

Design and Construction Guidelines

Latest Version

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When you buy a land or a house at Valle de Samsara, you are legally required to be part of the homeowners' association (HOA). The rules of the HOA community are described in what is called the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and is duly registered as a Horizontal Property Regime (HPR) - similar to a condo or strata system.

Approval by the Valle de Samsara Architectural Control Committee (ACC) is required for all structures as well as compliance with some CC&R's that affect your build.

The Committee currently comprises: Dmitry Solokha, Yana Solokha, Inna Sidorkina and Nikolay Sidorkin.

Architectural regulations are at a minimum, to allow for a variety of styles and tastes. These are outlined below by the ACC, but the idea is to put the fewest restrictions possible on owners, while still maintaining the laid-back upscale ambience at Valle de Samsara. If you are considering building a house at Valle de Samsara on your own, you will need to submit all your plans to the ACC for approval before construction begins. There is a submission fee of \$250 USD. Please refer to submission requirements below:

- All construction must have appropriate governmental permits before construction or site work begins, this includes a Municipal Construction Permit and a Marena Permit.
- The structure of the house should be as inconspicuous as possible to neighbors.
- Height restriction without a variance is 2 stories, or maximum of 8 meters from ground level.
- Excavation should be minimized with a maximum of 7 feet for cuts and 8 feet for retaining walls unless approval is given.
- Minimum construction area is 750 square feet. There is no maximum, apart from abiding by setbacks. Multiple buildings on the same site are permitted.
- Entry and parking areas may not occupy more than 40% of the front of the lot.
- Fencing must be within 5 feet of the lot line, no taller than 5 feet and needs approval of materials.
- Each house must include a storage system for backup water.
- Contractors contact details must be made available to the Board, for security purposes. Security may request additional information from the Contractor if needed. Valle de Samsara is not responsible for security of your lot during construction, if you are building on your own. Therefore it

is highly recommended that the contractor provide security during construction and this is included in the construction contract.

- An impact fee of \$1,500 USD, payable to the HOA, will be required from the owner before starting construction. All costs to repair, clean or restore the construction site and entrance roads to their original condition will be charged against the impact fee. The remainder will be returned to the owner.
 - Water is metered at Valle de Samsara and charged back to the owner based on consumption. During construction, prior to occupation (or a maximum of 16 months), water delivery to the site is \$2.25 per m3 plus a one time meter hook up of \$300.
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ARCHITECTURAL CONTROL COMMITTEE - Valle de Samsara

1. Submission of Plans

The Architectural Control Committee has been duly set up to exercise such jurisdiction and functions with respect to all lots in Valle de Samsara. The main residential building, accessory buildings, driveways, parking, landscaping, fencing and alterations to any structure may only be constructed on a lot with the prior approval of the Documentation listed below by the ACC and with full and active supervision of an architect and/or building contractor.

Documentation:

The following must be submitted to the ACC for their review and approval process prior to the start of construction on any residence, barn, outbuilding, structures or fencing:

Three sets of paper plans or an electronic copy of all documents must be provided to the Chairperson of the ACC (Solokha Dmitry: samsara.valley@gmail.com) and shall consist of the following:

- i. Site plan including location and orientation of all structures on the lot, including setbacks and all driveways, service courts or areas, parking areas, landscaping, drainage, fencing and any other buildings, improvements, or facilities to be constructed.
- ii. Soil Studies
- iii. Architectural drawings in plan (floor plans) of all levels of the new house, barn, bodega, outbuilding, etc, including square footage of all buildings, foundation plans and roof plans.

- iv. Elevations of all sides for each structure of all exterior walls.
- v. At least one cross section drawing showing types of external material used for each structure.
- vi. Waste management plan, structural and MEP plan.
- vii. Topographic base versus altered plans showing proposed earth movement or adjustment to topography.
- viii. Perimeter fencing plan, including requirement to bring fencing in 5 feet from the property line boundary. It is required that the buffer area between your perimeter fence and your property lot line be cleared for equestrian use.
- ix. Timeline of build plans for each structure.
- x. Name and contact information of the architect and builder(s) including email address and telephone number.

NOTE: Simple constructions such as a vegetable garden may not require all of the above information. Advice should be sought from the ACC prior to construction.

Site Inspections by The ACC:

A site inspection by an ACC member or members may be required for all initial construction and may be required for additional construction, as determined by the Chairperson of the ACC.

