

Red Oak Ranch (ROR) Property Owners Guide For Property Improvement Projects

The Red Oak Ranch (ROR) deed restrictions charge the Architectural Control Committee (ACC) with the duty of ensuring that all property improvement projects are attractive and that they do not adversely affect the owners of neighboring lots. This guide outlines the ACC's current requirements for applications for property improvement projects. It also clarifies, defines, and standardizes the ACC's position on the various deed restrictions that pertain to property improvements to ensure that the goals of the deed restrictions are met.

THE ACC CONSIDERS EACH IMPROVEMENT APPLICATION WITHIN THE CONTEXT OF THE DEED RESTRICTIONS. FINAL RESPONSIBILITY THAT IMPROVEMENTS ARE IN COMPLIANCE WITH THE ROR DEED RESTRICTIONS, INCLUDING ASSURANCE THAT EASEMENTS, BUILDING OR PROPERTY LINES WHICH COULD AFFECT THE PROPERTY ARE NOT ENCROACHED UPON, IS THE RESPONSIBILITY OF THE PROPERTY OWNER. THE PROPERTY OWNER IS ALSO RESPONSIBLE FOR ENSURING THAT IMPROVEMENTS ARE COMPLIANT WITH COUNTY AND STATE LAWS, ORDINANCES AND REGULATIONS NOT PROMULGATED BY THE ASSOCIATION.

THE FINAL INSPECTION BY THE ACC AT PROJECT COMPLETION IS INTENDED TO ENSURE THE APPROVED PROJECT WAS COMPLETED, ANY CONDITIONS STIPULATED BY THE ACC WERE SATISFIED AND THE LOT/PROJECT SITE WAS MAINTAINED/CLEANED UP.

Both the deed restrictions and this guide are located on the ROR website. Article III, Use Restrictions in the deed restrictions serves as a good reference for property improvement projects.

As necessary, the Board of Directors on behalf of the ROR Property Owners Association (POA) will make updates to this guide.

Throughout this guide, governing sections of the ROR deed restrictions are shown in parenthesis (as appropriate, specific wording taken from the deed restrictions is shown in "quotations").

In general, any permanent improvement to a property requires ACC approval. Examples include houses, house additions/modifications, outbuildings, decks, driveways/culverts, fences, gates, columns, pergolas, gazebos, ponds, berms, ditches, lot grading, pools, and tennis courts. The display of signs also requires ACC approval. Signs are addressed in Section 4.

Work that does not require ACC approval includes the following: clearing vegetation, marking property, digging a well for secondary water and maintenance of existing buildings/structures. For clarity, repainting the exterior of any existing building/structure is generally considered maintenance unless there is a change in the color(s) from original or subsequent ACC approved color(s); a noticeable change in color(s) requires new ACC approval and is not considered maintenance.

Submissions:

Mail or e-mail the ACC package (i.e. project application form and all other required items specified in this guide) to the Red Oak Ranch (ROR) Managing Agent (mailed packages should be sent to the RORPOA mailing address; the RORPOA mailing address plus contact information (i.e. e-mail address and phone number) for the Managing Agent can be found on the ROR website, www.redoakranch.org). Packages should be submitted at least 30 days prior to when the project is scheduled to begin. A separate ACC package is required for each project. The Managing Agent will review the package for accuracy and completion prior to submitting it to the ACC.

Per the deed restrictions, the ACC is required to approve or disapprove a project within 30 days. Note that the 30-day period does not begin until the property owner has submitted a complete ACC package including applicable fees (see Fees below). The 30-day period allows sufficient time for all ACC members to review the project particularly if the ACC is concurrently dealing with other submitted projects.

Written notification will be mailed or e-mailed to the property owner by the Managing Agent stating the results of the ACC review of the project.

