

ROLLING CREEK RANCH HOMEOWNER GUIDE

Last Updated: November 2021

RCR Board of Directors



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WELCOME FROM THE BOARD

Welcome to Rolling Creek Ranch!

As a Board, we encourage and support an Association of neighbors who voluntarily works together to increase property values and promotes the spirit of respect, caring, community, family, and friends.

Our mission is to enhance our quality of life by maintaining and building a strong, beautiful community by upholding our Declaration and Bylaws, while also finding a balance between personal liberties and administrative structure.

It is important to note, that this country-based community where four-wheelers and dirt bikes are welcome. Residents enjoy community time together listening to bands and drinking cold beverages at the common area. This community does not harass or belittle one another; but instead lends a helpful hand or works together toward resolutions.

Over the past year, we have been tackling the administrative, technical and legal issues that plague a new community. As of today, we have a lawfully functioning association, website, transparent financials, rules, and enforcement. We have been proactively addressing resident concerns and making changes based on community feedback.

Please read this manual in its entirety! If you currently live here, plan to build a home, are an investor, or are a potential buyer, please read through all the details of our community. The community will not bend to one homeowner's opinion, so please make sure this is where you want to be.

The next few years, even with their challenges, will be even more successful. The Board has completed a financial reserve study, will (hopefully) be upgrading the common areas, and will be continuing to work on the environmental and maintenance issues. As always, our intent is to include the community every step of the way, whether it be through virtual correspondence, polls, commenting periods or other meeting forms. We are committed to continuing to create the vision for the community and proactively engaging our amazing neighbors.

Sarah Goodman- President
Derrick Boyd- Vice President
Kyle Strongin- Vice President
James (Jim) Butler - Secretary
Renee Walker- Treasurer

HISTORY OF ROLLING CREEK RANCH

Rolling Creek Ranch Inc. was developed in 2016 by National Land Partners LLC. Documents were filed with Hood County in 2016, construction began in 2017 and National Land Partners transferred community control to the Rolling Creek Ranch Board of Directors in 2019.

RCR is a gated community in Granbury, Texas, about 45 minutes from Fort Worth and about 10 minutes from downtown shopping, golf, medical facilities, and the lake. The upscale, master-planned community offers original and custom-built homes perfect for residents of all ages. It's located in the Acton school district and offers several price ranges from luxurious estates to mid-priced single-family homes.

One of the fastest growing new home communities in Granbury Texas, home sizes for Rolling Creek Ranch start at about 1800 ft.² to over 5000 ft.². RCR consists of three, complete and adjoining phases. Some lots are still available for purchase from individual builders or personal owners making Rolling Creek Ranch one of the best opportunities to build a custom home. Rolling Creek Ranch offers a beautiful, large oak trees, spacious homesites, and stocked fishing pond.

It is important to note that Rolling Creek Ranch is not located within city limits. Therefore, city codes and taxes do not apply. The Association is responsible for the upkeep and maintenance of six (6) miles of private roads and gate system.

As of August 2021, there are 287 billable lots (lots that collect dues) in Rolling Creek Ranch. There are multiple established homesites, some homes under construction, and vacant lots.

SERVICE PROVIDERS

Gate remotes

If you would like a gate remote, please pay for the remote and shipping and handling cost of \$65.00. Once you receive your email confirmation of your \$65.00 payment, please email the confirmation receipt to customerservice@propertymanagementgroup.org and a remote will be mailed to the address on the account.

Trash Pickup

- Republic Services 682-444-1446 (John Sloan)
 - \$20/MONTH charge has been negotiated for Rolling Creek Ranch Residents
- Frontier Waste Solutions: 254-221-2117 or buptmor@frontierwaste.com
- Recyclops: Recycling <https://recyclops.com/locations/texas/hood/granbury/>

USPO Mail Service

Call 817-910-2552 after your mailbox is installed to activate mail service

Electrical Service

United Cooperative Services 817-326-3088 or 817-326-5232

Water

Acton Municipal Utility District (AMUD) 817-326-4720

Sewer

Individual septic

- Ledford Services 817-596-9729

Internet

- Windstream (859-357-6023 or timothy.kemp@windstream.com) offers up to 1 gigabyte service in all locations in the community
- Spectrum 888-438-2427 is ONLY available in Phase 1

TV

TV is available from Dish, Direct TV, or Spectrum (Phase 1). Your internet provider may also have TV packages available.

Management Company

Property Management Group LLC- Dawn Kelly
10340 Alta Vista Rd #C
Fort Worth, TX 76244
817-337-1221

Website:

RollingCreekRanch.org

Homeowner Recommended Contractor List

Dirt Work

3L Construction
817-573-3701

Blakley Construction
940-452-4612

Landscaping

PJs Lawn Service
817-714-4270

MDM
817-944-4883

GrassEaters
817-249-1070

Felipe
682-936-9036

Car Repair

Ron Cullers

TDs Transmission
817-279-9494

Handyman

Diaz Does it Right
817-319-4712

Sonny
817-894-2867

Fencing

JZ Welding
817-729-3312

Aaron Iron Works
817-731-9281

All Around Fencing
979-777-3602

Rodger Home
817-680-5746

House Cleaners

Sean Goldberg

The Maids
817-244-6243

Pest Control

Best Pest Control
817-695-7766

TNT Pest Control
817-558-1100

Safeguard
817-233-9445

Alpha/Omega
817-426-4445

Pool

Custom Design Pools
817-279-1234

Pulliam Pools
817-613-1910

Pool Service
817-739-7858

Celebrity Pools
817-366-0790

Dentist

Houston Tuel
817-573-2622

Berry and Berry
817-326-4098

Pearl Street Dentist
817-579-7297

Concrete Work

M. Ortiz
817-889-7519

Veterinarian

Acton Animal Hospital
817-326-3400

Pet Hospital
817-573-5003

Pet Boarding

Mid-Town Pet Boarding
817-579-5512

BEING NEIGHORLY

Moving into a new community comes with new challenges and questions. Your Association is here to assist where applicable, per the recorded declaration. Some challenges affecting an individual property, may not be able to be taken care of through your Association and may require working with neighbors/builders one on one. To ensure your interaction is productive, we have provided guidance to help you as a homeowner work together with your neighbor to bring resolution.

Getting involved in a neighbor concern/ dispute cannot only lead to a sore relationship, but it can also burden a potential positive relationship. As an Association member, it is important to understand the standards and rules behind neighborly etiquette. As the saying goes, “Love thy neighbor- do unto others as you would have them do unto you.”

1. **Take a calm, tactful, non-confrontational approach:** “Karen, I have noticed that after you go to work, your dog’s sometimes get through the fence and come into my yard.” “Sam, for the past couple of weeks your recycling has blown around the neighborhood. Bungee cords solved that problem for me. “Tone is important.
2. **Spend less time explaining why something is a problem for you and more time asking for what is needed.** Letting someone know once, and briefly, how their actions affect you is fair. But after that your time and energy will be better spent on solving the problem than continuing to explain its impact on you: “Jim, when it rains, a small river forms between us and ends up in my pool. Would you mind walking the area to see how we can fix this issue?”
3. **Write a courteous note if you cannot catch the person.** Avoid any language that could be construed as insulting or threatening. Sometimes, your neighbor may not honestly know there is a problem.’
4. **Contact your management company, if appropriate.** If your one-on-one conversation did not begin the mending process, a letter from a higher authority may be necessary. If there is a true violation of the covenants, reaching out to the POA at this point may be necessary to format a letter reminding an owner of their responsibility. Some issues may need to be sent to county officials: barking dogs, septic concerns, etc. should be forwarded to your local official.
5. **Follow the Golden Rule- Be the neighbor you would like to have.** Step outside to see if you hear your music/ TV when it’s at its loudest. Don’t mow the lawn at the crack of dawn. Introduce yourself to your neighbors before there is a problem. Work together and communicate! Make the best of the community you call home!

WHAT IS THE ROLE OF THE PROPERTY OWNERS' ASSOCIATION?

The overall purpose of the Board of Directors and the Association is to run the business. This includes tasks like making contracts, upkeep of the common areas, managing the financial business, and help coordinate between builders, committees and residents.

In addition to the business side, the other important function is to ensure residents follow the rules as outlined in the governing documents.

WHAT DOES THE ASSOCIATION NOT DO?

The Association, Board of Directors, Committees, and Management Company do NOT get involved with personal disputes between neighbors, the developer, personal builders, or any other personal/legal matter.

MEETINGS

The Association is required to only have ONE Open meeting per annual year. Per the RCR Bylaws, this meeting is to be held the first Tuesday in October. ¹

Open Meetings

According to TX Prop Code 209.0051, Open Board meetings are defined as “means a deliberation between a quorum of the voting board of the property owners' association, or between a quorum of the voting board and another person, during which property owners' association business is considered and the board **takes formal action**.” This is the type of format in which formal decisions are made and voted on. As of June 2021, no open Boards or formal decisions have been made.

Executive Meetings

Executive meetings are defined as, “session closed to the public during which only the Board of Directors and such select persons invited by the Board of Directors are present” ² (p. 215). The redacted summary of executive sessions will be provided for the official open board minutes for community review. There is NO ACTION taken in executive sessions. This is for discussion only. Furthermore, because Executive Sessions typically deal with matters related to personal property, legal matters and sensitive subjects, “Roberts Rules of Order provides that anyone permitted to be in attendance at an Executive Session be honor-bound not to divulge anything

¹ Bylaws Section 4.3 Annual Meeting: A meeting of the Association shall be held at least once each year. The Annual Meeting of the Association shall be held on the first Tuesday in October of each year at 7:00 p.m., Central Standard Time, if not a legal holiday.

² Cagle, G. S. (2020). *Texas Homeowners Association Law: the Essential Legal Guide for Texas Homeowners associations and homeowners*. Maitland, FL: Two Harbors Press.

that occurred”³ (p. 216). To ensure this, RCR requires any Board member, Officer or, committee member to sign a non-disclosure agreement, to ensure the privacy of our residents. Minutes of Executive Meetings will be approved in Open Board. ⁴

Executive Actions

Texas Bus. Org. Code 6.201(b)⁵ allows HOAs “to take actions without holding a meeting, providing notice, or even taking a vote if 100% of the Directors sign a written consent agreeing to this action.” (p. 233). Furthermore, “an emailed consent by a Director... is considered to be a signed writing...” (p.237)

The Board, (in previous years) has used an electronic voting module to execute actions provided for in Section 5.15 of the Bylaws⁶. The Board, has not, and is not permitted to vote on the fifteen (15) protected actions in anything other than open board. However, no actions have been taken in 2021. Powers of the Board are thoroughly outlined in Section 5.17 of the Bylaws.

Online Meetings

Online Meetings are acceptable as long as they follow the provisions in TX Prop Code 209.0051 (c-2)⁷ :

A board meeting may be held by electronic or telephonic means provided that:

- (1) each board member may hear and be heard by every other board member;
- (2) except for any portion of the meeting conducted in executive session:
 - (A) all owners in attendance at the meeting may hear all board members; and
 - (B) owners are allowed to listen using any electronic or telephonic communication method used or expected to be used by a board member to participate; and
- (3) the notice of the meeting includes instructions for owners to access any communication method required to be accessible under Subdivision (2)(B).

³ Cagle, G. S. (2020). *Texas Homeowners Association Law: the Essential Legal Guide for Texas Homeowners associations and homeowners*. Maitland, FL: Two Harbors Press.

⁴ Bylaws 5.14 (c) Executive Session: The Board Directors may adjourn a meeting and reconvene in executive session to discuss and vote upon such matters as authorized by Section 209.0051(c), Texas Property Code or any applicable state law. An oral summary of any decision made in executive session shall be made and placed in the minutes in compliance with Section 209.0051(c), Texas Property Code or any applicable state law.

⁵ Texas Bus. Org. Code 6.201(b)

⁶ Section 5.15 Action Without Meeting: The Board Members shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the Board Members. Any action so approved shall have the same effect as though taken at a meeting of the Board. Said written approval shall be filed with the minutes of the proceedings of the Board, whether done before or after the action so taken.

⁷ TX Prop Code 209.0051 (c-2)

DECLARATION AND BYLAWS

WHAT ARE GOVERNING DOCUMENTS?

Governing documents for Rolling Creek Ranch are the Declaration (CCRs), Bylaws, and Association Rules.

WHAT'S THE DIFFERENCE BETWEEN THE DECLARATION, BYLAWS AND RULES?

