

# HEADWATERS RANCH PROPERTY OWNERS ASSOCIATION

## ARCHITECTURAL CONSTRUCTION POLICIES AND PROCEDURES

The Headwaters Ranch Architectural Committee “HRAC” was established for the protection and benefit of each Association property owner. HRAC is governed by the provisions of the Declaration of Covenants, Conditions and Restrictions “CC&R’s” for Residential Property. **This “Declaration” requires that any construction, site preparation, grading, filling, painting, additions, remodeling require the approval of HRAC in addition to the required Yavapai County building permits, zoning requirements and appropriate inspections prior to the commencement of any such work.**

Exterior maintenance does not require the approval of HRAC providing that the previously approved design and color have met the requirements of the CC&R’s and the approval of HRAC. Changes to the interior do not require the approval of HRAC. Landscaping done in conformance with the CC&Rs is not considered maintenance or construction within these policies and procedures.

### I. **APPLICATION REQUIREMENTS**

A. The Property owner and/or Contractor must complete and submit an Headwaters Ranch Property Owners Association “HRPOA” permit application for Residential Construction.

### II. **SEQUENCE FOR SUBMITTING PLANS FOR APPROVAL**

A. Complete and submit an HRPOA permit application accompanied with a Site Plan indicating all that apply:

1. Property line setback
2. Utility location
3. Patio slab, driveways and sidewalks
4. Structural Contour
5. Maximum heights
6. Septic Tank and Leach Field location
7. Location of water well
8. Drainage
9. Finished grades and elevations.

B. Site and County Zoning Clearance plans must be clearly stamped and approved by Yavapai County Building Department. County approved plans **MUST** show all required HRPOA setbacks and restrictions.

C. Construction Plans approved or returned to builder for additional clarification.

D. A conditional approval may be given to the Owner/Contractor pending a review of County approved Site Plan.

III. **APPROVAL REQUIREMENTS**

For construction plan Final approval by HRAC all plans must include the following:

1. If required, a County approved site plan, including; identification of contours, finish grades, access, walks, driveways, utility location, setbacks, maximum heights, orientation and finish elevations.
2. Floor plans including plan views and elevations.
3. Plans must clearly identify the height dimension on the proper elevations for compliance with the CC&R's locating both the intersection of the proposed foundation with undisturbed earth and the point of the highest elevation on the structure.
4. Exterior Color Scheme:
  - a. The Exterior Color Scheme for all new construction must be approved by HRAC. This includes the basic structure, trim including fascia, garage door(s), any roof ornamental features or aesthetic screenings.
  - b. HRAC will review the Exterior Color Scheme regarding aesthetic and environmental harmony existing in the community.
  - c. Existing construction may be restored/refreshed to original approved color scheme at the discretion of the property owner. HRAC recommends written communication prior to painting, to avoid inadvertent issues.
  - d. Changes from original approved Exterior Color Scheme will require the approval from HRAC.
  - e. It is the policy of HRPOA and HRAC to reject colors that are florescent or metallic.
  - f. Painted or powder coated siding and roofing materials are allowed as long as it is approved by HRAC.
  - g. Colors and styles of window and arcadia door frames are to be compatible with the basic house color.
5. Any changes of approved plans initiated by the property owner must be incorporated in a revised written request prior to approval by HRAC.
6. Within 30 days after submittal of a complete application, HRAC will notify the property owner by mail of its written decision. The decision will state one of the following:
  - a. Approved as submitted with approved construction JOB CARD enclosed. Job Card must be posted in visible area.
  - b. Approved subject to change – with explanation
  - c. Disapproved – with explanation and possible suggested remedies. The Owner/ Contractor has 10 days in which to appeal the decision made by HRAC.

The appeal must be in writing and address any and all remedial actions to be taken. HRAC has 10 days in which to render a decision.

7. Setback Variance Request must be accompanied by a completed Setback Variance Request application. This request must be accompanied with the adjoining property owners written approval. The request must not be construed as approval, personal and/or self-imposed conditions or hardships may be given consideration but may not be valid or substantial reasons for a Variance of the CC&R required setback limitations. The recommendation of HRAC must be forwarded to the Board for review before final agreement is signed by HRAC. DO NOT begin construction until the necessary approvals have been obtained from HRPOA. A copy of the approved variance will be placed in the permanent lot file.

IV. **CONSTRUCTION SCHEDULE REQUIREMENTS**

A. Construction Start must begin within twelve (12) months of approval date. Owner/Contractor must indicate planned start date on permit application. Any change to this approved start date must be requested in writing and approved by HRAC.

B. Completion of construction must occur within twelve (12) months of start date. Upon written request HRAC may grant an extension for good cause.

C. It is the responsibility of the Owner/Contractor to request the two on site written reviews prior to final inspection.

