

SOUTHWEST VISTAS

# ARCHITECTURAL AND LANDSCAPE GUIDELINES

*Including Construction, Landscaping, Project  
Submission and Other Guidelines*

## *Management*

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## **PURPOSE**

This document, entitled “Architectural and Landscape Guidelines” (“Guidelines”) has been developed by the Architectural Control Committee (“ACC” or “Committee”) and approved by the Executive Board of Directors (“Board”) of the Southwest Vistas Homeowners Association (“Association”) on August 24, 2020, to take immediate effect. This document replaces all prior editions of this document as of this date.

These Guidelines establish architectural control standards and procedures for approval of project applications pursuant to the authority granted to the ACC by the Amended and Restated Declaration of Protective Covenants of Southwest Vistas Homeowners Association (“CC&Rs”). The standards and procedures are not intended to stifle creative desires of residents, but rather assure them that protective restrictions are being implemented in order to maintain the value of all properties in the development.

## **INTRODUCTION**

The purchaser of a home in a Common Interest Community is restricted as to its use and enjoyment, including constraints on improvements and changes to the property. That is, by purchasing a property subject to CC&Rs, a buyer expressly agrees to restrictions on the development and use of their property and related freedom of choice. All Owners are strongly encouraged to read NRS § 116.41095 which is available at <http://www.leg.state.nv.us/NRS/NRS-116.html>.

The ACC’s structure and powers are created under the authority of the CC&Rs. Through the ACC, the Association has made every effort to maintain a quality living environment where land planning, creative architecture, enhanced landscaping and view consideration are maintained through the enforcement of the CC&Rs, as well as through the enforcement and implementation of sensible Rules and Guidelines.

This document does not replace the CC&Rs and does not reiterate restrictions and requirements from that document; instead, it supplements the CC&Rs and is intended to aid homeowners, architects, and landscape designers in complying with the CC&Rs. In the event of any conflict between these Architectural and Landscape Guidelines and the balance of Governing Documents, the provisions of the CC&Rs shall prevail. Each guideline in this document is followed by a citation that identifies the particular reference that is being clarified from the CC&Rs. Homeowners are encouraged to refer to the source document, the CC&Rs, for questions not addressed in this document and to make the CC&Rs as well as this document available to contractors prior to the commencement of any work.

This document is mandatory reading for the architect, home builder, project manager or landscape/designer who seeks to perform projects on properties located within our community. However, it remains each homeowner's responsibility to read, understand and become familiar with the CC&Rs and these Guidelines. Adherence to these Guidelines will expedite the approval process and ensure a project remains trouble-free and penalty-free. If you have any questions not addressed in this document, contact our management company for definition and clarification.

The homeowner is responsible for painting, repairing, upkeep and any expenses incurred in short- or long-term maintenance of any ACC-approved application for addition or modification. Any action to maintain or restore any architectural elements (house, outbuildings, fences, awnings, etc.) to approved original or modified condition does not require an ACC application or approval. Examples include, but are not limited to, replacing broken roof tiles, repairing stucco, fixing fences or re-staining/repainting fences in current color, and reinstalling broken gutters. Exterior repainting any different color, shade, tone or sheen requires a painting project application and ACC approval. Such maintenance/repair by the homeowner is expected and required. Replacement parts must conform to the same form, fit, function and similar color to the original, unless otherwise approved by the ACC. (CC&Rs Section III(P), p. 17.)

## **SECTION I – DEFINITIONS AND IMPORTANT CONCEPTS.**

We have defined certain terms that will be used in these Guidelines and set forth some important concepts:

