

# Iron Horse Ranch Fence Color Policy

## Further Interpretation of CC&R's



While the IHR CC&R's provide guidance to residents regarding the approved stain colors for wood fencing in the neighborhood, (see excerpts below), in an effort to provide for the consistent and fair treatment of enforcement from one Board of Directors' term to the next, the following interpretation is provided by the Iron Horse Ranch Board of Directors on November 26, 2018.

**Below in bold are excerpts from the current AMMENDED AND CONSOLIDATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR IRON HORSE RANCH dated 6/21/2017 that pertain to fence staining:**

### Article VI, Section G. Fences.

The location, type and style of all fences built in conjunction with the initial construction of the Residence must receive prior written approval by the DARC. The location, type and style of all fences built after initial construction of the Residence must receive prior approval by the ARC. Any fencing along the rear property line of Lots and homes on the ponds, lakes and creeks will consist of a community standard Ameristar (Montage) product consistent with the development. The community standard privacy fence is of 6 feet height consisting of shadow box sided cedar with a wooden cap. **All Privacy fencing must be sealed or stained with clear/natural cedar color. Any color changes from the original approved color of a fence must be approved by the ARC.**

### Article VI, Section 6.5, Section B: Changes After Completion.

**After the initial completion of the Residence, along with any structure or fence included in the initial construction of the Residence on a Lot, no Owner thereof shall make any structural addition, alteration, or improvement in or to that Residence, structure or fence, or paint or otherwise decorate or change the appearance of any portion of the exterior of any Residence, structure or fence on that Lot, without the prior written consent of the ARC. The ARC shall answer any written request by an Owner for such approval within thirty (30) days after the receipt of such request, however, failure to do so within such time period shall not constitute consent by the ARC to the request.**

### Article VI, Section 6.5, Section A. Owner Maintenance

**The Owner of a Lot shall be primarily responsible for maintaining and painting the exterior surfaces of the structures on their Lot and for maintaining and repairing those portions of fences located on their Lot or Lot boundaries to which their Lot has access.**

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### **Current state of fence colors in IHR:**

The IHR Board of Directors recognizes that not all fences in the neighborhood are “clear/natural cedar color.” As such, all fences that are not stained “clear/natural cedar color” are in violation of our CC&R’s. This is due to inconsistent enforcement by the neighborhood developers prior to the residents taking over as an HOA Board. It is also a result of previous IHR Boards staining the exterior IHR fence a darker shade of cedar in an effort to increase the stain’s longevity. The rationale behind this decision was that a darker stain lasts longer and allows for fewer re-staining applications over time, saving residents and the neighborhood money.

Therefore, we recognize the need to approve a range of colors that are acceptable within the cedar color family.

Additionally, there are a number of colors currently being utilized in the neighborhood that do not fall within the cedar color family. The Board recognizes that bringing a fence into compliance from a much darker shade to a cedar shade would be cost prohibitive for residents and an unreasonable request.

The Board’s top priority is that the fences in the neighborhood be well maintained and adequately stained. We recommend staining your fence at least every two to four years. This maintenance will help to maintain and ensure an aesthetically pleasing color scheme by requiring all residents to get Board approval for their fence colors each time the resident re-stains. These efforts should help to maintain the high quality of the neighborhood and associated property values.

### **Residents using colors outside the cedar family can apply for a Waiver:**

The IHR Board will permit colors outside the cedar color family by issuing a Waiver to residents wishing to use a different stain. When a resident uses a color outside the “clear/natural cedar” family, the resident must apply for a waiver and supply the Board with rationale for why this color is appropriate for that residence. If the ARC agrees that this is a reasonable color for the residence, the ARC will grant the resident a waiver.

### **All residents will need ARC approval before staining:**

Attached is a visual color representation of approved stains (Appendix A). Because Residents use a variety of staining companies and products, we can only provide a visual color representation. Any color falling within these approved color samples, from any vendor, will be acceptable, but will still need prior approval from the ARC. Also attached is the Fence and Exterior Staining Application Form (Appendix B).

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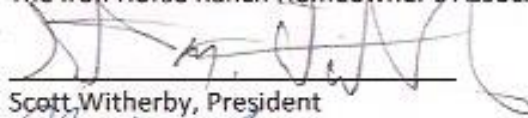
We endeavor to be fair, reasonable, and helpful while consistently maintaining a quality neighborhood.


