

SADDLEBACK MOUNTAIN HOMEOWNERS ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE CHARTER

Presented and Board approved February 2018

The Architectural Control Committee (ACC) was established under section 3 of the covenants of the Saddleback Mountain Homeowners Association. The ACC exercises its authority under the terms granted therein.

The responsibilities and authority of the ACC are set forth in the various unit covenants. The following is a synopsis:

All property owners are required to apply to the ACC, prior to the start of work, for written approval of all plans for construction, other maintenance-type projects, and landscaping, which will affect the external appearance of their property. If Clear Creek County variances or approvals are required, these must be submitted with final plans. Plans submitted without required County approval will immediately be rejected.

The ACC shall review all applications submitted to ensure that the proposed projects are in compliance with the covenants, and then shall approve or disapprove them accordingly. The Chairperson of the ACC may designate one or more ACC members to review routine and limited-scope project applications--e.g. repainting using an existing color, replacing windows, and installing roof mounted solar panels--for administrative approval thereby relieving the need for such projects to be brought before the entire ACC for approval. The Chairperson, however, retains the responsibility and discretion to review and confirm or modify the recommendations for these administrative approvals. All major projects--e.g. new construction and additions--shall be reviewed and approved by the ACC.

The ACC shall exercise due diligence in processing applications and strive to render a timely decision within 30 days of receipt of completed applications. Should the ACC deem a property owner's application incomplete, the ACC will notify the property owner that the review and approval cannot begin until the needed information has been submitted. The ACC will notify the SMHOA Board upon receipt of any large project (defined as costing \$5000 or more), including but not limited to, proposed new dwellings, and keep the Board updated on the progress of said application.

Approved projects shall be monitored by the ACC until construction is completed to ensure that they are built in accordance with what had been approved and are in compliance with the covenants.

The ACC shall act at all times to ensure that property development does not unduly interfere with the natural landscape and homeowners' visual access to it, and that the resulting construction is in harmony with the natural surroundings and residences in the immediate area.

The ACC shall be the sole and final judge of whether submitted projects are in compliance with the specific provisions, as well as with the spirit and intent, of the covenants. Decisions of the ACC shall be final and not subject to either further review or appeal. The ACC shall from time to time publish and update its Design Guidelines to clarify covenant compliance issues, describe the Committee's policies and decision-making processes, and provide guidance to assist the property owner in the preparation and presentation of projects that are in compliance with the covenants.

The ACC shall also publish and update, as required, guidelines for the granting of variances. Variances shall be granted only in cases where they are required for the owner to achieve parity with other owners in the immediate area. Variances shall provide relief in ways that achieve this goal but with an eye to minimal deviation from covenant requirements. The ACC shall also report at the HOA's quarterly meetings, a summary of all actions taken on applications since the previous meeting. A status log of all active projects under ACC management shall also be maintained and provided to Board members monthly. The ACC shall keep the Board informed of pending issues, recommendation, and actions associated with on-going projects.

The ACC shall establish a fee schedule for applications by non-members of the SMHOA and shall collect fees for reviewing of applications and monitoring construction.

The ACC shall consist of no fewer than three (3) members. The ACC Chairperson will also be a SMHOA Director. The SMHOA Board of Directors as well as residents may recommend individuals for membership to the ACC.

As a standing committee of the SMHOA, the ACC shall:

- Report on its activities at the quarterly meetings of the SMHOA.
- Keep the Board updated on all pending projects.
- Notify via mail, all neighboring property owners of any build, remodel, or significant change that will be seen from adjacent properties. The Secretary will be copied on these letters.
- The ACC may, at its discretion, choose to hire outside consultants for any project the ACC deems worthy of additional review. ACC shall inform and charge the applicant of this consultant fee which will include an additional 10% management fee.
- Fully inform the SMHOA Board of Directors, or its representatives, of all cases in which legal action is required to enforce the ACC's decisions, including the issues involved, the ACC's decision process, and findings.
- Turn over all fees collected by it to the SMHOA.
- Provide its full support to actions taken by the SMHOA to enforce the ACC's decisions.

Fee Schedule:

Application Fee - \$75 (must be paid with all applications)

New Construction Review Fee - \$250

Consultant Review Fee – will be determined and assessed if additional review is deemed necessary