D. When all inspections, including final have been completed and all requirements have been met HRAC will have 30 days to issue a letter of completion.

E. Security Performance Deposit will be refunded in whole or part to posting party within 30 days of final approval.

## HEADWATERS RANCH PROPERTY OWNERS ASSOCIATION

### GENERAL POLICIES AND PROCEDURES

#### ARCHITECTURAL COMMITTEE

The Headwaters Ranch Architectural Committee "HRAC" was established for the benefit of each Association property owner. HRAC is governed by the provisions of the Declaration of Covenants, Conditions and Restrictions and is a volunteer committee comprised of property owners and neighbors. **HRAC does not have the authority to increase permit fees, add usage fees, capriciously change CC&R requirements or inflict hardship in the enforcement of the CC&R's.** As a committee HRAC can only make recommendations to the Board of Directors who then presents the recommendations for such changes to the community for approval.

#### V. POST CONSTRUCTION POLICY AND PROCEDURES

A. In the event of a CC&R violation, HRAC will attempt to reach the property owner by phone, if that is not possible, the owner will be sent a courtesy letter informing him/her of the alleged violation. The property owner has 30 days in which to respond and/or correct. The violation shall cite with specificity the specific CC&R that is alleged to have been violated and shall include any copies of any pictures or other documents relevant to the allegation.

B. Should the property owner disagree with the violation notice, they may request a hearing and must fully explain in writing the reason for such a request. The request for hearing must be postmarked no later than 21 days from date of the courtesy letter. If no such written request is received within the allotted 21 days, the right to appeal HRAC's decision will be waived. If the violation has not been corrected within 45 days, it will be considered validated and a first level fine will be assessed.

C. If a written request for a hearing is received within the 21 day appeal period, HRAC will send the owner written notice of such date, time and place for the requested hearing. After consideration of all written information and verbal information provided by the property owner, HRAC will accept or reject the owner's appeal. If A-MAC determines that no violation exists, the violation will be rescinded and the property owner notified in writing of the decision.

D. If HRAC determines the violation is valid, the violation must be corrected within 45 days from date of written determination or a fine of \$25.00 will be imposed.

E. The property owner has 21 days to appeal the issue in writing to the HRPOA Board of Directors.

F. The appeal process with the HRPOA Board of Directors is the same as with the HRAC. If the Board of Directors determines that no violation exists, the fine will be rescinded and the property owner notified in writing of the decision.

G. If the Board of Directors determines the violation is valid, the violation must be corrected within 45 days from the date of notification or a fine will be imposed.

H. If the violation has not been corrected within 30 days after imposed decision an additional fine will be imposed. If the violation has not been corrected within 60 days after

imposed decision an additional fine will be imposed. If the violation has not been corrected within 90 days after imposed decision and additional fine will be imposed. Thereafter an additional fine will be imposed every 30 days until the violation is corrected. The sum of all fines imposed per violation shall not exceed \$2,500.00. If fines are not paid the Association may file a lawsuit.

VI. **THE ARCHITECTURAL REVIEW COMMITTEE**

A. **The Architectural Review Committee "HRAC"**

The Architectural Review Committee "HRAC" shall consist of no less than three (3) members and no more than ten (10) members. Each member shall hold his/her office until such time as he/she has resigned, has been removed or his/her successor has been appointed as set forth in the Declaration.

B. **Appointment of Members**

The right from time to time to appoint and remove members of HRAC shall be as set forth in the Declaration.

C. **Resignation of Members**

Any member of the Committee may at any time resign from HRAC upon written notice delivered to the HRAC Chairperson or to the Board of Directors.

D. **Duties**

The duty of HRAC is to consider and act upon such proposals or matters as, from time to time are submitted pursuant to the Guidelines, make fair and unbiased decisions and recommendations.

E. **Non-Liability**

HRAC nor any member thereof, the Association or the Board of Directors shall be liable to the Association or to any Owner, Contractor or other Person for any damage, loss or prejudice suffered or claimed on account of,

- 1.) the approval or disapproval of any drawings or specifications, whether or not defective;
- 2.) the construction or performance of any work, whether or not pursuant to approved drawings and specifications;
- 3.) the development or manner of development of any property within the Headwaters Ranch development boundaries; or
- 4.) the execution and filing of an estoppels certificate, whether or not the facts therein are correct; provided, however, that such action was taken in good faith, with the actual knowledge possessed by him or her.

This policy is approved by the HRPOA Architectural Committee (HRAC) on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**ARCHITECTURAL MEMBERS:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Architctural Chairperson

This policy is approved by the HRPOA Board of Directors on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This policy becomes effective on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**HRPOA Board of Directors:**

_____	_____
_____	_____
_____	

President