The Declaration “constitutes a private contractual agreement between the owners of all properties subject to such Declaration that each such owner is bound and obligated to comply with.” The Bylaws “are the rules adopted by a nonprofit corporation to provide for its management and administration”. Rules “include any guidelines, rules and policies the Association adopts under the authority granted to it by the Declaration”.⁸

WHAT ARE GUIDELINES?

“The Architectural Guidelines generally consist of a written document that sets forth the various standards relating to building materials and construction specifications for Improvements placed or constructed upon any Lot or Unit, and they are intended to serve as a guideline as to what the Architectural Committee has already determined what is in compliance with the applicable Restrictive Covenants and is harmonious with the community’s architecture and appearance.”⁹

WHAT IS THE STRUCTURE FOR RCR?

The Declaration was written by the Developer and has not been changed (other than the mandatory state updates in 2012 and the Accessory Building Addendum). In order to add, update or change the Declaration, the community must vote and have 67% of residents agree to the change.

The Bylaws were originally drafted by the Developer but were changed by the initial Board in June 2020. In Section 8.3 of the Bylaws¹⁰, a Vote of the Quorum of homeowners (30%) must be obtained before Bylaws can be amended.

Per Section 5.17 of the Bylaws¹¹, the Board only has the authority to make rules for the Common Areas. This includes: gates, roads, etc. **Private property is not subject to rules without the vote of the community.**

⁸ Cagle, G. S. (2020). *Texas Homeowners Association Law: the Essential Legal Guide for Texas Homeowners associations and homeowners*. Maitland, FL: Two Harbors Press.

⁹ Cagle, G. S. (2020). *Texas Homeowners Association Law: the Essential Legal Guide for Texas Homeowners associations and homeowners*. Maitland, FL: Two Harbors Press.

¹⁰ Bylaws Section 8.3

¹¹ Bylaws Section 5.17

Full copies of these documents are available:

- Declaration: http://rollingcreekranch.org/rollingcreek/document_view.asp?id=9
- Accessory Building Addendum:
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=11
- Bylaws: http://rollingcreekranch.org/rollingcreek/document_view.asp?id=106
- Common Area Rules:
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=105
- 2012 Updates: http://rollingcreekranch.org/rollingcreek/document_view.asp?id=36

Resolutions for administrative purposes are also passed by the Board in compliance with the Texas 209 Property Code:

- Copy Charges: http://rollingcreekranch.org/rollingcreek/document_view.asp?id=13
- Records and retention policy:
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=14
- Assessment Compliance:
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=15
- Fining and Compliance Policy:
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=29

To request official copies of financial records, minutes or any other documentation, please follow the outline provided.

GATES

RCR was developed as a gated community with private roads. There are three functioning gates, two at the Lusk Branch entrance and one at the Matlock entrance. Gate open hours are Monday-Saturday 6:30am to 6:00pm.

Why are the gates open during the day?

The gates are currently open during the day to minimize the number of “pulls” on the motors. Motor replacement is extremely expensive and since there is still extensive construction in RCR, the Board voted to leave the gates open during work, construction, and school hours to minimize costs.

Does having the gates open reduce security?

No. The gates are a deterrent in RCR, but not secure. We advise basic home security measures like locking doors, alarm systems and security cameras.

Can the gates be removed? Could the roads be maintained by Hood County?

If the Association chose, the roads could be made into public roads. In order to accomplish this:

- Hood County would have to agree to take the roads in legislative session
- The project would have to be budgeted and funded by Hood County
- All culverts would be required to have a minimum 18” diameter
- Roads must be in acceptable repair
- The entire front gate entrance (and water feature) would be dismantled

FINANCES

HISTORY

The community was turned over by the developer to the community in October 2019. The Board/Finance committee worked with the management company at that time, TX-POA, to organize and create a skeleton budget based on limited financial data.

- In 2019, the Board received financials from TX-POA and tried to balance-however unable to do that due to the way they handled financials
 - Paid 2019 year-end taxes and caught up on late utilities
 - Removed cash out of First United bank and opened account with Alliance Bank
- First United still open with limited funds as we prepare to close and move funds to a different account
- Went through boxes provided by TX POA that included emails, lot financials and ACC documentation
- Separated all utility accounts and provided information to new management company for all future payments (accounts changed names many times)
- Provided 12- month bank statements to new management company for 2020 tax preparation

In March 2020, TX-POAs contract was terminated by the Board due to failure to provide adequate documentation and financial records. Official correspondence can be located [here](#).

In order to be in compliance with the Bylaws¹², the Board passed preliminary budgets in 2020 and 2021 until financial data could be compiled.

In 2020, RCR consulted with Reserve Advisors (<https://www.reserveadvisors.com>) to complete a 30 year financial reserve study for the community. Results of the study will be released to the community July 2021.

- Year 2020 ending reserves are projected by Management as of December 31, 2020; FY2020 starts January 1, 2020 and ends December 31, 2020.
- 2022 is the first year of recommended contributions.
- 0.9% is the estimated annual rate of return on invested reserves
- Accumulated year 2050 ending reserves consider the need to fund for all of the subsequent mill and overlay of the asphalt pavement shortly after 2050, and the age, size, overall condition and complexity of the property.
- 2% inflation rate is applied and compounded annually

A copy of the reserve study is available here:

http://rollingcreekcranch.org/rollingcreek/document_view.asp?id=156

¹² Bylaws Section 2.3 Annual Budget: An annual budget shall be created by the Board and approved in Open Forum. An annual report of the receipts and expenditures of the Association, if any, together with a statement of assets and liabilities of the maintenance fund, if any, shall be rendered by the Board of Directors. Upon approval, information shall be posted to the community website. Copies shall be made available to any Member upon request, per Inspection and Copying Policy. At any time, any Member, at his own expense, may cause an audit or inspection to be made of the books and records of the Association.

Bylaws Section 2.4 Reserve Funds: Retained earnings will be deposited into the reserve fund as approved at the end of a fiscal year. Reserve fund spending equal to 10 percent or more of the established fiscal budget requires a Vote of a Quorum.

ARCHITECTURAL CONTROL (ACC)

MAIN DOCUMENTS FOR BUILDING IN RCR

[Texas Minimum Standard](#)

[Hood County Building Standard](#)

[Builder Code of Conduct](#)

ACC PROCESS AND PROCEDURE

1. Go to the Community website and download ACC forms.

[New Build Form](#)

[Improvement Form](#)

Download a copy of the correct form from the Rolling Creek Ranch website. Once you login, you will see a “Documents” section on the right, simply click on ACC Form to access the form.

