

Landscaping and View Protection Policy

The Declaration and Design Handbook attempt to strike a balance between the value of preserving native trees and the value of the scenic views within the community.

Native trees (those trees on the property at the time of the building of houses) shall be allowed to grow uncontrolled, with no requirement that a homeowner trim or remove such trees, even if a view is impaired.

An owner is required, under section 7.10 of the Declaration, to maintain all landscaping (except native trees) in order to preserve a neighbor's view. This is true even if the plan for such landscaping was originally approved by the Design Review Committee of the HOA Board.

Given that view consideration is generally between neighbors and is not generally community-wide, the primary responsibility for enforcement of the view language shall be the homeowner, not the HOA. Any homeowner that believes there has been, or is, a violation of the constituent documents may take private action for enforcement, but the HOA shall not be responsible for any of the cost associated with such private action.

The HOA Board reserves the right to enforce the terms of the HOA constituent documents (the CC&R's and the Persimmon Design Handbook), but is not required to take such action.

The HOA (and its Board and Officers) shall not be liable for the enforcement or failure to enforce any provisions of the HOA documents.