive of porches, patios, basements and garages) of not less than 2,000 square feet. The maximum aggregate floor area of all buildings on any lot of five acres or less shall not exceed 2,000 square feet, plus six percent of the total area of the lot; the maximum aggregate floor area of all buildings on any lot of more than five acres shall not exceed 15,000 square feet, plus ten percent of the total area of the lot in excess of five acres. [See CC&Rs Section 9.06(a)]

(2) For purposes of this subsection (a), a basement is defined as any unconditioned, nonhabitable space with a maximum ceiling height of 7’5” located below the first story of the structure.

(3) As used herein, acreage of lots shall be gross acreage, as shown on the records of the Association.
(b) Height. For the purposes of this section, the height of a structure is measured from the mean finished grade level of the perimeter of the structure to the highest element of the roof.

The maximum allowable height for any structure is:

- 25 feet within the Coastal Zone as defined by the County and shown on the official Coastal Zoning Maps, as amended from time to time;
- 25 feet within the Laguna Blanca Heights area of Hope Ranch comprising those properties described in a certain "Declaration of Conditions, Covenants and Charges Affecting Certain Real Property Included Within Hope Ranch Park" executed by Hope Ranch Realty Investment Company and Laguna Blanca Heights, Inc., on April 30, 1963, and recorded on the same date in Book 1989, Page 1137, of Official Records of Santa Barbara County; and
- 30 feet in all other areas of Hope Ranch.

(c) Setbacks and Location of Structures. Residences, accessory buildings and other structures, (except driveways, walkways, mailboxes, perimeter fences, trash enclosures, freestanding utility meters, walls and gates, if approved), must be set back at least:

- 75 feet from the centerline in any road easement having an overall width of 80 feet or less;
- 125 feet from the centerline in any road easement having an overall width of more than 80 feet; and
- 25 feet from all other property lines.

Section 4.04 Other Site Development Rules

(a) Accessory Structures and Uses. An accessory structure is one whose use is customarily incidental, appropriate and subordinate to that of a residence located on the same lot, such as a guest house, children's play house, barn, stable, corral or paddock, greenhouse, lath house, pool house, garage, storage building, gazebo, or utility shed.

(1) Accessory structures, other than guest houses, shall not be used for habitation.

(2) No accessory structure shall be constructed on a lot until construction of the residence has begun, and no accessory structure shall be used unless the residence is also being used.

(3) Accessory buildings must be architecturally compatible with the residence. The roof, walls and fenestration must match the residence in color and style unless there are overriding reasons for changes that shall be recommended by the ABR and approved by the Board.

(b) Antennas, Satellite Dishes. No permit is required for installation of a satellite dish of less than 36 inches in diameter or of a TV antenna, which is not visible from the Common Area or from other properties in the Ranch. A permit is required for installation of a satellite dish or antenna that does not meet these criteria.

(c) Bridle Trails. Standard dimensions for bridle trails call for a width of 10 feet and a minimum vertical clearance of 12 feet. In some areas the terrain may require that the width be narrower than standard. Bridle trails are not to be narrowed or otherwise obstructed by
plantings, mail boxes or other structures and are to be kept free of obstructions such as sprinklers, rocks, ornamental objects, culverts, stakes and fences. Plantings should be set back from bridle trails and kept pruned so that their growth does not cause a narrowing of the trail or reduce the vertical clearance.

**Bridle Trails**

![Diagram of bridle trails with recommended clearances](image)

Recommended... 10'-0" minimum width clearance for riding trail. 12' minimum height clearance for branches of trees.

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(d) Building Materials. All construction must be of new, approved material unless the use of alternative material shall have received the prior written approval of the Association.

(e) Demolition. There is no fee for removal or demolition of a residence or other structure, but unless the removal or demolition qualifies as a Minor Project, a permit is required. A road use fee shall be applicable for removal of rubble.

(f) Driveways.

(1) When seal-coating, overlaying or replacing the surface of an existing driveway that crosses a bridle trail, or when constructing a new driveway that crosses a bridle trail, a level, non-skid surface shall be provided. A rough-finished, crosshatched, steel-reinforced concrete path, at least 6 feet wide, constructed and maintained in accordance with specifications available from the Association, is recommended. Other level, non-skid surfaces are acceptable if specifically approved by the Association.

(2) No driveway shall be constructed which allows drainage water to cross the road. Water must be channeled toward the existing drainage system.

(3) Driveways near property lines should be located to minimize intrusive effects in the living areas of neighboring properties.

(4) Driveways that serve guest houses, studios or cabañas exclusively are not allowed.
(5) New driveways must be approved by the Santa Barbara County Fire Department.

(g) Fences, Walls and Gates.

(1) All fences, walls and gates require approval of the Association.

