

Architectural Guidelines and Clarifications of the CC&Rs of Shadow Hawk

This document provides additional architectural guidelines and clarifications to the Declaration of Covenants, Conditions and Restrictions of Shadow Hawk. These guidelines are maintained by the Shadow Hawk Architectural Review Committee (SHARC) acting as the Architectural Control Committee under section 3.3.e of the CC&Rs.

Section 1: Recitals. No clarifications.

Section 2: Definitions.

2.15 Structures – since fences, concrete, and asphalt pads are all included in the definition of structures, other types of courts (e.g. basketball, handball) are included in the definition as well as tennis courts.

Section 3: Architectural Control.

3.3 Architectural Control Committee

- a. **Number and Appointment** - To ensure prompt support and review of the Shadow Hawk homeowner applications for review, the committee has been increased to seven persons. Two of seven committee members must approve the applications for review.
- b. **Operation** - The committee will meet at least once per month to review applications for review. During an initial start-up phase, the committee will meet bi-weekly to ensure prompt review and response to applicants.
- c. **Duties** - No clarifications.
- d. **Address** - All requests for review, clarifications, and comments regarding the Shadow Hawk Architectural Review Committee should be addressed to the Shadow Hawk Architectural Review Committee, at the most recent address on the Architectural Review Form found on the Shadow Hawk website (www.shadow-hawk.org)
- e. **Guidelines** - This document constitutes the "Guidelines" referred to in this section. All community members will receive a copy of the Guidelines by U.S. Mail or door-to-door distribution. Amendments to these Guidelines will be promptly distributed as they become available.
- f. **Standards** - No clarifications.

3.4 **Committee Approval Process - Approval Application.** There will be no charge for application for review.

3.5 **Review and Approval.** All improvements planned or already constructed must be submitted to the committee for review.

3.6 **Commencement, Completion of Approved Work.** No clarifications.

3.7 **Inspection, Non-Compliance.** The committee will not enter onto the property of the applicant for reviews or inspections without 48 hours prior notice unless the applicant approves earlier entry.

3.8 **Waiver.** No clarifications.

3.9 **Estoppel Certificate.** No clarifications.

3.10 **Liability.** No clarifications.

Section 4: Use Restrictions.

4.1 **Use of Lots.** No clarifications.

- 4.2 **Vehicle Restrictions.** Operable off-road unlicensed vehicles used in the maintenance of the property (i.e. tractors, unlicensed pick-up truck for on-property hauling), and properly screened when not in use, are acceptable.
- 4.3 **Signs.** No clarifications.
- 4.4 **Animals.** No clarifications.
- 4.5 **Trash; Storage of Materials.** No clarifications.
- 4.6 **Towers, Satellite Dishes, Etc.** Exceptionally large antennas, tall towers, and multiple antennas or dishes will receive additional scrutiny from the Shadow Hawk Architectural Review Committee.
- 4.7 **Design and Construction Restrictions.** Improvements shall be defined according to Section 2.6 and 2.15. Improvements shall be constructed or added utilizing the same or similar design, size, location, style, structure, materials, color, and architecture so as to blend harmoniously with the original Project.
- 4.8 **Building Location.** The Shadow Hawk Architectural Review Committee will review building placement for potential obstructions of view from neighboring properties as well as proximity to setbacks.
- 4.9 **Window Coverings.** No clarifications.
- 4.10 **Clotheslines.** No clarifications.
- 4.11 **Major Appliances.** No clarifications.
- 4.12 **Drainage.** No clarifications.
- 4.13 **Sight Distances at Intersections.** No clarifications.
- 4.14 **Nuisances, Offensive Activities.** No clarifications.
- 4.15 **Temporary Structures.** "Temporary" means the structure is not present in excess of two (2) weeks within any six (6) month period. Plans or installations of structures that will exist for periods greater than this "temporary" period must be submitted to the committee for review for potential view obstructions and aesthetic review.
- 4.16 **Compliance with Declaration.** No clarifications.
- 4.17 **Fences.** Fencing shall be of quality workmanship and the materials used shall be comparable to other improvements that are proposed or existing on the Project. All improvements, including fencing, shall not interfere with or otherwise impair the view of other portions of the Project. T-bar metal fence posts are prohibited in any road-facing application, within or external to the Project.
- 4.18 **Trees.** Lot owners shall take into consideration that any tree planted as an Improvement shall not be placed in such a location that would unreasonably interfere with or otherwise impair the view of other portions of the Project. Considerations should be made to the size of the tree in its mature growth stage.
- 4.19 **Burning.** Burning is allowed with appropriate permits. For your own protection and that of your neighbors person and property, please use great care and ensure the burn and the surrounding area is constantly supervised. Once accumulated, burn piles must be promptly burned once weather and moisture sufficiently reduce the risk of the fire spreading.
- 4.20 **Wetland Areas.** Setback Area Non-Development. Gibson & Skordal, Wetland Consultants responsible for the review and design of Shadow Hawk's wetland areas has provided a letter

