

**HOA Policy on Architecture Review****Date of Inception:** April 2019**Date of Last Update:****Objective/Purpose:**

The purpose of the Architecture Review Committee (ARC) is to preserve, maintain and enhance property values and the inherent beauty of Mogollon Airpark. The ARC acts on behalf of, and with the authority of, the Board with respect to granting or denying approval of all construction, additions, alterations or improvements made on any lot or tract within Mogollon Airpark.

This includes, but is not limited to, new homes or hangars, additions to homes or hangars, other buildings, grading, landscaping, driveways, fences, decks, walls, repainting/re-staining of any building exteriors, gates, antennas, lighting, yard displays, and anything else to be placed on the lot or tract. The committee must also approve in advance any removal of trees or undergrowth.

**Background:**

The ARC was established in the original By-Laws of the Association. The Committee is charged with enforcement of CC&Rs. This policy, along with several associated documents, were created to:

- Hold all owners to the same expectations
- Provide consistent standards
- Protect home value

This policy also makes it easier for the Association to demonstrate that approval or disapproval is not arbitrary or capricious as it will show that the ARC is following established guidelines.

The ARC may also be referred to as the "Improvements Committee" in some Mogollon Airpark governing documents.

**Revision History:**

This document is the first policy to incorporate all policies and procedures of the ARC in one complete document. There is no revision history as of the initial approval of this policy.

**Policy:*****General Information on and Authority of ARC:***

The authority and responsibility of the ARC is stated in all of the Mogollon Airpark Covenants, Conditions and Restrictions (CC&Rs) and the Associations' By-laws.

The Board of Directors has the ultimate authority over the ARC.

A member of the Board of Directors shall serve as chairperson of the ARC, per Arizona State Law. The term of any such appointment shall be as determined by the Board, and any member of the Committee may be removed by the Board at

any time, provided there is a majority vote of the Board to do so. The size of the committee is defined in the Airpark By-Laws. Additional information about the make up of the committee can be found in the committee Charter.

The committee shall have the power to construe and interpret any covenant herein that may be vague, indefinite, uncertain, or capable of more than one interpretation.

Any changes to rules or procedures proposed by the chairperson or a committee member concerning the ARC shall be submitted to the Board by a majority vote of all ARC members for final approval by the Board.

All members of the ARC shall have one vote concerning submittals. Decisions by the Committee shall be by majority vote of the members, whether at an ARC meeting or e-mail voting. The presiding member shall sign appropriate documents pertaining to property owner submittals, although three (3) signatures shall be required on any review documents/forms. When discussing and/or voting by e-mail on a project submitted to the ARC, all information or individual member votes concerning the project will be disseminated to all ARC members for review.

Any member of the Board of Directors or the ARC that submits an application or a request for a variance to the ARC concerning their property should declare a conflict of interest and excuse him/herself from voting on the application or variance in question. The conflicted member should not be present if a final vote is taken during an ARC meeting. The submitting member of the Board or ARC shall be allowed to attend and speak at a meeting of the Board or ARC concerning their application or variance request, as are all members of Mogollon Airpark Homeowners Association (HOA) submitting applications or variance requests. Conflict of Interest may also apply to a director/ARC member if the submittal is from a related person. Complete conflict of interest information can be found in the HOA Policy on Board of Director Code of Conduct & Conflict of Interest Policy.

All submittals, changes and responses from the Association to the homeowner **must be in writing**. **No member of the ARC or Mogollon Airpark board member, or any agent thereof**, has the authority to *verbally* approve any project or subsequent request for changes from what was approved.

The ARC is also responsible for reviewing properties on an on-going basis.

#### **Procedure:**

#### **Homeowner Information:**

Homeowners requiring architectural review shall review the latest revision of the Mogollon Airpark Architectural Design Requirement Guidelines for Homeowners.