Fees:

1. A one-time process fee of \$70.00 due with the initial project application per lot (normally construction of house). Check or money order with ROR address identified must be sent to the Managing Agent payable to: RORPOA.
2. A \$750.00 refundable deposit fee due with each project application for a construction related project (e.g. house, house addition/modification, outbuilding, pool). If a property owner has more than one construction related project is in progress at the same time, one deposit is adequate. Check or money order with ROR address identified must be sent to the Managing Agent payable to: RORPOA. The funds will be kept in escrow until the project(s) is completed and the project and lot/project site are inspected. Upon project completion/inspection, property owners must submit a written request (letter or e-mail) for the refund to the Managing Agent. The request should specify the project(s) for which the deposit was submitted.

Inspections:

All projects upon completion require an ACC inspection of the project and lot/project site.

The ACC inspection is intended to ensure: 1) the approved project is completed, 2) any conditions stipulated by the ACC have been satisfied and 3) the lot/project site has been maintained/cleaned-up.

The property owner is responsible for contacting the Managing Agent when the inspection can be performed.

Project initiation and completion:

Unless otherwise requested by the property owner and approved by the ACC, all approved projects must be initiated within 90 days of ACC approval. Failure to initiate the project within the specified time nullifies the approved application (i.e., property owner must submit a new project application to the ACC). Once a project is initiated, it must be completed within 12 months (“Any building, structure or improvement shall be completed as to exterior finish and appearance within 12 months from the commencement date” (Section 3.01)).

Property access for all projects:

If a temporary access to a property is required to complete a project, a culvert must be installed in the roadside ditch to ensure proper drainage within the community. If this access will be a permanent versus temporary entrance to the property, it will require ACC approval before it is constructed (see Section 1, Culverts/Driveways).

Attachment:

Red Oak Ranch (ROR) Improvement Project Application Form (i.e. Project Application Form)

Items to be included in the ACC package vary depending on the project. The required items, by project, are identified in the following sections.

LABEL EACH ITEM PROVIDED WITH YOUR LAST NAME AND ROR ADDRESS.

A separate ACC package is required for each project.

Section 1 – House & House Addition/Modification projects

- A Completed Project Application Form (see Attachment)
- B Plans and specifications. Each application made to the ACC shall be accompanied by one set of plans and specifications to include (as applicable) “the drainage plan for the lot, plot plans showing the location and elevation of improvements on the lot and dimensions of all proposed walkways, driveways” (Section 4.01 (b)).
- C Provide design of all structures/buildings, and identify all external building materials and color selections (color samples are required; samples for non-standard materials also required).
- D Plat plan (must be professionally prepared by a surveyor for house projects). Legible, to-scale of the property showing:
 - a. “Location with respect to topography” (Section 4.01 (a)) of all improvements on the lot: buildings, driveways, culverts, bridges, fences, gates, ponds, etc.
 - b. Building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- E Variance (as applicable). A statement requesting a variance to the ROR deed restrictions. The ACC may authorize variances “when circumstances such as topography, natural obstructions, Lot configuration, Lot size, hardship, aesthetic or environmental considerations may require a variance” (Section 4.06).
- F Culverts/Driveways: “Driveway culverts will be of sufficient size to afford property drainage of ditches without backing water up into ditch or diverting flow.” (Section 3.16)

State driveway surface to be used. “All driveways in the Subdivision shall be constructed of concrete, asphalt, gravel, iron ore, or crushed rock. Further, at least the first twenty-five (25’) feet of any driveway or entrance to each Lot from the pavement of the street shall be paved with concrete or asphalt.” (Section 3.05)

For culverts, descriptions and/or drawings of the size and construction of all drain tiles or culverts in any drainage ditch. For lots in Section 2 only, “All driveway culverts will be constructed with a concrete headwall on each end of the culvert.” (Section 3.05) Proposed culvert location(s) and elevation(s) must be marked on a plat plan. Minimum inside diameter is 18”, or the larger diameter of either the next upstream/downstream culvert. Property owners need to confirm their required culvert size with the Montgomery County Precinct 2 officials who can be reached at 936-539-7816. Your culvert must be placed in such a manner as to ensure that the water flow patterns on upstream and downstream properties are not affected. Your installation must not cause surface waters from your property to be in violation of the Texas Water Code. This code states, in part: “No person may divert or impound the natural flow of surface waters in this state, or permit a diversion of impounding to continue in a manner that damages the property of another by the overflow of water diverted or impounded.”