- A. Submittal - The fully completed “Homeowner Project Application Form” (available on the website) directed to the ACC by a homeowner seeking approval of a project. ACC approved forms and form instructions comprise a part of these rules.
- B. Neighbor Acknowledgment. Homeowner submittals must include signatures from neighbors in 360 degree or visual proximity to the work being proposed. A signature from the neighbor does not imply approval, but rather an acknowledgment and potential opportunity to ask questions and discuss concerns. If a neighbor objects to the proposed project, the neighbor is encouraged to discuss it with the homeowner proposing the project. Failing that, the neighbor should promptly submit written comments to the ACC. The ultimate decision on any project will be made by the ACC with neighbor input. Neighbors can neither approve nor deny a project.
- C. Prevailing Ground Plane. A plane made up of lines drawn from the level on which the home is built and extended out to the property boundary.
- D. New Homes: Landscape Completion. Each Owner shall have six months from close of escrow to complete front landscaping and one year from close of escrow to complete landscaping on the remainder of the Lot. Failure to comply will result in construction penalties assessed at \$100/day. (CC&Rs, Section IV(O)(1), p. 27.) For good cause beyond the homeowner’s control, landscape time extensions may be requested in writing to the ACC.
- E. Existing Homes: Timely Landscape or Other Exterior Project Completion. Each approved project must be completed within one year of project commencement. A construction penalty of up to \$100 per each day late will be imposed. An extension may be granted by the ACC upon a written application detailing good cause for the delay, coupled with a commitment for due diligence in completing the project. (CC&Rs, Section IV(O)(2), Section IV (P), p. 27.)
- F. Height Restrictions. The CC&Rs impose or allow height restrictions for new landscaping as based upon overall aesthetics of the neighborhood and consideration to neighbors’ value/view, use, occupation and enjoyment at the discretion of the ACC. All landscaping at maturity shall not exceed the apex of the homeowner’s roof. (CC&Rs, Section II(A)(3), p. 9, Section IV(D)(1), p. 22.)

- G. On-site Evaluation. Committee members may visit a property for which there is a Submittal in order to determine preservation of property value for neighboring homes; compliance with Neighbor Acknowledgment and overall compatibility to Southwest Vistas CC&Rs and community appearance and standards. Committee members shall have the right to revisit the property within 60 days after the Notice of Completion is received by the HOA to ensure compliance with the submitted plan. (CC&Rs, Section IV(C), p. 22.)
- H. Dwelling. For purposes of defining a dwelling, it shall include the attached garage.

## **SECTION II – POLICIES.**

- A. The ACC's purpose is to review and approve projects submitted to it, provided that the projects meet the Guidelines and conform to the CC&Rs. The Committee provides review comments only to aid the homeowner toward achieving appropriate projects. Adherence to ACC rules and procedures will facilitate prompt resolution of applications.
- B. These Guidelines are designed to implement the following provision of the CC&Rs:
  - No use of any lot or structure within the Project shall annoy or adversely affect the use, value, occupation, views and enjoyment of adjoining lots or the general neighborhood. Final determination within these bounds shall be left to the discretion of the Board, in accordance with the limitations imposed by NRS116." (CC&Rs, Section III(T), p. 19.)
- C. The importance of views to property values has been strengthened by the following statute:
  - NRS 361.228, section 3, "The attributes of real property, such as zoning, location, view and geographic features are not intangible personal property and must be considered in valuing the real property, if appropriate."
- D. The ACC recognizes the overwhelming majority of respondents, in a community-wide survey done in June of 2004, considered neighboring views as a serious consideration in the ACC approval process. The ACC will always attempt to preserve or mitigate impacts on views from nearby properties when reviewing Submittals.
- E. In support of the Committee's obligation to consider whether or not to impose building and landscaping height restrictions, detailed, non-narrative information

(architectural scale drawings) must be provided in Submittals. (CC&Rs, Section IV(D)(1), pp.22-23.)

- F. Applicant homeowners and neighbors are encouraged to work out differences related to ACC proposals at the neighborhood level prior to application submittal.
- G. These Guidelines assume the homeowner is familiar with governmental ordinances and statutes affecting their project.

