THE CIRCLE OAKS HOMES ASSOCIATION
ARCHITECTURAL REGULATIONS
(Restated: March, 2015)
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AUTHORIZATION
CC&R ARTICLE VI (3) Operating Rules or Policies.
The Board shall have the authority to establish and adopt Rules or Policies to conduct business of the Association as defined in the California Civil Code §4340.
**DEFINITIONS**

- The Circle Oaks Homes Association to be known as "COHA" or the "Association" herein.
- The Architectural Committee of the Circle Oaks Homes Association to be known as the "Committee" herein.
- Any described work such as new construction or major renovation of a property may be known as the "project" herein.
- The Board of Directors of the Circle Oaks Homes Association may be known as "The Board" herein.
- The Association Common Area shall also be referred to as "Greenbelt"

**RESPONSIBILITY/AUTHORITY**

Article VIII of the Circle Oaks Homes Association CC&Rs states:

"Architectural and Environmental Control of Improvements to Real Property and Alterations. The Association shall have the authority to regulate construction, modification and/or alterations to the exterior of all structures on any Lot as outlined in this Article VIII". It is from this Article of the CC&Rs that the Board accepts its responsibility to the community to regulate construction, and toward that end has developed the regulations that follow.

**OBJECTIVES**

1. Be confident that submitted plans are complete, and have been developed by competent individuals.
2. Assure that any planned structure is in keeping with the general aesthetic of the community.
3. Be assured that the structure and/or improvement is located within the owner’s property, and with no infringement onto the property of others, or the Common Area (greenbelt).
4. Be confident that any planned lot development is located in a geologically safe and sound position, both the building and the driveway.
5. Assure that other owners nor the Association are impacted with the costs of development and/or protecting the greenbelt.
6. Make certain that COHA rules and regulations are not interpreted as replacing, or superseding government regulations
7. Make certain that owner/developers complete their work with minimum negative impact on existing community residents
8. Minimize any negative impact to the greenbelt during construction and/or utility connections.
9. Once begun, assure that the work being done is following the approved plan
10. To the greatest degree possible and reasonable, work to keep Circle Oaks "green" by preserving cherished plants and trees
11. Have a process for appeal and/or dispute resolution if and when needed

**REGULATION 1 – SUBMITTAL AND REVIEW OF PLANS**

Submittal and Review of Plans. The Association shall empanel an Architectural Committee which will review all applications and make recommendations to the Board. To obtain Board approval of any proposed new building or changes and/or improvements, plans and specifications shall be submitted to the Committee in writing in accordance with the following Rules. The Board may approve, require additional information, impose conditions,
require changes and/or reject any proposed architectural changes or improvements if they do not meet the spirit of this declaration.

**REGULATION 1.1 APPLICATION FOR CONCEPTUAL OR PRELIMINARY REVIEW**

A. **Application for a conceptual or preliminary review.** To afford an Owner an opportunity to obtain review and comment from the Architectural Committee concerning general compliance only with the CC&Rs and these Architectural Regulations, prior to the expenditure of substantial sums on complete plans and specifications, any Owner may apply to the Committee for a conceptual or preliminary review of a proposed project. This review is not required, it is completely optional. Applications shall be considered and processed as follows:

   (1) Any application for a conceptual or preliminary review shall be in writing and shall present sufficient detail to apprise the Architectural Committee of the general nature, and proposed location of the house and garage, their dimensions and the proposed location of the driveway.

   (2) The Architectural Committee shall review and comment only on proposed new construction or major renovations (such as increasing the footprint or elevation of an existing building - also see Regulation 1.2-A(12)).

   (3) The Committee will endeavor to complete its review and make its recommendations to the Board such that a response can be given to the applicant within 30 days after receipt of the application. Failure to do so however, shall NOT constitute an approval of any kind. In reviewing an application, the Architectural Committee may give the Applicant suggestions or recommendations and/or request additional information.

