

Melody Ranch Recreational Open Space Landscaping Policy
(Effective February 8, 2017)

This Policy is adopted by the Board of Directors of the Meadows at Melody Ranch Homeowner's Association (the "Board") in accordance with Article 7.2 of the Amended and Restated Declaration of Protective Covenants for Melody Ranch recorded on November 20, 1995, hereinafter referred to as the "CCR's" and Article VII, Section 1(a) of the Bylaws of The Meadows at Melody Ranch Homeowners Association, Inc., dated April 8, 1996.

Section 7.2 of the CCR's addresses landscaping and tree removal on the Recreational Open Space Lots within Melody Ranch Residential Unit One (the "Open Space") (as that term is defined and used in the CCR's). Section 7.2 provides that no trees or brush growing on the Open Space shall be felled or trimmed, no natural areas shall be cleared, nor shall any natural vegetation, rocks or soil be damaged or removed, nor any landscaping performed, unless first approved in writing by the architectural review committee (the "ARC"). The ARC presently consists of the Board.

The Board has received requests from homeowners to remove trees from the Open Space for two primary reasons:

First, requests have been made to remove or trim vegetation or trees that are dead, dying or diseased, or otherwise pose a health or safety risk or nuisance. The Board has addressed such requests on a case-by-case basis and has exercised its discretion to approve or disapprove those requests based upon its determination of what is in the best interests of the requesting homeowner and the Melody Ranch community. The Board will continue to exercise its discretion to address such requests in this manner. The Board retains the ability to replace dead, dying or diseased trees, or those which otherwise pose a health or safety risk or nuisance.

Second, requests have been made to remove, relocate or trim trees and shrubs to create views from homeowner lots adjacent to the Open Space. This Policy is intended to clarify how and when homeowners may remove, trim or relocate trees on the Open Space for the purpose of creating or enhancing a view from their Lot.

1. Statement of Intent

The Board recognizes that trees and vegetation on the Open Space are valuable amenities contributing to the enjoyment of all owners of Lots. The intention of this Policy is to allow Lot owners a mechanism by which they can obtain the authority from the Board to remove, relocate or trim a limited number of trees or vegetation from the Open Space to create or enhance views, but only to the minimum extent necessary to create a reasonable view from a Lot. With the foregoing in mind, a Lot owner may request authority from the Board to remove, relocate or trim only such vegetation and trees in the Open Space necessary to create a reasonable view from the Lot owner's property. The authority to remove, relocate or trim trees and vegetation shall be limited to the minimum necessary

to create a reasonable view from the Lot owner's property.

Further, for any authority granted pursuant to this Policy, the Lot owner will be responsible for all costs to transplant, remove, or trim trees, reclaim the land, and fix any irrigation. Any modification to the Open Space landscaping pursuant to this Policy must be harmonized with the natural surroundings. Any requests to remove, relocate or trim trees or vegetation in the Open Space must be made in accordance with this Policy.

2. Requirements for Application

Each application must include the following:

- 1) A detailed plan, including a cover letter and map showing the proposed work, as well as a statement that the applicant has had a walk-through of the relevant property with a Board member or HOA property management staff member (See attached application form);
- 2) Photos of all trees/vegetation to be relocated, removed, or trimmed. If the applicant intends to transplant/relocate trees, the map should show where those trees will be relocated;
- 3) A statement that written notification of the plan has been given to neighbors with property line located within 500 (Five Hundred) feet of any trees/vegetation to be relocated, removed or trimmed pursuant to the application (the "Notified Owners"), along with a copy of the notice provided. Such notice must be given by the applicant to the neighbors no less than twenty-one (21) days before the application is scheduled to be considered by the Board;
- 4) Any written feedback from the Notified Owners. If 30% or more of the Notified Owners notify the Board of their objection to the application, the application shall be denied by the Board.

Applications must be submitted to the HOA's property management staff at least a week in advance of the Board meeting at which the applicant wants his or her application to be considered.