(2) Perimeter fences and walls will not be considered for approval until the exact location of the fence or wall is staked. Fences and walls within setback areas shall not exceed six feet in height.

(3) Neither T-post fencing nor fencing that displays framework facing a neighboring property is acceptable. Post and rail fence is recommended for horse corrals.

(4) Chain-link fencing, if approved, shall be adequately landscaped and screened. Chain-link fencing shall be painted black or an approved color, or coated with black vinyl.

(5) Sound and privacy walls along the Las Palmas-Marina Drive corridor, if approved and located at the edge of the County road easement, shall not be more than 6 feet high as measured from the more restrictive of existing or finished grade. Some walls may be subject to additional setback and/or height requirements. A survey may be required.

(6) No fence, wall, gate or other structure shall be constructed within a road easement without approval by the Board. Execution by the owner of an agreement to remove any structure built within the easement shall be required prior to construction. A survey may be required for a wall or a fence. Retaining walls or similar structures that cannot be removed without affecting the structural integrity of another structure will not be approved for construction within any road easement.

(7) Entry gates shall be at least twenty-four feet from the edge of the any road pavement and shall not appear to be solid.

(h) Garages. See Parking, Garages and Carports.

(i) Guest Houses.

(1) One guest house of no more than one story with a maximum floor area of 800 square feet, to be used exclusively for temporary, non-paying guests, may be permitted.

(2) A guest house may be attached to, or located above, another accessory structure, provided that if the total area of the combined structures exceeds 800 square feet, there shall be no interior access between the two structures.

(3) A guest house may not contain a kitchen or any cooking facilities.
(4) A guest house may not be served by a driveway, garage or covered parking area separate from that serving the main residence.

(5) A recordable covenant not to rent the guest house will be required as part of the permitting process.

(6) Artist studios, pool houses and cabañas are subject to the same limitations listed herein for guest houses, and shall not be used as sleeping quarters.

(j) **Habitation.** No structure of any type may be inhabited prior to the completion of the main residence.

(k) **Lighting.** Lighting should be designed to preserve and enhance the rural setting of Hope Ranch. All exterior lighting shall be hooded and no unobstructed beam of exterior lighting shall be directed toward a neighboring residence. No lighting shall be so designed as to interfere with vehicular traffic on any road. Lighting of tennis or other game courts is not permitted except with approval of the Board; see Tennis and Game Courts, below.

(l) **Mail Boxes and Mail Box Enclosures.**

   (1) A mailbox mounted on a single post with a cross section of 6" x 6" or less may be placed in the road easement at locations that comply with Postal Service regulations, but must not obstruct a bridle trail. No permit is required, but any question concerning the placement of a mailbox should be directed to the Association Staff.

   (2) A mailbox enclosure is a structure requiring approval that in most cases may be given by the Association Staff without submission to either the ABR or the Board.

(m) **Parking, Garages and Carports.**

   (1) Each residence must have a two-car or larger garage of not less than 400 square feet. Adequate off-street parking, which shall not be in the setback area, shall provide for a minimum of four, non-tandem parking spaces in addition to the two spaces in the garage.

   (2) Garage doors should not be visible from the street. Where garage doors facing the street are shown to be necessary and are approved, they must be screened.

   (3) Carports must not be visible from Common Areas or neighboring properties.

(n) **Play Equipment and Play Structures.** All play equipment and play structures shall be adequately screened from adjacent properties and the Common Area by plant material or other approved means and may not be converted to another use without prior written approval of the Board.

(o) **Swimming Pools and Spas.** Pool and spa equipment must be screened by plantings, fences or other approved means and must be designed and maintained to control excessive noise. Pool equipment may not be located within setbacks. A vacuum breaker or anti-siphon valve is required on pool and spa fill lines.

(p) **Residences.** All residences are to be designed for single family use. Residential second units, attached or detached, as defined in the County Zoning Ordinance, are not permitted except as required by state law.

(q) **Roofs.**

   (1) Roof material shall be Class A tile, slate, shake-like or slate-like. The Association maintains a list of pre-approved roofing materials and colors; applications to use roofing
materials or colors other than those on the pre-approved list will be reviewed by the ABR and approved or disapproved by the Board.

(2) Re-roofing with Class A roof material identical, including color, to that being replaced is not considered an alteration, and neither Association approval nor payment of a fee is required.

(3) Re-roofing with a Class A material that is not identical, including color, to that being replaced, but is on the Association's list of pre-approved roofing materials, is considered an alteration for which Association approval and payment of a permit fee are required.

(4) Flat roofs are discouraged but may be acceptable for minor portions of a roof or to enhance the design. If approved, flat roofs shall be covered with rock or gravel of a neutral color matching the sloping portions of the roof, and should not be visible from Common Areas or neighboring properties.