   (4) In no event shall any conceptual or preliminary review be deemed to constitute approval of any kind. Any number of issues could arise as detailed, professional assessments are completed in the effort to develop "permit ready" plans.

**REGULATION 1.2 APPLICATION FOR FINAL APPROVAL – REQUIRED COMPONENTS**

A. **Application for Final Approval.** Regardless of whether an Owner elects to seek conceptual or preliminary review in accordance with Regulation 1.1-A above, all Owners who desire to undertake any work of construction or major renovation must apply to the Association and receive its final approval. The application shall be in writing and shall contain all information that is necessary to reasonably evaluate the nature, design, location and extent of the proposed project, including, at a minimum, two complete sets of plans and specifications for the project, satisfying the requirements set forth in paragraph [B] below and such additional information as the Association may reasonably request, either by Architectural Regulation or while the project is under review.

B. **Content of Plans and Specifications for Final Approval.** The terrain in Circle Oaks, and the unique format and size of the circular lots, may require special skills and/or treatment. The Association therefore, strongly recommends the use of a licensed architect or a registered engineer from the onset. The Napa County Planning & Building Department will decide the credentials and/or licensing required of experts working for developers in Circle Oaks. The intent of this section is to provide a list of the items which constitute a complete package for review, referred to herein as “Plans and Specifications for Final Approval”. The Association does not place itself in judgment of the internal specifics of these items, but rather that they be assured that complete plans have been developed. The Napa County Planning and/or Building Departments shall assess the quality of the submission and the credentials of the submitter.

In order to be complete, the plans and specifications shall include, but may not be limited to:

1. A plot survey prepared by a licensed surveyor, or a registered civil engineer, with a stamped copy for the Association records.
2. A driveway plan prepared by a registered civil engineer, or a soils engineer in compliance with the Soils and Geological Report (Item 3 below), which denotes the precise location of the driveway. The Board of Directors reserves the right for itself and its successors and assigns to grant to each lot owner in CIRCLE OAKS SUBDIVISION a right-of-way for driveway purposes from a County road across the Common Area to each residential lot at such location as shall be determined by the Board. The Board shall have the obligation to grant such rights-of-way as are reasonably necessary for ingress and egress to and from the residential lots. Such driveways, where appropriate, may be common driveways for more than one lot.

3. A Soils & Geological Report - prepared by a licensed professional which includes:
   a. Analysis of site geology & composition
   b. Analysis of slope stability
   c. Analysis of driveway construction & placement
   d. Erosion control plan
   e. Earthquake hazard evaluation
   f. Recommendations on footings, foundations and/or retaining walls
   g. Possible geological impacts on the surrounding greenbelt, and/or other lots

4. A lot plan - prepared by a licensed surveyor, or a registered civil engineer. Each Lot has a natural and dimensioned area, which limits the extent of the portion thereof upon which any improvement can be constructed. All construction, except fences or walls, where approved or required by the Board shall be governed by the restrictions set forth by the County of Napa. The lot plan shall include:
   a. The location of the lot on the COHA parcel map.
   b. Lot contour lines
   c. The location of all existing and proposed construction or major renovations as well as the locations of the driveway and garage within the owners lot.
   d. Setbacks from Lot lines and/or easements of all existing and proposed construction or major renovation
   e. The proposed drainage plan for the Lot, as improved
   f. The location of all trees and vegetation which are to be removed and which will remain as part of the construction plan. Also see Regulation 4-F.
   g. The location of all proposed utility installations: water, sewer, gas, cable, electrical, telephone, solar panels, and/or satellite equipment.
   h. Any pools, spas and/or out buildings.

5. A building plan which is a scaled drawing, suitable for use for construction – which includes:
   a. Elevations of the house (including foundation), driveway and garage.
   b. Floor plans
   c. Location of all heating and/or cooling equipment (if externally located).
   d. Decking
   e. Screening devices such as wall, fences, etc.
   f. Retaining walls
   g. Description of exterior materials and roofing materials, which could include color, material type, or style (if not included with above plans).

