

2019 Architectural Guidelines Effective October 3, 2019

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1. Purpose and Bases for Architectural Guidelines

The purposes of these Architectural Guidelines are to provide guidance to designers, builders, and Owners for developing appropriate architectural and site plans for required approvals and performance of approved projects and to ensure that only one single-family-dwelling is constructed, per Covenant 1. General Subject-Residential Use.

The bases for establishment of the architectural guidelines are stated in property deeds and are binding upon all property Owners and their successors. The relevant documents (Declaration of Protective Covenants and Restrictions for Evergreen Meadows - Units 1 through 9 ("Declaration"), Rules & Regulations

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1995, Articles of Incorporation 1974, Bylaws 2017) and their successors which are available on the website: <http://www.emha.us> under the Documents and Architecture tabs.

This guidance is intended to help preserve the harmony of topography within the Evergreen Meadows community's mountain and open meadows habitat and preserve property values through design, materials, colors, and textures which are generally harmonious with the natural surroundings and which encourage the natural flow of wildlife.

The Guidelines establish and describe the process of Architectural Review Board (ARB) approval of property Owners' requests to expand or modify their property. **Property Owners are reminded that all exterior projects require ARB approval of work.** See exceptions in Section 2. below.

Neither the Association nor the ARB shall bear any responsibility for ensuring the structural integrity or soundness of approved construction, the adequacy of soils and drainage, nor for ensuring compliance with zoning or other laws regulating the approved construction.

Governing jurisdictions require permits for certain improvements, such as water, sewage, grading, building, renewable energy. Setbacks from property lines are established by the county. For SR-2 zoned property, in most cases the setback is 50 feet from all property lines. Any encroachment on property setbacks will require Jefferson County approval.

2. Architectural Review: Homeowners' Responsibilities

Pursuant to Section 2 of the Declaration of Covenants, all homeowners are required to obtain approval from the ARB prior to any exterior construction and modifications to the homeowners' lots including the buildings, improvements, and landscaping thereon, unless these Guidelines expressly exempt such construction or modification from the approval requirements. Exceptions to the approval requirement include the following construction and modifications provided they do not substantially change the appearance of the property or require permits from governing jurisdictions:

- A. Refinishing existing exterior surfaces with same or like color(s) if previously approved by the ARB.
- B. Materials and components may be repaired or replaced with the same or like materials and components.
- C. Minor landscaping such as shrubs, trees or flowers and flatwork such as repaving. A major landscaping project occurs when a permit is required by a governing jurisdiction. (An increase in area or a change in location of existing pavement or grading does require ARB approval to assess changes in environmental appearance or natural water runoff.)
- D. Retaining walls less than three (3) feet in height that do not alter drainage onto adjacent properties. See Section 4(I). Retaining Walls.

If property Owners are not certain where their proposed work qualifies as an exception to the approval requirements, Owners shall contact the ARB for clarification before proceeding with work. See also the EMHA website: <http://www.emha.us/architecture>.

Other Exceptions to Guidelines

An Owner may submit for ARB approval a request for an exception to the Architectural Guidelines if unusual circumstances exist that warrant special consideration by the ARB. At the time of initial request for ARB approval, the Owner shall submit a written request for exception detailing the justification for an exception to these Guidelines. Examples of unusual circumstances include impairment of the health, safety and welfare of the Owner or the EMHA community that would result through the typical application of these

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Guidelines. The ARB will not approve exceptions that contradict specific restrictions or conditions established in the Declaration.

3. Application and Approval Procedures

- A. The Owner shall submit to the ARB an ARB Request Form with required supporting documentation. See: <http://www.emha.us/architecture> for form. The ARB will attempt to provide an initial acknowledgement of receipt of each request within 72 hours of receipt.
- B. Following ARB receipt of a complete application and supporting documentation, and an on-site review of the proposed work if requested by the ARB, the ARB shall provide to the Owner a written approval or denial within no more than 30 days. The ARB will strive to complete its review within 14 days. If an application is denied, the ARB will provide an explanation to the requesting Owner as to why the application was denied and recommendations to gain ARB approval.
- C. The ARB will require the applicant to secure written approval of directly impacted adjacent property Owners for proposed projects that are not described in the Guidelines, but otherwise do not conflict with the Guidelines.
- D. In the event the ARB denies an application, the Owner may submit a written appeal to the EMHA Board of Directors as provided in the EMHA Bylaws. Alternative Dispute Resolution processes can be used to come to an agreement to resolve disputes.