(r) **Satellite Dishes.** See Antennas, Satellite Dishes.

(s) **Screening.** Association Staff or the ABR may require a proposed structure be screened by new planting. The new screening must grow to maturity and provide the required screening within two years of planting. Screening maintenance agreements, in recordable form, may be required.

(t) **Skylights; Solar Tubes; Solar Panels.**

(1) Skylight and solar tube frames shall be bronzed, anodized or otherwise treated to minimize light reflection.

(2) Skylights shall not produce daytime glare or allow substantial transmission of interior light visible from surrounding properties.

(3) Solar panels shall be screened so as to not be visible from Common Areas or surrounding properties.

(u) **Temporary Structures.** The location of temporary structures requires prior approval from Association Staff. If such a structure is to remain on the property for more than ten days a permit will be required.

(v) **Tennis and Game Courts.**

(1) The type and height of fencing around tennis or game courts must be submitted for approval by the Association; landscaping may be required for screening purposes.

(2) Approval is required for lights, which must be designed, installed and maintained so as not to be offensive to neighbors. If approved, the hours of use of lighted courts may be restricted.

(3) Requests for approval of tennis or game court lights are to be made to the Association in writing and accompanied by a plot plan with detailed drawings, complete specifications for the lights and any other pertinent information and payment of the requisite fee. The Association will mail a copy of the request to owners of lots within 300 feet of the lot on which the proposed lights are to be installed and to any other owners who, in the judgment of the Board, may be affected by approval of the request. The Board will act upon the request after receiving the recommendations of the ABR and responses from neighboring owners.
Section 4.05 Landscape Design

(a) Landscaping can provide useful screening and the finishing touch to achieve the owner's and the architect's vision, but more than artistry of design is involved. A well-developed landscape plan should be sensitive to both immediate and possible future growth impacts on existing vistas and view corridors; provide for screening where appropriate; and ensure that plantings will not immediately, or through future growth, obstruct:
- clear lines of sight for vehicles traveling on the road;
- clear lines of sight for vehicles entering a road at an intersection or a driveway; or
- any bridle trail easement (10 feet wide and 12 foot vertical clearance).

(b) An approved landscaping plan is required for all major construction projects. In addition, the Board may, prior to issuance of a building permit, require a landscaping bond or other form of security in an amount approved by the Board to ensure that the property will be landscaped in accordance with the plan. Such security may be posted in cash or in a satisfactory instrument evidencing the owner's obligation to perform and will be released within one year of completion of the installation upon verification by the Association Staff that the performance requirements have been met or, in the event of sale of the property prior to completion of performance, upon the posting of equivalent security by the new owner.

(c) Landscape plans submitted for review must identify existing native vegetation, giving species name and locations, and show all proposed new plantings with species name and specific location of plantings to scale.

(d) Plans must be submitted showing the layout and detail of all outdoor lighting. All exterior lighting must be hooded or deflected to avoid a visible light source from any typical viewing angle. Glare and light trespass control shall be required to avoid stray light shining onto neighboring properties or onto Common Areas. In keeping with its rural setting, high numbers of fixtures or intense lights shall not be permitted. Special care shall be taken to assure all exterior lighting does not shine into the eyes of passing motorists. Light levels are subject to professional evaluation and measurement.

(e) On slopes, care should be taken to avoid erosion problems. Deep rooted ground covers and landscape plants should be used to hold soil in place, and shallow rooted ground covers should be avoided.

Section 4.06 Fire Risk Advisory for Landscape Design

The Santa Barbara County Fire Department has designated Hope Ranch a "high fire hazard" zone. Therefore site design and landscaping must take fire safety into consideration. Non-invasive and fire retardant species should be used where possible, and the number and location of trees, shrubs and other plants should be selected so as to minimize fire danger to the Ranch as a whole. Use of highly flammable plant species is discouraged. Fire resistant landscaping with proper plant spacing and maintenance can impede the progress of fires, reduce fire intensity, and provide a safe buffer to protect structures without sacrificing Hope Ranch's natural beauty. The following landscape guidelines should be utilized to incorporate fire resistant landscaping:

(1) Plant placement recommendations published by the County Fire Department should be followed wherever practicable.
(2) Use of fire-resistant plants having the following characteristics is recommended:

- Ability to store water in leaves or stems.
- Produce limited dead and fine material.
- Extensive root systems for controlling erosion.
- High levels of salt or other non-resinous compounds within its tissues.
- Ability to withstand drought.
- Low growing in form.
- Ability to withstand severe pruning.
- Low levels of volatile oils or resins.
- Ability to resprout after a fire.