clarifying fencing, irrigation lines, and driving on wetland areas. "1) Fencing can be constructed across wetland areas as long as it is open fencing that will allow wildlife passage. 2) Irrigation lines can be placed across wetland areas, however if they are buried, permit authorization from the [Army] Corp of Engineers is required. 3) Driving across wetlands is acceptable if the ground is dry enough not to cause rutting or other damage to the wetlands." Also, the letter indicates Gibson & Skordal believes that planting native trees (Cottonwoods, willows, and oaks) within the 50-foot buffers of the wetlands is a beneficial activity that should not be objectionable to the [Army] Corps [of Engineers]. The Shadow Hawk Architectural Review Committee urges you to please consult the Army Corps of Engineers prior to making any alterations to the buffer area or wetlands to be sure you do not receive heavy fines.

Clarification of Exhibit A pertaining to section 4.21 through 4.23 - The land on which Shadow Hawk is built is identified in Exhibit "A" and is divided into three Parcels. Parcel 1 is most of Shadow Hawk as indicated on the Map registered with the county, plus Parcel 2 and Parcel 3. Parcel 2 is separately defined because of its archeological sensitivity, because it should never be developed or disturbed. Parcel 3 is separately defined because it is temporarily a non-development area and includes a section of Lot 14 (2325 Talon Drive) in Parcel 1.

4.21 Permanent Non-Development Area (Archeologically Sensitive Area) - The areas defined in Exhibit A as parcel 2 and a 50 foot buffer area around them cannot be disturbed or developed now or in the future. "Disturbed" includes cutting back growth or even walking through those areas. The cited Map is required to get a better idea of exactly where these areas lie and what lots are affected.

Exhibit "A" definition of Parcel 2 indicates that the coordinates and survey data presented "does not include the additional buffer of fifty feet non-building setback area". There is still a 50-foot setback in force.

It appears a section of land adjacent to, but not part of, Shadow Hawk contains an archeologically sensitive area that is more accurately mapped. Apparently, the Shadow Hawk segment spills over from that property line. Should the area adjacent to, but not part of, Shadow Hawk be annexed, any definitive information contained on its map will supercede this section of the CC&Rs. We must assume the archeologically sensitive area defined in the CC&Rs is the same size or is more expansive than the area that is defined in the map of the adjacent property that could eventually supercede the CC&Rs.

4.22 Temporary Non-Development Area - The areas defined in Exhibit A as parcel 3 and Lot 14 of parcel 1 and a 50 foot buffer area around them cannot be disturbed or developed until El Dorado County lifts the restriction in writing. "Disturbed" would seem to include cutting back growth or even walking through those areas.

Once the County provides release in writing, this paragraph effectively goes away. Exhibit "A" definition of Parcel 3 indicates that the coordinates and survey data presented "does not include the additional buffer of fifty feet non-building setback area". There is still a 50-foot setback in force. Homeowners of the affected lots are responsible for obtaining this release from the county.

4.23 Elderberry Beetle Buffer - Elderberry bushes (leaves identified in picture) with a stem measuring 1.0 inches or greater at the ground level must not be disturbed. For bushes that meet these criteria, a perpetual 100-foot Buffer Zone in all directions measured from the drip line must be maintained. Inside the Buffer Zone is a Core Avoidance Area that measures 20 feet in all directions from the drip line of the Elderberry bush. You cannot disturb areas within the Core Avoidance Area. No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant may be used in the core or buffer avoidance



areas. Construction can take place within the buffer zone so long as disturbance is minimized and any damage is promptly restored following construction. Prior to construction, a written plan must be submitted to the U.S. Fish and Wildlife Service explaining how the core and buffer avoidance areas are to be restored, protected, and maintained after construction is completed.

Section 5-8 - No clarifications.