

**VENTANA LAKES
RULES FOR THE ARCHITECTURAL COMMITTEE**

TABLE OF CONTENTS

RULES FOR THE ARCHITECTURAL COMMITTEE	1
Rule 1. General Policy	1
Rule 2. Purpose	1
Rule 3. Composition of the Committee	2
Rule 4. Procedural Rules for the Architectural Committee	2
Rule 5. Violations	3
Rule 6. Processing Fees	3
Rule 7. Home Resales	4
Rule 8. Variances	4
Rule 9. Revisions to Architectural and Landscaping Requirements	4
Rule 10. Neighboring Properties	4

RULES FOR THE ARCHITECTURAL COMMITTEE

Procedures for the Architectural Committee were adopted by the VLPOA Board of Directors November 22, 2008. The Authority for this rule is in the CC&R's, Article XI, Section A.

Rule 1. General Policy

- A. The Board appoints the members of the Architectural Committee, and the Architectural Rules are adopted, with the intent of maintaining the property values of Ventana Lakes, and as such are for the benefit of everyone in the community. For that same reason, compliance by homeowners is expected.
- B. Variances may be granted by either the Architectural Committee or the Board of Directors when it is determined that a variance is warranted and will create no harm to the community.
- C. When the Board determines that a violation of Rule 1 of the Rules for Homeowners or the CC&R's is creating harm to the community, the Board will with due process enforce these to the full extent of the law with the intent of bringing the offender into compliance and thus protecting the value of Ventana Lakes.

Re-adopted 2-17-2010.

Rule 2. Purpose.

The Architectural Committee oversees compliance with the Architectural Rules and Article IV Section C of the CC&R's. (The Community Manager is in charge of all other matters of compliance. There are already some remedies for violations through City Codes Compliances such as barking dogs, working on vehicles on premises, etc., and it is the Community Manager's job to handle violations of this nature through these resources rather than expending Association funds for government responsibilities.) The Architectural Committee helps assure architectural consistency and the property values of Ventana Lakes by reviewing and acting upon Change Requests, Architectural Rules, complaints from homeowners, and to check home re-sales for any violations of the rules or CC&R's. In addition, the Committee may propose to the Board for their review and approval revisions or additions to existing rules and new rules when they feel the proposals to be necessary The Committee's charge is

to assist homeowners in complying with the rules and to refer those who will not comply to the Board, as appropriate.

Re-adopted 2-17-2010.

Rule 3. Composition of the Committee.

Architectural Committee members are appointed by the Board of Directors for a (3) three year term but may be replaced at any time at the discretion of the Board. The Committee shall consist of such number of regular members and alternate members as the Board may designate. Presently there are 5 members and 2 alternates. The appointees should be resident homeowners and do not need to possess any special qualifications of any type except such as the Board may require. Alternate members approved by the Board, may participate at any meeting at which there is not a quorum of regular members present if the presence of the alternates provide a quorum.

Re-adopted 2-17-2010.

Rule 4. Procedural Rules for the Architectural Committee.

- A. **Meetings.** The Committee shall hold regular meetings in order to act upon items in the time frame outlined in the Community Rules and ARS 33-1803, D. They shall have an agenda for each meeting which is also available to any resident present at the meeting.
- B. **Quorum.** A Committee quorum shall consist of a majority of the regular members, except that alternate members may participate at any meetings at which there is not a quorum of regular members present if their presence provides a quorum. If their presence provides a quorum, the Committee is authorized to act and the alternates shall have all the authority of a regular member while doing so.
- C. **Decisions on Change Requests:** The concurrence of a quorum shall be necessary for any decision of the Committee.
- E. **Community Scanning:** With the assistance of the Board, the Committee shall scan (or cause to be scanned) the community at least once a year. The purpose of this scan is to identify obvious violations of the Architectural Rules and CC&R's so that they can be addressed in a timely manner for the benefit of the community.
- F. **Forms and Notification Letters:** The Committee shall produce, maintain and publish the Change Request Form and Notification Form letters with the review and approval of the Board.
 - 1. Change Request Form
 - 2. Change Request Approval Letter
 - 3. Change Request Approval with Stipulation
 - 4. Change Request Denial Letter
 - 5. Final Inspection Approved Letter
 - 6. Final Inspection Denied Letter
 - 7. Drive by Inspection Letter
 - 8. Variance Letter
 - 9. Friendly Notice Letter
 - 10. First Violation Notice Letter from the Architectural Committee
 - 11. Second Violation Notice Letter from the Community Manager
 - 12. Response for Appeal Letter
 - 13. Trash Cans Letter
 - 14. Other

