

ARCHITECTURAL & LANDSCAPING DESIGN GUIDELINES & STANDARDS

Saddleback Mountain Homeowners Association Design Guidelines

February 2018

These Saddleback Mountain Homeowners Association Design Guidelines have been adopted by the Board of Directors of Saddleback Mountain Homeowners Association as of February 28, 2018. The Guidelines stated herein, supersede all Design Guidelines previously approved or adopted by any Saddleback Mountain Homeowners Association Board of Directors. Such previously adopted guidelines are hereby null and void and will no longer be used. These Guidelines will be reviewed and updated periodically; therefore, all homeowners should read and become familiar with them prior to submitting any requests for approval.

I. DEFINITIONS

- 1) ADDITION - anything attached to the dwelling.
- 2) ACC – Architectural Control Committee
- 3) DECLARATION - Declaration of Covenants, Conditions and Restrictions for Saddleback Mountain Homeowners Association
- 4) Dwelling - the house (main residence) itself (includes attachments)
- 5) Living Space – any space where a person may dwell or sleep
- 6) Exterior - external surfaces of the dwelling, to include addition(s) and outbuilding(s), etc.
- 7) Improvement- any structure and all appurtenances thereto of any type and kind, including but not limited to buildings, outbuildings, patios, decks, antennas, driveways, fences, screening walls, retaining walls, landscaping, exterior air conditioning equipment, poles, signs and painting
- 8) Modification - a change to existing or proposed design or improvement
- 9) Outbuilding - any enclosed structure, other than landscaping, constructed and placed upon the lot not attached to the dwelling
- 10) Permanent - lasting or intended to last indefinitely without change
- 11) Property - the land, Lot
- 12) CCCPD - the Clear Creek County Planning Department
- 13) Repair - maintaining existing property, dwelling, addition(s) and outbuilding(s)
- 14) Setback - respected mandatory space on either side of the established lot line(s)
- 15) Renewable Energy System - means any addition, alteration, or improvement to an existing or new structure which is designed to utilize wind energy or solar energy either of the active type based on mechanically forced energy transfer or the passive type based on convective, conductive or radiant energy transfer or some combination of these types to reduce requirements of that structure from other energy sources
- 16) SMHOA – Saddleback Mountain Homeowners Association
- 17) HOA - Homeowners Association

II. INTRODUCTION

1. References:

- a. The Declaration of the Covenants, Conditions, and Restrictions of SMHOA dated January 22, 2001, as may be amended (“DECLARATION”).
- b. The SMHOA Design Guidelines.

2. Basis for the SMHOA Design Guidelines (Guidelines)

The Declaration of the Covenants, Conditions, and Restrictions of SMHOA is binding upon property within the association's boundaries. Article 3 of the Declaration establishes an Architectural Control Committee, and sets forth the required approvals and design criteria.

3. Purpose of the Guidelines

The Guidelines are intended to assist homeowners living in SMHOA and prospective buyers of property within SMHOA in design, maintenance and implementing external improvements to their Lots in accordance with the DECLARATION. As such, a spirit of cooperation between the ACC and SMHOA residents will go far in creating an optimum environment which will help ensure that improvements are compatible with standards established for SMHOA, and will benefit all homeowners. By following the Guidelines and obtaining prior written approval for improvements to their property from the ACC, homeowners will be protecting their financial investment and will help to ensure that improvements to property are compatible with SMHOA community norms. Nothing in the Guidelines supersedes or alters the provisions of the DECLARATION.

4. Overall Guiding Factors

SMHOA is characterized by custom and semi-custom homes on large lots that are generally clean-lined without excess architectural ornamentation. The homes' character and colors blend in with a forest/mountain environment. All ACC projects will focus on an end goal of ensuring a preservation of open space, view, and privacy, along with maintaining a harmonious blend of housing types, designs and colors. As stated in Section 3.5.2 of the Covenants, "the Committee shall take into consideration the suitability of the proposed Dwelling or Outbuilding(s), the materials of which it is to be built, the harmony with the natural surroundings, the affect the Dwelling or Outbuilding(s) will have on the ecology, and the view from Adjacent or neighboring Lots and the effect upon the Subdivision."

Please note that existing properties, structures, or other features within the HOA do not set a precedent. The past does not dictate our future.

5. Design Review Committee Members

As of January 2018, members of the ACC include Nick Hartline (Chairman), Ken Jackson (Secretary), and Tom McGoldrick. If any matter comes before the ACC involving the property of a ACC member or alternate member, that member/alternate shall recuse her/himself. In the event that another vote is required for any reason, the SMHOA President will assume the responsibility. An alternate member has voting rights if and only if he or she is acting in place of a ACC member.