(3) Some plants have physical or chemical characteristics that make them highly flammable and, therefore, undesirable. Physical properties include large amounts of dead material retained within the plant, rough or peeling bark, and the production of large amounts of litter. Chemical properties include the presence of volatile substances such as oils, resins, wax, and pitch. Plants that should be used advisedly include the following:

<table>
<thead>
<tr>
<th>Natives</th>
<th>Domestics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adenostoma fasciculatum</td>
<td>Acacia species</td>
</tr>
<tr>
<td>Adenostoma sparsifolium</td>
<td>Casuarina species - Beefwood</td>
</tr>
<tr>
<td>Artemesia californica</td>
<td>Cortaderia species - Pampas Grass</td>
</tr>
<tr>
<td>Baccharis species</td>
<td>Cupressus species - Cypress</td>
</tr>
<tr>
<td>Eriogonum fasciculatum</td>
<td>Eucalyptus species - Eucalyptus</td>
</tr>
<tr>
<td>Olneya tesota - Ironwood</td>
<td>Juniperus species - Juniper (except species which grow less than 1 foot tall)</td>
</tr>
<tr>
<td></td>
<td>Melaleuca species</td>
</tr>
<tr>
<td></td>
<td>Pennisetum - Fountain Grass</td>
</tr>
<tr>
<td></td>
<td>Pinus species - Pine</td>
</tr>
<tr>
<td></td>
<td>Schinus molle - California pepper tree</td>
</tr>
</tbody>
</table>

within 50 feet of structure

Article V. MAINTENANCE

Section 5.01 General Maintenance

(a) Proper maintenance of buildings and grounds is essential to both the preservation and protection of individual properties in Hope Ranch and the overall appearance and ambiance of the Ranch. To help preserve and protect the value, desirability and attractiveness of Hope Ranch, each property owner has a responsibility on his or her own property to:

1. Maintain all structures, landscaping and other improvements in a high state of repair and appearance.

2. Maintain landscaping to ensure that plantings shall not obstruct clear lines of sight for vehicles traveling on the road; obstruct clear lines of sight for vehicles entering a road at an intersection or a driveway; obstruct any bridle trail easement (10 feet wide and 12 foot vertical clearance) or impact on existing vistas and view corridors

3. Maintain indefinitely landscaping that has been required as a condition of approval for a permitted project. If, because of mortality or other reasons, required plants are no longer
adequate for the purpose (such as screening) for which they were originally required, the Association may require that they be replaced.

(4) Limit winter holiday decorations to the time period between November 15th and January 30th. Other holiday decorations shall be limited to twenty-one days before and fourteen days after a nationally recognized holiday. Any non-holiday related decorations, exterior lights, lawn ornaments, flags, banners or other ornamentation visible from neighboring properties or Common Areas must be approved by Association Staff. A permit may be required.

(b) The placement of all permanently located dumpsters and trash containers must be approved by the Association. Such dumpsters and containers shall be located or screened in such a way that they are not visible Common Areas and neighboring properties.

(c) Vehicles and equipment may not be stored on any property in a location that is visible from Common Areas or neighboring properties.

(d) Receptacles for household trash, recyclables and green waste may not be placed in the Common Areas more than 24 hours prior to the scheduled pickup time, and must be removed from the Common Area within 24 hours of pickup.

(e) Repainting the exterior of a structure with a paint that is similar in color and tone to the existing paint requires no Association approval. Approval but no permit fee is required if the repainting will alter the color or tone of the structure; a color board may be required.

(f) Hours of "noise producing maintenance activities" are Monday through Saturday from 8:00 a.m. to 5:00 p.m. Use of noise-producing machines such as backpack blowers and other two stroke engines is permitted only during these hours.

Section 5.02 Vegetation Maintenance

(a) As noted above in Section 4.06, the Santa Barbara County Fire Department has designated Hope Ranch a "high fire hazard" area. The Department recommends that vegetation, native or otherwise, be maintained so as to create an effective fuel break by thinning dense vegetation and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or structures. Plant selection and placement recommendations enumerated in Section 4.06 should be followed for all properties.

(b) The following property maintenance work must be done annually or more frequently if required by the Association:

(1) Remove all dead trees and other dead vegetation, palm fronds, litter and any material that may present a fire hazard and/or is unsightly enough to create a visible nuisance.

(2) Cut and remove hazardous brush, shrubs, and flammable vegetation such as dry grass and weeds within 100 feet of any structure to within 2 inches of the ground.

(3) Clear brush adjacent to all streets and private driveways, both horizontally and vertically. Highly flammable vegetation must be cleared on each side of a street or driveway for a horizontal distance of 10 feet and a vertical distance of 13 feet, 6 inches. This allows safe evacuation during a wildfire and enables firefighters to respond safely to protect all properties.

(4) Remove dead trees and limb up all live trees to 6 feet above the ground (or as much as possible with younger, smaller trees), especially trees adjacent to buildings.
(5) Trim tree limbs back a minimum distance of 10 feet from any chimney opening.

