

TCHA ARCHITECTURAL APPROVAL POLICY

Architectural Committee Policy, Rules, Procedures, Standards, July 2003

The following policies, rules, procedures, and standards are hereby established to protect the residential nature and architectural character of the subdivision. The policies, rules, procedures, and standards are consistent with Covenant Restrictions, Building Standards, and Tierra Colinas Subdivision Rules and Regulations.

The authority to establish, add to, delete, or amend separate standards, rules and procedures regarding the submission, processing, review and approval of plans and specifications regarding submission, processing, review, and approval of plans and specifications; is given to the Architectural Committee in Article 5, Section 5.3 of the Declaration. All underlined documents are attached as numbered Exhibits.

Architectural Review Procedure

The Architectural Review Procedure will be strictly adhered to. The Memo of Understanding must be signed by the property owner and the Committee representative prior to the Pre-Design Planning Meeting, and the Preliminary Design Review.

It is incumbent on the property Owner to submit a complete submittal for Final Design and Architectural Review: the Application, a check for the Review and Impact Fee, a check for the Construction Bond, complete plans and specifications (including a construction time schedule), and material samples.

The Committee Chairman will issue a Receipt for Submittal, and write the date of the next scheduled meeting on the receipt. The property Owners should expect to receive written approval or disapproval within thirty days of the next scheduled meeting.

If the Chairman, or Committee representative, accepts a submittal with a request for an early review: the property owner may be told that an effort will be made to have an early meeting, or if that will not be possible. The property Owner should be reminded: 1) the submittal procedure and committee schedule is published, 2) it is incumbent on the property owner to prepare his submittal in time for the scheduled meeting, and 3) it is not reasonable to expect the committee to meet in between monthly meetings due to personal schedules.

Written Notice

The Architectural Committee must approve plans and specifications by *written notice*. The Committee sends a written Letter of Approval and returns one (1) set of plans with signatures of committee members on the plans; and stamped "approved". The Committee signs *both* sets of Approved plans; retaining one set for Association records, and returning one set to the Lot Owner.

A written notice of Pending Approval listing stipulations to receiving full approval does not constitute "written approval" required by the covenants to proceed with grading or construction. No partial approval will be given to a project.

No verbal approvals will be given by the Committee, and no property Owners shall consider any statement by a Committee member an approval, or license to commence work on an Improvement.

Residential Character

In order to preserve and protect the *residential character* of the subdivision: the residence must be the first Improvement constructed on a Lot. However, other Improvements may be built *concurrently* with the residence; all subject to the one (1) year completion restriction of Article 8.

Future Improvements

The Committee requests property Owners submit plans for all Future Improvements that the Owner anticipates wanting to start making within twelve months time of the residence submittal. This would include fences, walls, landscaping, or studio. The expected date must be noted on the plans. This will allow the Committee to judge approval or disapproval based on a whole concept: all lot Improvements will be designed, reviewed, and approved in context with each other. It will ensure all improvements are designed and located "in harmony with existing surroundings and structures" required by Article 5.3

Future Improvements approved at the time of the residence may receive up to an eighteen (18) month variance from the 90 day Review required by Article 8.

Disapproved Plans

Disapproved plans will be returned to the lot owner with a letter stating the reasons for disapproval. Partial approval, or approval for part of a submittal, is not given. The property The Committee chairman will discuss what changes to the submittal are necessary for approval *after* the disapproval letter has been received by the property Owner.

Ninety Day Review

Lot owners must *resubmit approved plans* and specifications if construction did not begin within ninety (90) days after approval. If a footing is poured or placed within 90 days of approval but construction ceases for 365 days Call the architectural committee Chairman *prior* to breaking ground and schedule a '90 Day Review'. This review is usually a formality and most often requires only a written letter of confirmation that you are going to construct the plans as they are approved.

Variances

The Committee may grant a variance from any of the building standards: *if* the objectives of the protective Covenant Restrictions and Architectural Guidelines cannot be met in an alternative way; and *if* a variance is necessary to prevent practical difficulties or hardship to the Owner in the judgment of the Committee. Other property owners that might be affected by such a variance will be invited to register any objection to the variance in writing prior to the granting of any such variance. Submit a Variance Request with your application.

Changes to Approved Plans

Should a Lot Owner wish to deviate or elaborate upon the approved plans he must submit the proposed changes to the Committee by a "redline" copy of the approved plans, *prior* to commencing to make such change or elaboration.

The A.C. will approve or disapprove the submittal according to the Architectural Review Procedure described above. There is no additional Review Fee unless changes are extensive, or require the review of a professional architect or surveyor retained by the committee.

TCHA CONSTRUCTION RULES 2003

The following rules have been established to protect the residential nature of the subdivision, keep property clean and attractive, and to insure improvements are built according to approved plans. The Board Reserves the right to adopt, amend or repeal these rules as they deem reasonable and appropriate. See Article 3.6

1. START OF CONSTRUCTION

Lot Owners may not commence construction until they have submitted the attached Application, Review Fee, Construction Bond, and received written Notice of Approval. Improvements not commenced within 90 days of approval must be resubmitted for review.

2. CONSTRUCTION BOND

To guarantee that improvements are built according to the approved plans, and to insure that these Construction Rules are adhered to, each builder or Lot Owner, before beginning any construction, must post a bond in the amount of \$ 2500.00 with the Association. Should it become necessary for the Association to remedy any violation of these construction rules, or non-compliance to the approved plans, the costs of such remedy will be charged against the bond. This shall not prevent assessment of the Lot Owner for damages which exceed the amount of the bond or any necessary legal enforcement action. The bond, less any amount needed as specified above, will be returned upon receipt of a Certificate of Occupancy.

3. FIRST IMPROVEMENT

In order to maintain the residential nature of the subdivision the First Improvement made on a Lot must be the construction of a residence. No fence, wall, driveway, garage, barn or any other structure may be constructed or used for any purpose prior to the residence.

4. RIGHT TO INSPECT

Lot Owners must allow the Architectural Committee, or its representative, to inspect their building project at any time during construction upon 48 hours notice.

5. CONSTRUCTION ACCESS

The only approved construction access during the time the residence is under construction will be at the approved driveway unless the A. C. approves another access point. In no event will more than one construction access point be permitted onto any lot.

6. SIGNS

Contractor's signs must be placed on a lot according to Covenant Restrictions, Article 7, and compliant with the Subdivision Rules and Regulations.

7. CONTRACTOR/ LOT OWNER REQUIREMENTS

All lot owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors and sub contractors while in the subdivision. All permits and plans must be posted at the building site. Covenant Restrictions, residential zoning ordinances, building codes and requirements must be complied with.

8. DEBRIS AND TRASH REMOVAL

Owners must clean up all trash and debris on the construction site at the end of each day. A commercial dumpster is required from the onset of framing through Certificate of Occupancy. Lightweight material, packaging, and other items must be covered or weighted down to prevent their being blown off the construction site. Owners are prohibited from dumping, burying, or burning trash anywhere on the Subdivision. Storing of any materials or items unrelated to the construction of the approved Improvement is prohibited.

9. RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGE

Dumping of excavated dirt or construction materials is not permitted. Damages and scaring to any property, common area, easements, open space, or another lot including but not limited to roads, driveways, utilities, vegetation and/or other improvements, resulting from construction operations will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly and any expenses are those of the Owner, and in the event of default of the builder in meeting these obligations; the lot owner shall be responsible.

10. SANITARY FACILITIES

Each builder shall be responsible for providing adequate sanitary facilities for his construction workers. A portable toilet should be located so that it cannot be seen from the road or adjacent properties.

11. COMPLIANCE OF OTHER PROJECTS

No Owner or builder shall receive approval for construction of a new structure if
1) any other structure currently under construction, or previously constructed, by or for that Owner or builder does not comply with the Covenant Restrictions, Subdivision Rules, or the plans and specifications approved by the Architectural Committee.

12. CHANGES TO APPROVED PLANS

Should the owner wish to deviate or elaborate upon the Approved Plans during construction; the owner must submit proposed changes or elaboration to the Architectural Committee in writing, prior to commencing the change or elaboration. The Committee will approve or disapprove the submittal according to its regular review procedures without any additional Fee.

**TIERRA COLINAS HOMEOWNERS ASSOCIATION
APPLICATION FOR ARCHITECTURAL APPROVAL**

Applicants should submit this form together with plans and specifications. Please attach the following: 1) a check for the appropriate Architectural Review Fee, 2) Color Samples specified by name and manufacturer and, 3) a separate check for a Construction Bond: \$2500 for a residence, or \$1000 for a studio, barn or addition. Attach a Variance Request if needed for approval of your project. The Construction Bond will be refunded upon a Certificate of Occupation.

Review Fees are *non-refundable*. The fee for a residence is \$500.00. The fee for a barn, studio, or home addition/remodel is \$100.00. Fences, walls, and other small Improvements requiring A.C approval currently do not require a fee. The check should be made payable to the Tierra Colinas Homeowners Association, or TCHA.

Call the Architectural Committee Chairman, Kevin Murphy, to advise him you when and how you will submit your plans for Architectural Approval. Call Kevin at 505-989-1999 between 9 a.m. and 5 p.m., Monday - Friday.

APPLICANT INFORMATION:

Name(s) _____
Current Mailing Address _____
Daytime phone number _____ Lot Number _____ Review Date _____
Scope of Construction _____
Target date for Start of construction _____

CONTRACTOR INFORMATION:

Name _____
Address _____
Contractor License Number _____ Daytime phone number _____

MEMO OF UNDERSTANDING

I hereby submit 2 sets of construction plans and specifications that accurately represent proposed Improvements to my lot. The Lot corners and the perimeter of the building are staked and ready for committee review. A pole the height of the highest point of the improvement has been placed at that location.

I have met with _____ for the Pre-Design Meeting and Preliminary Design Review. I have read the Covenants, the Architectural Guidelines and Subdivision Rules. I understand the Construction Bond will be refunded to me, less any costs spent to remedy 1) non-compliance to the approved plans, 2) violation of Covenants or Subdivision Rules, 3) any damage or clean-up necessary to adjacent Lots and/or the Common Areas caused from my construction project.

I understand the Architectural Committee, or its representative, may inspect the building project at any time during construction upon 24 hour notice.

Signature _____ Date _____