ACC Chairman: Nick Hartline, acc@saddlebackhoa.com

ACC Secretary: Ken Jackson, acc@saddlebackhoa.com, 720 290 0884

III. SUBMITTAL OF PLANS FOR APPROVAL

1. Submittal Requirements

ACC approval is required for all new construction and for any exterior modification or improvement to any existing home, existing structure(s) and/or improvements to the Lot. Written approval of the ACC must be obtained prior to commencing construction on any improvement or modification. In order to facilitate the approval process, and to provide adequate time for thorough responses to requests for improvements and/or modifications, homeowners are urged to submit their requests for approval to the ACC for review at least 60 days prior to the expected commencement of construction. The ACC will consider

in its review all aspects of the property including structures and landscaping. It shall be the responsibility of the General Contractors to know and be familiar with all lot boundaries, utility locations, easements and setbacks and to indicate them on the Architects site plan.

It is the responsibility of the homeowner to acquire all necessary permits and adhere to CCCPD requirements, however obtaining such permits shall in no way bind the ACC with respect to the approval or denial of any requests and does not guarantee the approval of the plan by the ACC.

Similarly, approval by the ACC shall not constitute assurance that the improvements comply with applicable governmental requirements or regulations, or that a permit or additional approvals are not also required from applicable governmental bodies.

No addition, improvement, alteration, modification, or renovation (including landscaping) will be permitted if it is determined to have an adverse material impact upon neighboring properties and/or the community. The ACC reserves the right to limit the size and location of certain improvements or modifications.

All communication and submittals shall be addressed to the Architectural Control Committee and mailed or delivered by email to the Chairman. For mailing purposes, the Chairman's address is 725 Clear Creek Rd, Evergreen, CO 80439.

2. The Plan

The ACC will require clear and concise information from which to make reasonable decisions. This information shall be in the form of drawings and plans (site, grading, floor, exterior elevation, and engineering foundation plans), photographs, color chips, material samples and any additional information deemed necessary by the ACC whether it is in the form of new information or additional and more accurate drawings and details. Plans should include the following:

- (1) Address and homeowners name and telephone number
- (2) Scale of 1 inch = 30 feet and a North arrow
- (3) Property lines clearly indicated
- (4) All recorded easements
- (5) Existing improvements identified or labeled (including driveways, fencing, walks, decks, outbuildings, etc.)
- (6) Proposed improvements/modifications identified and labeled
- (7) Materials to be used

3. Landscape Plans

Landscape plans are not required unless the applicant is proposing significant changes to the landscape, especially if those changes will be visible from the roadway or neighboring properties. Should this be the case, landscape plans shall include the square footage of the proposed landscape areas, a description of all varieties and the mature sizes of all trees and shrubs and the location of each tree or shrub clearly delineated on the plan. In the event that the homeowner desires to install any hardscape, such items shall be clearly marked on the landscape plan and a legend shall be provided so that the ACC can easily determine the location and type of materials. The landscape plan must also show utility easements. Approval from neighboring properties may be requested at the ACC's discretion.

4. Review Process

Once the complete plan has been submitted to the ACC for approval, the ACC will reference these Guidelines and the DECLARATION in reviewing requests. The ACC, in its sole discretion, considers the following:

- (1) Conformance with the DECLARATION and the Guidelines;
- (2) The impact the improvements will have on the Lot, to the surrounding Lots and to the community as a whole;
- (3) Whether the improvements/modifications are consistent with the overall appearance of the community;
- (4) The ACC may require submission of additional material or information and may postpone action until all required information has been received;
- (5) The ACC shall reply to all submittals of complete plans made in accordance herewith in writing within thirty (30) days after receipt and will render a decision of “approved” or disapproved” to the applicant. If the result is disapproval, the homeowner will be provided with complete explanation in writing.
- (6) If a question ever arises as to the correct interpretation of any terms, phrases or language contained in this docket, the ACC’s interpretation thereof shall be final and binding. This shall not preclude an Owner from appealing the decision of the ACC, as discussed below.

5. Right of Appeal

Applicants are encouraged to work with the ACC to resolve any “disapproved” submissions. If there is a failure to resolve the objections, the applicant may appeal the decision of the ACC by filing a written notice of appeal with the HOA Board of Directors within ten (10) days of issuance of the disapproval. A hearing will be scheduled within thirty (30) days of the Board’s receipt of a notice of appeal.

6. Deviations

Any deviation from approved plans must be resubmitted to the ACC for approval. Additionally, it is the responsibility of the applicant to provide notification to the ACC of any variances that have been filed with the CCCPD, with a minimum of two weeks’ notice of any hearing on such variance.

