Cross Mountain Ranch Homeowners Association, Inc
Policy for Procedures & Guidelines
for Architectural Review and Deed Restriction Committees

This policy is intended to provide clarity and guidance for the activities and procedures of the Architectural Review Committee and Deed Restriction Committee, established in the **Third Amended and Restated Covenants, Conditions and Restrictions** (CC&Rs) for the Cross Mountain Ranch Homeowners Association, Inc. (CMR).

Architectural Review Committee (ARC)

1. The ARC is an all-volunteer committee whose members and a committee chair are appointed by the Board of Directors.
2. ARC members are required by the CC&Rs and Bylaws to be a CMR homeowner and have their primary residence in Cross Mountain Ranch; Texas law prohibits current board members, a current board member's spouse, or a person residing in a current board member's household from serving on the ARC.
3. Each member of the ARC is expected to become familiar with the architectural restrictions and requirements in the CC&Rs, Article 3. Committee members should also be familiar with the ARC Guidelines and Forms for requesting ARC approval and Variances.
4. The ARC is charged with reviewing all requests for improvements in CMR, and approving or denying the request based on compliance of the request with the architectural restrictions and requirements as specified in the CC&Rs.
    a. In order to maintain consistent recordkeeping, all ARC Requests will be submitted through the Administrator or HOA manager in electronic format to the ARC, and notification of approval/denial to the homeowner will be through the Administrator or HOA manager in writing via email. The Board of Directors will also be notified of ARC decisions before or at the same time the requesting homeowner is notified.
    b. Communication between ARC members and homeowners in regard to any ARC request or guidelines must be done with the knowledge and consent of the committee, and not undertaken by any individual committee member on their own. Any communication regarding ARC approval or denial between a homeowner and any individual member of a committee is not official or binding until the ARC request and supporting documents are filed with the HOA. Approvals or denials must be sent in writing through the CMR administrator, and may not be given verbally by any committee member.
    c. When an ARC request is denied, Texas Law requires that a written notice of the denial must be provided to the property owner by certified mail, hand delivery, or electronic delivery. The notice must describe the basis for denial “in reasonable detail” (with reference to the relevant section in the CC&Rs), and the changes, if any, that would be required as a condition of approval. The notice must also inform the property owner that they may request a hearing on or before the 30th day after the notice was mailed.
5. In most cases, ARC review and committee communications can all be done electronically through email or text, and rarely requires any on site visit or in-person meetings. The committee chair has discretion over the manner of communication and review procedures.
6. All members of the committee are expected to participate in every request review, and under only unusual circumstances should an ARC member recuse themselves or fail to participate in a discussion or vote on a particular request. An ARC member who fails to participate in a review or vote on two consecutive, unrelated requests without notification or reason may be replaced by the Board of Directors.
7. The ARC chair is expected to attend board meetings to report on activities of the committee. A designated committee member may report for the committee in the chair's absence.

Variances

1. A variance from any architectural restriction or requirement specified in the CC&Rs may be granted only if requested in writing by the homeowner, and reviewed and approved by the Deed Restriction Committee in consultation with the ARC. Any ARC Request that may require a variance may not be approved until or unless a written request for a variance is submitted.

2. Variances from setback requirements and building size limitations should be rare, and only for the unique characteristics of the lot, and limited in scope to the single request (a blanket variance should not be granted except in very unusual circumstances). Before a setback variance can be granted, the request must include a survey of the lot showing easements, and both committees must consider the location and affect on any utility or drainage easements.
3. Approval by the "combined Architectural Review and Deed Restriction Committees" is understood to require a majority vote in each committee to approve.
4. When a variance is approved or denied by the "combined Architectural Review and Deed Restriction Committees", the Board of Directors must be notified before final notice is given to the homeowner.

Deed Restriction Committee (DRC)

1. The DRC is an all-volunteer committee whose members and a committee chair are appointed by the Board of Directors.
2. DRC members are required by the CC&Rs and Bylaws to be a CMR homeowner and have their primary residence in Cross Mountain Ranch.
3. Each member of the DRC is expected to become familiar with the deed restrictions and requirements in the CC&Rs, Articles 2 & 3. DRC members should also be familiar with the Policy on Deed Restriction Violations, Fees and Fines.
4. The DRC is not a police force, and does not, and is not expected to, regularly cruise the neighborhood looking for violations. Homeowners may report potential violations to the Committee for investigation by submitting the Deed Restriction Violation Report Form.
5. The DRC is charged with investigating all reports of Deed Restriction violations in CMR, having notices of violations sent to homeowners by the committee chair through the Executive Administrator or manager as necessary, and recommending further enforcement actions to the Board of Directors.
    a. Communication between DRC members and homeowners, whether those who initiate a complaint or those who are the subject of a complaint, must be done with the knowledge and consent of the committee, and not undertaken by any individual committee member on their own. All communications should be professional in manner, in reference to the Deed Restrictions only, without discrimination on any personal basis.
6. The DRC is also charged with reviewing all ARC requests for a variance from architectural restrictions, and in consultation with the ARC, approve or deny the request for a variance.
7. In many cases, DRC review and committee communications can be done electronically through email or text, though most investigations require at least one committee member to personally observe a violation on-site and report to the committee. The committee chair has discretion over the manner of communication and investigation procedures.
8. All members of the committee are expected to participate in every discussion and vote taken for action by the committee, and under only unusual circumstances should a DRC member recuse themselves or fail to participate in a discussion or vote on a particular violation. A DRC member who fails to participate in a discussion or vote on two consecutive, unrelated violations without notification or reason may be replaced by the Board of Directors.
8. The DRC chair is expected to attend board meetings to report on activities of the committee. A designated committee member may report for the committee in the chair's absence.

Waivers

1. A temporary waiver from any non-architectural Deed Restriction may be requested in writing by a homeowner, sent through the office of the Executive Administrator or manager to the DRC for consideration. The most common waiver pertains to vehicle parking and location of RVs and trailers on a temporary basis, and must include start and ending dates for the waiver.

Passed and adopted as a Resolution at a duly noticed meeting of the Board of directors on April 22, 2023.
Amended by the Board of Directors at a duly noticed meeting of the Board of Directors on November 4, 2023.