You will need to include the application fee and any information required for your specific project. All applications require the improvement to be shown on a plat map to guarantee all applicable CCRs are followed. You may also need to include things such as color samples, or design drawings for items like shingles for a garage or layout of a pool.

2. Submit to the Management Company at DKelly@propertymanagementgroup.org or CustomerService@propertymanagementgroup.org for a completion check.

Once you have all required items, please send your application packet to Dawn or Customer Service at Property Management Group. The packet will be reviewed for basic details then forwarded to the ACC liaison who will check for specific details, like color samples, which the ACC members typically request. The entire packet is then uploaded to **an online approval system** which has become the standard for ACC approvals. This allows for keeping clean, electronic records for all applications. Please see a sample of the approval process below.

3. ACC members have 30 days for review. Once all comments have been made and any questions answered, a decision letter will be sent to the homeowner. This letter will include the information originally outlined in the application in addition to any details which may be needed for clarification.

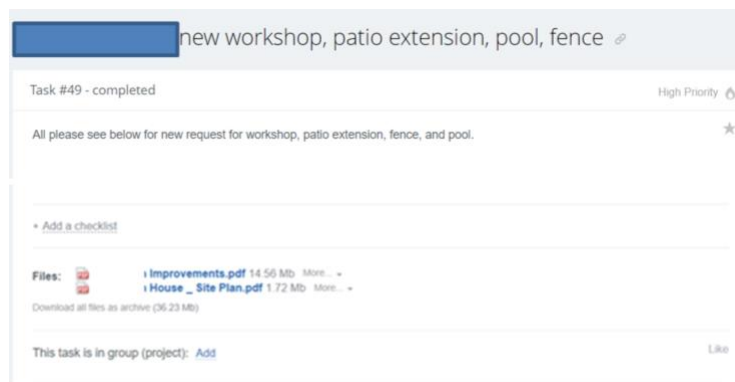
4. Management sends final letter of approval/denial

- CCRs are guide for decision process
- If submission is denied, decision goes to board for final vote

ACC COMMITTEE

Section 6.6 Architectural Review Committee¹³ is governed by the Declaration. There are no set times or dates for meetings within the Declaration and so the Board and Committee decide on approval format. Since the pandemic, most ACCs have moved to an online review and approval method. RCR is no different in that there is a computer application where ACC applications are uploaded for review. Since these documents contain personal information, they will not be released due to privacy laws. There are no official “minutes” unless the committee chooses to meet and discuss topics like legislation or consistency. Organized ACC meetings are reserved only to discuss changes in the community or applicable laws. These redacted minutes are available upon request.

DECISION PROCESS EXAMPLE



June 2 9:59 pm

What color will the pipe be painted? Recommend fence for approval but want to confirm color of paint for the pipe.

June 3 9:59 am

The pipe fence will be painted black. The same as others currently installed in the neighborhood.

June 3 11:36 am

Approve fence

June 3 7:41 pm

Approve fence

June 4 8:54 am

Approve fence

June 7, 3:15 pm

Approve patio extension and shop. Reluctant to approve pool until more definitive plans can be presented.

June 8, 8:42 am

What additional details would you like to see for the pool?

June 11 12:57 pm

All, please see update from homeowner for details regarding pool and garage.

Files:

¹³ Bylaws Section 6.6 Architectural Review Committee: Notwithstanding anything in this Article VI to the contrary, the Architectural Review Committee shall be created, appointed and governed as provided in the Declaration. The Architectural Committee is established and governed by the provisions of the Declaration. These Bylaws do not govern the Architectural Committee.

[ACC Update.pdf](#) 8.45 Mb More...

June 12 11:06 pm
Approve pool and shop

June 13, 8:55 am
Approve pool, shop, and patio extension

June 13, 11:54 am
Approve the pool, patio extension and Shop.

COMMUNITY COMMITTEES

Social Committee

To facilitate interaction among RCR homeowners through a variety of planned social events designed to appeal to a wide cross section of residents. The intended result is improved neighborhood camaraderie, fellowship and sense of community.

Landscaping and Grounds Committee

In accordance with the desired purpose of the Rolling Creek Ranch community, the Landscape Committee is tasked with helping oversee the landscape maintenance of the Common Areas and Vacant Residential Lots. The committee is assigned to the oversight of all common areas.

Facilities Committee

To maintain the front and back gates and cameras of Rolling Creek Ranch as needed in the subdivision. This individual(s) will be the point of contact for gate issues and maintenance.

Finance Committee

To provide full and accurate financial records and books of account showing all receipts and disbursements, and for preparation of all required financial statements.

Architectural Control Committee

In accordance with the desired purpose of the Rolling Creek Ranch community, the Architectural Control Committee (ACC) is tasked with helping to “establish and maintain a uniform plan for the communities development and maintain the character of the community while preserving a uniform plan for the benefit of present and future owners of the tracts within Rolling Creek Ranch”. The committee is assigned to the oversight of all original construction of new buildings, additions, or alterations made to dwellings or lots within the Rolling Creek Ranch Subdivision. The ACC must observe strict adherence to the Covenants, Conditions, and Restrictions adopted by the Rolling Creek Ranch POA and the architectural guidelines provided by the Rolling Creek Ranch board.

To volunteer for committee membership, go to the Rolling Creek Ranch web site. Click on the button to volunteer for a committee. Fill out form and send to management company. The board must vote to add a member to any committee. Homeowners must be in good standing in order to volunteer.¹⁴

[Join a Committee Form](#)

A full description of community charters are available at:

http://rollingcreekranch.org/rollingcreek/document_category.asp?cat_id=17&name=Committee+Charters

¹⁴ Bylaws Section 5.13 Delinquency and Good Standing: No person may be elected or appointed as a Director, Officer, or committee member if any assessment against the Member or his Lot is more than 30 days' delinquent at the time of election or appointment

MOVING DAY

ESSENTIALS

- Go to the RollingCreekRanch.org and request a login
 - This allows you access to your profile, board meeting minutes, POA financials, governing documents and other items of interest
- Get Your Mailbox.
 - On the website, there is an icon at the bottom of the page to report maintenance needs for the community.
 - Go here to request installation of your mailbox if it is not already installed.
 - Please put numbers on your mailbox and notify the post office that the address is now active.
- Turn on Your Trash Service.
- Changes to Your Home
 - Any changes to the appearance of your lot requires ACC approval, fences, out buildings, sidewalks etc.

