

Sky Meadows Community Association
ARCHITECTURAL CONTROL COMMITTEE RULES

Revised and Adopted by the ACC and the SMCA Board 1 Nov 2005

1. **PURPOSE:** The objective of the Architectural Control Committee is to ensure that buildings and other land improvements in Sky Meadows reflect the community's standards and maintain property values. The ACC, and the SMCA Board of which it is an arm, are legally bound to uphold the Amended Declaration of Covenants, Conditions and Restrictions for Sky Meadows, hereafter referred to as the Covenants. The committee's particular responsibility is Articles 5 and 6, the essence of which is best summarized in section 6.5: "The Architectural Control Committee and the Board shall, in good faith, exercise discretion in recommending, granting or withholding approval on the basis of minimizing interference with enjoyment of adjacent properties, protecting property values, and enforcing improvement uses and occupancy in a pleasing but not sterile or uniform combination."

The Sky Meadows community at large has repeatedly voiced its desire that planning be guided by a spirit of reasonable tolerance and neighborly compromise. The ACC's role is to act on these principles thoughtfully and impartially on behalf of the community as a whole.

2. **COMMITTEE COMPOSITION:** The ACC shall be comprised of three regular voting members and one alternate, each of whom is appointed by the SMCA Board of Directors.

To avoid wholesale turnover of committee membership, appointees' terms will be staggered to the extent possible. New appointments will be for two-year terms. When an ACC vacancy occurs via term expiration, the Board will fill the vacancy in February. If a Committee member is unable to finish his/her term, the Board will fill the vacancy immediately. In either case this will normally be done by promoting the current alternate to voting member for the remainder of his/her term and appointing a new alternate. The Board may choose, at its discretion, to reappoint members for a second term. SMCA homeowners interested in serving on the ACC are invited to inform the SMCA Board of Directors.

3. **COMMITTEE DUTIES:** Each year, the ACC shall meet within 30 days of the SMCA Annual Meeting to elect its Chair, Vice-Chair and Secretary for the current year and notify the SMCA Board of the result.

The ACC Chair is responsible for calling and presiding over meetings, keeping the SMCA Board updated on committee business by attending Board meetings and/or writing reports, and communicating with applicants. The Vice-Chair is responsible for the above duties if the Chair is temporarily unable to serve. The Secretary is responsible for preparing the minutes of meetings. The Chair has discretion to delegate any of the above duties to another committee member if it seems advisable.

Inspection and review meetings will be held as needed, based on project applications. The three regular members and the alternate shall make every effort to attend all meetings so all are current on committee business. If a regular member is unable to attend a formal review, the alternate will vote. Similarly, if a regular member must recuse himself/herself from voting on a matter in which he/she is a principal party (that is, the applicant or an owner registering a formal objection to the project), the alternate will vote.

4. **PROJECTS REQUIRING APPROVAL:** Property owners should refer to Article 6 of the Covenants for details of all structures or modifications that require prior approval. If there is any question whether prior ACC or Board approval is needed for a project, please consult the ACC Chair.

For major projects, applicants are urged to contact the ACC in the early design stages, before preparing and submitting plans for formal review, to confer about their intentions. Timely informal discussion of how Covenants and unique site considerations are likely to affect approval of the proposal will lessen the likelihood of costly delays and redesigns.

5. **INITIATING AN APPLICATION:** For any land clearing, construction, exterior remodeling and/or other changes requiring prior approval, property owners of record will submit all applicable items of the following to the ACC Chair:

- A dated cover letter requesting review of a project
- Architectural drawings or plans which describe the complete project
- Site plans, including grading contours in the proposed construction area
- Colors and materials to be used for siding, trim, and roof
- A schedule for beginning and completion, as nearly as can be estimated
- For all construction which may affect other homeowners' views, markers delineating the structure's footprint and a pole or other device showing the structure's highest point
- Other supporting materials (models, photos, CAD renderings, examples of similar structures, etc.) which the ACC considers necessary for a complete review of the application.

Until all items required by the ACC are submitted by the applicant, the application will be considered incomplete.

6. **PROJECT CATEGORIES:** Upon receipt of a completed application, the ACC will assign it to one of two categories:

Category A Major Project – Major projects include land clearing; new residences; additions, barns, garages, or other outbuildings of more than 200 square feet; significant exterior color changes; and any other improvements for which Article 6 of the Covenants requires both ACC and Board approval. All requests for variances automatically fall into Category A.

Category B Minor Project – Minor projects include additions, sheds, greenhouses and similar service structures of less than 200 square feet; fences, trellises, decks and patios; and similar improvements for which Article 6 of the Covenants requires only ACC approval.

7. **NOTIFICATION:** On receipt of a complete application, the ACC will notify the Board in writing of the proposal, including its assigned category and the projected date and place set for its formal review.

When other homeowners are potentially affected by the proposed project, whether by view impact, proximity, access or other considerations, the ACC will inform them at the same time, inviting them to view the proposed plans. This notification specifically includes, but is not limited to, owners of adjoining properties. In some cases, high visibility or high impact proposals may affect many or all SMCA property owners. If so, wider notice will be given.

8. **INSPECTION AND REVIEW MEETINGS:** The ACC will hold at least two meetings in reviewing a completed application: a first meeting for inspection of the property and initial discussion of the proposal, and a final meeting to vote on the application. In the interim, the ACC may hold as many additional meetings as it considers necessary to complete the review process. Additional meetings may be set at any time agreeable to three members. The attendance of the applicant or other property owners at any meeting shall be at the discretion of the ACC. Meetings including any such owners may be set upon five days' written notice.