7. Schedule for Completion

Approved projects must be completed within six (6) months (for modifications and improvements and eighteen (18) months for new construction) from the date of approval. If an approved project is not completed with the requisite time allotted, it will be subject to the Enforcement Policy, including the potential for daily fines. Any approved project not commenced within 6 months from the date of approval must start the application process from the beginning.

IV. STANDARDS

Houses in SMHOA shall be tasteful and of high quality and shall reflect designs that are cohesive, consistent and properly proportioned in keeping with existing architectural styles. Architectural elements taken from several different styles may not necessarily be appropriate when incorporated into the same house. Modifications must be harmonious in color, form and proportions to the existing surroundings. The ACC evaluates proposed house constructions and/or modifications with this in mind. The ACC shall also consider the opinions of homeowners in close proximity to the applicant’s property if proposed modifications/improvements warrant it.

All lots within the SMHOA shall be single residence lots. No outbuilding may be used as a living space.

V. NON-COMPLIANCE

- (a) Failure to obtain the necessary prior approvals or non-conformance to the approved plans or schedule constitutes a violation of the Bylaws and/or DECLARATION and may require modification or removal of unauthorized work at the expense of the homeowner.
- (b) An owner who does not obtain the required written authorization prior to the start of a project will be issued a stop work order to remain in effect until the matter is resolved and a hearing is scheduled.
- (c) An owner in violation will be dealt with as follows:
 - 1. Notified in writing with a stop work order by the ACC within five (5) business days of the observation of the violation.
 - 2. A hearing shall be scheduled and convened within fifteen (15) business days of receipt of the notification.
 - 3. For any violation of these Guidelines, the HOA Board shall have the right to issue fines in accordance with its Enforcement Policy. Fines are due and payable when issued. Any unpaid fines shall incur interest at the rate of twenty-one percent per annum, and will be subject to action permitted by statute and the Association's Policy Regarding the Collection of Assessments.
 - 4. Any SMHOA legal expenses are the sole responsibility of the owner determined to be in violation of ACC and DECLARATION regulations.

VI. ADDITIONS - ATTACHED

- (a) The design of the Addition (including renewable energy systems) must be compatible in scale, massing, roof pitch, character, materials and color with the original house.
- (b) Changes in grade or drainage resulting from the Addition must not adversely affect adjacent property, and should be shown on the site plan.
- (c) Any addition(s) to a Dwelling must bring said Dwelling into minimum square foot requirements as set forth in Section 3.2.1 of the Covenants.

An application for an Addition to the ACC must include:

- 1. A complete description of proposed addition.
- 2. A detailed sketch or copy of the recorded plat, showing the location of the proposed addition, the existing house and the setbacks from all property lines. If outbuildings are included or retained in new construction plans, a master plan of all buildings is required.
- 3. Detailed construction elevation drawings for front, back and side views.
- 4. A photograph of the existing house and site conditions before proposed change(s).
- 5. Architect's site plan.
- 6. Lighting plan

VII. OUTBUILDINGS

The design of the outbuilding must be compatible with design of the dwelling and shall complement the existing design and color scheme of the dwelling. Changes in grade or drainage resulting from the addition must not adversely affect adjacent property, and should be shown on the site plan. Setback requirements must be consistent with both DECLARATION and CCCPD regulations. Additions, modifications and expansions of any outbuildings will require submittal of detailed plans and specifications for approval by the ACC.

Applications to the ACC must include:

1. A complete description of proposed building.
2. A detailed sketch or copy of the record plat, showing the location of the proposed or existing out-building(s), existing dwelling, and the setbacks from all property lines.
3. Detailed construction elevation drawings for front, back and side views.
4. Architect's site plan with all buildings identified as to function and purpose.
5. Lighting plan

VIII. DRIVEWAYS, SIDEWALKS and PARKING

Extension or expansion of driveways for additional parking beyond what is required for the home must be approved by the ACC.

Driveways and parking areas have direct impact upon the character of a site. Driveways and parking areas should be designed to be assets to the site and nearby lots and minimize impervious areas. Design should limit the overall length and visibility of the driveway.

Adding or improving may be done only where it and its use will not affect adjacent property, natural areas or drainage.

Enlarging and adding to driveways, sidewalks and parking area must be done with an eye to overall harmony of the property, the existing driveway, sidewalk or parking area, and the property as a whole. Application to the ACC must include:

1. Complete description of proposed work.
2. Detailed sketch, or copy of the recorded plat, showing the location of the existing dwelling and driveway and the proposed changes showing the dimensions and distances from property line.
3. A grading plan if the existing grading is changed.
4. Architect's site plan.
5. Lighting plan

IX. FENCES

- a) All fences, walls, or barriers must be approved (including the style and location of the fence) prior to construction. Fencing must be in keeping with the existing style of fencing common to SMHOA.
- b) The owner shall keep the fence in good repair.

