

**Cripple Creek Mountain Estates Property Owner's Association
Architectural Control Committee
Declaration of Guidelines**

Construction and Architectural Control (Unanimously Approved: December 13, 2003 at the CCME POA Board of Director's Meeting; amended and unanimously approved: May 8, 2004 at the CCME POA Board of Director's Meeting)

Section I: Committee

An Architectural Control Committee for the Cripple Creek Mountain Estates Property Owner's Association (CCME POA) is hereby established.

A majority of the members of the committee may appoint one member of the committee to act on and for the committee.

The committee agrees to administer these guidelines within the scope of "reasonable interpretation" to protect the values of existing homes and the ever changing "best use" of the property.

A checklist for review of construction plans for presentation to the Cripple Creek Mountain Estates (CCME) Architectural Control Committee (ACC) is attached for your use and will also be used by the ACC to establish that a complete set of plans have been submitted and can therefore start to be reviewed.

Section II: New Construction or Improvements

Cripple Creek Mountain Estates Property Owners dues must be paid up in full prior to filing plans. Mountain Mutual Water Company is the community water system for CCME and payment of all water fees must also be current. For fee structure, taps or cistern requirements please call (719) 689-2527.

Before anyone shall commence on any lot within the subdivision the installation, construction, remodeling, addition to, or alteration of **any** improvement, or **any** change to the appearance of the exterior of the home or **any** out-dwelling, plans and specifications **MUST** be submitted to the committee at the office of the CCME POA by hand delivery or certified mail. Teller County requires building permits for any such improvement larger than 80 square feet.

Preliminary or tentative plans and specifications shall clearly show the nature of the work or installation proposed and the location thereof on the lot. A **complete** set of preliminary plans shall include sufficient description of materials, colors, textures, etc., together with a landscaping plan as shall enable the committee to evaluate whether the proposed construction, alteration, installation, etc. will be compatible with surrounding homes and with the character of the subdivision.

After approval of the preliminary or tentative plans, including therein any requirements made by the committee, the applicant shall submit to the committee two **complete** sets of the final plans and specifications to include an Engineer's stamp. All such final plans shall include plot plans showing the location on the lot of **all** improvements proposed to be constructed and/or installed, planted, placed, or maintained on the lot along with a drainage plan. Also included shall be elevations, together with proposed color schemes and textures for roofs and exteriors thereof, indicating the materials for the same and the results of a perk test for the property to be built on. If the proposed construction requires A Building Permit from Teller County, a copy of the permit **must** be submitted.

The committee shall approve or disapprove the **complete** plans and specifications that have been submitted to it within thirty (30) days after actual receipt thereof. One set of plans and specifications, with the committee's approval or disapproval and requirements endorsed thereon, shall be returned to the applicant. The other copy with a duplicate endorsement thereon corresponding to the first set shall be retained in the POA files.

Construction of said dwelling or improvement must commence within sixty (60) days of the date on the Architectural Control Committee's (ACC) Notice of Approval, otherwise the plans must be re-submitted. Teller County building permit needs to be posted at the building site and a copy sent to the CCME POA office for file. Notify the CCME POA office in writing of the date when ground is broken within fourteen days of that event. A final inspection of the completed home will be scheduled one year from ground breaking, sooner if accomplished earlier. This inspection is to ensure what was proposed is what was built. All exterior construction must be completed within 1 year of the date thereof, unless the Teller County Building Department has granted an extension and a copy of that extension has been sent to the CCME POA office. A copy of the Right of Occupancy is also to be sent to the CCME POA office for file within fourteen days of receipt. Also, an inspection of the landscaping of the property will be completed after the residents have moved in or no later than September 15th of the following year if weather is not conducive to landscape work at the initial time of final inspection.

In the event that the committee shall fail to approve or disapprove the **complete** plans, specifications and other information within thirty (30) days after actual receipt thereof by the committee, then such approval shall be considered granted, provided however, that notwithstanding the approval of the plans, no structure, building, or other improvement shall be installed, erected, painted, textured, altered or modified that violates **any** of the restrictions contained in the recorded covenants **or** herein. Injunctive action could be initiated should violations occur.

The committee shall have the right and power to disapprove any plans, specifications, or details submitted to it if the committee shall find the plans and specifications are not in accord with **all** provisions of the declaration, or if a design or color scheme submitted is not in harmony and accord with the subdivision or surrounding homes, or if the plans and specifications are **incomplete**.

Section III: Design Guidelines

The purpose of the committee's design guidelines and the committee's review of construction plans are not to develop a look-alike community, but to ensure that designs are compatible to the unique sites and the character of Cripple Creek Mountain Estates.