THINGS TO KNOW

- The main entrance entry panel has a function to look up a resident name. Selecting the name will call the resident. The resident can then press '9' on their phone to open the gate.
- Property Management Group (PMG) is the current management company.
 - DKelly@propertymanagementgroup.org
 - CustomerService@PropertyManagementGroup.org
- There is an escape road across from Kenyon in the event fire blocks normal egress routes.
- The pavilion address is 511 Acorn Trail which shows on Google Maps.

DUES AND FINANCES

- Dues are annual and are considered late if not paid by January 31 of each year.
- Contact the management company before January 31 if you want to arrange a payment plan. Otherwise, penalties will be assessed for late payment.

LIFE IN RCR

COMMON AREAS

- To reserve the Pavilion or other common areas please fill out the form: '[Add an Event to the Community Calendar](#)'
- The ponds are accessible at the pavilion. Access at any other location requires resident permission.
- ATVs should not be ridden on vacant lots, pond common areas or backyards. Tracks can cause severe erosion damage to the properties and are considered a nuisance to neighbors when ridden in locations other than the streets.
- The gravel road adjacent to RCR is a private road for the gas well workers to use.
- Fishing is allowed at the ponds on a catch and release basis.
- Geese are using the pond area for nesting. Please do not disturb these nests.
- Much of the “nature trail” is under water at times. The terrain is difficult and can be dangerous. Please take extra caution when walking around the ponds.
- Cottonmouth moccasins, copperhead snakes, and rattlesnakes have been seen in Rolling Creek Ranch. The board recommends wearing closed toed leather shoes when walking in tall grass.
- The pavilion address is 511 Acorn Trail which shows on Google Maps.
- Speed limit, stop signs and caution signs are for safety and should be observed.

COMMON AREA RULES

A full list of Rules and Regulations are available at:

http://rollingcreekranch.org/rollingcreek/document_view.asp?id=105&lr=1

RESERVE AREAS

There are three reserve areas in RCR. The largest of which is a five (5) acre parcel behind Lydia Court. This area CANNOT have any permanent structures built on it, as it is a drainage area and has a natural spring.

SEPTIC CARE

Basic things you should know about upkeep and maintenance:

- Septic tanks do not function the same as city sewers
 - City sewers have filters for solids, grease and other chemicals; septic tanks do not
 - Your septic system contains a collection of living organisms that digest and treat household waste. Pouring toxins down your drain can kill these organisms and harm your septic system.
- Whether you are at the kitchen sink, bathtub, or utility sink
 - Avoid chemical drain openers for a clogged drain. Instead, use boiling water or a drain snake
 - Never pour cooking oil or grease down the drain
 - Never pour oil-based paints, solvents, or large volumes of toxic cleaners down the drain. Even latex paint waste should be minimized
 - Eliminate or limit the use of a garbage disposal. This will significantly reduce the amount of fats, grease, and solids that enter your septic tank and ultimately clog the aerobic system.
- Additives like Rid-X and other enzymes can negatively impact your septic system if over used. Consult a professional for guidance.

All aerobic systems require quarterly inspections by County Regulation. Hood County requires quarterly maintenance by a licensed professional. Most installers include 2 years of free inspections with the installation. Make sure to provide the company information and copy of the contract to the Hood County Environmental Office. There are several vendors offering this service in the area. The following are for your convenience and are not recommendations. Be sure to add chlorine to prevent sewer smell.

A link to TCEQ regulations is <https://www.tceq.texas.gov/assistance/water/fyiossfs.html>

If you notice any of these warning signs contact a professional septic company immediately for assistance:

- Odors
- Surfacing sewage
- Wet spots or lush vegetation growth in the drainfield area
- Plumbing or septic tank backups
- Gurgling sounds in the plumbing system
- Slow draining fixtures

COMMUNITY AND PERSONAL DRAINAGE

Why is it important?

The subdivision drainage was designed to handle a 25-year rain event, assuming the soil is covered with vegetation. The culvert sizes for this design were registered with Hood County and are listed on the Rolling Creek Ranch website. If the culverts are too small, the water cannot follow the proper drainage route and can wash out the roads as it overflows the culverts. The money to repair the roads will come from the dues collected by the Property Owners Association.

All of the ditches and main drainage ways were put in by the developer in accordance with the engineering plan created by Barrett, Hampton and Brown (BHB) and filled with Hood County. Builders are responsible for adhering to the engineering plan and grading all lots in accordance with the county and state regulations.

CC&Rs and Drainage

Article 3.29 of the Covenants, Conditions, and Restrictions (CC&Rs) place certain responsibilities on the HOA board to enforce proper drainage in the community.

The Property Owner or the General Contractor is solely responsible for compliance with TCEQ rules and regulations for stormwater compliance as outlined in TCEQ's general permit TXR15000.

[Engineering Phase 1](#)

[Engineering Phase 2](#)

[Engineering Phase 3](#)

[Culvert Sizes](#)

Under section 7.1(h) of the Common Area Rules, fines beginning at \$200, plus any applicable fees, may be assessed for the damage to the ROW. Fines will continue to be assessed until the erosion issue is addressed.

Responsibilities

At the current time, the **Association** is responsible for the upkeep of the Right of Way (ROW) which the drainage ditch approximately 15 feet on either side of the paved road. Many homeowners choose to maintain this area themselves to increase the curb appeal of their homes.

The **homeowner/builder** is responsible for ensuring that their culvert size is compliant with the engineering plan, and the grade of the lot complies with the State of Texas Building standards Sections 2.3 and 2.9: <https://www.tdhca.state.tx.us/single-family/training/docs/14-TMCS.pdf>, Hood County Building Standards Sections 6.4E(10)(c) and 6.10: <http://www.co.hood.tx.us/DocumentCenter/View/510/Section-1-Development-Permit-Regulations?bidId=> and Rolling Creek Ranch Engineering Standards and Culvert Sizes: http://rollingcreekranch.org/rollingcreek/document_category.asp?cat_id=15&name=Builder%20Resources .

Failure to comply with the correct grade may result in home flooding, road damage, ROW damage, etc.

Any damage to sprinklers or lawn during road maintenance is not the responsibility of the POA. See section 2.02 of the CC&Rs on easements.

