

**ARCHITECTURAL REVIEW GUIDELINES**  
**ORCHARD ESTATES OWNERS ASSOCIATION**

In accordance with the Declaration of Covenants, Conditions and Restrictions (CC&R's) for Orchard Estates Owners Association, the Board shall adopt and promulgate Architectural Standards to be administered through its Architectural Review Committee as the Board, in its discretion, may deem appropriate. The Board of Directors has adopted the following fair, reasonable and expeditious procedures.

In January 2005, the California Legislature added section 1378 to the *Civil Code*. This section requires the Association to establish specific requirements for architectural review and to notify the members of the association of its Architectural Review Guidelines, including the types of physical changes requiring approval.

**I. Architectural Approval**

In order to maintain a uniform and well-maintained appearance throughout the Project, an Owner may not alter the exterior appearance of their residence, lot or Common Area; and no exterior improvements or other structures shall be commenced, erected, altered or maintained upon the Project, without prior written approval from the Architectural Review Committee.

**A. Improvements That Do Not Require Committee Approval**

1. Minor changes to landscaping initially installed including planting of flowers, rose bushes, plants, shrubs, replacement of existing trees, shrubs or plants (with same type of tree, shrub or plant), the addition of turf, potted plants, patio furniture & accessories, free-standing barbecues or the installation of temporary holiday decorations.
2. Maintenance of the exterior elevation or repainting in the original color schemes of your home. (*Contact Management for the original paint codes on your home and where to purchase the paint.*)

**B. Improvements That Require Committee Approval**

1. Anything not listed in section A.
2. Major changes to landscaping initially installed. For further information regarding approved plantings, please see the Approved Plant & Tree List appended to these Guidelines.
3. Accessory structures, window coverings & tinting, screen doors, patio covers, pools and spas, courtyard walls and retaining walls.

4. Any change to the original exterior elevation or color scheme of the home.
5. Coverage of any portion of the yard with artificial turf, concrete, bricks, or rocks.
6. Installation of a satellite dish or solar energy panels.

## **II. ARCHITECTURAL REVIEW PROCESS**

### **A. Submission**

1. Owners shall submit an Application for Architectural Improvements Form (attached) along with plans and specifications showing the nature, kind, shape, height, materials and location of the improvement, alteration, other structure or addition to the Architectural Review Committee by sending it to Management.
2. Description or sample of all materials and colors may be required.
3. Estimated construction schedule (length of time to complete project) is required.
4. The Committee may request any additional information, plans and details as it reasonably sees fit to adequately review the request for approval. Please note that no construction of any Improvement may commence until final approval, in writing, is secured from the ARC.

### **B. Architectural Committee Review**

1. The Architectural Review Committee may delegate its plan review responsibilities to three or more members of the Committee. Upon such delegation, the approval or disapproval of plans and specifications by such persons shall be equivalent to approval or disapproval by the entire Committee. The Committee must approve or disapprove complete sets of plans or other requests submitted to it within thirty (30) days after such submission is received by Management. Should the Committee fail to respond within thirty (30) days after the complete submission is received by Management, then such approval will not be required so long as it is in harmony with similar structures erected within the Project.
2. Architectural Review Committee decisions must be made in good faith, may not be unreasonable, arbitrary or capricious, they must be consistent with the law and in writing.
7. The Architectural Review Committee is not responsible for approval of plans from the standpoint of structural safety or conformance with building codes.

8. Nothing in this section allows a Lot Owner to construct or alter a structure without a building permit if the City of Indio requires a permit.

**C. Appeal**

1. Architectural denial letters must include an explanation for denial and a description of the appeal process.
2. In the event plans and specifications submitted to the Architectural Review Committee are disapproved, the party making such submission may appeal in writing to the Board. The written request must be received by the Board, c/o Management, not more than thirty (30) days following the final decision of the Architectural Review Committee. The Board shall submit such request to the Architectural Review Committee for comment and the Committee's written comments will be submitted to the Board. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. Failure of the Board to render a decision within this forty-five (45) day period shall be deemed a decision in favor of the appellant.
3. Appeals must be heard at an open Board meeting.
4. There is no right of appeal if the initial decision is by the Board or an Architectural Committee composed of the same members as the Board, and the initial decision is at an open meeting complying with Civil Code 1363.05 (Open Meeting Act).