These guidelines contain general land use concepts for consideration by the committee in evaluating whether proposed improvements are consistent with the character of the subdivision. These concepts are ordinarily appropriate for buildings in the high mountains of Colorado and in Cripple Creek Mountain Estates.

The committee may from time to time adopt design guidelines for approval of building plans. The initial design guidelines are as follows:

1. Plot plan showing set back for the structure (as well as all other set backs), power, cistern tank, septic tank, leach field, driveway, propane or gas service, as well as any fencing to be used as well as a drainage plan for the lot.
2. Two sets of plans and specifications with an engineered permanent concrete foundation with full perimeter concrete footer and an Engineer's stamp.
3. Legal description and street address along with contact information for owners during the construction period.
4. Each residence shall have an engineered concrete foundation with full perimeter concrete footer, a 6/12 or steeper roof pitch that also meets local load requirements as well as a minimum of six (6) roof planes on the entire roof. Residences shall also have a minimum of three (3) front facing elevation planes. No galvanized metal siding shall be approved.
5. Exterior materials shall be materials that harmonize with the natural landscape and will withstand the climatic changes, and may include wood, stone, brick, aluminum siding and stucco.
6. Exterior colors should be earth tones and materials shall be of low reflectivity. White and/or galvanized reflective roofs shall not be permitted.
7. Propane tanks and water storage tanks must conform to state regulations. Cistern size and type need to be listed in the building application to the CCME ACC.
8. **All** chimneys are to be boxed. The committee must approve **all** fencing. Wood fences or masonry walls, if any, shall be compatible with the exterior materials used for the dwelling. No galvanized metal or barbed wire fencing shall be permitted.

9. Natural vegetation (especially living trees over 8” in diameter) will be left undisturbed, except for carefully planned access to property, clearing of building sites, or establishment of lawns, gardens and landscaped improvements within the immediate vicinity of the dwelling (30 feet). The recommended fire safety clearance is thirty (30) feet around the dwelling. An inspection of the landscape after residents have moved in will occur at that time or no later than September 15th of the following year if weather is not conducive to completing landscape work.
10. It is recommended that each home shall include a garage or carport of a style or design compatible with the house. Translucent or transparent garage doors facing the road are prohibited.
11. Portable, self-contained toilet facilities may only be used during periods of construction of the residence and toilet facility inspections during time of construction need to be documented on a posted checklist for that purpose. Garbage and solid waste shall be kept in a covered, waterproof container and shall be stored and disposed of in a manner approved by the Teller County Environmental Health Department on at least a quarterly basis. All trash and excess construction materials shall be removed no later than 30 days after right of occupancy is received.
12. The minimum required finished square footage for any new residence in all filings is 1,200 square feet heated living space **above grade** of the home.
13. The definition of homes used by the committee for non-traditional frame-built homes are:
 - a.) **Mobile Home** – A structure not meeting the definition of manufactured home as stated in the Colorado Revised Statutes (Filing 9 only).
 - b.) **Manufactured Home** – A structure transported upon a metal frame that cannot be totally removed when placed upon a permanent foundation without jeopardizing its integrity. The structure must also be purged and have a red HUD label. (All filings)
 - c.) **Modular Home** – A structure that is transported upon a metal frame or flat bed that is totally removed when placed on a permanent foundation. No title is assigned for this type of home. (All filings)

Note: All of these must be new from a manufacturer or dealer only.

Section IV: Liability

Neither the committee, the Board of Directors, nor any member thereof shall be liable to the association or to any owner for any damage, loss, or prejudice suffered or claimed on account of:

1. The approval or disapproval of any plans, drawings, and specifications, whether or not defective.
2. The construction or performance of improvements, whether or not pursuant to approved plans, drawings, and specifications.
3. The developments or manner of development of any property within the subdivision.
4. The execution and recording of an estoppels certificate whether or not the facts therein are correct provided however that the officer executing the certificate, with the actual knowledge possessed by him, has acted in good faith.

Without in any way limiting the generality of the foregoing, the committee, the Board of Directors, or any member thereof, may, but is not required to, consult with or hear any lot owner with respect to any plans, drawings, or specifications, or any other proposal submitted to it.

Section V: Certificate

The above declarations, statements, and guidelines have been prepared for the sole purpose of assisting the Architectural Control Committee in making decisions regarding the review and approval or disapproval of construction plans, as well as the enforcements of covenants, conditions, and restrictions affecting the Cripple Creek Mountain Estates and the Property Owner's Association therein. In the event that these guidelines and individual filing covenants conflict, the covenants shall preside.

