

Architectural Control Committee
Site Development Application Guidelines
Approved 1/27/02

The following Architectural Control Committee (ACC) guidelines are intended to provide clarification about ACC and Board of Directors processes that focus on approval of site development by property owners of their lots in the Hole in the Wall Ranch.

Please refer to the following sections of the Revised Covenants of the Hole-in-the-Wall Ranch, 2001 ("Covenants").

Article 5 "Architectural Control Committee"(page 12)

5.1 Design Review

No primary residential Dwelling, guest house, studio, fence, wall or other structure shall be erected or maintained upon a Lot nor shall any exterior addition, change or alteration be made to any residential Dwelling, guest house, studio or other structure, nor shall any landscaping be commenced on a Lot, until the plans and specifications showing the nature, kind, shape, height, materials and location of the same have been submitted to and approved in writing by the ACC.

5.4 "Procedures for Approval,"(Page 12), herein referenced as "Basic Process"

4.13.2 "Height of Structures Outside of Sensitive Zone", (Page 10), herein referenced as "Special Process"

5.6 "Variance", (page 13), herein referenced as "Variance Process"

5.5 "Appeal of ACC Decision", (page 13), herein referenced as "Appeal Process"

BASIC APPLICATION PROCESS

Per Section 5.4, "Procedures for Approval"

In order for your approval process to begin, the following must be submitted for approval by the ACC.

Four (4) complete sets of building or construction plans, showing the entire lot and the location of all structures to be constructed during this and future phases. The plans must disclose all materials to be used, exterior color schemes, exterior lighting scheme and the name of the architect.

Four (4) sets of a detailed grading, erosion protection and landscaping plan, including location of retaining walls.

Four (4) sets of a detailed site plan, indicating both natural and finish grades for at least fifty feet surrounding each structure. Please note that per Section 4.13 any structure built on a 30% or greater grade must have a foundation plan approved by an engineer. Therefore, in this case, an engineer must stamp the site plan, indicating approval.

Four (4) sets of floor plans of all levels with finish floor elevations shown relative to natural grade. (Please note that the floor plan and site plan may both be included in one set of plans.)

One set of plans shall be submitted to the President at his (her) address of record, or other person designated by the President at his (her) address of record and three sets of plans shall be submitted to the Chairperson of the ACC at his (her) address of record. Upon receipt of the plans, the ACC chairperson will call a meeting of the ACC to be held no later than thirty (30) days from the date of mailing, at which time the applicant may present their application to the ACC for approval.

The President or other designated person shall review the application for completeness and within seven (7) days of recite shall notify the property owner and Chairperson of the ACC that the application is either complete or is deficient. If the plans are complete the scheduled ACC meeting will be held as planned. If the plans are NOT complete, the scheduled meeting will be canceled and the property owner will be notified of the deficiencies and requested to complete the application by submitting the appropriate information, which was found to be deficient. Upon receipt of one set of the appropriate information by the President and three (3) sets by the Chairperson the approval process and associated time line will begin again.

The ACC must act to approve or deny the application within 30 days of date of appropriate mailing of a COMPLETE application or the mail date of appropriate information, which completes an application. All property owners shall be notified of the ACC's decision.

If an application is denied, reasons will be specified and changes recommended. An owner may resubmit modified plans and the approval process and associated time line will begin again.

SPECIAL PROCESS

Per Section 14.13.2

BUILDINGS UP TO AN AVERAGE OF TWENTY-SEVEN (27) FEET ABOVE GRADE

This process is in addition to the architectural approval process, but is not a variance, as no variance criteria have to be met.

This additional process, with regard to approval for buildings higher than an average of twenty feet (20') above grade, allows for buildings of up to an average of twenty-seven feet (27') above grade, if they are located outside of the Sensitive Zone. Per "Sensitive Zone", Section 1.28, page 4 Covenants, "The areas that are considered Sensitive Building Zones under this Covenant are the "Ridgeline" that is the highest portion of the development extending 200 feet both sides along "Big Wall Road, and the "grass flat lands" that extend 600 feet back from School Creek Road. Structures within the Sensitive Building Zone must adhere to the limitations of 4.13." (See Section 1.28 for a complete definition of "Sensitive Building Zone.") Section 4.13 limits height to "Twenty feet (20') from the average undisturbed natural grade on the footprint where the building is placed."