ACC group inspections will be coordinated with the owner. An email will be sent to the owner and any potentially impacted neighbors within Valle de Samsara, indicating the date and time of any planned group site inspections, or that individual members of the ACC will be making an inspection on or after a specified date.

Staking of each corner of all buildings, to easily ascertain the planned building locations on the property, will be required prior to a site inspection.

Staking of the corners of the property, the lot line nearest any structures and the setback nearest any structure will be required prior to a site inspection. The placement of colored surveyor's tape on each stake will help easy identification of stakes. If the lot line nearest the structure is on an active Equestrian trail, please use paint to mark the spot as opposed to a stake.

The property owner, builder or representative must attend site inspections and any neighbors are welcome to attend.

Review Process

The ACC strives to review complete building plan submittals as soon as possible, with the standard review period to not last longer than 30 days of their submittal. If additional documentation or information is necessary, the ACC must inform the requesting member within a maximum of 15 days from the receipt of the documents.

The timeframe to begin approval will start once all documents and information requested is provided to the ACC. The Association member should provide the ACC with advanced notice of a proposal as early as possible in order to prepare the ACC for an incoming proposal for approval.

A written record of projects, approved or rejected, will be maintained by the ACC.

The ACC shall have the right to refuse approval of any building plans, specifications, site plans, or grading plans which are not suitable or desirable. In so passing upon building plans, specifications, site plans, grading plans or fencing plans, the ACC shall take into consideration the suitability of the proposed building and any other improvements, the harmony of the building in its location with the surroundings and the effect of the building, as planned, on the outlook from adjacent or neighboring portions of the subject property.

Approval by the ACC does not necessarily assure approval by appropriate governmental boards or commissions. Neither the ACC nor any agent thereof, nor the Developer, shall be responsible in any way for any defects in any plans or specifications submitted, revised, or approved, nor for any structural or other defects in any work done according to such plans and specifications.

All fences, walls, barbecue pits, detached garages and other accessory buildings or recreational facilities shall be constructed in conformity with the architecture of the main dwelling and out of materials which conform to the materials used in such main building.

The ACC must provide a written justification, either via mail or electronically, for any refusal to approve a member required submission.

Right to Appeal

Property Owners have the right to appeal any ruling by the ACC or request an extension of covenant requirements for timelines to complete construction of a main residence building or accessory buildings. Appeals must be in writing to the ACC Board, whose ruling will be final on the request.

Impact Fee

A \$1,500 impact fee required from the owner to the HOA before starting construction. All costs to repair, clean or restore the construction site and entrance roads to their original condition will be charged against the impact fee. The remainder will be returned to the owner.

Completion of Construction Within a Two Year Period

The exterior of each building or other structure must be completed within 2 years after the construction of said building or structure has been commenced. A financial penalty may be imposed if this deadline is exceeded.

Roofs and Structures

Roofs and structures shall be within a general design aesthetic and material standard at Valle de Samsara. Owners are encouraged to consider a flat terracotta tile roof or Metal roof, but Valle de Samsara is open to a variety of designs that match the aesthetic and material quality standards of the development. Valle de Samsara encourages designs that have varied facade materials including stone, wood, panels and concrete.

Setbacks and Easements

No structures can be erected within 10 feet of the property boundary and there is a 5 foot easement for common utilities. These easements are recorded on your certified survey that accompanies your registered deed.

Fences and Hedges

Any fencing must be approved by the ACC. No fences, hedges, walls or other similar structures, natural or artificial, shall be permitted within 5 feet from any lot line. No fence, wall, hedge, or similar structure on any lot shall be constructed or maintained which is more than 5 feet in height. The use of a fence made of woven wire, barbed wire, hog wire, chain link or plastic are prohibited.

Cutting/Filling/Slope Protection

Site preparation is regulated to ensure that the natural topography is performed as much as possible and contours are preserved. Proper slope stabilization and erosion control to protect natural waterways and prevent geotechnical hazards is required as part of build planning, plans for which will be submitted in the form of original vs. suggested topographic lines. Cutting / filling or alteration of natural existing topographic lines shall not exceed 7 feet, and there is a maximum permissible retaining wall height of 8 feet.

CHECK LIST FOR THE ACC

All required documentation submitted. _____

Water tank. _____

Pool. _____

Storage areas screened. _____

Permits obtained. _____

Submission fee paid. _____

Impact fee paid. _____

Roofs and structures. _____

Fences and hedges. _____