6. A landscape plan - which includes the Owner's plans for replanting trees and vegetation and for stabilizing slopes during and after construction. If this is included in the Soil/erosion plan, a separate landscaping plan is not required. Also see Regulation 4-F.
7. **Defensible Space** – Circle Oaks is located in what is called the “Wildland/Urban Interface” (WUI). Like many areas of California, it is susceptible to Wildland Fire. The location of planned landscaping, plant types, and watering requirements should all take into account principles of Defensible Space to protect life and property. The Association maintains an exhaustive Vegetation Management Plan as well as a Community Wildfire Protection Plan” (CWPP). All builders should familiarize themselves with, and comply with these important documents.

8. **Construction materials and Architectural style.**
   a. **Structures** Are required to conform to the general aesthetic of the community, namely traditional wood frame houses. Structures to be built or placed on any Lot shall be constructed with a substantial quantity of new material or attractive recycled materials. Mobile homes, trailers, “double-wide” type structures are not allowed. Manufactured homes can be considered but must conform to the community general aesthetic.
   b. **Minimum Area of Dwellings.** Subsequent to the adoption of this Declaration, every residential dwelling constructed on a Lot after October 2, 1990, shall contain 1,700 minimum square feet, calculated by using outside dimensions of walls. (Exclusive of roofed or unroofed porches, terraces, garages and other outbuildings.)
   c. **Height and Size Limitations.** The Board shall have the authority to impose rules and/or policies as to the height and size requirements for all types of buildings and structures, including fences, walls, chimneys, copings, flagpoles, etc.
   d. **Garage and Driveway.** A two car garage (preferably attached) shall be required for each house, with a paved driveway from street to garage and shall be consistent with the architecture of the main structure and of a minimum size of 400 sq. ft. Temporary garages are not permitted.

9. **Construction schedule.** Which includes beginning date, major milestones and planned completion date.

10. **Re-Submittal.** Should the Architectural Committee determine that all or a portion of the plan requires re-submittal, or if it notes that the plan package is incomplete, the applicant will be notified in writing. The Association will bear no responsibility for any costs associated with updating the plan or for necessary additions to same. In such cases, the trigger of sixty days after submittal of complete plans will not commence until all such requests have been fulfilled.

11. **Delivery of Plans and Specifications.** Plans and specifications shall be submitted to the Association either in person, by first-class mail, or parcel delivery such as UPS, FedEx, etc. addressed to:
   Chairman of the Architectural Committee
   Circle Oaks Homes Association
   P.O. Box 4151 Napa, CA 94558.

12. **Improvements to an existing structure.** Owners shall submit plans for major renovations, such as altering the footprint or elevations of an existing structure. The owner must also check with the County Planning & Building Department to be certain that all such work applies for, and meets permit requirements. If the Committee determines that the contemplated work is a considerable undertaking, it may encourage the owner to employ the services of an appropriately qualified professional. If the Architectural Committee determines that the contemplated work is of a nature that does not merit extensive plans and specifications, the Architectural Committee may (but shall not be obligated to) waive or modify any of the above plan and specification requirements upon receipt of a written
request from the applicant to do so. Regardless of any such decision, the owner is still obliged to fulfill all Napa County permit requirements.

C. **Time Limits for Approval or Rejection.**

Within 60 days after submission of plans and specifications satisfying the requirements of Regulation 1.2-B, above, the Association shall return one set of such plans to the Applicant, and keep one copy for Association records, with either written notice of approval or disapproval or with written suggestions of changes required for approval accompanying the returned set of plans. If the Association recommends that the plans and specifications be modified, the Applicant may implement such changes to the plans and resubmit plans to the association, incorporating such changes for approval to the Committee, which shall respond within 30 days of receipt of the complete, revised application so long as the Applicant has complied in all material respects with the requested changes.