4. Architectural and Site Plan

A. Building Location and Setbacks

New construction and improvements shall be sited in a manner that complements surrounding terrain, vegetation, and land uses. Disturbance of existing conditions shall be minimized. Setback deviations require Jefferson County approval. These Guidelines additionally require the written approval of any setback deviations by those Owners of immediately adjacent properties who are directly affected by the county variance. Site plans must clearly identify property line setback distances, boundaries and rights-of-way. Temporary structures are prohibited for use as a residence, except for trailers or mobile homes occupied by visitors, which shall be permitted for a period not to exceed thirty (30) days. Temporary structures can be approved as shelters for construction purposes.

B. Grading, Drainage and Erosion

All site improvements shall be designed to minimize grading required. No grading shall extend into adjacent properties. Methods of erosion control shall be employed as approved by governing jurisdictions.

C. Building Height

To minimize the visual prominence and mass of structures no main residential structure shall exceed 35 feet in height as building height is defined by the Jefferson County Planning and Zoning Division. Chimneys, roof vents, or flues, etc. are exempt.

No accessory building/ structure shall exceed 21 feet in height as building height is defined by the Jefferson County Planning and Zoning Division. The footprint shall not exceed 75% of the footprint of the primary residential structure.

D. Roofing

In order to maintain harmony of topography throughout the community, the color of roofing material shall be selected to not draw attention to the roof. Unpainted metal roofing will not be approved.

E. Exterior Materials, Finishes and Colors

All materials and finishes shall be complementary to the surrounding environment. Wood, stone, or stucco materials are generally acceptable. Exterior colors shall be neutral earth and forest tones. Please refer to the color palettes available on the EMHA website (EMHA.US) by September 23, 2019 under the Architecture tab. See **Appendix A: Exterior Construction Guidelines**.

F. Foundation Walls

Unfinished foundation walls shall not be exposed greater than 24" above adjacent finished grade and shall be finished to blend with other exterior materials.

G. Accessory Buildings, Structures and Improvements

No more than one accessory building shall be allowed on each Lot, per the Declaration. This is in addition to the garages allowed under the Declaration. All accessory improvements, buildings, and structures (including but not limited to sheds, fenced tennis and basketball courts, swimming pools, and mini-structures) require prior approval of the ARB. Except for garages, all accessory improvements, buildings, and structures shall be located to the rear or side of the residence and shall not encroach on the county designated property setbacks. Mini-structures may not cumulatively exceed 200 square feet in area for storage purposes, and shall not exceed 11 feet in height above grade.

H. Fencing and Screening

To preserve the mountain and open meadow habitat and to encourage the natural flow of wildlife, the use of fencing and screening shall be minimized. The use of fencing and screening may be approved only when used to define private outdoor living spaces, protect established gardens, or to aid in confining pets to select areas in the rear or side of the main residential structure. When approved, fences and screens will be complementary in design to the main structure. Fencing and screening shall not encroach on 50-foot property setbacks except as noted in **Appendix B Fencing and Screening Guidelines**.

I. Retaining Walls

Depending on the height of the retaining wall a permit maybe required. Building materials for retaining walls shall provide an appearance in harmony with the natural features of the land and with neighboring structures and other improvements. Retaining walls less than 36 inches in height that do not alter drainage onto adjacent properties do not require approval by the ARB, except as to materials and colors.

J. Signage

Signs will only be permitted as listed below:

1. Signs required for legal proceedings.
2. No trespassing signs not to exceed two square feet in size.
3. Residential identification signs that do not exceed a total face area of two square feet.
4. One sign not more than five square feet advertising the property for sale or rent.
5. No more than one sign, used solely or collectively, by designers, contractors, and subcontractors erected during the authorized period of construction not to exceed a total face area of five square feet.
6. No sign shall be attached or fastened to any natural features including existing trees.
7. Political signs may be erected by the Owner or occupant no more than 45 days before the day of the election and must be removed no later than seven (7) days after Election Day. Only one

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political sign per political office or ballot issue is permitted. The maximum size for each sign shall be no greater than 36 x 48 inches.

8. Temporary signs may be placed 48 hours before an event, but must be removed within 24 hours of completion of the advertised event.

K. Exterior Lighting

Exterior Lighting, except low-level landscape lighting, shall be a full cut-off design that minimizes light spill on to adjacent properties and light pollution of night skies.

L. Renewable Energy Projects

EMHA encourages the use of renewable energy sources particularly solar energy for individual property Owners. The ARB will work with property Owners to approve renewable energy projects within parameters that preserve the mountain and open meadows environment of our community and assure other property Owners' right to quiet enjoyment of their property.

All renewable energy projects shall observe the county approved setbacks. The design of the project shall complement the main structure and the environment. The highest point of the structure shall not exceed 50 feet above the grade at the base of the unit. Except for roof-top solar panels, structures shall be located at the rear of the main residence and shall not be easily visible from neighboring properties. The ARB will also consider an Owner's application for a wind-electric generator in terms of the aesthetic provisions, such as external appearance and sound that could interfere with the use and enjoyment of their properties by nearby residents. The owner should include design data for sound in the application. The generator must meet the interconnection standards established in rules promulgated by the public utilities commission. If any structure poses a potential safety hazard for persons, property or wildlife, the structure shall be fenced or screened to prevent unimpeded access. Clotheslines shall be retractable and be retracted when not in use. Nothing in these guidelines is intended to effectively prohibit renewable energy devices as permitted by statute.

M. Flagpoles and Flags

Flagpoles shall not exceed 25' in height and shall not be located within property setbacks. Flying of the flag will comply with the Federal Flag Code (4 U.S.C. sections 4 to 10). Any lighting will be spot lighting focused on the flying flag and directed from the flagpole base in an upward direction to minimize light spill onto adjacent properties and light pollution of the night skies.

N. Storage of Recreational Vehicles

To preserve the mountain and open meadows environment of our community, the open storage of a recreational vehicle (RV) is limited to a location that (a) mitigates its visual impact to neighbors and the public, (b) is immediately adjacent to the side or rear of the main residential structure or approved detached structure, and (c) and does not encroach on county designated setbacks.

If conditions of the property do not render as "practical" such limited locations, the Owner shall request approval of a waiver from the ARB and the adjacent neighbors of a location and/or measures that will reasonably satisfy the intent of the guidelines.

Appendix A: Exterior Construction Guidelines

Prior to preparing an application for proposed exterior construction, it is recommended that the Owner and/or his designer meet with an ARB committee member to discuss the application and supporting documentation. This informal review will provide guidance but not result in any binding stipulations. No fee shall be charged. Appointments shall be made at least one week in advance.

- A. **Application.** Please see the ARB Request Form on the EMHA website at <http://emha.us> under the Architecture tab and click on [ARB Request Form \(Intake\)](#).
- B. **Supporting Plans and Specification.** One (1) set of plans shall be submitted to the ARB. The ARB will retain for record a set of the approved plans and return to the Owner an approved set. The set will consist of the following:
1. Plans for all new construction and additions or alterations shall be at a scale of 1/8" = 1' or 1/4" = 1'.
 2. All plans shall be of the same sheet size and shall include the following:
 - a. Legal description of the property, Plans reference to "north", Owner name, Owner's mailing address, Owner's telephone number, the name and contact information for any designer who has or will work on the proposed exterior construction, and the name and contact information for any builder who has or will work on the proposed exterior construction.
 - b. A site plan at a scale of 1" = 20' or larger. Site plan shall depict all existing improvements and proposed new work including buildings, pavements, grading, drainage, existing conditions, and facilities. Legal restrictions such as rights-of-way, easements, property lines, setbacks, and dimensions from proposed construction to property lines shall also be included.
 - c. A plan depicting all exterior walls, with their dimensions, of existing and new construction.
 - d. Roof plan.
 - e. All exterior elevation plans, also indicating existing and proposed grades.
 - f. Wall sections and exterior details including items such as chimneys, exterior stairs, decks, supports and railings.
 - g. Specification of all exterior materials and colors. Submit samples of colors and materials, if requested by the ARB.
 - h. All other proposed improvements.
 - i. At the Owner's option, a perspective sketch and/or model may be submitted as a visual aid.
 - j. If requested by the ARB to assist in review of the plans, the Owner shall provide accurate staking of all proposed building corners and pavements, centerline of retaining walls, property corners, easements and setbacks. All stakes must extend 3' above grade and must be identified.
- C. **Changes During Construction.** After an application has been approved, if any plan revisions would affect the approved finished grade of the site or the exterior appearance of any structure the Owner must submit a new application for the plan revision to the ARB for approval prior to commencement of the revision. Depending on the complexity of the proposed revision such changes may require submission and approval of revised drawings at the discretion of the ARB.
- D. **Work Progress and Inspection.** The ARB may inspect all approved work during its progress and/or upon its completion. After the inspection, ARB will provide to Owner notice of items not in compliance with the approved plans. The ARB is not required to inspect the work during its progress,

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and the Owner remains responsible for ensuring that the work is in compliance with the approved plans at all times.

Upon completion of approved work, the Owner shall give written notice of completion to the ARB. Within a reasonable time, not exceeding 30 days from receipt of written notice of completion, the ARB may inspect the improvements. If the project is not as approved, then the items not in compliance must be submitted to the ARB for approval. Failure to correct the items identified in the Notice of Non-Compliance will be considered a violation of the Guidelines and the Association's governing documents and shall be enforced in accordance with the Association's enforcement policy.

- E. **Construction Period Regulations.** All exterior work on the structure and improvements must be completed within six months of work commencement. All site work which would affect drainage onto surrounding properties must be completed within one year of work commencement.
- F. **Home Owners' Responsibilities.** Home Owners are responsible for managing contractors and workers that are working on their property.
1. Construction trailers, sheds, or temporary structures shall be approved by the ARB and shall be removed within one month of completion of the construction.
 2. Excess excavation materials shall be removed from the property within one month and shall not be placed in the EMHA common areas, roads, or on other properties unless otherwise approved by the ARB on a site-specific basis. Excavation, except for utility trenching, shall be on Owner's property only.
 3. Debris and trash will be cleaned up daily and will be stored in a fenced trash disposal area or construction dumpster which shall be removed when full. Soil and debris from the construction site shall not be allowed to flow onto streets, neighboring properties, or EMHA common areas.
 4. No vehicles shall be permitted to damage the surrounding natural landscape or inhibit traffic. Vehicles shall not be left overnight on county-maintained streets.
 5. Damage caused by an Owner or their agent to other properties shall be promptly repaired at the expense of the Owner having caused the damage.
 6. Owner and their agent(s) shall make every effort to reduce dust, noise, and odors emitted from a construction area.
 7. Construction will also adhere to other community norms for maintaining a healthy environment by not dumping toxic fluids or concrete within the EMHA community.

Appendix B: Fencing and Screening Guidelines

A. Materials

Wooden, decorative fencing such as split-rail or milled log rail is preferred as it is compatible with our mountain environment. Any woven wire, barbed wire, and chicken wire are prohibited as they can harm wildlife. In some cases, welded wire may be approved when attached to decorative wooden fences.

B. Dimensions and Location

1. Fencing heights: Top rail shall not exceed 48" above grade. Post height shall not exceed 72" above grade. A single strand of colored biodegradable baling twine may be located no more than 72" above grade.
2. Enclosed fenced areas shall not exceed 20% percent of the area of the Lot.
3. Fenced areas shall be located adjacent to the rear or side of the residence.

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4. Linear fencing, such as for delineating drive entrances, shall not exceed a total of 80 linear feet.
5. Fencing, including invisible electronic pet fencing, and screening shall not encroach within 20 feet of the Owner's property line along any public right of way, nor on the 50-foot setbacks on other property lines. Invisible electronic pet fencing and above-grade fencing may be co-located.
6. Stockade fencing is not permitted.
7. Requests for exceptions for fencing of odd-shaped property lines (example: narrow) can be directed by Owners to the ARB.
8. Exception: Fence heights of tennis and basketball courts and swim pools shall be no more than 8 feet in height.

C. Dog Runs and Established Gardens

1. These fences may not exceed 72" in height and shall be located adjacent to the rear elevation of the residential structure or approved accessory building.
2. The area enclosed shall not exceed 800 square feet.
3. Preferred materials for these fences are wooden posts, rails and welded wire. Well-supported overhead welded wire fabric may be used. Woven wire is not permitted.

D. Screening

Screening, fixed fencing, or plant barriers capable of obstructing wildlife movement shall be minimized.

Screening shall not encroach on county designated setbacks. Screening may be approved for obscuring from public view a specific object or area and shall be located adjacent to the rear or side of the residential structure or approved accessory building.

E. Snow Fencing

While snow fencing shall be minimized, temporary wooden snow fencing can be approved from October 1st through April 30th as long as it does not exceed 48" in height and is along one side of the driveway.

Glossary

As used in these Architectural Guidelines, the words shall have their common meanings except as listed below.

ARB shall mean the Architectural Review Board and its committee of appointed members.

Architectural Review Board shall mean the committee authorized by the Declaration of Covenants and Restrictions, as revised December 31, 2018, and by the 2017 Bylaws, Article IX, section 2. a).

ARB Guidelines and Architectural Guidelines ("the Guidelines") shall mean the published guidelines currently in effect and available on the EMHA website at EMHA.US under the Architecture tab.

Articles of Incorporation shall mean the document which established the Evergreen Meadows Homeowners Association on June 12, 1974.

Association shall mean and refer to Evergreen Meadows Homeowners Association, Inc., its successors and assigns.

Board shall mean the Board of Directors of the Evergreen Meadows Homeowners Association.

Common areas or properties shall mean and refer to all the real property, including improvements thereon owned by the Association for the common use and enjoyment of the Owners of the Properties; specifically Tract R-1, Unit 4; Tract P-1, Tract P-2, Tract P-3, Tract A, Unit 6; Tract D, Unit 8; and any other Lots or Tracts that may be owned by the Association in the future.

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Declaration shall mean and refer to the Declaration of Protective Covenants and Restrictions for Evergreen Meadows - Units 1 through 9 ("Declaration") applicable to the Properties recorded in the Office of the Clerk and Recorder of Jefferson County, Colorado on December 31, 2018, and its successors.

Evergreen Meadows – Units 1 through 9 shall mean and refer to the platted subdivision as defined in the Declaration of Covenants and Restrictions. It does not include Unit 10.

Evergreen Meadows Homeowners Association shall mean and refer to the non-profit corporation as established in the Articles of Incorporation and registered with the Colorado Secretary of State.

Governing jurisdiction shall mean and refer to any governmental unit that has a regulatory function over Lots in Evergreen Meadows, such as county, state, federal government, special districts, etc.

Harmony of Topography shall mean the terminology found in the Declaration for establishment of the Guidelines: 2. General Subject — Architectural Review Requirements.

Jefferson County shall mean the governing jurisdiction that regulates use of real property through zoning, building, usage and other codes and regulations.

Lot shall mean any numbered plat of land shown upon any recorded subdivision plat of the Properties which is not designated as Common Area.

Owner shall mean the Owner of record of fee simple title to any Lot situated upon the Properties, whether one or more persons or entities, including a seller of a land contract, but shall not mean a mortgagee.

Properties shall mean and refer to that certain real property described in the subdivision plat for Evergreen Meadows Units 1-9, County of Jefferson, Colorado, and any additions thereto which are subject to the Declaration or any supplemental Declaration.

Single-family-dwelling shall mean and refer to the restrictions placed upon both the usage of and type of construction on an Owner's Lot or Property in Evergreen Meadows, as specified in the Declaration, Section 1. Residential Use.

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