- G A copy of a Letter of Intent or Construction Loan Approval from a bank, or other proof that funds are authorized and available to complete the entire project as submitted. Provide complete names, addresses, and phone numbers of all parties involved in the financing. Specific personal financial data, such as account numbers, purchase price, funds on deposit, do not need to be provided. The ACC does not want to invade your privacy, but must insure that the project's construction will not stall halfway through due to lack of funds.
- H A copy of your Montgomery County septic building permit.
- I Legible, to-scale final house plans (foundation and floor plan only), elevation drawings (front, back and sides), and specifications showing:
 - a. "All dwellings must have at least 2200 square feet (3000 sq ft – Section 2) of living area, excluding porches" (Section 3.01).
 - b. A residential foundation plan that clearly states or shows that "all building foundations shall consist of concrete slabs" (Section 3.04). The ACC can approve "a different type of foundation when circumstances such as topography of the Lot make it impractical to use a concrete slab for all or any portion of the foundation" (Section 3.04).

Note regarding garages:

Consistent with "harmony of external design and color with existing and proposed structures" (Section 4.01 (a)):

All houses built in the subdivision were approved with garages. Consequently, houses submitted for ACC approval without a garage, either attached or detached, will not be approved.

Section 2 - Fence, Gate & Columns projects

- A Completed Project Application Form (see Attachment)
- B Plat plan (must be professionally prepared by a surveyor for house projects). Legible, to-scale of the property showing:
 - a. "Location with respect to topography" (Section 4.01 (a)) of all improvements on the lot: buildings, driveways, culverts, bridges, fences, gates, ponds, etc.
 - b. Building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- C Front, side and top view drawing of the fence, gate and columns: Show style, materials and colors plus dimensions with a description including a drawing of the plans and specifications.
- D As applicable, the location of the gate access box must be shown (per Section 2.05 of the deed restrictions, the box cannot be located in the easement adjacent to the road).
- E Variance (as applicable). A statement requesting a variance to the ROR deed restrictions. The ACC may authorize variances "when circumstances such as topography, natural obstructions, Lot configuration, Lot size, hardship, aesthetic or environmental considerations may require a variance" (Section 4.06).

Notes:

1. The ROR Plat specifies a 60-foot Right-of-Way (ROW) for our roads (i.e., from the center of the road, 30 feet to each side is the ROW). The Plat also specifies a 16-foot utility easement along both sides of the roads. The ROR deed restrictions (Section 2.05) state that no fence or other structure shall be constructed on the easements shown on the Plat. The end result, therefore, is no structure for 46 feet (30-foot ROW plus 16-foot easement) from the center of the road.

However, the fences and associated stone columns built by the developer were set 40 feet from the center of the road. Therefore, in fairness to the property owners, the RORPOA deemed 40 feet (versus 46 feet) as the acceptable minimum distance from the center of the road for placement of a fence or other structure. As an alternate means of measurement, 10 feet inside the property line will also satisfy this minimum 40-foot requirement.

2. Consistent with “harmony of external design and color with existing and proposed structures” (Section 4.01):
All road side fences must be ranch three-rail, white vinyl fences. Lot main entrance gates must be ornamental, black iron gates. Lot secondary entrance gates can be white vinyl gates.

Electric Fences and Hotwires:

Consistent with ROR allowing horses and being an equestrian community, the following definitions and regulations clarify/define the restrictions related to an electric fence or hotwire. Unless stated otherwise below, an ACC application must be submitted for approval prior to the installation of any electric fence or hotwire. A construction deposit is not required with the application.