(6) Maintain the roofs of all structures free of leaves, needles or other vegetative debris.

(7) Legally dispose of all cut vegetation, including any debris left from previous tree trimming and brush removal. Cut vegetation may be chipped and spread throughout the property as a ground cover, up to 8 inches in depth, but not within 30 feet of a structure.

(c) Members whose property abuts Las Palmas and Marina Drives should comply with the Association's guidelines and policies for maintaining the Canary Island Palms located along these roadways.

Section 5.03 Septic System Maintenance

Clean and balanced septic systems have little impact on our environment. Septic systems that are not properly maintained can have a direct and serious impact on our creeks and our beach. An inspection of the property's septic system(s) is required by the County when a property is sold, and a copy of that report must be submitted to the Association.

Regular inspections are required to avoid costly problems. Homeowners are urged to have their septic systems inspected every 2 to 4 years, depending on the size of the household, intensity of use, and soils conditions on the property.

If there is evidence suggesting that a septic system is not functioning properly, the Association Staff may require a system inspection by a qualified inspector, and remedial action if necessary.

Section 5.04 Rule for Animal Waste Management

Members on whose Lot(s) horses or other domestic animals is/are kept shall be responsible for ensuring that all manure produced by such animals is picked up. It is recommended that pick up occur daily, if possible, and shall occur not less frequently than every 3 days. Manure shall be deposited in covered disposal containers, and removed from the Ranch on a regular basis. Areas to be cleaned up include, but are not limited to, pastures, barns, pens, corrals, and paddocks. On-site composting of manure may be used instead of removal from the Ranch if a permit has been issued for the location and construction of the compost facility.

Article VI. VIEW PROTECTION

Section 6.01 Purpose

The CC&Rs vest the Association with the power to protect views. With respect to protecting views from unreasonable blockage by new construction, this authority is expressed in Article 9.08(a); with respect to view blockage caused by vegetation growth, it is expressed in Article 5.06.

Section 6.02 View Protection: Overview

Any owner shall have the right to seek preservation or restoration of his or her view if the actual or potential view obstruction is located on a lot that is within 300 feet of the affected
owner's lot. View protection is available when such views have been or potentially are unreasonably obstructed or compromised by proposed construction of any structure, or by the planting or growth of any tree, shrub, or other form of vegetation.

Section 6.03 Structural View Obstructions

No structure shall be erected which unreasonably obstructs or interferes with a view from a neighboring residence unless the Board, on the recommendation on the ABR, determines that:

(a) No further alterations or accommodations to the proposed structure can be reasonably incorporated to lessen the impact on the view, or

(b) Incorporating such alterations or accommodations would make completion of the project impractical.

### View Protection

![View Protection Diagram]

**Recommended...** Horizontal Design of Structure Preserves Neighbors' View Corridor

**Not Recommended...** Vertical Massing Obstructs View Corridor

Section 6.04 Determination Regarding Structural View Obstructions

Owners must be aware that not all construction projects require formal notice or Association approval, and that it is each owner's responsibility to monitor proposed and actual construction activities that may create an unreasonable view obstruction. If a construction project has the potential to create an unreasonable view obstruction, the affected owner shall promptly send a letter claiming a potential view obstruction to the Association, with a copy to the owner of the property upon which the potentially offending construction is being undertaken. The affected owner shall have the right to attend any ABR meetings at which the proposed construction project is considered. If the parties are unable to reach an amicable agreement, the Board shall make a final determination.

Section 6.05 Criteria for Determining an Unreasonable Structural Obstruction

In determining whether the proposed construction will unreasonably obstruct views from the affected property, the Board shall consider the following objective and subjective unranked criteria:

(a) the vantage point(s) from which the view is enjoyed;

(b) the extent of the view obstruction, as measured by the percentage of a ninety degree view that would be affected; and

(c) the extent to which the view is diminished by factors other than the proposed construction;

(d) the distance between the affected owner's home and the proposed construction; and
(e) the quality of the view, including the existence of landmarks or other unique view features enumerated in Section 2.06.

The Board may require that additional story poles or string lines be erected to help it evaluate whether an unreasonable obstruction will be created by the proposed construction. Conceptual approval of the project may be withheld until the Board is satisfied that an appropriate resolution has been achieved.

Section 6.06 View Obstruction by Vegetation

(a) When new planting or the growth of existing vegetation, including trees, creates an unreasonable obstruction, the affected owner may request that the owner of the property obstructing the view take remedial action to restore the view. Restorative action may include pruning or complete removal of the obstructing growth and replacement with vegetation that is less intrusive.

(b) Whenever restorative action is undertaken, the parties may enter into a maintenance agreement, specifying the ongoing obligations of the parties to avoid unreasonable obstructions in the future, including the allocation of costs of such maintenance efforts. With the agreement of the parties, such maintenance agreements may be recorded against the properties involved and, therefore, become binding upon the successors in interest to both properties.