If it is impossible for the full committee to assemble in a timely fashion for initial site inspection and preliminary discussion of a proposed project, members may inspect the site individually and carry on initial discussion by e-mail or telephone. However, three committee members (regular or alternate) will attend and vote in all formal reviews.

9. NEIGHBORS' CONCERNS OR OBJECTIONS: If other property owners have concerns about or objections to the proposed project, they must formally notify the ACC Chair in writing within one (1) week of receiving the ACC's initial notice, giving the reasons for their concern or objections and, insofar as possible, proposing a reasonable alternative approach. Any such third parties shall present their views in writing and/or in person at an ACC review meeting.

The ACC is obliged to consider any such concerns or objections in good faith and to seek reasonable compromise between parties. However, it is in no way bound by them. No SMCA property owner, adjacent or otherwise, has veto power over a proposed project.

For Category A Major Projects, the committee will forward any such objections to the Board along with its preliminary approval, denial or proposed modification of the proposal submitted.

10. CRITERIA FOR APPROVAL: The ACC and the Board's criteria for approval of all proposals shall include, but not be limited to, those outlined in Article 6.5 of the Covenants.

The ACC may, by majority vote, from time to time and subject to Board approval, develop a list of further guidelines, suggestions and specifications to assist property owners in the design process, addressing such matters as size limits, recommended or disapproved materials, and the like. Any such guidelines will be appended to, and distributed to all current SMCA property owners with, these rules.

11. PAST PRECEDENT: Past precedent is no guarantee of present ACC or Board approval or disapproval. Each application will be evaluated on its own merits.
12. VARIANCE: Though the ACC and Board will not act arbitrarily, capriciously, or with favoritism, they have discretion to grant reasonable variances. However, variances will be granted only in the absence of any reasonable alternative and when the impact of the variance on other owners is negligible. Cost issues alone do not constitute sufficient basis for a variance.
13. ACC DECISIONS: The ACC may opt to make its decision either during a public review meeting or in executive session at a subsequent ACC meeting. In complex cases the ACC may choose to confer with the Board before making its determination.

The ACC's decision will be one of the following:

- Preliminary Approval: If the ACC gives preliminary approval to a Category A Major Project, it will forward the proposal to the Board for further action. At the same time, it will notify the applicant and other interested parties (if any) of the project's status.
- Final Approval: If the ACC approves a Category B Minor Project, it will notify the Board, the applicant, and other interested parties (if any) of its decision in writing. In this category the ACC's decision is final and the applicant is free to proceed immediately with the project without the necessity of Board action.
- Denial: If this is necessary, the ACC will explain its rationale and, where feasible, suggest possible areas of plan revision. The ACC will notify the Board, the applicant, and other interested parties (if any) of its decision in writing. Applicants are always free to resubmit modified proposals.

At the discretion of the ACC, approval of a project may be contingent on specified conditions which, if unfulfilled, will void the approval. Violation of agreed conditions may result in an immediate halt work order and/or other enforcement action as provided in Articles 6.7 and 8 of the Covenants.

14. TIMETABLE FOR ACC DECISIONS: Since time may be of the essence in financing and construction, the ACC has established two time frames for project review:

- Category A Major Project: Under normal circumstances the ACC will conclude its formal review and convey its decision to the Board, the applicant and other interested parties (if any) in writing within 30 days of receipt of a complete application. If such proves impossible because further information or consultation is required, the ACC will do so no later than 60 days following receipt of a complete application.
 - Category B Minor Project: The ACC will conclude its formal review and convey its decision to the applicant, the Board, and other interested parties (if any) in writing within 30 days of receipt of a complete application.
15. BOARD DECISIONS. For Category A Major Projects, within 30 days of receiving the ACC's preliminary approval the Board will act on it and notify the committee. The ACC will in turn notify the applicant and other interested parties (if any) of the final decision in writing.
- The Board's review of the ACC's preliminary approval will result in one of the following:
- Final approval: When the Board ratifies the ACC's decision, the project's approval becomes final. The ACC will notify the applicant, who is then free to proceed immediately with the project.
 - Denial: If this is necessary, the Board will confer with the ACC to explain its rationale and, where feasible, suggest possible areas of plan revision. The ACC will then inform the applicant. At the discretion of the Board and ACC, either or both may meet with the applicant to discuss potential modifications. Applicants are always free to resubmit modified proposals to the ACC.
16. PERMITS: For both Category A and Category B projects, it is the applicant's responsibility to get all necessary permits from Island County and, if applicable, the Department of the Interior.
17. PLAN CHANGES: Any changes subsequently made to plans which have received preliminary or final approval must be brought to the attention of the ACC and are subject to ACC, and in Category A projects Board, re-approval.
18. AMENDMENTS TO THESE RULES: The ACC may, by unanimous vote, propose revisions to its rules and operating procedures set forth here. Such revisions will be forwarded to the SMCA Board for final approval.
19. RECORDS: A permanent architectural record will be maintained by the ACC for each property in Sky Meadows, documenting all past and current requests to, and review by, the ACC. Individual owners may review such records for their own property.
20. GENERAL NOTICE: These Architectural Control Committee Rules will be distributed to all Sky Meadows property owners. Any updates will be referenced in Board minutes, with a current copy kept on file in the SMCA Archives and posted on the SMCA website at www.skymeadows.org.