### **SECTION III – PROCEDURES.**

- A. Neighbor Acknowledgment Important. The Submittal process requires the property Owner to seek acknowledgment from surrounding neighbors for the project work proposed on that Owner's site. Obtaining a Neighbor Acknowledgment means a neighbor has seen or been given an opportunity to review the plans for Submittal only. The Neighbor Acknowledgment does not imply approval for the project being submitted to the ACC. If there is a concern with regards to the project, timely neighbor comments are extremely important and are encouraged in order to assist the ACC in their deliberations.
- B. Rules For Submittals.
  - 1. Any change to the exterior of the property and/or home requires a Submittal to the ACC for approval.
  - 2. All changes from the ACC-approved plan are required to be submitted for approval (e.g., change in plant species previously approved on a Landscape Plan) with the following exception: The homeowner may replace a dead or diseased plant with one of the same or lower height and width not to exceed the apex of the homeowner's roof at maturity. (See Section I-F, above.)
  - 3. A Submittal must include the items in the "Homeowner Project Application Form" (available on the website), including but not limited to, Neighbor Acknowledgments from neighbors in 360 degree or visual proximity to the work being proposed. A signature from the neighbor does not imply approval. Applicant homeowners and neighbors are encouraged to work out differences related to ACC proposals at the neighborhood level prior to application submittal.

4. Incomplete Submittals will be returned to the homeowner applicant and will not be considered by the ACC.
5. Submittals must be received no less than two days prior to the Committee Meeting, and no later than 12 noon on the Monday prior to the ACC meeting. Applicants are encouraged to call the management office directly to confirm the meeting date for that month.
6. All Submittals must be delivered in **quadruplicate** to the management company's office. Submittals not complying with the required number of copies will be returned to the homeowner for additional copies.
7. Homeowners are responsible for knowing their Lot boundaries and limiting their construction and landscaping efforts to their Lots. The ACC is not responsible for approval of plans that extend beyond Lot lines. In such cases, the homeowner will be required to remove encroachments and restore the affected land to its original condition unless a variance is granted by the Board of Directors for an encroachment on the Common Area.
8. Homeowner file contents and correspondence shall remain confidential except as released by the homeowner.
9. If access across a Common Area is required for landscape and or construction projects, a written request and subsequent approval in writing from the ACC is required as part of the Submittal.

Note: Homeowners wishing to donate Nativescape to the Common Area may do so with the written permission of the Board of Directors. See SWV Rules prohibiting encroachment on the Common Area and the Submittal for Common Area Nativescape Donation form.

#### C. Committee Meetings.

1. The Committee shall consist of 5-7 members approved by the Board.
2. A quorum shall consist of a majority of those members. (CC&Rs, Section IV(A), p. 21.)
3. Meetings are typically held on the fourth Wednesday of the month; but Committee meeting dates may change.



D. Deliberation and Decision.

1. *Research.* Committee members will research Submittals and pending issues as applicable.
2. *On-site Evaluation.* Committee members may visit a property for which there is a Submittal in order to determine preservation of property value for neighboring homes; compliance with Neighbor Acknowledgment and overall compatibility to Southwest Vistas CC&Rs and community appearance and standards. Committee members shall have the right to revisit the property within 60 days after the Notice of Completion is received by the HOA to ensure compliance with the submitted plan. (CC&Rs, Section IV(C), p. 22.)
3. *Outside Consultant.* If adequate professional Engineer and Architect plans are not submitted by the Owner, the Committee may employ outside consultants such as civil engineers, architects, landscape designers, etc. at the submitting homeowner's expense in order to properly evaluate plan Submittals.
4. *ACC Decision.* When the ACC makes a decision regarding the Submittal, the applicant will be notified of the decision and will be informed if any additional information is required. The plans will be stamped for the County if required when all conditions have been met.

**SECTION IV – ARCHITECTURAL STANDARDS.**

- A. Exterior Walls and Trim. These must be composed of natural wood, natural stones, stucco, brick or other materials which match the character of the development and the existing home. Exterior plywood, Masonite or hardboard siding are discouraged and will likely result in denial by the ACC. (CC&Rs, Section II(A)(5)(d), p. 10.)
- B. Exterior Colors. These must harmonize with the surrounding landscape and not depart from the existing overall color scheme in the development. Color samples must be submitted. (CC&Rs, Section II(A)(5), p. 10.) Original paint samples of the development are available at the Management Company O or the Association's website under "Paint Color Guide."
- C. Reflective Metal on Exterior. All reflective metal such as chimney caps, flashing, gutters, exhaust vents and pipes must be painted to match or blend with surrounding materials. (CC&Rs, Section II(A)(5), pp. 10-11.)

