

The Foothills Clusters Homeowners Association
Architectural Control Policy & Guidelines

Process, Policy, and Guidelines

I. Introduction

The purpose of the Architectural Control Committee is to represent the board of directors in ensuring that properties within our subdivision, their enhancements, and their maintenance, reflect the standards that the majority of the community expects. The committee relies on the CC&Rs and other governing documents, including this board-approved set of Architectural Guidelines, to maintain a reasonable sense of consistency and to minimize items that may be objectionable to most neighbors or may lower property values.

One of the goals of the committee is to assist homeowners in maintaining their properties and in designing upgrades to be in harmony with the homes around them. This does not mean adhering to a 1970s look and, in fact, we encourage creativity and modernization. But it does mean fitting in, in a generally accepted manner.

This is clearly a very subjective area and it is the duty of the board and this committee to make such subjective decisions in a manner that fits the desires of the neighborhood as closely as we can. We cannot codify every single option for every single attribute of a property. Such an attempt would result in a very large document that would still have gaps somewhere. We are left to make judgments, interpretations, and decisions that are reasonable and prudent to the best of our abilities.

Some of the guidelines included here have been part of the tradition of the board for years and have been passed down to newer boards and committees verbally. This document, being formally approved by the board, makes these traditions more tangible and easier to publish to be available to all owners.

It is important to note that the existence of prior violations or exceptions does not mean that such items are acceptable today. Different committees over the years have enforced rules to different extents – some much more restrictive and some much less. The creation of this document is an attempt to encourage consistency over the years and as membership of boards and committees change.

II. Process

- a. Our CC&Rs state explicitly that we must get approval by the board or this committee BEFORE beginning construction or maintenance on our properties (Article V)
 - i. To begin work without written approval is a violation of our CC&Rs and could result in fines and corrective action
- b. Obtain relevant application (request from committee, download from web site, obtain or request a hard copy at a board meeting)
- c. Complete the application and return it to this committee with supporting documents, color and material samples, etc

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- i. We require that you present your project to surrounding neighbors to make them aware of the project
- ii. This apprises them that construction will take place and gives them the opportunity to raise concerns with this committee or the board
 - 1. Neighbors DO NOT have the power to approve or disapprove – this is for their edification only
- d. Building permits – If Pima County requires a permit for the type of project under consideration, we must see verification of an approved permit
- e. Committee reviews the application and contacts the applicant if more information is needed
 - i. Committee may meet with applicant on site
- f. Committee decides outcome or, in some cases, presents the case to the full board for approval/disapproval at the next regularly scheduled HOA board meeting
 - i. If the board or committee fails to approve or disapprove the application within 30 days of receiving a complete application, then the application is considered legally approved
 - ii. It is possible for the committee to disapprove an application temporarily under extenuating circumstances where more time is required
- g. Committee notifies applicant of the outcome
- h. If approved, applicant begins the project
- i. On project completion, the committee may inspect the completed work on site to ensure all aspects match their description in the application
- j. Committee places a letter of completion in the hard file system for that property
- k. In the event that construction and/or modifications take place without an approved application, the committee places a letter of non-compliance in the hard file system for that property. Such letter will be reported to a title company during any future title transfer and will likely delay or prevent the transfer of title
 - i. The board may, at its discretion, assess fines for a property with such a violation
- l. In order to respond in a timely manner to potential violations that may have been initiated without board or committee approval, the committee schedules periodic inspections of the neighborhood
 - i. Committee members travel through the neighborhood to recognize new construction or maintenance projects
 - ii. This helps ensure fair and equal enforcement throughout the neighborhood, with no increased emphasis on more visible homes, such as corner lots or those close to Evans Mountain Rd
 - iii. This practice has been requested by several neighbors over the years to ensure such fairness

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- III. Projects needing architectural review (this is a guideline only and is not exhaustive)
- a. Reference CC&Rs, Article V and Article VII, Section 10, 11, and 12
 - b. All construction or modification that is visible from outside the house
 - i. Re-roofing
 - ii. Roof changes
 - iii. Additions, buildings, covered patios, carports, etc
 - iv. Walls and fences, front or back
 - v. Driveway recoating, replacing with new material, increasing size
 - vi. Painting exterior of home, out buildings, garage door, etc. The committee's goal should be to avoid extremes of color that significantly bother neighbors – this is not to be a means for dictating taste. Few things are more subjective than color choice and we find that neighbor involvement early in the process is often very helpful.
 - vii. Swimming pool addition or maintenance (e.g. replacing gunite)
 - c. Not needing review
 - i. Replacing window, same size
 - ii. Replacing external door(s) of same size
- IV. Patio Walls and fences
- a. CC&Rs use the term "Patio Walls" to refer to all walls and fences on a property, excluding walls that act as the side of an enclosed structure
 - b. Street-facing walls
 - i. Facing any street, including all cul-de-sacs, Evans Mountain Rd, or Ventana Canyon
 - ii. Material must be same as main house – almost always slump block
 - iii. Color must match the main house color as closely as possible
 - iv. Exceptions
 - 1. There may be cases where the board will approve other materials, such as matching stucco along with the original slump block
 - c. Non-street-facing walls and fences
 - i. No chain-link fencing or similar
 - ii. No ranch fencing, wire fencing, chicken wire, barbed wire, or similar
 - iii. Allowed, based on specifics for proposed project
 - 1. Slump block to match house
 - 2. Stucco-covered block in some cases – must be approved by the committee
 - 3. Wood in some situations
 - 4. Wrought iron
 - a. Adhere to County standards for spacing of bars
 - 5. Smooth cement block ("Royce Type" of blocks)

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- a. May be approved in some cases, but is not pro forma

V. Structure additions or modifications

- a. Same or matching material and color as house
- b. Style and architecture compatible with existing house and surrounding neighborhood
- c. No significant negative impact to neighbors (e.g. window imposing on privacy)
 - i. Note that we may try to mitigate blockage of neighbors' views of mountains or city, but we cannot protect such views
- d. No "temporary" structures in front - parking shade, etc.

VI. Driveways

- a. All changes in size or location of driveways must be approved by the committee
- b. Standard allowable materials:
 - i. Asphalt
 - ii. Concrete
 - iii. Pavers
- c. Allowed in some cases:
 - i. Gravel
 - ii. Decomposed granite
- d. Not allowed
 - i. Dirt
 - ii. Gravel with a likelihood of washing into the street during heavy rains

VII. Roofs

- a. White or near-white roofs are not allowed in our neighborhood per our CC&Rs
 - i. The presence of exceptions in the Clusters does NOT imply an approved exemption
 - ii. All white or near-white roofs are illegal and the board will address them
- b. Roof replacements (whether with the same material as existing or changing materials) must be approved by the committee
- c. Color and materials of roof must be approved by the committee
- d. Most of the time, roof replacements and re-coatings are handled very quickly by the Committee, but experience has shown the importance of near-neighbor notification
- e. Solar installations must be reviewed and approved by the committee
 - i. State law limits the control an HOA has over solar installations, but there are some aspects under the HOA purview, and all solar projects must be reviewed and approved by the committee
- f. Roof decks
 - i. Roof decks could be approved in some situations, depending on the specific setting and details

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- ii. Roof decks must be safe and unobtrusive
- iii. Any construction on a roof, whether infrastructure, stairs, railings, etc, requires a permit from Pima County Building and Site Development Division

DATED this ___ day of _____, 2016.

THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION
an Arizona non-profit corporation

By: _____
President

ATTEST:

Secretary