X. PAINTING, STAINING, EXTERIOR COLOR CHANGES

All exterior color (or material) changes or new construction on a dwelling or other previously approved structure must be submitted in writing to the ACC for approval. Generally, the ACC is agreeable to colors that create a subtle, traditional effect that is harmonious and complementary to the surrounding homes in the community. No request for approval is needed to re-paint any exterior with existing colors the existing color complies with these guidelines.

Application to the ACC must include:

1. Complete description of proposed work.
2. Sample of proposed colors.
3. An illustration showing all surfaces to be painted or stained.

XI. SWIMMING POOLS AND HOT TUBS

This section applies to both in-ground and above-ground swimming pools and all exterior hot tubs. The design and location of swimming pools and hot tubs must be approved prior to construction.

- (a) Mechanical/electrical components must be enclosed or hidden from view.
- (b) Placement of swimming pools shall not alter natural drainage or drainage elements.

Application to the ACC must include:

- 1. Complete description of the proposed work.
- 2. Site drawing/plan showing the location of the proposed swimming pool or hot tub, pool equipment, decking, fencing, other lot improvements, and property lines.

XII. LANDSCAPING, LIGHTING and EXTERIOR PROPERTY

A detailed landscaping plan shall be submitted to the ACC for approval prior to installation following the above Landscape Plan requirements. For new construction, a rough initial landscaping plan for the lot is sufficient. Landscaping is defined as plants and hardscape such as lighting, fountains, statues, art work and other such features. Exterior accent lights must be conservative in design and be as small in size as reasonably practical. Exterior lighting shall be directed down and towards the house or driveway and shall be of low wattage to minimize glare to adjacent properties. Any variance or use of high wattage spotlights or floodlights requires ACC approval. Outside lighting that is considered in the ACC or Board's determination as obtrusive or objectionable shall not be allowed.

XIII. RENEWABLE ENERGY SYSTEMS

- 1. Nothing in these covenants shall prohibit or restrict the installation or use of a renewable energy system.
- 2. Renewable energy systems should be of high quality and integrate seamlessly into the architecture, scale, landscape and design of the property.
- 3. A comprehensive solar energy systems design shall be submitted to the ACC under section III.
- 4.

XIV. ENTIRE NEW DWELLING

The design of the new home must be compatible with the other homes in the community. Changes in grade or drainage resulting from the home site must not affect adjacent property or HOA property and should be shown on the site plan. Setback requirements must be consistent with both DECLARATION and CCCPD regulations. Homeowners are responsible for any and all damage and repair to utility lines, HOA Common Elements and other homeowner property.

Applications to the ACC must include:

- 1. A complete description of the proposed building.

2. A detailed sketch or copy of the record plat, showing the location of the proposed or existing outbuilding(s), existing dwelling, setbacks from all property lines, easements, fencing, water, sewer, gas, electrical, cable and other utility lines.
3. Detailed construction elevation drawings for front, back and side views.
4. Architect's site plan with all buildings identified as to function and purpose.
5. Four full size sets of plans and specifications.
6. Any and all variances granted by the CCCPD.
7. Color board samples of all finished exterior materials and colors, along with a front elevation to clearly identify where colors and materials are to be applied.
8. Lighting plan.

OTHER IMPROVEMENTS

1. Dog runs require ACC approval.
2. Free-standing flagpoles require ACC approval.
3. Multi-purpose sport courts and related outdoor lighting is permitted on a case-by-case basis. These improvements typically require significant space and have the potential for adverse physical and visual impacts on the SMHOA. However, the ACC will consider applications on a case-by-case basis.
4. Chicken houses and rabbit hutches are not permitted.
5. Trampolines may be permitted on a case-by-case basis.
6. Electric fencing is not permitted unless buried.
7. Exterior storage cabinets, lockers, etc. which are visible to adjacent properties require ACC approval.
8. No satellite dishes any larger than twenty four (24) inches in diameter are permitted.
9. Accessory buildings (playhouses, greenhouses, equipment buildings, etc.) require ACC review and approval.

No provision contained in these Design Guidelines shall be deemed to have been abrogated or waived by reason of any failure to enforce same, irrespective the number of violations or breaches that may occur.

Certified to be Policy duly adopted by the Board of Directors of Saddleback Mountain Homeowners Association, Inc. this _____ day of _____ 2018.