

## MOUNTAIN SPRINGS HOME OWNERS ASSOCIATION

### RESOLUTION OF MOUNTAIN SPRINGS RANCH HOME OWNERS ASSOCIATION ADOPTING A POLICY AND PROCEDURES CONCERNING THE CONSTRUCTION OF BUILDINGS ON MEMBER'S LOTS

**SUBJECT:** Adoption of a policy establishing a uniform and systematic procedure concerning the construction of buildings within Mountain Springs Ranch.

**PURPOSE:** to clarify historical and existing policies and procedures regarding the building of structures within MSR. This document is based upon the language in the Revised Covenants (2011) ARTICLE IV, the document titled "AC Procedures created on 10/6/04, the document entitled "AC check list" created on 10/6/04 and the MSR policy entitled "construction cash accounts" created April 10, 2010. Be it known that the Architectural Committee (AC) is the same as the Board of Trustees (BOT).

**PROCEDURES:** Please also review Article IV and Article VI of the Protective Covenants

1) PRIOR to beginning any construction, the applicant shall submit to the Architectural Committee:

- Written descriptions for each member of the committee of the proposed project as appropriate
- Copies of the **site plan** for each of the 7 members. The submission shall include position of the structure on the site showing distances from existing roads; drawings including house plans; and proposed alterations in vegetation and/or landscaping on the lot;
- Two (2) copies for the committee of the **blueprints/specific technical drawings** for the building(s), including elevations, colors, materials (see: ARTICLE IV.4 of the Protective Covenants for Mountain Springs Ranch)
  - Copies of notifications sent and date of mailing to all adjacent lot owners (Names and mailing addresses of adjacent lot owners can be obtained by contacting the Architectural Committee of the MSRHOA BOT.
  - Notification shall mean a written description of the proposed plan, including siting of proposed building on the lot and elevations of the proposed structure.
  - Verification of notification in the form of receipts from certified mail or email with the AC/BOT cc'd, is a requirement of the Architectural Committee.
  - Neighbor's comments or concerns regarding these proposed plans need to be returned to the BOT within 2 weeks of notification.

2) The Architectural Committee shall convene for review and action on the proposal and render a decision within 60 days of receipts of the documents in paragraph 1.

3) At the meeting of the Architectural Committee, the committee shall first determine if the proposed project requires a variance.

4) If no variance is required, the Architectural Committee shall establish a time for an on-site review, if the initial committee meeting is not held on-site.

5) If no variance is required, the Architectural Committee may require the lot owner to erect poles, posts or other structures on the lot to determine if the height of the proposed structure.

6) If no variance is required, the Architectural Committee shall render a decision, inform the owner, in writing, of the decision and record the documents as provided in the covenants. (IV.2; IV.8)

In the event the Architectural Committee does not act within 60 days of receiving the complete plans, the project shall be deemed approved. (IV.2)

7) Variances, if deemed necessary by the Architectural Committee, (see paragraph 3 above) require approval of 2/3 of the Architectural Committee, and,

- the variance is not allowed until 30 days following the time the Architectural Committee mails a notice of the variance to all members of the MSRHOA, and,
- in the event any three (3) members of the MSRHOA notify the Architectural Committee in writing of their objection to the variance within the 30 days, the variance shall require approval of 2/3 of the members of the MSRHOA at a special meeting or the annual meeting.
  - Reference covenant article IV.3

8) A deposit of \$5000 per home will be collected by the HOA and held in a separate interest earning account. Upon certification of the completion of any such work in accordance to the covenants and policies of the HOA, the account shall be refunded to the Member less deductions by the Architectural Committee as permitted in the policy entitled “Policy concerning construction cash accounts”

#### CHECK LIST

- \_\_\_\_\_Copies of site plans (including building location on site) and written description for each member of the Architectural Committee (this can be emailed to the AC at [MSRHOABOT@gmail.com](mailto:MSRHOABOT@gmail.com))
- \_\_\_\_\_Two (2) copies of blueprints/specific technical drawings and descriptions for the committee.
- \_\_\_\_\_Notification of all adjacent lot owners. (Names and addresses of adjacent lot owners can be obtained by contacting the Architectural Committee or the president of the MSRHOA.
- Notification shall mean a written description of the proposed plan, including siting of proposed building on the lot and elevations of the proposed structure. Verification of notification is a requirement of the Architectural Committee. Verification may be in the form of receipts from certified mail or confirmation of receipt of email with the AC/BOT ([MSRHOABOT@gmail.com](mailto:MSRHOABOT@gmail.com)) cc'd on email.

Below is a sample cover sheet for mailing to adjacent lot owners.

As owner(s) of Lot \_\_\_\_\_ of Mountain Springs Ranch, I/we are submitting the following building plans to the Architectural Committee of MSR. If you have comments regarding these proposed plans, you are invited to return comments, within the next 2 weeks, to:  
Architectural Committee, Mountain Springs Ranch Homeowners Association,  
P.O. Box 342, Glenwood Springs, CO 81602

OR email [MSRHOABOT@gmail.com](mailto:MSRHOABOT@gmail.com)

**CERTIFICATION:** The undersigned, being a member of the Board of Trustees of the Mountain Springs Ranch Home Owners Association, a Colorado nonprofit corporation, and being unanimously authorized by the Board of Trustees of the Association to do so, hereby certifies that the foregoing Resolution was unanimously adopted by the Board of Trustees at a duly called and held special meeting of the Board of Trustees and, in witness thereof, the undersigned has subscribed his name

**MOUNTAIN SPRINGS RANCH HOME OWNERS ASSOCIATION,  
A Colorado nonprofit corporation**

By:   
Carrie Clark, Board Chair

**4-29-21**

Date adopted: