

The Meadows on Rio Grande Homeowners Association, Inc. Architectural Review Committee Charter & Operating Procedures

I. Statement of Purpose

The purpose of this document is six fold;

1. To remind the Homeowner's of The Meadows on Rio Grande subdivision that any new construction or modifications to existing structures are governed by a set of Protective Covenants. This includes periodic maintenance projects that change the exterior appearance of the home, including any color changes. The intent of these Protective Covenants is to maintain the aesthetic qualities of the subdivision while ensuring that the value of all residential property remains unaffected.

See Item II: Protective Covenants, Section 18B

2. To inform the Homeowners that The Meadows on Rio Grande Homeowners Association, Inc. has established an Architectural Review Committee (ARC) to assist homeowners interpret and adhere to the Protective Covenants.

3. To provide Homeowner's with an overview of the ARC's Roles and Responsibilities.

See Item III: Role of the ARC.

4. To provide Homeowners with a uniform mechanism for communicating their desires to add new or modify existing structures on their property requiring ARC approval.

See Item IV: Homeowner's Project Submission Process.

5. To provide Homeowner's with a Variance Request Process.

See Item V: Variance Request Process

6. To provide a Covenant Violation Resolution Process.

See Item VI: Observed Covenant Violation Resolution Process

The Protective Covenants for The Meadows on Rio Grande specify that the Architectural Review Committee is responsible for interacting with property owners desiring to add to or modify structures associated with their property to ensure that the protective covenants are satisfied.

II. Protective Covenants for the Meadows on Rio Grande, Section 18B

No new building, fence, wall, or other structure or improvement shall be erected, placed or altered on any lot within the Meadows on Rio Grande Subdivision and no other work requiring Architectural Review Committee (ARC) approval shall be commenced, until the Construction Plans, Specifications, and, a Plot Plan showing the location of the structure or improvement have been submitted to and approved by the ARC as to be in compliance with the Protective Covenants, i.e., the quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. Furthermore, no existing building, fence, wall, or structure exterior shall be altered, remodeled or changed until building plans and specifications for such exterior change, alterations or remodeling have been approved by the ARC.

III. Role of the Architectural Review Committee

The Protective Covenants for the Meadows on Rio Grande specify that the Architectural Review Committee is responsible for interacting with property owners desiring to add to or modify structures associated with their property to ensure that the protective covenants are satisfied. The Meadows ARC is composed of as least three (3) members to be named by the Meadows Board of Directors (BOD) with at least one member from the BOD serving as Chairperson of the Committee.

The role of the ARC is to:

- Act as the representative of the Meadows on Rio Grande Homeowners Association Board of Directors (BOD) to enforce the provisions of the Protective Covenants for the Meadows on Rio Grande, thereby promoting the health and safety while maintaining property values of the residences.
- Design and oversee a formal process of receiving, evaluating, approving and documenting homeowner requests to add new or modify existing structures on their owned property, including re-stucco, re-roofing, and trim color changes. Develop a list of acceptable stucco, roof, and trim colors and submit to the BOD for approval.
- Assist those homeowners of the Meadows on Rio Grande subdivision desiring to build new or change existing structures on their property to interpret and adhere to the Protective Covenants.
- Consider applications for variances from any of the Protective Covenants. Design a process to address and document these variance requests.
- Review alleged covenant violations brought to the ARC's attention and bring a recommendation on how to proceed to the BOD. Design a process to address and document Covenant Violations.
- Provide Committee updates at each Board of Director meeting.
- Maintain a list of Contractors used by homeowners with feedback appraisals.

IV. Homeowner's Project Submission

Projects requiring evaluation and approval by the ARC before any physical activity on the Homeowner's property commences are defined as follows:

New Construction / Modifications :

New construction or modification of existing structures will require a formal review and approval by the ARC. Of primary importance is the visual impact on our neighbors. The Homeowner may be required to submit a plot plan showing exact location of planned improvements, construction plans and material specifications to the ARC for approval. Some projects may require a formal presentation to the ARC with material samples showing the color and finishes to be used in the project.

External Maintenance: Re-Stucco, Re-Roofing, or Trim Color Changes:

Maintenance projects that will change the exterior appearance of the home, including trim color changes, must submit a "Letter of Intent" to the ARC for review and approval. The ARC will provide homeowners a list of approved colors.

Project Submission Process:

To request project approval by the ARC, the homeowner follows the process outlined below:

1. Letter of Intent:

The Homeowner will submit a "Letter of Intent" by email or hand delivery to the Chairman of the ARC. The letter will contain a detailed description of the desired project, the timeframe of the project, the anticipated impact on the Homeowners neighbors, if any, and sufficient contact information for the ARC to respond in a timely manner.

2. ARC Response:

An ARC representative will determine the submittals required and notify the Homeowner within 7 days of receiving the Letter of Intent.

3. Homeowner Submits Requested Information:

The submittals required may include Plot Plans showing location information, Construction Plans showing structural details and elevations of the completed project and Material Specifications showing materials, colors and finishes to be used.