(c) In the event the parties are unable to reach a resolution through informal negotiation, the Board shall make a determination of what restorative action, if any, is appropriate; and allocate the costs thereof between the parties.

Section 6.07 Criteria for Evaluation of Vegetation Obstruction

In evaluating and resolving a view claim, the Board shall consider the following objective and subjective unranked criteria:

(a) the vantage point(s) in the affected viewer's home from which the view is enjoyed;

(b) the extent of the view obstruction;

(c) the quality of the view, including the existence of landmarks or other unique view features enumerated in Section 2.06;

(d) the extent to which the view is diminished by factors other than vegetation;

(e) the extent to which the vegetation has grown to obscure the enjoyment of view from the affected owner's property compared with the view which was available at the time he or she acquired the home;

(f) the number of existing trees or other vegetation in the area, and the current effects of the tree(s) and their removal on the neighboring vegetation;

(g) the extent to which the vegetation provides:
   (1) screening or privacy;
   (2) shade;
   (3) soil stability, as measured by soil structure, degree of slope, and extent of the root system when vegetation is proposed for removal;
(4) aesthetics; or
   (5) blending, buffering or reduction in the visual impact of the scale and mass of adjacent architecture.

(h) the date the affected owner purchased his or her property and circumstances that existed at that time with respect to the view;

(i) the date the tree/vegetation owner purchased his or her property and circumstances that existed at that time with respect to the view;

(j) the distance between the affected owner's home and the vegetation obstruction for which restorative action is sought; and

(k) whether the vegetation obstruction constitutes the type of vegetation not generally encouraged for new residential construction.

Article VII. FEES AND COSTS

Section 7.01 Service Fees, General

(a) Service fees are charged for all building permits to cover the direct and indirect costs of reviewing the permit application, issuing the permit, inspecting the work in progress and maintaining the plan files. The permit fee is an amount equal to the sum of all applicable fees for individual project elements. The specific dollar amounts of all fee elements shall be established annually by the Association.

(b) For permits issued by the Association Staff without submission to either the ABR or the Board, applicable fees are payable in full at the time of issuance of the permit; such fees are not refundable. For all other projects, applicable permit fees are payable in full at the time of application for Preliminary Review based upon the applicant's calculation; such fees are refundable only in the event the application is withdrawn prior to submission of the project by the Staff to the ABR for Preliminary Review.

Section 7.02 Permit Fees for New Construction

(a) The fee for construction of a new residence or other new building, including an addition that increases the square footage of an existing residence or building, is based upon the square footage of the new building or addition.

(b) The fee for a permit to construct, install or modify any other structure will be established on a per-item or per unit of construction basis.

Section 7.03 Permit Fees for Alteration of Existing Structures

(a) A permit fee shall be charged for re-roofing with a Class A material that is on the Association's list of pre-approved roofing materials but is not identical, including color, to that being replaced. A higher fee shall be charged if the applicant desires to use a material that is not on the Association's list of pre-approved roofing materials.

(b) If an alteration of an existing residence or other structure involves the removal and change or replacement of 10% or more of the outermost covering of exterior walls, the fee is based
upon the square footage of the existing structure, calculated at two-thirds of the rates applicable to new construction. If the alteration results in an increase in the square footage of the structure, an additional fee based on the increase in square footage will be calculated at the full rates applicable to new construction.

(c) If an alteration of an existing residence or other structure does not involve the removal and change or replacement of the outer covering of 10% or more of the exterior walls, a fixed fee is charged. If, however, the alteration involves only a change in the size, location, style or exterior appearance of doors or windows, the fee shall be established on a per-door or per-window basis.

Section 7.04 Other Fees

(a) Grading. A grading permit fee shall be based upon the volume of excavation or fill, whichever is greater. Applicable road use fees shall apply.

(b) Lot-Split and Lot-line Adjustment Fees. An application fee shall be charged for division or subdivision of a lot, or for a lot-line adjustment, payable at the time the application is made.

(c) Paving and Hardscaping. The permit fee for paving or hardscaping shall be based on the area of new construction or removal and replacement of the surface of driveways (overlays, but not seal coats), including parking areas and, if not roofed, unenclosed balconies, breezeways, decks, patios and porches. A road use fee shall also apply.

(d) Rescheduled ABR Meetings. Applicants who fail to give 72 hours notice if they are unable to attend a scheduled ABR meeting shall pay a cancellation fee before the project will be rescheduled.

(e) Retaining Walls. The permit fee for new or replacement retaining walls shall be based on the area of the exposed vertical face of the wall.