The Architectural Control Committee hereby certifies that the undersigned are duly appointed, qualified, and acting on the authority of the Cripple Creek Mountain Estates Property Owner's Association and the Board of Directors.

Three Attachments:

1. Policy and Procedure 2005-03 Outbuildings
2. Preliminary Plan Proposal Checklist
3. Final Plan Proposal Checklist

**Preliminary Checklist for Review of Construction Plans for
Presentation to the Cripple Creek Mountain Estates (CCME)
Architectural Control Committee (ACC)**

___ CCME Property Owners Association (POA) dues must be current.

___ Mountain Mutual Water Company dues must be current.

___ Proposals must be either hand carried or delivered by certified mail.

___ Preliminary proposal will include specifications as to the nature of work or installation and location thereof on the lot. Plans shall include sufficient description of ___ materials, ___ colors, ___ textures, together with a ___ landscaping plan as shall enable the ACC to evaluate whether the proposed construction, alteration, installation will be compatible with surrounding homes and with the character of the Subdivision.

___ Approval with or without comments of the ACC

___ Disapproval with comments of the ACC

**Checklist for Review of Final Construction Plans for
Presentation to the Cripple Creek Mountain Estates (CCME)
Architectural Control Committee (ACC)**

___ CCME Property Owners Association (POA) dues must be current.

___ Mountain Mutual Water Company dues must be current.

___ Proposals must be either hand carried or delivered by certified mail.

___ Completed final plan submission. Specifically:

___ Plot plan showing set back for the structure (as well as all other set backs), power, cistern tank, septic tank and leach field, driveway and propane or gas service locations, as well as any fencing to be used and a drainage plan.

___ Two sets of plans and specifications with an engineered permanent concrete foundation and full perimeter concrete footer and Engineer's stamp.

___ Legal description and street address along with contact information for owner's during the construction period.

___ Each residence shall have a 6/12 or steeper roof pitch that also meets local load requirements as well as a minimum of six (6) roof planes on the entire roof. Residences shall also have a minimum of three (3) front facing elevation planes. No galvanized metal siding shall be approved.

___ Exterior materials (please provide separate list) shall be materials that harmonize with the natural landscape and will withstand the climatic changes and may include wood, stone, brick, aluminum siding and stucco.

___ Copy of Teller County Building Permit

___ Propane tanks and water storage tanks must conform to state regulations.

___ All chimneys are to be boxed.

___ The ACC must approve all fencing and/or walls before it may be installed. Wood fences or masonry walls, if any, shall be compatible with the exterior materials used for the dwelling. No galvanized metal or barbed wire fencing will be permitted.

___ Natural vegetation (especially living trees over 8" in diameter) will be left undisturbed, except for carefully planned access to property, clearing of building sites, or establishment of lawns, gardens and landscaped improvements within the immediate

vicinity of the dwelling (30 feet). The recommended fire safety clearance is thirty (30) feet around the dwelling. An inspection of the landscape after residents have moved in will occur at that time or no later than September 15th of the following year if weather is not conducive to completing landscape work.

_____ It is recommended that each home shall include a garage or carport of a style or design compatible with the house. Translucent or transparent garage doors facing the road are prohibited.

_____ Portable, self-contained toilet facilities may only be used during periods of construction of the residence and toilet facility inspections during time of construction need to be documented on a posted checklist for that purpose. Garbage and solid waste shall be kept in a covered, waterproof container and shall be stored and disposed of in a manner approved by the Teller County Environmental Health Department on at least a quarterly basis. All trash and excess construction materials shall be removed no later than 30 days after right of occupancy is received.

_____ The minimum required finished square footage for any new residence in all filings is 1,200 square feet heated living space **above grade** of the home.

_____ Other support materials as necessary to support the quality of the structure to be constructed. (Who will build the home and what is their contact information?)

_____ Disapproval, with comments from the ACC, within 30 days of receipt of **complete** proposal (see attached letter).

_____ Return for additional information and a new 30 day review process.

_____ Approval of the ACC given (see attached letter).

_____ Construction started within 60 days of ACC approval. (Ground breaking notice and Teller County permit received.)

_____ All exterior construction and landscaping completed within one year unless the Teller County Building Department has granted an extension and a copy of that extension is provided to the CCME POA office for the ACC's information and file.

_____ Right of Occupancy sent to CCME POA office for file within fourteen (14) days of receipt.

_____ Final inspection of the home has been completed.