

Appeal of Architectural Committee Determination, 2020-3

At the 2020 annual meeting of the Bear Creek Land Owner's Association, the membership approved an amendment providing for appeal to the Board of Directors of an Architectural Committee determination. In recognition of the fact that an appeal may be made before the board has approved a formal policy for appeals, the following procedure will be used on an interim basis.

1. The board will hear the appeal at the next open board meeting. It is strongly recommended that the member asking for appeal is present at the meeting to answer questions that a board member may have.
2. The appeal request must be in the form of an email to the board president. It must identify and discuss which of the determinations of the Architectural Committee or the conditions of approval are being appealed and must contain specific information in support of a reversal, including the identification of any provision of the declaration of covenants or of the architectural standards which the member believes has been violated.
3. The member has 30 days from the date of the notice of the Architectural Committee determination to file a written request with the board of directors for an appeal of the Architectural Committee's determination. Failure to do so within 30 days will extinguish all rights of appeal.
4. If an appeal is filed by a member other than the project applicant, the Architectural Committee's determination of the project shall be placed on hold until the board reviews the appeal and issues a finding.
5. The board may review all findings of fact, reports, and materials submitted by any party regarding the application. The board may, at its discretion, seek further information through formal or informal discussions with the Architectural Committee, the member requesting appeal, or any other party. The board may consider all aspects of the application, not just the issue raised in the appeal. In making a finding, the board will normally do one of the following: 1) Uphold the determination of the Architectural Committee and require enforcement of the conditions of approval; or 2) Overturn the determination of the Architectural Committee and a) impose different conditions of

BEAR CREEK LAND OWNERS' ASSOCIATION



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approval; b) return the application to the Architectural Committee for further consideration; or c) deny the approval of the application in its present form.

6. At the board meeting, the member filing the appeal may make a presentation of the member's position. This presentation shall be limited to 15 minutes.

The board's decision shall be in writing and will be rendered within 30 days of the date of the meeting of the board of directors at which the appeal was reviewed.

SECRETARY'S CERTIFICATION: The undersigned, Secretary of Bear Creek Land Owners Association, a Colorado non-profit corporation, certifies the foregoing Policy Resolution was adopted by the Board of Directors of the Association pursuant to the Board's Policy for Action Taken Outside a Board Meeting (2011-#11-2, Revised 2017), on October 17, 2020. In witness thereof, the undersigned has subscribed his/her name.

Bear Creek Land Owners Association, Inc.

Don Maxwell, Secretary