### Resident To-Do's:

1. Read this document carefully.
2. Choose a color for your fence, using the Color Representation Guide (Appendix A) included on this document as a guide. Choosing an exact color from the list is not required but the color must fall into the cedar family. Because residents will use a variety of staining contractors and formulations/brands, the IHR Board cannot provide an exhaustive list of all approved colors.
3. Fill out the Fence Staining Application Form (Appendix B) attached to this document.
4. If the color selected is not within the "clear/natural cedar color" family, you must apply for a waiver by filling out the Waiver Application section on the form. Rationale for the use of a color outside of the "clear/natural cedar color" family must be provided.
5. Provide a picture of the stain color you would like to use. (Mandatory.)
6. Submit the form to the ARC for approval to [info@ironhorseranchhoa.com](mailto:info@ironhorseranchhoa.com)

Approved November 26<sup>th</sup>, 2018:

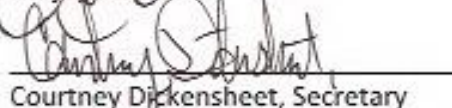
The Iron Horse Ranch Homeowner's Association Inc. Board of Directors,

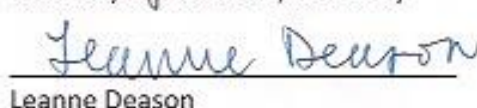
  
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Scott Witherby, President

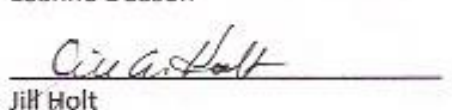
  
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Mike Klehm, Vice President

  
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Earl Stone, Treasurer

  
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Sanjay Sikka

  
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Courtney Dickensheet, Secretary

  
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Leanne Deason

  
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Jill Holt

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### Appendix A. Color Representation Guide

If the stain you choose looks similar to these stains, it will most likely be approved.



**We recommend staining your fence at least every two to four years.**

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## Appendix B. Fence and Exterior Staining Application Form:

### Section 1. General Information:

Property Owner's Name:

Property Owner's Address:

Home Phone:

Cell Phone:

Email Address:

### Section 2. Details of Fence Color:

Fence contractor:

(If staining completed by resident, put resident name here.)

Fence color:

(Provide the name, brand if known, and picture of the stain color.)

### Section 3. Waiver Application

**(Fill out this section only if applying for color NOT included in the cedar color family.)**

Please provide a brief description of why this color is appropriate for your residence:

(For example, "matching north and south neighbor's fence color," or "matching exterior siding of my residence.")

Please include other pictures (for example, pictures of neighbor's fences, the exterior of your home) that would be helpful to the ARC in approving your request.

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### Section 4. The Approval Process

The IHR Board of Directors has a minimum of 30 days from the receipt of your completed approval request form to notify you, in writing, of the status of this request. The Board will endeavor to reply quickly, but please schedule contractors accordingly.

I acknowledge that should it be found at any point that there are any errors, omissions, or unapproved changes to the above submitted plan that the BOD reserves the right to revoke said approval. In the event that approval is revoked, I agree to indemnify the HOA of any expenses that I may have incurred pertaining to the proposed change.

I understand that this approval for change is for the purpose of aesthetic compliance to the CC&R's and in no way implies that the proposed change is designed, located, or built in a structurally sound or compliant manner or material. Furthermore, any reference to "architectural" approval in no way implies anything about the structural integrity of the change and that a post construction inspection, if required, will be for the sole purpose of evaluating the final aesthetic properties of the change and its subsequent compliance to the CC&R's.

I understand that if approval of this improvement is given, that I will indemnify the Association and hold it harmless from any damages or costs of a lawsuit that are filed due to the installation, construction, or presence of the described improvement.

I understand that I am responsible to maintain the change/improvement.

I understand that it is my responsibility to retain a copy of this approval (if granted) with the permanent records of the above stated property and to render a copy of said document in the event that a request by the HOA is made or the property is transferred to a new owner.

**Property Owner's Signature:**

**Date:**

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### BOD Use Only

**BOD disposition: Approved/ Approved with Modifications/ Denied / Other**

**Comments:**

**BOD President Signature of Approval:**

**Date:**