Animal Containment Energized Hotwire:

One or more pulse-energized wires/tapes, specifically designed for large animal containment, secured to the inside(s) of an existing fence.

An application for an energized hotwire may be granted ACC approval provided all the following criteria are met:

- a. the hotwire is secured to a fence that has been approved by the ACC
- b. where an energized hotwire is installed on the road side fence (i.e. 3-rail, white vinyl) of the property, it will not be visible from outside the property
- c. the installation will follow the manufacturer’s instructions
- d. the equipment installed will be UL certified for safety
- e. the installation will deliver a pulsed shock
- f. the installation will be properly grounded
- g. ROR standard warning signs, available for purchase from the RORPOA, will be posted on the boundary fences
- h. the property owner will sign a declaration, provided by the ACC, confirming that the installation meets the required criteria.

Animal Containment Electric Fence:

A free-standing fence, specifically designed for large animal containment, comprised of one or more pulse-energized wires/tapes supported by plastic or other insulated posts such that only the electrically-charged wires/tapes effect the containment.

An application for a Variance allowing an electric fence may be granted ACC approval provided all the following criteria are met:

- a. the electric fence will not be used as a boundary fence on any side of the property
- b. the electric fence will only be installed within existing ACC-approved boundary fences
- c. the electric fence will not detract from the esthetic harmony of the neighborhood - considerations such as topography, Lot configuration, visibility, safety, aesthetic or environmental considerations may apply
- d. the installation will follow the manufacturer's instructions
- e. the equipment installed will be UL certified for safety
- f. the installation will deliver a pulsed shock

- g. the installation will be properly grounded
- h. ROR standard warning signs, available for purchase from the RORPOA, will be posted on the boundary fences
- i. the property owner will sign a declaration, provided by the ACC, confirming that the installation meets the required criteria.

Note:

The use of a temporary animal containment electric fence will be permitted for a maximum period of three (3) months, in order to provide adequate animal containment during emergencies, construction projects, pasture management, etc. Under these circumstances, an application to the ACC is not required. If the temporary electric fence remains in place for longer than 3 months, an application for a Variance must be submitted (see above).

Security Electric Fence

An electrified fence used for security purposes and designed to prevent human intrusion.

No applications for an electric security fence will be approved by the ACC.

Section 3 - Pond, Berm, Ditch, Dam, Levee, Spillway & Lot Grading projects

The ACC does not make engineering judgments to ensure that these projects do not violate the Texas Water Code. The ACC operates with the understanding that the property owners are bound to and must therefore ensure compliance with the Code.

The Texas Water Code states, in part: "No person may divert or impound the natural flow of surface waters in this state, or permit a diversion of impounding to continue in a manner that damages the property of another by the overflow of water diverted or impounded."

- A Completed Project Application Form (see Attachment)

- B Plans and specifications. Each application made to the ACC shall be accompanied by one set of plans and specifications to include (as applicable) "the drainage plan for the lot, plot plans showing the location and elevation of improvements on the lot and dimensions of all proposed walkways, driveways" (Section 4.01 (b)).

- C Plat plan (must be professionally prepared by a surveyor for house projects). Legible, to-scale of the property showing:
 - a. "Location with respect to topography" (Section 4.01 (a)) of all improvements on the lot: buildings, driveways, culverts, bridges, fences, gates, ponds, etc.
 - b. Building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- D Building materials: List any to be used for dams, berms, drains, and spillways.
- E Provide size and construction of all drain tiles or culverts in any drainage ditch.
- F Variance (as applicable). A statement requesting a variance to the ROR deed restrictions. The ACC may authorize variances "when circumstances such as topography, natural obstructions, Lot configuration, Lot size, hardship, aesthetic or environmental considerations may require a variance" (Section 4.06).

Note regarding ponds:

To circumvent erosion of the roadside easements, the edge/perimeter of a pond will located a minimum of 30 feet from the roadside fence (i.e. 40 feet from the front/roadside property line).

