

## HOLE-IN-THE-WALL RANCH POA

### ACC GUIDELINES

The requirements for obtaining the required Architectural Control Committee (**ACC**) approval of plans and specifications for proposed improvements (the **Plans**) on any Lot in Hole-In-The-Wall Ranch POA are set out in **Articles 9 and 10** of the Second Amended and Restated Declaration and Restrictive Covenants of Hole-In-The-Wall Ranch recorded as Instrument No. 392444 of the Official Public Records of Huerfano County, Colorado (the **Declaration**). A copy of the Declaration may be found on-line at <http://www.athomenet.com/hitwr> (**HITWR Website**). The names and addresses of each Member of the ACC may be found at the HITWR Website. All references to **Sections** and **Articles** herein refer to **Sections** and **Articles** in the Declaration. All defined terms in the Declaration have the same meanings in these Guidelines.

A summary of the applicable requirements and the application/approval process is:

1. Submission of Plans. Prior to constructing any structure(s) on any Lot:
  - (a) The Owner of the Lot must submit four complete, full size sets of the Plans for the structure(s) to the ACC, two to the Chairman of the ACC and one to each other member of the ACC (see **Section 9.3(a)**).
  - (b) The Plans must comply with **Section 9.3** and **Article 10**. See also **Section 5.3** for limitations related to the construction of dwellings and accessory buildings.
  - (c) If the Owner requests a variance (see **Section 9.4**), then the application must specify in detail the variance requested and the reasons for the variance.
  - (d) The Owner must submit a check payable to the order of Hole-In-The-Wall Ranch POA for the required \$1,000 plan review deposit (see **Section 9.1(d)**) with the Plans sent to the ACC Chairman.
  - (e) Each application must include an e-mail address for communications to the Owner and the Owner's architect or other applicable consultant.
  
2. Review for Completeness; Structure Heights Above 20 Feet. Within two weeks after receipt of the application and any requested variance(s) by the last member of the ACC to receive them, the ACC will notify the Owner:
  - (a) Whether the application is complete. If it is not complete, then the ACC notice will specify the items needed to complete the application. A finding by the ACC that the application is complete is only a condition of the ACC's continued review of the Plans within the original 30 day approval time period after the ACC's receipt of a complete application and is not an approval of the application, the Plans, or any requested variance(s).

- (b) If the application contains a request for any variance(s) and the ACC wants more information to assist it in considering the request, then the ACC notice will specify the additional information the ACC wants. If the ACC asks for any additional information about any variance(s), then the time line for its approval of the application will be suspended until the last member of the ACC receives the additional information requested by the ACC.
  - (c) If the Plans show a height for any structure higher than 20 feet above the Average Natural Grade Height, then the ACC may give notice to the Owner requiring that the Owner erect white “story” poles showing the height at the four corners of the proposed structure footprint as a condition to the ACC’s review of the Plans (see **Section 10.3**). If the ACC requires the erection of story poles, then the time line for its approval of the application will be suspended until the story poles are erected.
3. Approval/Disapproval of Application. Within 30 days after the last to occur of (i) the receipt of a complete application and any additional information requested by the ACC in connection with any variance(s) by the last member of the ACC to receive them or (ii) the erection of any story poles required by the ACC, the ACC will either:
- (a) notify the Owner of its approval of application, including the Plans and any requested variance(s); or
  - (b) notify the Owner that it disapproves the application and specify the reasons for its disapproval. If the ACC does not give a timely notice of disapproval, then the application, including the Plans and any requested variance(s), will be deemed approved.
4. Resubmittal of Application. If the ACC disapproves the application, then, within 30 days after the Owner’s receipt of the notice of disapproval, the Owner may revise the application to address the specified reasons for the disapproval and resubmit the revised application to the ACC for reconsideration by the ACC in accordance with the procedure specified above. This procedure will be repeated until the earliest to occur of (i) the application, including the Plans and any requested variance(s), is approved or deemed approved by the ACC, (ii) the Owner does not timely submit a revised application, or (iii) the Owner gives notice to the ACC withdrawing the application.
5. ACC Hearing.
- (a) If the ACC disapproves any application, then, within two weeks after the Owner’s receipt of the notice of disapproval, the Owner may give notice to the ACC requesting a hearing with the ACC to discuss the disapproval, which notice must specify the issues the Owner wants to discuss with the ACC.

- (b) If an Owner timely requests a hearing, then the ACC and the Owner will cooperate to approve a time for the hearing. Any hearing will be held on the Property or in La Veta, Colorado, at a location specified by the ACC. The Owner must submit any new materials or additional information it wants the ACC to consider to each member of the ACC at least two weeks prior to the hearing.
- (c) The ACC will send notice to the Owner within one week after the hearing specifying whether the ACC approves or disapproves any previously disapproved application. If the ACC disapproves any application, then, within one week after the Owner's receipt of the ACC's disapproval notice, the Owner must resubmit a revised application as specified in Paragraph 4 above. In addition, the Owner may appeal any disapproval(s) of its application to the Board of Directors by giving notice of appeal to the Association's President and the ACC Chairman within one week after the Owner receives the notice of disapproval. The address of the President will be found on the HITWR Website.

6. Board Hearing.

- (a) If an Owner gives a timely notice of appeal to the Board regarding any disapproval of an application by the ACC at an ACC hearing, then the President and the Owner will cooperate to approve a time for a special meeting of the Board to consider the ACC's disapproval. The special meeting will be called and held in accordance with the Bylaws of the Association, a copy of which is available on the HITWR Website.
- (b) The Board will consider only the materials and information available to the ACC at its hearing. The Owner may not submit any new materials or additional information to the Board.
- (c) The Board will give the Owner notice of its decision within one week after the special meeting. The decision of the Board is final and is not appealable.

7. Notices. All notices, approvals, disapprovals, and other communications under these Guidelines must be made via e-mail, except that submittal of an application must be made by mail or by delivery by a nationally recognized courier.

These Guidelines are only a summary and do not include all applicable requirements found in the Declaration. The provisions of the Declaration control if there are any conflicts between the provisions of these Guidelines and the provisions of the Declaration.