

ARCHITECTURAL COMMITTEE HANDBOOK
SAN IGNACIO VISTAS INC.

1.0 CHARTER

The Architectural Committee (the Committee) is created under the Article IX of the *Amended and Restated Bylaws of San Ignacio Vistas, Inc.* (the Bylaws) and its powers are established in the *Second Amended and Restated Declaration of Establishment of Covenants, Conditions and Restrictions for San Ignacio Vistas* (the Declaration or CC&Rs) (These rules in their entirety are provided as Attachments and can be found on our website).

When conceived it was the desire of San Ignacio Vistas, Inc. (the Association) to preserve property values and the natural beauty of its setting. These principles are no less important today. They are the basis of this Handbook and the essence of the Committee charter. It is the purpose of the Committee to serve the homeowners (the Owners) of the Association in three ways.

First the Committee reviews applications received from Owners that wish to construct, alter or otherwise improve their Lots, including the exterior of their homes. During review the Committee determines if the application conforms to the Rules of the Association. Based upon this determination, the Committee may approve, disapprove or conditionally approve an application. By law the Committee cannot approve an application that would violate the Rules of the Association. It may exercise its discretion when approving an application where discretion is called for under the Rules. The Committee must be timely in its response. It is not the responsibility of the Committee to participate in a substantial way in the design process or to suggest alternative designs.

Second the Committee shall follow a uniform set of procedures when reviewing each application so as to ensure a fair, non-discriminatory outcome consistent with the Rules so as to preserve the value and appearance of the homes in SIV.

Third the Committee may recommend to the Board changes, additions and modifications to existing rules. The Committee does not have the authority or power to modify, waive or provide a variance to the Rules.

Only the Board can modify the Rules the Board has initiated. To modify Rules contained in the CC&Rs a vote of the Owners is required. The Board may, under well documented and exceptional circumstances, provide a limited variance to the Rules. This is to say the Board cannot make a one-time waiver to accommodate one owner without making this accommodation available to all. The sole exception is the rare instance where the waiver of the rule is made necessary by the physical disability or other health needs of the Owner. Neither the Committee nor the Board can forsake the express duty of the Association to enforce its Rules and Regulations. This is a matter of Arizona law.

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2.0 COMMITTEE STRUCTURE AND MEETINGS

The Committee shall consist of Owners who are appointed, and serve at the pleasure of the Board. One member shall serve as Chair who, if not appointed, will be elected. One will serve as Secretary. One member of the Board will serve as a Liaison or Board Representative. Both the Liaison and the Secretary will be appointed by the Board. In the event a Committee is not appointed, or the number serving at any one time is insufficient to meet its needs, the Board will temporarily assume all responsibilities of the committee until the necessary appointments can be made.

The Committee will meet when and as needed to review applications or conduct such other business as might be assigned to it by the Board.

Any member of the Committee may request the scheduling of a meeting through the Chair.

Minutes of all meetings shall be kept and provided to the Board Secretary to be made a part of the permanent records of the Association. These minutes are an unofficial record of the Committee proceedings and once presented to the Board, become the property of the Board. They are to be released to homeowners only with the express permission of the Board.

The committee shall provide a monthly activity report to the Association Secretary for inclusion with the Agenda of the next available Board meeting. Normally the committee report would be presented to the Board by the Liaison or by the Chair of the Committee in the absence of the Liaison. The monthly report will be a part of the board minutes, once approved.

3.0 GENERAL RULES AND REGULATIONS

Section 3.0 of the Owners Handbook contains the Association general rules and regulations and no Architectural Committee approval is required in connection with this Section.

Standards of yard and exterior home maintenance are established in order to encourage responsible resident behavior. These standards are designed to sustain property values within the Association. In this regard the appearance of individual Lots plays an important role.

4.0 ARCHITECTURAL RULES AND REGULATIONS

Section 4.0 of the Owners Handbook contains rules and regulations that may require approval by the AC prior to commencement of the project.

As a supplement to the direction provided for each topic contained in Section 4.0 of the Owners Handbook, the following directives will help guide you when considering the following projects.

SUPPLEMENTAL NOTES FOR SELECTED SECTIONS:

4.1 ADDITIONS

Every caution should be taken to prevent the taking of a view from a neighbor. Consideration should also be given to what impact exterior lighting or drainage would have to neighboring properties.

It is the Owner's responsibility to notify the Lot Owners on either side of their property of the intent to expand beyond the existing footprint of the dwelling. This is not for the purpose of granting their approval. If the neighboring Owners have input, the Architectural Committee may, but need not, take this into account in making a final decision to approve or disapprove the Plans.

4.8 DETACHED STRUCTURES

Structure is a defined term in the CC&Rs. The Rules identify some detached structures that are permitted (for example storage boxes) and some that are not (gazebos and storage sheds).

4.27 LANDSCAPING AND HEDGING

This sub-section under paragraphs F and G establishes standards and restrictions for height and size and speaks to setback requirements. These standards are essential to the maintenance of our Association and our obligation to protect views. Refer also to Section 4.29 when evaluating a complaint regarding unkempt vegetation.

4.38 RAMADAS

Our rules are silent on the protection of lateral views. But this does not mean we are indifferent to the concerns of our neighbors and caution should be exercised to limit the interference a ramada or similar structure might have on the view from a neighboring lot.

See second paragraph under Section 4.1 above.

4.41 SCULPTURES AND ARTWORK

The object is to avoid oversized, offensive, glaring or objects that might be disruptive of the color scheme common to the neighboring lots.

4.44 SOLAR ENERGY DEVICES

State Law precludes the disallowance or even the discouragement of the installation of solar energy devices. At the same time we should encourage our Owners to gain the best possible value for their investment by employing responsible contractors and seeking appropriate tax and other advice.

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5.0 APPLICATION PROCESS FROM START TO END

Generally, additions, alterations, or improvements to a home or Lot will require AC approval while like-kind repairs and replacements do not. The Rules enumerate many of the more common situations that would need AC approval, but examples given are not intended to be all-inclusive. Under Arizona Law the Association is obligated to enforce its Rules. When enforcing its Rules the Association is constrained by Arizona Law to follow certain practices and procedures.

Section 5.0 of the Owners Handbook outlines our procedures so that we conform at each step with Arizona Law. This effectively precludes the Committee from taking any role other than that assigned to it by the Board. It particularly limits the Committee from approving or appearing to approve either verbally or in writing what could be construed as a violation of the Rules.

If there is any doubt, the Committee should consult with the Board before taking action that could expose the Association to a lawsuit either for failing to enforce or for failing in its enforcement to follow legal procedures.

In many cases, Pima County requires a permit for construction or other alterations to property. Building permits are covered under Section 5.2.

The Standards and Procedures for submission of an application to the Architectural Committee are found in Section 5.3.

The Application Process is spelled out in Section 5.4.

Each application should be reviewed based on criteria in Section 5.5.

Failure to submit an application and obtain approval may result in fines or other penalties including removal of the offending alteration or improvement.

6.0 COMPLAINT PROCEDURE & FINES

Section 6.0 of the Owners Handbook explains how to register a complaint, and how a complaint is validated. If it is determined that a violation of the rules exist, this section also covers the notice and hearing process as well as the assessment of fines.

Homeowners are encouraged to solve problems among themselves whenever possible. If this is not possible, an Owner may file a complaint with the Association. The complaint procedure may apply to any of the Rules set out in this Handbook. Section 7.3 of the Owners Manual contains a sample Complaint Form.

7.0 ATTACHMENTS AND OTHER REFERENCES