Section 4 – All other projects not addressed in Sections 1, 2 and 3 (as applicable)

- A Completed Project Application Form (see Attachment)
- B Plans and specifications. Each application made to the ACC shall be accompanied by one set of plans and specifications to include (as applicable) "the drainage plan for the lot, plot plans showing the location and elevation of improvements on the lot and dimensions of all proposed walkways, driveways" (Section 4.01 (b)).
- C Floor plans, elevation drawings (front, rear, & sides) and specifications: Legible & to-scale.
- D Foundation plan: that clearly states or shows the type of foundation for each building.
- E Provide design of all structures/buildings, and identify all external building materials and color selections (color samples are required; samples for non-standard materials also required).
- F Plat plan (must be professionally prepared by a surveyor for house projects). Legible, to-scale of the property showing:
 - a. "Location with respect to topography" (Section 4.01 (a)) of all improvements on the lot: buildings, driveways, culverts, bridges, fences, gates, ponds, etc.
 - b. Building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- G Culverts/Driveways: "Driveway culverts will be of sufficient size to afford property drainage of ditches without backing water up into ditch or diverting flow." (Section 3.16)

State driveway surface to be used. “All driveways in the Subdivision shall be constructed of concrete, asphalt, gravel, iron ore, or crushed rock. Further, at least the first twenty-five (25’) feet of any driveway or entrance to each Lot from the pavement of the street shall be paved with concrete or asphalt.” (Section 3.05)

For culverts, descriptions and/or drawings of the size and construction of all drain tiles or culverts in any drainage ditch. For lots in Section 2 only, “All driveway culverts will be constructed with a concrete headwall on each end of the culvert.” (Section 3.05) Proposed culvert location(s) and elevation(s) must be marked on a plat plan. Minimum inside diameter is 18”, or the larger diameter of either the next upstream/downstream culvert. Property owners need to confirm their required culvert size with the Montgomery County Precinct 2 officials who can be reached at 936-539-7816. Your culvert must be placed in such a manner as to ensure that the water flow patterns on upstream and downstream properties are not affected. Your installation must not cause surface waters from your property to be in violation of the Texas Water Code. This code states, in part: “No person may divert or impound the natural flow of surface waters in this state, or permit a diversion of impounding to continue in a manner that damages the property of another by the overflow of water diverted or impounded.”

H Variance (as applicable). A statement requesting a variance to the ROR deed restrictions. The ACC may authorize variances “when circumstances such as topography, natural obstructions, Lot configuration, Lot size, hardship, aesthetic or environmental considerations may require a variance” (Section 4.06).

Note regarding outbuildings:

Consistent with “harmony of external design and color with existing and proposed structures” (Section 4.01):

All outbuildings including barns, sheds, and storage buildings must be placed behind the front line (and preferably behind the back line) of the house.

Outbuildings must not be commercial-looking in nature. The ACC will make the final determination to ensure the building appearance is acceptable but as guidelines 1) pole buildings are not allowed, 2) the building must have eaves/roof overhangs (minimum 12 inches) on all sides, 3) the building must have windows and 4) unless circumstances warrant otherwise, the exterior color must harmonize with the home’s exterior color – in no case should the colors clash. For buildings not on a concrete slab, all walls must come in contact with the ground (skirting should be used if necessary).

Note regarding signs:

Per the deed restrictions, except for a temporary sign to sell or rent a house/lot, the display of a sign requires ACC approval. The ACC has approved the permanent display of the property address/identification sign and the standard small home security service sign. Any other sign requires a Project Application Form be submitted for ACC approval. The ACC will only consider the temporary display of any other sign and requires that the sign, including its location and display/mounting method, be aesthetically pleasing. As a guideline, all signs must be commercially manufactured (i.e. no homemade signs) and no sign can be more than 18” x 24” in size.

Under Project on the Project Application Form, check Other and specify Sign.

Provide a description of the sign including the reason for the sign, its size and the display/mounting method for the sign. Also provide the location of the sign and the requested timeframe for displaying the sign.