D. **Ultimate Authority**

The Association will have ultimate authority with respect to compliance with these regulations, and the Association CC&Rs, and any other governing instruments of the Association.

The Napa County Building Department will have the ultimate authority with respect to any and all structural, erosion control, code, or other areas of governmental regulations.

With respect to any approval, denial, or required submittals to provide or in response to additional conditions, request for information, and/or modifications, required by the Association and the Architectural committee, shall be binding on the Owner.

E. **No Waiver.** Approval by the Board of any plans, drawings or specifications for any work done or proposed, or for any other matter requiring the approval of the Board under this Declaration, shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing, specification or matter subsequently submitted for approval.

F. **Fences and Pet Runs.** In order to preserve the natural quality and aesthetic appearance of the existing geographic areas within the Properties, no fences or pet runs shall be allowed on any Lot without permission from the Board. A fence, pet run or other enclosure must contribute to and be consistent with such Lot and area surrounding such Lot or the nature of the Lot such that the pet run or other enclosure does not unreasonably interfere with the view shed or peace and quiet of other members.

G. **Model Homes.** No Owner of any Lot shall build or permit the building thereon of any dwelling house that is to be used as a model house or exhibit unless prior written permission to do so shall have been obtained from the Board.

H. **Fees and Other Conditions:** Once approved, and prior to first ground breaking, each Owner shall deposit with the Association the sum of $1500, or such larger sum as the Association shall establish, and does not relieve the Owner’s obligation to undertake all of the necessary work and clean-up throughout the construction process, or without reference to Owner's legal obligation to indemnify the Association from any claims or damages to the Common Area, or lands of others during the course of any such project. This sum shall be used to pay for any clean up or repairs on Lots or streets within the Properties made necessary by the Owner's construction. Because such cleanup and repair will need to be done right away, no notice shall be required. The greenbelt must be restored to its natural state to the satisfaction of the Board of
Directors. If the actual cost of cleanup or restoration exceeds the $1500 deposit, the member will be responsible for the full amount.

The Association shall deposit the funds in its bank account, and no later than 30 days from when the Association confirms completion of construction and all clean up is complete, shall refund to the Owner the entire amount if all clean up is satisfactory or any unused portion of the deposit if additional work is required.

**REGULATION 2 – PERFORMING THE WORK**

A. **Getting Started** Upon receipt of approval from the Board, the Owner shall, as soon as practical, satisfy all conditions hereof and diligently proceed with the commencement and completion of all construction, reconstruction, refinishing, alterations and excavation pursuant to said approval.

B. **Do-it-Yourself Builders** While the Association prefers that all work done in the community be done by licensed professionals, it is understood that some owners will wish to build themselves. In this situation, the Association requires that the owner/builder must carry a minimum of $1,000,000 general liability insurance. Such policy must name the Circle Oaks Homes Association and its employee(s) as co-insured, and proof of coverage must be submitted to the Association prior to the first ground breaking. If the owner/builder will have any impact on Association greenbelt, that work must be done by a licensed, insured and bonded professional.

C. **Noise** All noise producing construction activities shall not start before 7:00 A.M. and must cease at or before sunset on weekdays. No noise producing construction shall take place on Saturday and Sunday.

D. **Trees** When a lot is being cleared for construction, no Madrone, Maple, Manzanita, Oak, Walnut or any other healthy hardwood tree (excluding Scrub Oak) in excess of nine (9) inches in circumference at breast height (cbh), nor any other tree in excess of twenty four (24) inches in circumference at breast height (cbh) shall be removed from the Lot without first obtaining the written consent of the Board. All rubbish and debris must be promptly removed to prevent the occurrence of any safety or health hazard. Tree removal must be shown on building plans and on the plans and specifications submitted to the Association for approval.

