

Effective Date: August 10, 2010

Revised River Place Residential Community Association, Inc. Policy Regarding Acceptable Masonry Work on Pools

In an effort to clarify the type of masonry work that is permissible to be installed on pools under the Declarations, Covenants, Conditions and Restrictions (the "CC&Rs") that govern homes in River Place, and pursuant to Article VII, Section 1(a) of the CC&Rs which gives the River Place Residential Community Association, Inc. ("RPRCA") the authority to make such policies, RPRCA sets for the following policy (the "Pool Masonry Policy"). This Pool Masonry Policy does not supersede or amend the CC&Rs, rather it is meant to provide a guide to homeowners in interpreting the CC&Rs as they apply to pools so that homeowners will have more clarity about what the CC&Rs allow, and what they prohibit.

Relevant CC&R Sections

The Pool Masonry Policy is drawn from the following sections of the CC&Rs.

- § 4.11 Construction Materials "The exposed surfaces of all single family structures shall be constructed of 100% masonry, exclusive of roofs, eaves, soffits, windrows, gables and trim work." ... "Notwithstanding the foregoing, the ACC [Architectural Control Committee] is empowered to waive or amend any Masonry requirement if, in its sole discretion, such a waiver or amendment (i) is advisable in order to accommodate a unique or preferable building concept, design, or material, and (ii) will not distract from the general appearance of the property."

- § 5.08 Swimming Pools (As amended in the Ninth Amendment) "Moveable above ground swimming pools are strictly prohibited within the property. All Pools must be permanently installed in the ground. For purposes of this Section 5.08, in ground shall mean that the top edge of the swimming pool does not extend farther than thirty-six inches (36) above the highest point of natural ground elevation in the location that the swimming pool will be installed. No more than thirty-six (36) inches of swimming pool wall may be exposed. The exposed surface of all swimming pools walls must be covered with 100% masonry. All swimming pools must be contained within fenced enclosures and all swimming pool equipment shall be appropriately screened from public view. No swimming pools, spas or hot tubs shall be constructed or installed on any portion of the Property without written approval of the ACC."

Pool Masonry Policy

Based on the above text, the board provides the following guidance in interpreting the CC&Rs.

1. "Masonry" as used in Section 5.08, is the same as "Masonry" as used in Section 4.11. Masonry as used in Section 4.11 includes stone, brick and stucco.
2. If the "masonry" used on a pool wall is stucco, it must be the same type of stucco that would be used on the wall of a home which includes a backing, wire mesh, and multiple coats of mud, and must be finished in a manner that matches the texture of the stucco on the house where the pool is installed.
3. Sand mix or a skim coat over concrete is not stucco, does not qualify as "Masonry" under the CC&Rs and is not a permissible covering for pool walls.