4. ARC / Homeowner Review;

For simple projects, the ARC will meet and arrive at a decision that will be communicated to the Homeowner in writing. For major projects, the ARC will schedule a meeting with the Homeowner at the Homeowners house to discuss the intended project in detail. Additional contact with the Homeowner may be required to resolve questions related to the project. Additional submittals may be required before the ARC is able to arrive at a decision. Some construction may require a Building Permit from the city before construction can commence. Building Permits are the sole responsibility of the Homeowner.

5. ARC Decision Making Phase:

For major projects, the ARC will meet separately to review all submittals and information from the Homeowners meeting before arriving at a decision on the requested project. Some projects will be presented to the BOD for comment. The ARC will render a final decision in writing on the requested project to the Homeowner within two weeks of the ARC / Homeowner meeting. The ARC will make every attempt to have a final decision to the Homeowner within thirty (30) days of receiving the Letter of Intent. If the ARC does not approve the requested project, the Homeowner may appeal to the BOD for a variance.

6. Project Implementation Phase

The Projective Covenants require all work requiring ARC approval to commence within three (3) months of written approval by the ARC and requires all work to be completed within six (6) months of commencement. However, the Homeowner must keep the ARC apprised of the Project schedule and request a time variance from the ARC, if necessary.

7. Recordkeeping:

All correspondence, including the original Letter of Intent, all Homeowner submittals, the original notes and final documentation from any Homeowner meetings, emails, or phone conversations shall be maintained in the ARC files. The Chairman of the ARC will have physical possession of all ARC files. The Chairman will be required to transfer records of completed projects at the end of each fiscal year to the Secretary of the Board of Directors.

V: Variances to Protective Covenants

The Protective Covenant restrictions placed upon the development of property in the Meadows on Rio Grande Subdivision are for the benefit of each and every landowner. They set standards that help to create and maintain the unique qualities of the subdivision and protect the value of everyone's property. The ARC will only grant a variance under exceptional circumstances when it is necessary to allow a landowner to develop his property in parity with that of his neighbors.

Basis for Granting

The ARC will grant a variance only when it can be shown that there are specific physical characteristics of the lot which prevent the owner from constructing a residence that is in parity with other residences in the local area without relief from one or more covenant restrictions. Parity will be measured in terms of the average size and features of the other residences in the local area.

In such cases the ARC will grant a variance in order to bring the disadvantaged property up to the level enjoyed by nearby properties, but not so as to create an advantage over limitations placed on the other properties. The ARC will also seek to provide relief in ways that minimize deviations from the spirit and intent of the covenants and that will minimize any negative impact upon the interest, welfare, and rights of the owners of other property in the local area.

The approval or denial of a variance does not create a precedent for subsequent variance requests since times change and priorities evolve and each decision is based upon a unique combination of project and site characteristics. The ARC will strive to adjudicate all requests with an even hand and in a consistent manner based solely upon the specifics of the particular case. The ARC will strive to act in the best interests of the community without being bound by the potential limitations imposed by its previous decisions.

Recording of Variance Findings

The ARC will provide a written explanation for each granting or denial of a variance that will include:

- The existence or lack thereof of the physical characteristics that place the property at a disadvantage.
- The conditions of the remedy granted that minimize the potential deleterious impact upon covenant restrictions.
-

VI: Observed Covenant Violations Resolution Process

The Architectural Review Committee (ARC) has been delegated the responsibility to deal with any and all violations to the Covenants. Some violations affect only nearby neighbors and initial resolution should be attempted face to face between neighbors, i.e. an RV or trailer parked in the driveway or on the street for more time than the Covenants allows, loud noises from parties, etc. The ARC should only get involved if neighborly negotiations fail.

1. Letter to Homeowner:

Any Homeowner observing a violation to the Protective Covenants should document the alleged Covenant Violation and sent the documentation to the ARC Chairman for review and resolution. If the violation is related to a construction project previously reviewed by the ARC, then the ARC will attempt to resolve the violation with the homeowner. If the violation is outside the jurisdiction of the ARC, the violation will be brought to the attention of the Meadows BOD. In this case, the ARC will send a letter to the offending Homeowner explaining the issue and requesting that the homeowner resolve the violation.

2. Homeowner Response:

The Homeowner may respond to the letter with a request for a meeting with the ARC or the Meadows BOD.

3. ARC Meeting:

The ARC will contact the Homeowner to schedule a meeting time to discuss the violation and proposed resolution.

4. Decision Making Phase

The ARC will document the meeting and the final resolution, with a copy being sent to the Homeowner within two (2) weeks of the meeting.

5. Record Keeping:

All documentation pertaining to the Covenant Violation and resolution by the Homeowner will be kept in the Covenant Violation files by the Meadows on Rio Grande Homeowners Association Secretary.

6. Enforcement:

If the Covenant Violation is not corrected in a timely manner, the Meadows on Rio Grande Homeowners Association may proceed to legal action, if warranted. If the violation appears to be a City violation, the ARC shall contact the appropriate city department for interpretation and resolution.

All ARC members have reviewed and made comments that have been included in this draft document.