E. **Cleanup during Construction** Debris from construction shall be removed weekly from the site or placed in a dumpster or similar receptacle. Any debris container must be removed or emptied when full. Dumpsters or similar size receptacles are not to remain after construction is completed. Debris containers are not allowed on roadways or on greenbelt except for special circumstances approved by the Board.

F. **Temporary Structures** No structure of a temporary character, trailer, mobile home, camper, basement, tent, shack, garage, barn or other outbuilding shall be erected, placed or used on any Lot at any time as a residence, either temporarily or permanently. The Board may grant permission for temporary structures to be used exclusively for storage of materials and/or construction management during construction. Additionally, from the onset of construction, the Lot Owner or the general contractor shall provide a portable toilet approved by the Napa County Health Department for construction workers until construction is completed. The temporary power pole and/or portable toilet are to be placed on the lot, except when the board approves their placement elsewhere.
G. **Utilities** Since the land lying between the Napa County Roads right-of-way and an owner’s property belongs to the Circle Oaks Homes Association (Greenbelt), anyone working on the construction of sewer or water laterals or electrical or telephone or any other utilities across said greenbelt, must be licensed, bonded, and insured contractors. The Circle Oaks Homes Association reserves the right to require a construction bond of such contractors. Such bond to be used if necessary, to return the Greenbelt land to its former state upon completion of the construction. The Circle Oaks Homes Association has the right, responsibility, and the authority to approve or disapprove the placement (location) and construction of both water and sewer lines which of necessity must cross Circle Oaks Homes Common Area (Greenbelt).

### REGULATION 3 – INSPECTING THE WORK

A. **Inspections.** During the course of construction, regular inspections of the work will be conducted by the County. The Architectural Committee may perform occasional, cursory inspections of the project to assure that what is being built is what was approved. If any questions or concerns arise, the Association will approach the owner for clarification. If questions or concerns still persist, the Association will refer the matter to the County Building Department for final judgment.

B. **Enforcement of Architectural Compliance**

1) If the committee determines that there is or has been a significant deviation from the approved plans, it may recommend to the Board that the project should be stopped until a meeting with the owner and possibly the County can be held in order to surface concerns and seek remedies.

2) If the Owner fails to implement any such agreed remedies, within 30 days from the date of such notification, or if the Owner feels that the project has been questioned without justification, the Board shall set a date for a further meeting to “meet and conference” and possibly plan for formal Dispute Resolution as defined provided for in Civil Code §5850-§5965. In addition to any other enforcement options the Association may have, in the event a violation of the Declaration and/or Rules and/or Policies, the Board may cause to be filed with title to the nonconforming Lot a notice of Architectural or Environmental Violation which shall constitute notice to and be binding on all ownership interests of the Lot and their successors in interest of a continuing nuisance.

C. **Notice and Opportunity for Hearing.** If the Association has determined that a Lot Owner has not constructed and/or properly maintained an improvement consistent with the specifications of the approved plan or has failed to obtain approval, and if the Owner fails to remedy such non-compliance in accordance with the provisions of the notice of non-compliance, then after the expiration of thirty (30) days from the date of such notification, the Association shall offer an opportunity for hearing to consider the Owner’s continuing non-compliance and place the affirmative burden on the Owner to request a hearing upon such reasonable terms as the Association may impose.

D. **Determination.** At the hearing or when the Association otherwise addresses the matter, if the Association finds that there is no valid reason for the continuing non-compliance, the violation shall be deemed a continuing nuisance. The Association shall then notify the owner in writing to require the Owner to remedy or remove the same within a period, of not more than forty-five (45) days from the date of the Association’s determination.
E. **Association Options for Continuing Nuisance.** If the Owner does not comply with the Association's ruling within such period or within any extension of such period as the Association, in its discretion, may grant, the Association may

1) Remove the non-complying improvement,
2) Remedy the non-compliance, or
3) Record a Notice of Noncompliance against the property, which shall also be conclusive as to all Owners and any successors in interest. The costs of any such action(s) shall be assessed against the Owner as a Special Individual Assessment. These powers of enforcement shall be in addition to the general enforcement provisions of this Declaration.

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**REGULATION 4 - COMPLETING THE WORK**

A. **Completion Date.** The date of completion shall be set once the proposed project is approved, and upon the first ground breaking. Pursuant to the approved construction schedule, the construction or placement of every building, dwelling or other major renovation, which is begun on any Lot, shall be completed within eight months after the beginning of such construction or major renovation. Upon request from the member, the Board may extend the time limit. In the event of cessation of construction for 90 consecutive days not caused by act of God or otherwise beyond the reasonable control of the Lot Owner shall be deemed to be a nuisance and the Association shall have the right to remove the incomplete work or complete the work at the Owner’s cost. The cost of completion by the Association shall become a lien upon said Lot subject to foreclosure in the manner provided by law for foreclosure of mortgages and/or trust deeds. No partially completed residence shall be occupied until the County of Napa issues a certificate of occupancy.

B. **Extension.** Unless an Owner has been granted an extension or if completion is rendered impossible or would result in great hardship to the Owner because of strikes, fires, national emergencies, natural calamities or other supervening forces beyond the control of the Owner or his or her agents. In the case of building major renovations the requirements of this section shall be deemed to have been met if, within the construction period, the Owner has completed construction of the building’s foundation and all exterior surfaces (including the roof, exterior walls, windows and doors).

C. **Written Notice.** Upon the completion of any work of construction or major renovation for which Board approval is required under this Article, the Owner shall give the Committee a written notice of completion, evidenced by presentation of a copy of the Napa County final inspection. Within 30 days after the completion notice is received, the Committee, will certify that the project has been constructed, reconstructed, altered or refinshed in substantial compliance with the approved plans. If the Committee determines that there has been a deviation from the approved plans, the Committee shall give the Board and the Owner a written notice of noncompliance detailing those aspects of the project that must be modified, completed or corrected, and the required schedule for corrections. If the nonconforming work is not corrected, the Association and the Committee shall have the enforcement rights and remedies set forth in Regulation 3-C above.
D. **Failure to Notify.** If for any reason the Board fails to notify the Owner of any noncompliance within 30 days after receipt of the Owner’s notice of completion, the project shall be deemed to have been constructed in accordance with the approved plans for the project.

E. **Failure to Comply.** If the Owner fails to comply with this section, the Board shall proceed in accordance with Regulation 3-C above, as though the failure to complete the project was a noncompliance with approved plans.

F. **Landscaping** Appropriate landscaping shall be completed within one (1) year of the occupancy on new construction and within one (1) year following major reconstruction. Appropriate landscaping is defined as landscaping which is conducive to an individual lot. The Board may require a plan to address the utilitarian aspects of landscaping such as erosion control, drainage patterns, fire resistance, privacy between neighbors and the location of underground utilities. Owners are reminded that they must limit their landscaping efforts to their own property, and that disturbance of, or landscaping in the Greenbelt (the Common Area owned by the Association, and not part of any individual’s lot) is not generally permitted. If an owner wishes to extend landscaping into the Greenbelt adjacent to their property, they must make application to the Architectural Committee. The Association shall be under no obligation to allow such projects. Further, should such permission be given to any member, the provisions of the CC&Rs Article III, Section (1)(a) shall apply:

   a) Pursuant to the authority granted by this subparagraph (2), the Association, acting on a two-thirds affirmative vote of its directors, may also grant easements, licenses, or designate exclusive use common areas (as defined in Civil Code section 1351) in order to permit Owners to care for, maintain and landscape portions of Common Areas adjacent to the Owner’s Lot consisting of slope areas, drainage areas or other areas that the Board determines to be unsuitable for general use and enjoyment by the members as a whole and which will be enhanced in appearance or stabilized to prevent damage from erosion or subsidence by such Owner maintenance. This grant of easement or license shall only be allowed if the Association and the Owner enter into an agreement, that must be recorded in the Office of the Napa County Recorder, specifically providing that the Owner shall assume all maintenance and repair obligations for the area and shall indemnify, defend, and hold harmless, the Association, its Board and its Members from any and all liability.