- D. Metal Windows, Screen/Security/Storm Doors and Doorframes. These must match or blend with surrounding materials. (CC&Rs, Section II(A)(5), p. 10.)
- E. Roofs. All roofs shall be constructed of tile, concrete, architectural grade composition shingles (allowed only in Unit 1) or slate and harmonize with the surrounding landscape. (CC&Rs, Section II(A)(5)(b), p. 10.)
- F. Solar Panels. Plans must accurately depict the location and appearance of solar panels whether located on the roof or elsewhere. (CC&Rs, Section II(A)(11), p. 11.) At the ACC's request, the Owner will have its installer provide the information needed for a solar determination through the Nevada Governor's Office of Energy, at the Owner's sole cost and expense. [http://energy.nv.gov/Programs/Renewable\\_Energy\\_System\\_Determinations/](http://energy.nv.gov/Programs/Renewable_Energy_System_Determinations/)
- G. Driveways, Walkways and Patios. Proposals for new driveways or changes to materials and/or color of driveways, walkways and patios must be submitted to ACC for prior approval. (CC&Rs, Section II(A)(4), p. 10.) Fixed or adjustable patio covers, often with a pitch different than the roof, must be attached to the home and/or new foundation posts such that the patio cover is wind-load secure as required by Washoe County building code. The materials must blend and harmonize with adjacent walls, trim, and roof.
- H. Building Height. Dwelling units within the development shall be single level in order to preserve views from neighboring homes. Washoe County Building height requirements apply. (CC&Rs, Section II(A)(3) p. 9.)

ACC shall have the right to reject any proposed dwelling unit or change to an existing dwelling on the sole basis that it exceeds one (1) story in height. (CC&Rs, Section II(A)(3), p. 9.)

- I. Building Envelopes (Setbacks). Every Lot within Southwest Vistas has a County-defined building envelope outside of which a homeowner cannot propose placement of an enclosed structure or construction of any nature without a county variance for that building envelope. (CC&Rs, Section II(A)(2), p. 9.)
- J. Disturbance of Natural Terrain. Proposed removal of rocks, trees, shrubs or other natural vegetation must be clearly indicated in any Submittal. No such removal can be done without ACC approval. (CC&Rs, Section II(A)(9), p. 11.)

## SECTION V – CONSTRUCTION RULES.<sup>1</sup>

### A. Construction Timing

1. *Completion of Construction.* Once commenced, construction shall be pursued diligently and substantially completed within twelve (12) months from commencement. A written request for a time extension may be obtained from the ACC for project delays beyond the Owner's reasonable control. (CC&Rs, Section IV(N)(1), p. 25.)
2. *Lapse or Delay in Construction.* If work on a project ceases for more than 60 days without written permission from the ACC, an additional Submittal must be made. Unfinished work may be classified as a nuisance. (CC&Rs, Section IV(N)(1), pp. 25-26.)

### B. Site Maintenance and Community Protection

1. Construction sites, where deemed necessary by the ACC, shall be roped-off to ACC specifications in order to discourage destruction of native vegetation or encroachment onto neighboring properties. Any required roping shall be completed prior to the commencement of any construction. Native vegetation outside roped area damaged during construction shall be replaced with similar species of comparable size and spacing to the satisfaction of ACC. (CC&Rs, Section IV(N)(2), p. 26.)
2. All signs in the construction area shall be limited to the General Contractor and the Realtor and shall receive prior approval by ACC, conforming to ACC standards. (CC&Rs, Section IV(N)(3), p. 26.)
3. Removal of rocks, trees, shrubs or other natural vegetation must receive prior approval of the ACC and must appear on the construction plan. (CC&Rs, Section IV(C), p. 22.)

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<sup>1</sup>These rules govern landscaping projects where applicable

4. All commuter vehicles associated with a construction project (including employees and subcontractors' vehicles) shall be parked in designated areas or on the street where on-street parking is allowed. (CC&Rs, Section III(S), pp. 18-19.)
5. No trailers shall be left on any street construction site, except for the temporary loading and unloading of heavy equipment, unless first approved in writing by ACC. CC&Rs, Section III(S), p. 18.)
6. The construction site shall be maintained in a neat and orderly condition with provision for regular disposal of construction debris to the satisfaction of ACC. (CC&Rs, Section IV(N)(2), p. 26.)
7. All construction materials shall be neatly and properly stored on site. No construction materials may be stored on adjoining property, on a street or outside roped construction site. (CC&Rs, Section IV(N)(2), p. 26.)
8. Any damage due to oil, gas or hydraulic spills shall be repaired at the contractors cost to the satisfaction of ACC.
9. Any damage due to excessive weight limits on hard surfaces shall be repaired at the contractors cost to the satisfaction of ACC.
10. Construction noise should be kept to a minimum. Radio volumes shall be kept low, so as not to bother neighboring residents.
11. Construction hours shall be limited to Monday through Saturday from 7:00 a.m. to 6:00 p.m. (CC&Rs, Section IV(N)(2), p. 26.)
12. All excess fill and/or excavated material shall be removed from the site prior to completion of work. Contractor shall maintain adequate dust control to satisfaction of ACC and Washoe County. (CC&Rs, Section IV(N)(2), p. 26.)

- C. Administrative Fees.<sup>2</sup> The ACC acts as the enforcement agent of the Association as envisioned in the CC&Rs. All checks shall be made payable Southwest Vistas Homeowners Association.
1. Fees and Deposits. Owners submitting plans for approval of additions, remodels, and new homes shall pay an administrative fee of consisting of three components: (i) a non-refundable review fee of \$100.00 due at the time of Submittal, (ii) a \$250.00+ professional review fee for review by a licensed architect or draftsman, due at the time of Submittal, and (iii) a damage fee in the amount of \$1,000.00 due to the ACC at the time of Submittal approval, which will be refunded if not used as specified below., The Committee will determine if the professional review fee is required based on the nature of the Submittal and may increase the professional review fee as necessary to cover the cost of such reviews. Unless otherwise provided herein, fees are non-refundable. No interest will be paid on any refundable fee.
  2. Replenishment. If the damage fee is used, it must be replenished to the required level within ten days. The damage fee may be increased up to \$5,000 if expenses exceed \$1,000 as per paragraph 1, above.
- D. Non-Compliance. Non-compliance may be either a failure to complete the approved work within the specified time for completion resulting in the levy of a Construction Penalty (CC&Rs, Article IV, Section P, p. 27) or a failure to obtain prior approval for work or a failure to install as approved resulting in an ACC Violation (CC&Rs, Article IV, Section C, p. 22).
1. Notice of Construction Penalty Violation. In the event the Owner fails to complete approved work within the specified time for completion and fails to obtain an extension from the ACC to complete the work, the Association shall issue a notice of the alleged violation informing the Owner of his/her right to a hearing and the amount of the construction penalty which may be levied as a Special Assessment (CC&Rs, Article IV, Section P, p. 27).

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<sup>2</sup> Governs additions, remodels and new homes as well as landscaping where applicable.

2. Notice of ACC Violation. In the event the homeowner violates the Construction Guidelines, damages the Common Area, fails to install as approved, or pursues unapproved construction, the Association shall provide a “Notice of ACC Violation” to the homeowner as follows: (a) by personal delivery to a homeowner, or (b) by U. S. mail postage prepaid to the homeowner’s last known address on file with the management office. This Notice will provide a grace period for correction in accordance with the nature of the alleged violation and (CC&Rs, Section IV(Q), pp. 27-28.).
  
3. Failure to Remedy ACC Violation. In the event that the Owner has failed to remedy the alleged violation described in the Notice of ACC Violation within the grace period provided, the Association shall issue a hearing notice. After notice and hearing, if the Board determines the violation exists:
  - a. The Board may levy fines.
  
  - b. The Association and/or ACC may undertake to remedy the violation and charge the actual and reasonable costs thereof to the Owner. To that end, the Association or ACC shall obtain bids from at least three (3) responsible licensed contractors with the lowest viable bid being used for the work.
  