In 2019, the Board introduced an addendum to change the responsibility of the ROW from the Association to the Homeowner. The addendum failed.

Construction Phase

Another issue for erosion is during the construction phase. Any lots cleared for construction will lose the top soil in a major rain event. This soil ends up in the drainage ditches and must be removed to maintain the proper water flow. If the water overflows the ditches, the roads can be damaged by erosion. This again leads to expensive road repairs. This additional expense will affect the dues needed to maintain the subdivision. **It is required by TCEQ that erosion control measures be put in place when native vegetation is removed from a lot.**

The drainage plan for new construction must include erosion control during construction and an elevation plan to prevent ponding of water on the lot. Standing water can cause malfunction of septic systems causing septic problems for the homeowner. In addition, standing water is a public health hazard as mosquitoes can breed and spread disease.

In order to assist, the Board recommends the following:

- Civil engineering study (highly recommended for dirt work and erosion control)
- ACC Form that includes: plat map, materials list, landscaping plan, and any other details required
 - *per Texas state standards (link provided above), all vegetation removed from a worksite must be replaced once building has been completed. A comprehensive landscape plan reflecting state requirements will be provided to the ACC for review
- Any loose or disturbed soil must be covered with an erosion control measures. Hydromulch is not an acceptable replacement for sod or other erosion control issues.

MAILBOX RESPONSIBILITIES

Volunteers do the initial mailbox installation upon request. Please indicate when you plan to close on your home and when you would like the mailbox installed upon request. This will allow for volunteers to schedule time for the install.

After initial installation, the homeowner is responsible for repairing any damage which occurs to the mailbox. Information on ordering parts is available on the service providers page.

Typically, mailboxes are installed close to the closing date for the home to avoid damage by contractors.

All mailboxes will be installed by 2021 year end.

FREQUENTLY ASKED QUESTIONS

WHY DO WE HAVE A MANAGEMENT COMPANY?

For Continuity, Services (Tax Prep, Attorney/Legal, Finances, Regulation Enforcement), Protection of Investment, Customer Service Single Point of Contact for residents. At NO time does an Association want to “Self-Manage” for legal protections and other potential fraud, transparency and neighborhood issues.

HOW DO WE CHANGE/MAKE A RULE FROM THE DECLARATION, BYLAWS OR COMMON AREA?

The Declaration is amended by 67% of the community vote, Bylaws by 30% community vote

Common area rules are changed by the Board of Directors. This includes areas like gates, roads, common areas, etc.

Please note: Any rules/guidelines pertaining to Personal Property must be changed in the Declaration by 67% community vote.^{15 16 17 18 19 20}

WHAT IF MY NEIGHBOR ISN'T IN COMPLIANCE?

The management company does drive throughs of our community twice a month. Our ACC is also doing compliance checks once a month.

Residents will receive a one time, “friendly notice” to please bring their property into compliance with the rules. If the resident needs help, or has extenuating circumstances, it is their responsibility to contact the management company for special considerations.

If you feel a neighbor is not following the rules, please contact the management company by email, phone or through the website. Please know that a complaint is not always rectified

¹⁵ Sec 209.0041(h): A declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners entitled to vote on the amendment of the declaration, in addition to any governmental approval required by law. (9.02 Declaration)

¹⁶ Sec. 211.004 Creation or Modification of Procedure to Amend Restrictions

(a) A property owners association by a two-thirds vote of the associations governing body may submit a procedure for amending restrictions to a vote of the property owners in the subdivision or in the unit or parcel of the subdivision governed by restrictions.

¹⁷ RCR Declaration 5.02 The Association has adopted, or may adopt, whatever Bylaws it may choose to govern the organization and operation of the Association, provided that the same are not in conflict with the terms and provisions thereof.

¹⁸ RCR Declaration 8.09 Power to Adopt Rules and Regulations. The Association shall have the power to make reasonable rules and regulations regarding the use of the common areas. The rules and regulations may be enforced in the same manner as any other provision of the Restrictions.

¹⁹ Bylaws Section 5.17.

²⁰ Bylaws Section 8.3.

immediately. This is a process that is outlined in our CCRs, and we must follow the timelines provided within.

A copy of the RCR Fining and Compliance policy is located at http://rollingcreekranch.org/rollingcreek/document_view.asp?id=29 .

CAN A HOME BE LIENED OR SUED FOR CCR VIOLATIONS?

A lien can be placed on a home for failure to pay Association dues. However, other community violations are subject to the fining policy. In the event a violation continues to create a hazard or potential community property damage, the Board may choose to do a “forced repair”. Forced repairs are paid for by the Association, then billed to the resident.

IS THE ASSOCIATION GOING TO GET SUED?

Any resident may threaten to sue the Association at any time. We ask that residents be mindful and understand that threatening Board members, volunteers or management company with lawsuits not only inhibits the ability to proactively resolve issues, but also creates an unnecessary tension between homeowners.

In the event the Association does get sued, by following basic steps/procedures, we can mitigate risks.

- Updating the CCRs and Following State Law reduces risk
- Management company reduces risk
- Following the Declaration/Bylaws reduces risk
- Insurance reduces financial impact

Suing the Association means suing yourself and your neighbors

- Board and Committee members have a vested, financial interest in keeping property values high; neighborhood appealing
- Please continue to work with the Association/Management
 - Open Boards
 - Ask Questions
 - Get Involved

COMMUNITY TIMELINE OF EVENTS

- Sept 14, 2019: Turnover to inaugural Board of Directors
- Oct 27, 2019: Transitional Report submitted to NLP
- November 2019:
 - Meeting with NLP to discuss Report
 - Screens removed from oil reserve
 - Rebuilt fence and install two gates at oil reserve
 - Gave Association \$1200 to repair Lydia once construction is complete
 - French drains to reinforce both sides of Heathington Ct.
 - Rocks and debris removed from common area
 - Give the sprinkler piping to the association
 - Install a hose bib at the Pavilion
 - Removed TXPOA and John Hall as management company
 - Expensive
 - Saved ~\$20,000 per year in management fees
 - Additional \$15,000 in attorney fees
 - Financial reports
 - No customer accounts, Lack of transparency on reports, Did not pay bills on time (Late Fees, Disconnect Fees)
 - Outdated filing system
 - No updated records with Hood County
 - Re-platting issues
 - Pricing on services
 - Improper receipts/documentation, Unauthorized ACC collection
 - Lack of appropriate website
 - Property Management Group hired as management company
- December 2019-March 2020
 - Documents released by TXPOA for Board Review
 - Administrative Tasks
 - Collected contact Information (Addresses, Phone, Emails)
 - Title Issues
 - Re-platting
 - Organizing ACC Documents
 - Organization of Emails
 - ACC Approvals
 - Resident Complaints/Issues
 - Historical Information
 - Organization of Admin (Minutes, Deeds, Variances, Agendas)
 - Streamline of Processes (Purchase Requests, Request for Proposals)
 - Decision modules (Board)
 - Acquisition Lists (Inventory)
 - Website Development
 - 2012 State CCR Updates Filed
- October 12, 2019
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=23