(f) Road Use Fee. All projects that involve the transportation of more than a total of 50 cubic yards of soil, sand, gravel, debris and rubble over any portion of the private roads maintained by the Association are subject to the imposition of a road use fee. Such fees are payable at the time of issuance of the construction, demolition or grading permit, based upon the applicant's calculation of the cubic yards of material to be imported or exported. The fee will be adjusted upon final determination of the quantities imported or exported.

(g) Unspecified Fees. The Board shall determine the fee for any project or approval for which a fee is not specified.

(h) Variance Fees. The application fee for a variance is payable in full at the time the application is made, and it is not refundable.

Section 7.05 Damage to Common Areas

Property owners shall be responsible for damage done to Common Areas or easements during construction. If the Association determines that the cost of repairing damage to roads of the Association exceeds the amount of the road use fee, if any, paid for a project, the excess cost will be charged to the property owner.
Article VIII. MISCELLANEOUS PROVISIONS

Section 8.01 Inspections of Properties Prior to Sale

(a) An owner who has entered into an agreement to convey a lot is required by the CC&Rs to notify the Association in writing prior to the conveyance being completed. If notice required by this Section is not given, the title conveyed is subject to all claims and charges of the Association existing prior to the conveyance, whether or not the transferee had actual notice thereof, and the transferee is responsible to the Association for outstanding fees and other charges and for correcting any violations of the CC&Rs, these Guidelines, the Rules or Regulations of the Association or permits issued by the Association.

(b) The Association Staff will conduct on-site inspections and review Association files and previously issued permits with respect to each lot in the Ranch which is the subject of an agreement to convey. The purpose of such inspections and reviews is to assure compliance with the CC&Rs, these Guidelines, the Rules and Regulations of the Association and permits issued by the Association. Failure to identify a violation thereof during such inspection shall not be deemed a waiver of the Association's rights to require correction of the violation at a later time.

Section 8.02 Non-conforming Structures

(a) Non-conforming structures are structures built legally under old rules that would not be permitted under current rules.

(b) When a building permit is requested for a property on which a non-conforming structure exists, the Board may require such non-conformity be eliminated if doing so is a natural adjunct to the project and proportional to the construction proposed, except that the Board shall not require the demolition of legal, habitable square footage.

(c) Upon the sale of a property, any non-conforming structures will be identified and the nature of their non-conformity documented.

Section 8.03 Illegal Structures and Conditions

Illegal structures and conditions (e.g. guest house kitchens, unpermitted habitable space, etc.) are those that were constructed without required permits.

(a) Illegal structures and conditions which cannot be permitted must be removed unless the Board finds that the structure or condition (1) is safe and structurally sound, and (2) is granted a variance.

(b) Illegal structures which could be permitted must be removed unless the homeowner makes an application for a permit for the structure and, thereafter, the Board grants a permit with findings that the structure can be permitted under the current rules, all fees and penalties are paid, and all inspections performed and passed.

(c) If habitable space has been created within a permitted structure without a building permit that authorizes the habitable space, the Association shall require that the owner apply for a building permit authorizing the habitable space. If a building permit is issued, the owner shall pay the appropriate fees and penalties. If a building permit authorizing the habitable
space is not allowable under the existing rules, the habitable space shall, at the discretion of the Board, either be rendered uninhabitable or be removed.

Section 8.04 Variances and Variance Procedure

In individual cases, where shown to be justified by the topography, the location of property lines, the location of trees or other circumstances, the Board may, on such terms and conditions as may be appropriate, allow reasonable variances from the CC&Rs and these Guidelines; provided, however, that all such variances shall be in keeping with the general plan for the improvement and development of Hope Ranch. Variance requests shall be considered within the context of all other permits or variance requests made by an owner or any predecessor in interest. The granting of a variance shall not waive the right of the Board to require strict adherence to Article IX of the CC&Rs and the Guidelines in other cases.

Variance requests must be submitted to the Association in writing, accompanied by a plot plan, conceptual drawings, and other pertinent information, and payment of the requisite fee. The Association will mail a copy of any variance request to owners of all lots within 300 feet of the lot on which the variance is requested at least thirty (30) calendar days prior to the variance hearing date. The Board will act on the request after receiving the recommendations of the ABR and responses from interested property owners. When Association Staff determines that a significant alteration to a pending variance request has been made, or when a variance request is withdrawn and subsequently resubmitted, a new variance application shall be required. The minutes of any Board meeting shall recite the exigent circumstances or other criteria upon which the variance is granted.

Section 8.05 Nonresidential Uses

The CC&Rs provide for three nonresidential uses that allow commercial activities, otherwise forbidden, to operate for the primary benefit of Hope Ranch residents as well as other members of our community. The entities operating these uses are members of the Association and are bound by the CC&Rs, these Guidelines, and all Association rules as well as written agreements that have from time to time been executed. No change in the structures or operation of a permitted nonresidential activity is allowed without review and approval by the Board.

