



Rule 11. ARCHITECTURAL COMMITTEE

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*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.*

11.1 Establishment and Purpose

- A. The VLPOA Board hereby authorizes the establishment of an Architectural Committee.
- B. 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.

- C. The Board Goal is to obtain community compliance above imposed penalties.

11.2 Membership

- A. The board shall appoint or reappoint the chairperson and any liaison board members in April of each year.
- B. The chairperson shall identify committee members for board approval. (see Rule 10 – Volunteers & Committees) 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.

- C. 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.

11.3 Committee Responsibilities/Duties

- A. The Board authorizes the Architectural Committee to:

- 1) **Conduct 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.
- 2) **Produce 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.
 - a. Change Request Form
 - b. Change Request Approval Letter
 - c. Change Request Approval with Stipulation
 - d. Change Request Denial Letter
 - e. Final Inspection Approved Letter
 - f. Final Inspection Denied Letter
 - g. Drive by Inspection Letter
 - h. Variance Letter
 - i. Friendly Notice Letter
 - j. First Violation Notice Letter from the Architectural Committee
 - k. Second Violation Notice Letter from the Community Manager
 - l. Response for Appeal Letter
 - m. Trash Cans Letter
 - n. Other
- 3) **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.
- 4) **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.

- 5) **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.
 - a. 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.
 - b. 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.)
- 6) **Decisions on Change Requests:** The concurrence of a quorum shall be necessary for any decision of the Committee.
- 7) **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.
- 8) **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.
- 9) **Conduct Inspections.** Inspections of completed work shall be done within ten (10) business days of the notification from the homeowners.

Re-adopted 2-17-2010.

B. The Committee Chairperson or designee shall be responsible for:

- 1) Scheduling/overseeing committee members to conduct inspections.
- 2) Informing Office Manager of project status.
- 3) Submitting all verbal or written reports to the Board of Directors.
- 4) Providing date and location of meeting to Office Staff for timely posting in accordance with open meeting laws.
- 5) If applicable, secure a volunteer to take minutes.
- 6) Securing a meeting location.

11.4 Residents Responsibilities

- A. Residents should support the Committee efforts compliance with established written guidelines, completion of Change Request forms and open communication with the committee and Association staff.

11.5 VLPOA Staff Responsibilities

- A. The Community Manager is responsible for accepting Change Request forms and sharing with the Architectural Committee Chairperson.
- B. The Community Manager shall consult with the Architectural Committee Chairperson on a regular basis to ensure timely enforcement of violations and to avoid errors in enforcing issues that have been addressed. Conflicts between the Architectural Committee decision and the Community Manager shall be brought before the Board President for resolution.
- C. Should there be no Architectural Committee in operation, the Community Manager or designee shall be responsible for ensuring Architectural responsibilities are addressed.

11.6 Board Responsibilities

- A. The Board has the final authority.
- B. The Board will support the Architectural Committee with timely responses to enforcement and compliance issues.

11.7 Violations

Violations shall be addressed as specified under Rules for Homeowners, *Rule 1 - Architectural and Landscaping Requirements*.

Adopted 2-17-2010.

11.8 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.

11.9 Home Resale's

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

Re-adopted 2-17-2010.

- B. The Architectural and Gardens Advisory Committee Chairs or designees shall jointly identify deficiencies and architectural violations needing to be addressed prior to the sale of a Ventana Lake property and ensure the property owner is informed the deficiencies and/or violations are to be corrected before the property exchanges ownership.

11.10 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.

11.11 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.

11.12 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.

11.13 Meetings, minutes and reports

- A. Committee meetings are subject to the ARS open meetings law and must have advance dates, times and locations posted and emailed as required.
- B. 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.
- C. If applicable, the minutes of the Architectural Committee shall be published in accordance with Association rules.
- D. A monthly report shall be prepared and submitted five days prior to a regularly scheduled monthly Open Board Meeting.