

## So, You Want to Change Something on Your House or Landscape?

By Brett Rayman, Board of Directors, NCC Chair

Article XI, Section 11.1 of Declaration of Covenants, Conditions & Restrictions (CC&Rs) states, in part, that no improvements, exterior alteration of existing improvements, and planting or removal of landscaping materials shall take place except in compliance with this Article and the Guidelines for Sustainability and upon approval of the appropriate committee under Section 11.2. The Modifications Committee (MC) is the entity that reviews and decides what modifications are appropriate and comply with the Guidelines for Sustainability (Guidelines).

The Board of Directors recently reviewed and updated the MC's Operating Procedures, review process, and the Modification Request Form used by homeowners to request changes to the exterior of their homes and the landscape. This update provides detailed information to assist homeowners to understand the modification request process, review procedures, and a redesigned request form to give the committee essential information to make a timely decision. Further, the MC related webpages have been updated, as well.

This article is only intended to give homeowners important information to begin the modification request process. There is no substitute for reading and understanding the association's governing documents and MC procedures. To begin, I suggest that you go to the [MC page](#) and print the request form and review the front page.

Before the committee can do its work, the homeowner must do a little bit of research in preparation to complete the modification request form. It is important to know your village, lot number, and street address. HOAMCO needs this information to determine if you live in an Overlay Zone. Some of the Premier and Estate lots in the Highlands Villages are in this zone and the Guideline requirements are more stringent for some modifications.

There are one or two documents that you must read because you will be asked to provide the Guideline page number and paragraph on the request form that relates to or applies to the modification you are requesting. Depending on your village or lot, review the Guidelines for Sustainability for Premier and Estate lots or for Builder lots. In addition, some villages have Supplemental Guidelines that provide additional guidance or restrictions you will need to review. Both documents can be found on the High Desert website. Review the documents to determine what may be allowed and if you may need to request a variance.

Next, review the MC Operating Procedures. The procedure provides information to help you understand if your request can be Fast Tracked or if it must go through the committee's monthly review process and the schedule for that submission. Understand the requirements in Appendix 1. This is a list of the types of modifications you may want to request and the technical information the MC needs for its review. If you do not provide the required information in sufficient detail, the request will be denied and the committee will ask you to resubmit it at a later date with the required information.

If your request is for an addition to your home, or if you want to construct a separate garage or casita, the MC will forward the request to the New Construction Committee (NCC) for its review and decision. If you need a variance for your project, that request will also be forwarded to the NCC.

The last document to review is the [Approved and Prohibited Plant List](#). That, along with the Landscape section of the appropriate Guideline and Appendix 1 of the MC Operating Procedure, will give you what you need to request a modification to your landscape.

You are now ready to complete the front page of the request form and attach the required supporting information. Professional drawings or renderings are nice but not required. You can submit hand drawn items. Photographs are also appropriate. Make sure that the technical information listed in Appendix 1 is attached. Submit the request to HOAMCO.

If you are requesting an addition to the house or adding a separate garage or casita, refer to Appendix 2 for the required construction documents. As mentioned previously, these modification requests will be referred to the NCC and someone from that committee will contact you to schedule a preliminary meeting to discuss the project, plan requirements, and fees. If you need a variance, your request will be forwarded to the NCC and someone from that committee will contact you to discuss the request. Please refer to NCC Form 4 – Variance Request on the [NCC page](#).

Committee decisions are not opinions. A decision must be supported by a reasoned and informed understanding of the applicable governing documents. It is important to note, however, that some modification decisions may be subjective. In reviewing each submission, the CC&Rs grant the MC and the NCC the authority to consider visual and environmental impact, ecological compatibility, natural platforms and finish grade elevation, harmony of external design with surrounding structures and environment, and location in the relation to surrounding structures and plant life. In addition, the MC and NCC are granted sole and full authority to interpret the Guidelines for Sustainability and to determine matters of aesthetic judgment. Their interpretation and determination as to the Guidelines for Sustainability is deemed to comply with the Guidelines for Sustainability and the CCRs. Matters of aesthetic judgment are final, conclusive and binding and are not subject to judicial review so long as exercised in accordance with the procedures set forth in the CC&Rs.

Many High Desert homes are beginning to show signs of age and need updating to maintain property values. New homeowners may want to make changes to the exterior of their home to suit their tastes and needs. Modifications to homes in the community are a reality and the MC is committed to making the request and review process as easy as possible for all concerned.

Feel free to contact the committee to discuss a modification project before completing the request form. Let's all work toward maintaining the High Desert community as a place we can all be proud to call home!