

**RESOLUTION 2008-04  
OF THE BOARD OF DIRECTORS  
PAGOSA LAKES PROPERTY OWNERS ASSOCIATION  
ECC COMMITTEE PROCEDURES**

**A RESOLUTION REPLACING RESOLUTION 2005-19**

**WHEREAS**, the Declarations of Restrictions for Pagosa Lakes Subdivisions established the Environmental Control Committee (ECC) and the responsibilities of the ECC, and

**WHEREAS**, in accord with the Declarations of Restrictions, the Declarant (Fairfield Pagosa Inc.) by means of a written instrument dated March 13, 1991, formally relinquished to the Board of Directors (Board) of the Pagosa Lakes Property Owners Association (PLPOA) the power of appointment and removal of Environmental Control Committee (ECC) members, and

**WHEREAS**, the Board of Directors has accepted that responsibility as being consistent with the requirements of said Declaration as well as the PLPOA Articles of Incorporation and Bylaws, and

**WHEREAS**, to conform to the intent of said Declaration, the Board wishes to consolidate and clarify various policies and procedures of the ECC,

**NOW, THEREFORE, BE IT RESOLVED** that:

1. Completed building permit applications that demonstrate compliance with definitions, architectural standards, environmental standards, property owner and contractor building agreements, proposed improvement location certificates and other guidance defined in the building permit process shall be issued a permit by the DCC Manager. The ECC shall review and ratify this action at the next ECC meeting.
2. Minutes shall be kept of the discussions and actions taken at ECC meetings. Motions made at ECC meetings shall be clearly stated and recorded. The secretary shall read back the motion to ensure that it is accurately recorded and that it is understood by the property owners.
3. To assure the quality control of the building permit process, each applicant, at the time of final determination of their case, is to be given a

pre-printed and postage paid postcard addressed to the General Manager that provides for a comprehensive quality assessment of the DCC and ECC processes and allows for confidential comments and recommendations. The quality data is to be compiled each month for reporting to the ECC and the Board. The General Manager, the ECC Liaison and Board representative to the ECC will review these cards on a monthly basis and assure that comments and recommendations are given to the DCC and ECC while maintaining the confidentiality of applicants.

4. In regard to variances the ECC shall:

- A. Establish a uniform variance process.
- B. Delineate the separate criteria for "Design" and for "Color Scheme" variances.
- C. Ensure neighbors of a variance applicant are given opportunity to participate in the ECC approval/disapproval deliberations.
- D. Variance Process- Variance request is mandatory for the following: Requested change in set back, minimum living area, and maximum lot coverage, maximum height, and off street parking requirements.
- E. Allow property owners to use the variance process, at their discretion, if they feel they have sufficient justification to overturn an initial ECC approval/disapproval by showing the previously reviewed information was incorrect, new information is now available, or timely/proper notification was not made.
- F. In arriving at an approval/disapproval decision, consider all available information including the application, written and verbal comments/responses from the applicant and from neighbors, and data and information presented by the Department of Covenant Compliance. Approval/disapproval shall be announced at the meeting.

5.

ECC deliberations and meetings must be conducted in a professional and courteous manner. The following, as a minimum, should be followed:

- Personal opinions have no place in ECC decisions or design evaluations:
  - Applicant designs are to be granted a degree of respect regardless of personal tastes.
  - No personal comments are to be made on the design other than the positive suggestions.
- Disapprovals shall be made solely on the basis of (1) specific elements in the Building Permit Process or (2) Variance application information.

All approvals or disapprovals are to be fully explained to the applicant.

6. The ECC is separate and distinct from the Board of Directors in carrying out its functions, as set forth in the Declarations. However, it shall not institute any action in a court of law nor obligate the PLPOA in any legal action unless specifically authorized to do so by the Board.

**THEREFORE; BE IT RESOLVED** Resolution 2008-04 was ADOPTED this 10<sup>th</sup> day of April, 2008 by the PLPOA Board of Directors.

**PRESIDENT'S  
AND SECRETARY'S**

**CERTIFICATION:** The undersigned, respectively being the President and Secretary of Pagosa Lakes Property Owners Association, a Colorado nonprofit corporation, certify that the foregoing Resolution 2008-04 was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on 10 April, 2008, and in witness thereof, the undersigned have subscribed their names.

**PAGOSA LAKES PROPERTY OWNERS ASSOCIATION**, a Colorado nonprofit corporation,

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Gary Gray, President

ATTEST:

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Fred Ebeling, Secretary