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**REGULATION 5 – OTHER CONSIDERATIONS**

A. **VARIANCES**

The Architectural Committee may recommend to the Board reasonable variances in any procedures specified in these Regulations, in order to overcome practical difficulties, avoid unnecessary expense or prevent unnecessary hardship to Applicants, provided all of the following conditions are met:

   (a) If the requested variance will necessitate deviation from, or modification of, a minimum construction standard or a property use restriction that would otherwise be applicable under these Regulations or the Circle Oaks CC&Rs, the Association must conduct a hearing on the proposed variance after giving prior written notice to the Owner and to all Owners residing within surrounding lots. The notice shall also be posted on the Association’s Bulletin Boards and on its web site. The notice shall be posted and mailed to the interested Owners at least 15 days prior to the date
when the Association is scheduled to act on the requested variance. No decision shall be made with respect to the proposed variance until the 15-day comment period has elapsed.

(b) The Association must make a good faith written determination that the variance is consistent with one or more of the following criteria:

(i) the requested variance will not constitute a material deviation from any restriction contained herein or that the variance proposal allows the objectives of the violated requirement(s) to be substantially achieved despite noncompliance; or

(ii) that the variance relates to a requirement land use restriction or minimum construction standard otherwise applicable hereunder that is unnecessary or burdensome under the circumstances; or

(iii) that the variance, if granted, will not create an unreasonable impact to any other Lot or Common Area within the Properties.

Approval of a variance must be by a majority decision of the Board. If any dispute arises between any person or persons and the Board or other hearing body relative to the intent and purposes of the Declaration, the Board of Directors shall make the final interpretations of said intent and purposes. The Association and its Board shall have no power to grant any variance to County or State requirements.

B. LIMITATION ON LIABILITY

1) Neither the Board nor its members, nor its Architectural Committee, nor any members thereof, nor the Association manager shall be libel to the Association or to any Owner for any damage, loss or prejudice suffered or claimed due to:

   a. the approval or disapproval of any plans, drawings and specifications, whether or not defective;
   b. the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications; or
   c. the development of any property within the Properties, provided, however, that such member has acted in good faith based on such information as may be possessed by him or her.
   d. the filing of a request with the owner to rectify a plan deviation as in Regulation 1.2-C.

2) The Association's approval of home plans is for the express purpose of checking compliance with the Declaration and applicable Rules and/or Policies. Association plan approval is not for structural, code or other areas of governmental responsibility. Neither the Board nor any agent thereof shall be responsible in any way for any defects in any plans and/or specifications submitted, revised or approved under the Rules and/or Policies, or for any structural or other defects in any work done according to such plans and/or specifications.

C. INSURANCE

Circle Oaks Subdivision is known to the County of Napa to be located in a land subsidence zone. Each Member Owner accepts the liability for his or her own property in relation to land subsidence issues and may not hold the Association liable for naturally occurring subsidence of Common Area property adjacent to his or her Lot.

The Association shall have no responsibility nor obligation to provide any insurance coverage whatsoever on behalf of any Owner.
D. COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Review and approval by the Association of any proposals, plans or other submittals pertaining to all construction and/or major renovations shall in no way be deemed to constitute satisfaction of, or compliance with, any County or State building permit requirement. Compliance with any and all governmental requirements, is the sole responsibility of the Owner.

E. APPEALS

Appeals from decisions of the Association may be made to the Board of Directors, which may elect, at its discretion, to hear the appeal or, in the alternative, to affirm the decision of the Architectural Committee. If no immediate agreement is reached, the Board may initiate the Association’s published Dispute Resolution policy as specified Regulation 3[C] above.