- November 9, 2019 (2020 Budget passed)
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=28
- Feb 18, 2020 – Town Hall Meeting
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=46
- May 28, 2020 Board Meeting
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=94
- June 30, 2020 (Annual Meeting)
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=118
- Sept 24, 2020
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=128
- Oct 28, 2020 (2021 Budget Passed)
http://rollingcreekranch.org/rollingcreek/document_view.asp?id=134
- August 2, 2021- Financial Update Meeting
https://rollingcreekranch.org/rollingcreek/document_view.asp?id=217
- October 23, 2021- Annual Meeting

** Please note. Redacted minutes of Executive meetings will be made available upon request after approved in open board proceedings

ARCHITECTURAL CONTROL (ACC) MANUAL

HOW DOES THE APPLICATION PROCESS WORK?

1. Go to the Community website and download ACC forms.

[New Build Form](#)

[Improvement Form](#)

2. Submit to the Management Company at DKelly@propertymanagementgroup.org or CustomerService@propertymanagementgroup.org for a completion check

3. ACC members have 30 days for review

4. Management sends final letter of approval/denial

CCRs are guide for decision process

If submission is denied, decision goes to board for final vote

WHAT ARE SOME OF THE RULES?

The following are the Basic Minimum Standards for builds within RCR. Any deviation from these will require a Variance from the Architectural Control Committee which will be determined on a case-by-case basis with specific reasoning for the need to deviate from the Basic Minimum Standards.

“Single family home, 1800sq. ft. min, 2 car garage, easements/setbacks, 35ft. roof height, 60% masonry (brick, rock, stone, stucco), roofing materials (slate, stone, concrete tile, clay tile, metal, or composition shingles), propane tanks, drainage plans, “harmonious”.

WHAT ARE GUIDELINES?

“The Architectural Guidelines generally consist of a written document that sets forth the various standards relating to building materials and construction specifications for Improvements placed or constructed upon any Lot or Unit, and they are intended to serve as a guideline as to what the Architectural Committee has already determined what is in compliance with the applicable Restrictive Covenants and is harmonious with the community’s architecture and appearance.”²¹

“There is no inherent authority of an ACC to promulgate Architectural Guidelines. If the Declaration applicable to a Subdivision or Condominium development does not expressly provide for such authority, then the ACC does not possess the authority Architectural Guidelines. It is also important to note that Architectural Guidelines are generally considered to be a dedicatory instrument under Chapter 202 of the Texas Property Code and in order to be

²¹ Cagle, G. S. (2020). *Texas homeowners association law: the essential legal guide for Texas homeowners associations and homeowners*. Maitland, FL: Two Harbors Press.

enforceable it must be recorded in the official public records of each County of which the development subject to such Architectural Guideline is located.”²²

The above statement is TX law regarding specific Architectural Control Committee Guidelines. Currently, the CCRs for RCR do not expressly allow for the creation of Guidelines and when NLP established RCR, no Architectural Guidelines were created.

Instead, the CCRs generally outlined the requirements for construction of structures within the neighborhood with a focus on being “harmonious” with previously built structures. At the time of turnover, an Architectural Control Committee (ACC) was established and has utilized structures approved under NLP and the CCRs as the guide for all future approvals. Below, we will describe several common questions regarding “harmonious” that have been addressed by the ACC.

Please understand that ANY changes, modifications or additional limitations on new builds or improvements must be approved by 67% of the community vote. The Board of Directors does not have the power/authority to enforce regulations or guidelines that are not EXPRESSLY STATED in the Declaration.

First, all builds must follow the laws set forth by the following state and county standards:

[Texas Minimum Standard](#)

[Hood County Building Standard](#)

Builders and contractors must adhere to the [Builder Code of Conduct](#) that was filed with Hood County.

Specifics of each home, accessory building, or lot improvement can be found in the CCRs and various Supplemental Declarations.

CCR 3.04 Guest/Servants Quarters:

“One guest or servant quarters may be built upon each Tract provided the guest or servant quarters contains no less than five hundred (500) square feet and is no more than half the size of the main house...”

These structures must be constructed of materials/colors that match those used on the main dwelling. Additional details can be found in the CCRs and any deviation from the above will require a Variance from the ACC. Please see Accessory Building section below for more detail.

CCR 3.15 Masonry:

“Any residence, guest quarters, or garage shall be constructed from at least sixty percent (60%) masonry materials. Masonry materials includes masonry veneer, stucco, brick, rock, and all other materials commonly referred to in the Hood County, Texas, area as masonry, and specifically excludes hardiboard or any synthetic material.”

²² Cagle, G. S. (2020). *Texas homeowners association law: the essential legal guide for Texas homeowners associations and homeowners*. Maitland, FL: Two Harbors Press.

Since the Board retained control in 2019, no home, garage, or guest quarters, has been approved with less than 60% masonry. The ACC has determined that this is a basic requirement for the above listed structures. Several homes utilize hardiboard on the front of the home, however, the entire back/sides of the home consists of masonry to meet the 60% requirement.

CCR 3.18 Setback Lines:

“Except for fencing, light posts, driveways, walkways, and landscaping, all other improvements must be located on the Tract as indicated by the Setback Lines set forth on the recorded Plat of the Subdivision.”

There are several setbacks and buildlines that must be maintained on all lots and builds. First, fifty-foot (50’) buildline at front of all lots, and sides of corner lots. The ACC has determined that no variances will be granted to build forward of this line to maintain consistency from lot to lot and prevent issues with utility easements that exist at the front of all lots and sides of corner lots.