The approval process for buildings proposed outside of the "Sensitive Zone" and seeking a height of up to twenty-seven (27') above average grade is described in section 4.13.2 on Page 10, "Covenants".

In order to begin the process, a property owner shall submit to the President, or other designated person, and to the Chairperson of the ACC, a written application for a proposed building higher than an average of twenty foot (20') up to an average of twenty-seven feet (27') above grade and a copy of a site plan as specified in Section 5.4, indicating the location of the proposed structure. Additionally, the applicant shall install the white "story" poles at the four corners of the proposed building, showing the maximum roof height.

Following receipt of the application and installation by the applicant of the "story" poles, the President shall notify the applicant that the application is complete or deficient within seven (7) days. If the application is complete, the President will direct the ACC chairperson to notify all property owners of the proposed development, to offer them the opportunity to comment, and to schedule an ACC meeting at which time their written or in-person input will be accepted and a decision rendered, within a period of 45 days from the date of appropriate mailing of a complete application. As per section 4.13.2, (page 10 Covenants), "Upon comment review, the ACC may require conformity with 4.13, (average height of twenty feet (20') above grade), or request an alternate siting location, if significant impact is determined." All property owners must be notified of this decision.

The Covenants specify that this building height process PRECEDES and does NOT run concurrently with the Basis Design Review process as described above.

VARIANCE PROCESS

Section 5.6 "Variance"

Please review this section on page 13, "Covenants".

The intent of this provision is as follows:

"The ACC may allow reasonable variances and exemptions from the Design Rules, in order to prevent undue hardship or to overcome practical difficulties, provided however that such is done in conformity with the intent and purposes of this Declaration, and provided also that in every instance such variance exemption shall minimize developmental impact according to the spirit of this Declaration and shall not be materially detrimental or injurious to any other Owner."

All variance requests must meet the above criteria, with the exception of "reasonable and moderate variances in architectural styles" as set forth in Section 4.12, "Architectural Design". In the case of the applicant seeking a variance from the provisions of 4.12, the ACC may grant a variance if they find that the "alternative architectural style is sufficiently creative and innovative to effectuate the purpose of these covenants, that purpose being to enhance and protect the value, desirability and attractiveness of the Ranch...."

The Variance process is as follows:

A request for a variance must be in writing and include a statement from the property owner that cites the pertinent variance criteria that provide the basis for any specific request and must include the submittal of complete plans of the types described above per Basic Process, Section 5.4. . Variance requests and these plans are to be submitted to the president of the Board or other designated person. The President, or designee, shall notify the applicant within seven (7) days of recite as to whether or not the variance request and plans are complete.

If COMPLETE, the Board shall notify each owner of the nature of the variance requested and shall hold a hearing not sooner than fifteen days after the issuance of such notice, open to all members, at which time the comments of members shall be invited. The ACC shall rule on any request for a variance request not later then 45 days after a complete application has been appropriately mailed. All property owners must be notified of the decision.

When a Variance is requested in conjunction with an application for ACC approval of a proposed building project, the time allowed is 45 days. This time begins, when a COMPLETE application and variance request have been appropriately mailed.

If the ACC finds at any time during a Basic Application Process review that a Special Process or Variance is required, but no application therefore has been made, notice of same shall be given in writing to the applicant and to the membership; and the running of the design review period shall be halted to allow the applicant time to make in writing and the ACC to process per the Covenants and timelines established therein, such omitted Special Process or Variance Process. Following these process(es), the Basic Application Process may resume.

APPEAL PROCESS OF ACC DECISIONS

Section 5.2 "Any decision of the ACC shall be final, subject to the appeal procedure allowed in Section 5.5 herein."

Section 5.5 "Appeal of ACC Decision", page 13, "Covenants"

"An owner aggrieved by a decision of the ACC may, within thirty (30) days of any adverse decision of the ACC, appeal in writing to the Board. The Board shall render its decision, in writing, specifying its rationale, within thirty (30) days of the appropriate mailing of a request for appeal. The decision of the Board on an appeal is final and not further appealable."