- G. **Reports.** The Committee shall provide a written report to the Board at each Board business meeting, using the following format: 1) The name of the submitter. 2) The subject matter and the number of cases reviewed. 3) Copies of all the denial letters sent.
- H. **Change Requests.** When a Change Request is received, the Committee shall review, research and come to a decision on the request. Decisions cannot be arbitrary or subjective and must be based on written provisions found in the Architectural Rules or CC&R's. If the Committee fails to respond within (30) thirty business days to the homeowner's Change Request, approval will be deemed given.
1. On any Change Requests for major improvements that would require architectural plans, the request should be reviewed with rough drawings and a written explanation of what is being requested.
 2. If the request is not prohibited by the Governing Documents, the Committee should approve the request with the stipulation that the approval is contingent on presentation of the architectural plans. (Rationale: VLPOA should not require homeowner to spend the cost for architectural plans if they are not assured that the request will be approved.)
- I. **Decisions.** Decisions shall be in (3) three categories: 1) Approved 2) Approved with stipulations. 3) Denied. The Committee shall send the appropriate form letter informing the homeowner of their decision and shall include the procedure for appeal if the decision is a denial. The Architectural Committee itself may grant variances to the AC rules if it determines that a variance will create no harm to the community or in cases where City, State or Federal law supersedes our Architectural Rules.
- J. **Appeals.** Any homeowner disagreeing with a decision of the Committee shall have the right to appeal the decision to the Committee in accordance with Rules for Homeowners, Rule 1 and ARS 33-1803, D. If the Committee denies the appeal, their decision is final if it was a clear Architectural Rules violation. However, if the homeowner believes the Committee's decision was not based on a violation of the Architectural Rules, the homeowner may document this in a letter to the Board and request a meeting with them and the Architectural Committee. (the Board shall have the option to deny the request for the meeting). The decision of the Board is final.
- K. **Inspections.** Inspections of completed work shall be done within ten (10) business days of the notification from the homeowners.

Re-adopted 2-17-2010.

Rule 5. Violations

Violations shall be addressed as specified under Rules for Homeowners, Rule 1.

Adopted 2-17-2010.

Rule 6. Processing Fees

The CC&R's Article XI, Section C allow the Board to establish a reasonable processing fee to defer the costs of the Association in considering any requests, which fee shall be paid at the time the request for approval is submitted. The Board has not, as of the date of this document, established such a fee.

Re-adopted 2-17-2010.

Rule 7. Home Resales

The Committee shall check home re-sales to ensure new home purchases contain no violations to the exterior of the home and lot being purchased.

Re-adopted 2-17-2010.

Rule 8. Variances

- A. Article IV, Section G, Variances, in the CC&Rs stipulates that the Board may, at its option and in extenuating circumstances, grant variances from the restrictions set forth in the Declaration or in any Tract Declaration if the Board determines in its sole discretion (a) either (i) that a restriction would create an unreasonable hardship or burden on the Owner or Lessee or (ii) that a change of circumstances since the recordation of the Declaration has rendered such restriction obsolete and (b) that the activity permitted under the variance will not have any substantial adverse effect on the Owners, Lessees and Residents of Ventana Lakes and is consistent with the high quality of life intended for the residents of Ventana Lakes.
- B. The Architectural Committee itself may grant variances to the AC rules if it determines that a variance will create no harm to the community or in cases where City, State or Federal law supersedes our Architectural Rules, Rule 1 of Rules for Homeowners.

Re-adopted 2-17-2010.

Rule 9. Revisions to Architectural and Landscaping Requirements

- A. The Committee's proposed revisions to the **Ventana Lakes Rules for Homeowners, Rule 1. Architectural and Landscaping Requirements**, should be submitted to the Board for approval annually. However, if the Committee believes a more frequent update of the **Architectural and Landscaping Requirements** is necessary, it may submit its proposal for change to the Board 10 days before any regularly scheduled Board business meeting.
- B. All proposed revisions or additions to existing rules and new rules that the Committee submits for approval by the Board shall be backed by the Governing Documents and must explain the need and reason for each proposed change.

Re-adopted 2-17-2010.

Rule 10. Neighboring Properties

When Ventana Lakes is approached by an entity which will be building on neighboring properties where Ventana Lakes has Architectural Control and interest, it is the responsibility of the Architectural Committee to review the building proposal and any related easements that may affect Ventana Lakes, and to provide a report and recommendation to the Board.

Adopted 2-17-2010.