Once they have reviewed these guidelines, they will complete the application and all appropriate forms and deliver them with any additional materials to the ARC Chairman for approval. Upon approval, the owner will provide additional information, including a copy of the building permit and owner and builder construction deposit checks.

#### **ARC Duties and Responsibilities - Improvements:**

Upon receipt of homeowner information, the ARC will:

1. Verify that a complete submittal with acceptable detailed plans has been received.
  - a. If a submittal is received incomplete, the ARC will notify the owner in writing of the items needed to complete it within thirty (30) days of receipt.
  - b. The ARC will vote on complete submittals within thirty (30) days of receipt.
  - c. The ARC will not start a review, look at plans or consider materials until the submittal, together with all required samples, are received.

- d. Failure of the ARC to reject in writing said plans and specifications within thirty (30) days from the date of submittal receipt should constitute approval of plans and specifications. The process could take longer for complicated situations. If such a case exists, the lot owner will be notified by the ARC within thirty (30) days and the application will be considered incomplete.
2. Verify that the submitted plans comply with governing documents, and once verified meet for a final design approval.
  - a. The homeowner must have the opportunity to attend the final design approval meeting.
  - b. The ARC will complete an HOA Approval Acknowledgement stating that the approved plans, including any approved amendments are in compliance with all rules and regulations in effect at the time of the approval and that the refund of the construction deposits requires that construction be completed in accordance with those approved plans.
3. Obtain the executed documents required to commence the construction process from the property owner.
4. Collect Owner/Builder construction deposits.
5. Perform a pre-construction inspection and review, including the placement of painted footprint and defined boundaries indicated by string of the lot property lines and setback lines.
6. Perform an exterior materials and colors review.
7. Perform a pre-final inspection.
  - a. The association must provide for at least two on-site formal reviews during construction for the purpose of determining compliance with the approved plans. The homeowner shall have the opportunity to attend both formal reviews.
  - b. Within five (5) business days after each formal on-site review, the ARC shall provide a written report to the owner specifying any deficiencies, violations or unapproved variations from the approved plans.
8. Perform a final inspection
  - a. Within thirty (30) business days after the second formal review, the ARC shall provide a written report to the owner specifying any deficiencies, violations or unapproved variations that have come to the Association's attention.
    - i. If the homeowner has not addressed all the deficiencies, violations or unapproved variations within one hundred and eighty (180) days, the Association shall release the construction deposit monies to the Association.
  - b. Prepare and deliver a final certification of compliance to the owner upon final inspection approval.
  - c. Once there are no deficiencies, violations or unapproved variations from the approved plans, the association will promptly refund the construction deposit.
9. Extensions
  - a. If construction is not started within one (1) year of approval, the ARC will notify the owner that the application must be resubmitted.

**ARC Duties and Responsibilities - General:**

1. Prepare and deliver ARC reports to the Committee/Board.
2. Perform any escrow/special inspections requested by title companies or the HOA's property management company.
3. Answer any questions from the homeowners.
4. Update ARC documents with changes.
5. Update materials board as new products are approved.

**ARC Duties and Responsibilities – Lot Inspections**

From time to time, the ARC will also inspect lots for adherence to Architectural Design Guidelines.

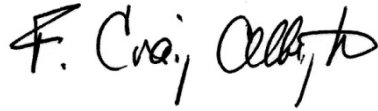
**Cross Reference:**

1. A.R.S. 33-1817 – Declaration amendment; design, architectural committees; review
2. Mogollon Airpark By-Laws
3. Mogollon Airpark Architectural Design Requirement Guidelines for Homeowners
4. Mogollon Airpark Homeowners Association Compliance Policy (for fines)
5. HOA Policy on Board of Director Code of Conduct & Conflict of Interest
6. ARC Charter

**Attachments:**

1. HOA Rejection Acknowledgement
2. HOA Approval Acknowledgement
3. Unit building plans checklists

**Approval:**



HOA President Signature \_\_\_\_\_

Date: 4/20/2019

Motioned & Approved in 04/20/2019 Board Meeting