**III. COMMON AREA**

Nothing in these procedures authorizes a physical change to the common area in a manner that is inconsistent with the CC&R's or governing laws.

**IV. IMPROVEMENTS MADE WITHOUT COMMITTEE APPROVAL**

Any improvements made to the exterior of the home or Lot without an approved application is subject to removal or may be required to be brought into compliance at any time.

**V. COMPLETION OF IMPROVEMENTS/ALTERATIONS**

All improvements/alterations must be completed within 30 days from the first day after approval is granted. All exceptions will be reviewed and must be approved by the Board of Directors.

**VI. CONFLICT**

In the event of a conflict between these guidelines and the CC&R's, the CC&R's will prevail.

**THESE GUIDELINES ARE IN ADDITION TO THE GUIDELINES SET FORTH IN THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.**

## **The Orchard Estates Approved Plant & Tree List**

The following is the list of approved trees and plants for front and rear yard landscaping in The Orchard Estates. The location of trees in the front yard must be approved by the HOA prior to installation. Variations on the approved list of trees and plants will also need to be approved prior to installation. All landscape plans and questions regarding landscaping should be referred to the Homeowners Association / Landscape Committee.

Trees - Two tree minimum per residence. Minimum size: 24" box

Willow Acacia	<i>Acacia Silicicna</i>
Palo Verde	<i>Parkinsonia Aculeata</i>
Fruitless Olive	<i>Olea Europaea 'fruitless'</i>
Chilean Hybrid Mesquite	<i>Prosopis Chilensis</i>
Sissoo	<i>Dalbergia Sissoo</i>
African Sumac	<i>Rhus Lancea</i>
California Pepper	<i>Schinus Molle</i>
Tipu	<i>Tipuana Tipu</i>
Royal Poinciana	<i>Delonix Regia</i>
Hong Kong Orchid	<i>Bauhinia X Blakeana</i>
Date Palms	<i>Phoenix Palms</i>
Washingtonia Palm	<i>Washingtonia Filifera / California Fan Palm</i> <i>Washingtonia Robusta / Mexican Fan Palm</i>
Jacaranda	Bigoniaceae
Citrus Trees	<i>Citrus</i>

## **Perennial Plants and Color Ground Cover**

Trailing Lantana	<i>Lantana Montevidensis</i>
Bush Bougainvillea	<i>Bougainvillea Variettes</i>
Green Feathery Cassia	<i>Cassia – Senna Nemophila</i>
Agave Red Yucca	<i>Hesperaloe Parviflora</i>
Hibiscus	<i>Hibiscus Rosa - Sinensis</i>

Carissa Boxwood	<i>Carissa Macrocarda 'Boxwood Beauty'</i>
Rosemary	<i>Rosemarinus Officinalis</i>
Roses	<i>Rosa</i>
Tacoma	<i>Tacoma Stans 'Hybrid'</i>
Lavender	<i>Lavandula</i>
Nandina	<i>Nandina Domestica</i>
Callistemon 'Little John'	<i>Callistemon 'Little John'</i>

## **Vines**

Calliandra	<i>Calliandra Haematocephalia</i>
Honeysuckle	<i>Tecomaria Capensis</i>
Bougainvillea	<i>Bougainvillea</i>
Arabian Jasmine	<i>Jasminum Sambac</i>
Bower Vine	<i>Pandrea Jasminoides</i>
Roses	<i>Rosa</i>

## **Hedge Plants**

Ficus Nitida	<i>Ficus Nitida</i>
Hopseed	<i>Dodonaea Viscosa</i>
Japanese Blueberry	<i>Elaeocarpus Decipiens</i>
Carolina Cherry	<i>Prunus Caroliniana</i>

## **Annuals**

Seasonal Selection