  - c. If legal services were reasonably necessary to achieve the remedy or compliance, resulting attorney fees and costs shall be charged to the owner. (CC&Rs, Section IV(Q), p. 28.)
  
  - d. All the charges in paragraphs “b” and “c” are referred to as “Remediation Costs.”
  
  - e. Fines and Remediation Costs, along with construction penalties may be deducted from the damage fee.
  
4. Collections and Ultimate Remedy of Foreclosure. If fines, construction penalties or Remediation Costs remain unpaid, the Association may collect such unpaid obligations in accordance with the Association’s Collection Policy and NRS 116. In certain cases, the Association may

foreclose on unpaid obligations. (CC&Rs, Section IV(P), pp. 27-28; NRS 116.3116-116.31168.)

5. Contractor Ban. Any contractor which was the cause of two violation notices (in any twelve consecutive month period) may not act as a contractor for any new job within Southwest Vistas for a period of one year. Upon receipt of a third violation, the contractor must complete any work in progress contracted for before leaving the development. Any Submittal containing the name of said contractor during said twelve month period will be rejected.

## **SECTION VI – LANDSCAPING GUIDELINES AND RULES.<sup>3</sup>**

### **A. Resources.**

1. *Approved Source.* The Southwest Vistas Homeowners Association (SWVHOA) “SWV Plant and Tree Guide” is available on the website.
2. *Additional Approved Source.* Additional sources of plant descriptions are published by the following authorities: University of Nevada, U.S. Department of Agriculture; Truckee Meadow Water Authority, Moana Nursery; Sunset New Western Garden Book. Publications from these sources cite common and/or botanical names of locally favored plant species and varieties, and (of primary importance) height and width at maturity.
3. *Landscaping and Planting Guidelines.* This document can be found on the website, SWVHOA.com.

- B. New Home Landscape Completion. Each Owner shall have six months from Close of Escrow to complete front landscaping and one year from Close of Escrow to complete rear and side landscaping. Failure to comply will result in construction penalties assessed at \$100 per day. (CC&Rs, Section IV(O)(1), p. 27.)

A written request for a time extension may be granted by the ACC for project delays beyond the Owner’s reasonable control.

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<sup>3</sup> Construction rules and definitions apply where applicable.

- C. Landscape Work Completion. An approved landscaping project shall be pursued diligently and substantially completed within twelve (12) months from commencement. A written request for a time extension may be granted by the ACC for project delays beyond the Owner's reasonable control. (CC&Rs, Section IV(O)(2), p. 27.)
- D. Lapse or Delay. If work on a landscape project ceases for more than 60 days without written permission from the ACC, an additional Submittal must be made. Unfinished work may be classified as a nuisance. A written request for a time extension may be granted by the ACC for project delays beyond the Owner's reasonable control. (CC&Rs, Section (N)(1), pp. 25-26.)
- E. Height Restrictions. The Committee may impose height restrictions for landscaping as based upon overall aesthetics of the neighborhood and consideration to neighbors value/view, use, occupation and enjoyment at the discretion of the ACC. (CC&Rs, Section II(A)(3), pp. 9-10). **New trees, (defined as planted on or after October 5, 2018 the effective date of current SWV CC&R's), shall not at maturity exceed the apex of your roof nor impair available view(s).** (CC&Rs, Section IV(D)(1), pp. 22-23.)
- F. On-site Evaluation. Committee members may visit a property for which there is a plan Submittal in order to determine preservation of property value for neighboring homes, compliance with Neighbor Acknowledgment and overall compatibility to Southwest Vistas CC&Rs. It is the responsibility of the homeowner to notify the Association's management office that the project is completed. The ACC can revisit the property within 60 days of the Notice of Completion. (CC&Rs, Section IV(C), p. 22.)
- G. Neighbor Acknowledgment of Proposed Landscaping Project. Homeowner Submittal for changes must include signatures from neighbors in 360 degree or visual proximity to the work being proposed. A signature from the neighbor does not imply approval. If a neighbor does not approve of the change, it is the neighbor's responsibility to discuss it with the homeowner proposing the project. Failing that, the neighbor should promptly submit written comments to the ACC.
- H. Compromise. Applicant homeowners and neighbors are encouraged to work out differences regarding ACC proposals at the neighborhood level. Nothing in this paragraph is intended to imply that the ACC is bound by neighbor agreements.