In addition to the notice required to be given to the Notified Owners, all applications will be posted on the HOA website with a statement regarding when said application will be considered by the Board.

3. Guidelines Specific to Requests to Remove, Relocate or Trim Trees

Ordinarily, the authority to remove, relocate or trim trees and vegetation in the Open Space will be limited to the area within seventy-five (75) feet of the Lot owner's property line (the "Removal Area"), and will not exceed fifty percent (50%) of the trees within the Removal Area. However, if in a particular case, a Lot owner can establish that the

foregoing restrictions will not allow for the creation of a reasonable view from the Lot owner's property, then the Board may grant authority beyond the foregoing restrictions, but only to the minimum extent necessary to create a reasonable view from the Lot owner's property.

4. Authority to Require Work by Arborist

The Board reserves the right to require that the work being requested by an applicant be performed by an arborist, at the applicant's cost.

5. Fees

The following fees apply to tree removal applications:

(i) A \$300 deposit per application, which will be returned upon acceptable post-completion inspection by a Board member or HOA property management staff member.

(ii) \$300 per mature tree removed (spruces, choke cherry, aspens that are 3" or larger caliper or 8' or higher)

(iii) \$100 per smaller variety tree or shrub removed

If the tree(s) are to be transplanted or relocated to another location in the Open Space, the Fee Provision of this Policy will not apply. If the tree(s) are to be transplanted or relocated to private property, the Fee Provision of this Policy shall apply.

6. Board Member Abstention

If a Board Member submits an application pursuant to this Policy, he or she will abstain from voting on his or her own application. If a Board Member owns a lot that is immediately adjacent to the applicant's lot, he or she may participate in the review of the application as a Notified Owner pursuant to Section 2 above, but shall abstain from voting as a Board Member on such application unless by abstaining the total number of Board members available to vote is less than a quorum, in which case all Board members shall vote.

7. Trees Exempt From Removal

The mature cottonwood trees located along South Park Loop Road may not be removed pursuant to this Policy.

Trees which contain raptor nests may not be removed pursuant to this Policy.

8. Mediation

This Policy shall be binding upon the Homeowner's Association ("HOA") and all

members of the HOA, and shall be enforceable by any member of the HOA in their capacity as such. If an application is denied pursuant to this Policy, an applicant or member of the HOA must participate in a mediation with the Board and an agreed upon neutral third party mediator in an effort to resolve any concerns or disputes before said applicant or member of the HOA can seek any other remedy for the Board's decision regarding an application. The costs of such mediation shall be shared equally between the Board and the party requesting the mediation.

9. Failure to Comply With Policy

If a homeowner removes, relocates or trims trees or vegetation located in the Open Space without first complying with this Policy, or fails to comply with any requirements imposed as part of the Board's approval of an application, the Board in its discretion may (1) require the Lot owner to replace the removed, relocated or trimmed trees or vegetation at the Lot owner's sole expense, and/or (ii) impose a fine on the Lot owner in an amount to be determined by the Board.

10. Amendment to Policy

Procedural, or non-substantive provisions of this Policy may be modified by majority vote of the Board at any time after the one-year anniversary of the effective date of the Policy. Substantive provisions of the Policy may only be modified as follows:

- (i) Two-thirds (2/3) of the Board vote in favor of the proposed amendment;
- (ii) All Lot owners are notified in writing of the proposed amendment and an opportunity is provided to the Lot owners to discuss the proposed amendment at a duly noticed Board meeting;
- (iii) An opportunity is provided after discussion for all Lot owners to vote on the proposed amendment; and
- (iv) At least fifty percent (50%) of those Lot owners casting votes approve of the proposed amendment.

The following provisions of this Policy shall be deemed substantive and shall not be subject to amendment except as set forth herein in Section 10:

Sections 1, 2, 3, 6, 7, 9, 10

Additions to this Policy that do not conflict with the substantive provisions may be approved by a majority vote of the Board.

11. Effective Date

This Policy shall be effective on the 8th day of February, 2017.

DATED this 8th day of February, 2017.



Jonathan D. Robinson
Board President