The topography of RCR also means that many homes require a retaining wall(s). NLP allowed for the construction of retaining walls along property lines which has been continued.

CCR 3.21 Walls and Fences:

“Walls, fences, and light posts, if any must be approved prior to construction ...and must be constructed of masonry, wrought iron, wood, metal, or pipe. Wood fences must be constructed in a low profile, open view, style with horizontal rails. Fence heights shall not exceed five feet (5’). Chain link fencing is prohibited, except if used as a dog run and only if such fencing is not visible from any road in the Subdivision.”

“Walls” as listed above relate to retaining walls and must be constructed of masonry. Materials such as railroad ties will not be permitted for construction of retaining walls. The ACC requires approval for all retaining walls to ensure they are constructed within property lines and are constructed of proper materials. Wall approvals will include a specific reminder that it is the homeowner’s responsibility to determine the credentials of the company/contractor constructing any wall to guarantee quality of engineering and warrantee details.

“Fences” - most fences in RCR have been constructed of “no climb wire”, any wooden fencing has only been allowed along the sides or back of properties to provide privacy and maintain consistency of “open view” as listed above in CCRs. Wooden accents have been allowed on gates since NLP development.

CCR 3.30 Drainage:

“Natural established drainage patterns for drainage will not be impaired by any Tract Owner. Driveway culverts must be installed and shall be of sufficient size to afford proper drainage of ditches without allowing water to pool, back up, or be diverted from its natural course.”

Prior to the development of the neighborhood, NLP and Barret, Hampton, and Brown (BHB) mapped the natural drainage patterns of the neighborhood. This information is available on the RCR website and must be maintained on each lot. This is different from cities in that drainage may not necessarily be diverted toward the roadway, rather it may also run across the middle or back of a lot. This means that neighbors will need to work with the lots around them to solve drainage issues as changes to lots will impact drainage to neighboring lots. The ACC/Board

CANNOT approve drainage plans since they involve complex engineer requiring a certified expert. Instead, the ACC will highly recommend with all builds, that a drainage engineer has been consulted regarding drainage plans for the lot and that any/all resulting drainage issues/changes will be the responsibility of the homeowner to correct.

CCR 3.32 Maintenance and Landscaping of Lots:

“It shall be the responsibility of each Owner to prevent the development of any unclean, unsightly, or unkempt condition of buildings or grounds... Each Owner shall be required to landscape the area around his home.”

Per Texas law, the ACC and/or HOA cannot create rules or guidelines that go further than those outlined and specifically stated in the CCRs. This question has been asked many times in regard to landscaping and associated requirements. The HOA had a meeting which the ACC used when defined landscaping. Texas law requires that any land/vegetation that is disturbed during the building process, must be replaced prior to move-in. In addition, per CCRs and TX law, all erosion issues must be addressed by the individual property owner. Landscaping and erosion go hand in hand. Your landscaping must be kept attractive, free of weeds and/or dead material, removal of trees must be approved by the ACC, and most of all it must take drainage and erosion issues into consideration. The types of landscaping materials must remain harmonious with the rest of the neighborhood. To address this, the ACC has stated that AstroTurf will not be allowed in front yards.

According to the covenants, conditions and restrictions (CC&Rs) of the community, approval by the ACC is required if you move in before landscaping is completed. (Section 3.32; RCR Construction Code of Conduct, Letter D.)

Landscaping is to be completed within 120 days of moving into a new home.

Accessory Buildings Design and Construction Policy - recorded by Hood County 8/14/2018

Defined as Large Accessory Buildings (footprint exceeds three-hundred (300) sqft.) and Small Accessory Buildings (footprint is no more than three-hundred (300) sqft).

All accessory buildings must be harmonious with the main dwelling, this includes specific masonry, stain, paint, etc. Pitch of the roof must match that of the main dwelling, garage doors must match those on the main dwelling, trim details must match those of the main dwelling. These structures cannot be built on a lot before the main dwelling.

Large Accessory Buildings

All masonry, paint, stain, doors, roof pitch, etc. must be harmonious with that used on the main dwelling. The CCRs specifically state that garage doors cannot face the street without a variance. The ACC committee has made the decision that prior to the turnover, all accessory buildings were approved with forward facing doors that matched those of the main dwelling. This will continue to be allowed on accessory buildings ONLY so long as the door is the same as those used on the main dwelling.

Masonry for large accessory buildings must include per the CCRs a minimum of a 3' wainscot at the base of the large accessory building on all sides.

Per the CCRs, 3.04, large accessory buildings/guest quarters cannot be more than half the square footage of the main dwelling. Example, if your home is 3000sqft. of living space then your accessory building cannot be more than 1500sqft of usable space. However, the ACC committee recognizes that there are various sized lots in RCR, therefore, variances to this will be considered based on overall lot size, submitted plans, location of building on lot, and purpose/function.

Small Accessory Buildings

These buildings are defined as “garden sheds” per the CCRs. These buildings cannot exceed 8ft. in height (floor to plate line) and cannot be located in the front or side yard. The ACC has defined side yard as a straight line extending down the sides of the home to the front/back of the lot, therefore, these structures must be located behind the main dwelling. The materials on these must be harmonious with those of the main dwelling, including, masonry (if used), paints, stains, etc. However, materials such as LP Smart Side, or Hardy Board are allowed for these structures. Metal or plastic sided buildings will not be allowed.

It has also been determined that to maintain the “harmonious” nature of these buildings throughout the neighborhood, they must be placed on slabs to prevent deterioration over time.

“Other” Accessory Structures

These include playsets, gazebos, greenhouses, etc. All these structures must be located behind the main dwelling. Currently, there is no limit to “other” structures located on one property. A resolution was brought for community vote in 2020. The measure failed to pass.

Screening

Per the CCRs, all external equipment including “swimming pool equipment or stored supplies, electronic equipment, antennas, garbage or trash containers, yard maintenance equipment, etc.” must be properly screened. Screens must be made of materials harmonious with the main dwelling which includes masonry or wood stained to match the main dwelling. Plastic screening will not be allowed.

Additional screening may be required for structures such as accessory buildings, playsets, or greenhouses at the determination of the ACC committee. This will be determined based on the location of the proposed structure on the lot, visibility from the street and other homes, and size and type of structure. Screening for these structures would mainly include the use of plants which are similar to those already located on the lot or adjacent lots and to be placed in such a way to screen the structure from the road or adjacent lots.