Section 8.06 Lot Splits and Lot-Line Adjustments

(a) Applications to divide or subdivide a lot or to make a lot-line adjustment are to be made to the Association in writing, accompanied by a plot plan and other pertinent information and payment of the requisite fee. Notice of such applications will be mailed by the Association to owners of lots within 300 feet of any lot which is the subject of such an application, and to any owners who request that they be given notice of such applications, inviting them to make written submissions with respect to the proposed action within thirty calendar days from the date of the notice. If requested, the Association will give an owner at least 24 hours advance notice of any Board meeting at which an application for division or subdivision of a lot or a lot-line adjustment is to be acted upon.

(b) The Board may condition approval of any lot division on reasonable setbacks, building restrictions, building envelope areas, topographical features, view corridors, the
preservation of specimen trees, and any such other matters as are deemed appropriate by the Board to ensure a harmonious development of the divided lands.

(c) The Board shall not approve a division of a lot, even if all of the resulting lots would meet the minimum acreage requirements, if the topography and/or easement areas affecting any of the resulting lots would make any of them difficult to develop or if the division and later development would be likely to alter the character of the area, would require excessive grading or retaining walls to develop, would congest the private roads or would make fire protection or emergency ingress or egress unreasonably difficult. A proposed division or subdivision of a lot shall not be approved if the aggregate floor area of all existing buildings on any resulting lot exceeds the allowable maximum.

(d) If there are accessory buildings on any lot that would result from a proposed division or subdivision but no habitable residence that meets the minimum floor area requirements, the division or subdivision will not be approved unless (1) the accessory buildings are removed prior to approval being given or (2) the owner enters into an agreement with the Association to remove the buildings or to secure the requisite permits and build a residence on the lot within a specified period of time and posts a bond in an amount satisfactory to the Association to guarantee performance of the owner's obligations under the agreement.

(e) No lot resulting from a division or subdivision, or affected by a lot-line adjustment approved by the Association, shall be developed or separately conveyed until also approved by the County; and no lot resulting from a division or subdivision or affected by a lot-line adjustment approved by the County shall be developed or separately conveyed until also approved by the Association. Only those lots which have been approved by the both Association and the County, and for which all required Association dues and fees have been paid since the date of approval, may be developed or conveyed as separate interests in real property.

Section 8.07 Signs

(a) Except as expressly provided herein, no signs visible from the Common Area shall be placed on any property.

(b) The Association shall install and maintain such directional, informational and regulatory signage as is deemed necessary for the safe and orderly use of roadways and other portions of the Common Area and related easements.

(c) Property address signs consistent with the requirements of the Santa Barbara County Fire Department shall be maintained at the entrance to all properties, including those that are undeveloped or under construction or reconstruction. These signs may also include the name of the property owner or of the property.

(d) "For Sale" signs are discouraged in Hope Ranch and have historically been prohibited. The Association hereby adopts the County rules and regulations relating to "For Sale" signs. One temporary "For Sale" sign is permitted on a property, provided that it shall be of a pastel or muted earth tones color and shall not exceed six square feet in size including supporting posts. The top of the sign shall be not more than five feet above natural grade. No such sign may be adorned with lights, flags, or other attention getting devices.

(e) One temporary "open house" sign is permitted. It must be located on the property at or near the driveway entrance, and may be displayed only during the hours of the open house.
(f) One security or alarm company sign, not to exceed 144 square inches in size, may be placed at each driveway entrance to a property.

(g) Construction signs are not permitted. However one sign containing only the name and telephone number of an emergency contact person shall be posted on all unoccupied construction sites.

(h) The location, size and appearance of all signs permitted herein are subject to review and approval by the Association.

**Section 8.08 Visibility of Structures**

(a) As used herein, references proscribing visibility from Common Areas means the structure is not in the line of sight of a casual observer passing by the property. This does not mean that it is not visible from horseback; nor does it mean it will not be visible through bushes or by other detailed inspection.

(b) As used herein, references proscribing visibility from neighboring properties means the structure is not in the primary line of sight from neighboring properties or placed in such a way that it interferes with a view from the residence. This does not mean that it is not visible from a roof or from a remote location on a neighboring property.

**Section 8.09 Enforcement**

(a) All provisions of these Guidelines are subject to enforcement by the Association. Once a violation is identified, Association Staff will advise the owner of the required corrective action, and the time frame within which action must be taken.

(b) If the required corrective action is not taken in a timely manner, Association Staff may issue a Stop Work Order, requiring that all construction activities on the project site cease immediately.

(c) The Association may also invoke other enforcement rules or procedures, including but not limited to the imposition of monetary penalties, as provided by the CC&Rs and Association rules.
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