## **SECTION VII – LANDSCAPING PLAN SUBMITTAL REQUIREMENTS.**

- A. Plans must be submitted in quadruplicate.
- B. Plans must meet professional standards. All labels, legends and names on the plans must be in legible print. The plans must be drawn to scale and clearly depict location of proposed plants, trees and other objects.
- C. The plan's legend must specify plants and trees by the variety chosen - using common or botanical name - and must prominently indicate the plant or tree height and width at maturity. If a plant or tree height and width at maturity information is not derived from the Approved Source, then the plans must specify such height/width at maturity.
- D. Height restrictions will be imposed for landscaping (including fences) as based upon overall aesthetics of the neighborhood and consideration to neighbors. All heights are considered from the Prevailing Ground Plane and in compliance with the ACC height restrictions. (CC&Rs, Section II(A)(3), pp. 9-10; Section IV(D)(1), pp. 22-23.)
- E. All landscaping berms (mounds) must be defined by height and width in all landscape plans. All finished or maximum heights will be considered from the top of the berm (mound) and terraced slope and cannot exceed height requirements from the Prevailing Ground Plane and in compliance with the ACC height restrictions. (CC&Rs, Section II(3), pp. 9-10; Section IV(D)(1), pp. 22-23.)
- F. All plans must clearly show finished elevations for trees, plantings, fences, stucco walls and all landscape features. Inclusions of involved slope elements differing (plus or minus) from Prevailing Ground Plane elevation of the home to be labeled on the submitted plan.
- G. Plans may be submitted with phase requests. Multiple phases may be requested for variable start and completion dates.
- H. Homeowner must give the project manager/landscaper a copy of the signed and stamped approved plans.
- I. The homeowner is responsible for the selection and placement of plants, walls and any other improvement in accordance with the approved plan. The ACC is entitled to rely on the information provided on the Submittal as being

accurate and complete. In the event the ACC approves a Submittal representing a plant at a particular height or width at maturity (or lacking this information), or representing a wall or other Improvement as being of certain dimensions, the ACC may later require the correction of non-conforming walls or Improvements and the removal of any tree or plant which exceeds its represented height and width at maturity. Thus, Owners and landscape professionals are advised to carefully review plans prior to submittal.

- J. All retaining walls, decorative walls and fences must comply with CC&R requirements. All fences shall be constructed of wrought iron, wood split rail, stucco or wood panels. The front yard of each lot, defined as the area from the façade of the dwelling to the street, shall be kept free and open of any fencing, walls or barricades. There shall be no yard fences or walls over six (6) feet in height when measured from the natural slope or leveled pad. There shall be no chain link, woven wire or any type of freestanding wire fence within Southwest Vistas except as required by government authorities or for back/side yard pet enclosures and swimming pools. With this sole exception, no one Lot can have more than two types of fencing. All fences/walls require ACC approval prior to installation and detailed plans to scale shall be submitted to the ACC, per the ACC application. Nothing herein shall prevent necessary construction of retaining walls required by topography and/or required by the ACC and Washoe County. (CC&Rs, Section III(I), pp. 15-16.)
- K. Accessory outbuildings (*i.e.*, sheds) wall height shall not exceed a finished height of eight (8) feet from the prevailing ground plane. The colors of siding, roof and trim must blend with the colors of the house. (CC&Rs Section III(U), p.19.)
- L. If electrical considerations are included in the overall landscape plan, a separate detailed electrical plan must be included with the landscape Submittal.
- M. Landscape removals (re-landscaping) and replacements, other than that which has already been approved, (such as trees, shrubs, or other natural forms to the same maturity height and width) must be submitted in a landscape plan and requires approval of the ACC, with the exception of shrubs no larger than three (3) feet in height/width at maturity.
- N. If access across a Common Area is required for landscape and or construction projects, written requests and subsequent approval in writing from the Board are required. (CC&Rs, Section V(C)(8)(11), pp. 30-31.)