

# ARCHITECTURAL STANDARDS AND REVIEW GUIDELINES FOR

## EAGLE HEIGHTS SUBDIVISION

Version 2, effective July 1, 2023

Pursuant to the Declaration and Amended Declaration of Covenants, Conditions and Restrictions for Eagle Heights Subdivision, any amendments thereto, the Articles of Organization for Eagle Heights Homeowner Association, Inc., any amendments thereto, and the Bylaws of Eagle Heights Homeowner Association, Inc., any amendments thereof (collectively referred to as Entity Documents), the following Architectural Standards and Review Guidelines for Eagle Heights Subdivision are adopted.

### Article I. General Information

Section 1. Purpose of Architectural Standards. The following Architectural standards are established to create and preserve an attractive neighborhood in which to live; to establish and preserve harmonious design; to protect the value of property within the subdivision; to provide required guidance to property Owners as to design, construction, and landscaping; and to establish initial required guidelines for the Architectural Review Board (ARB). The ARB shall have broad discretion in meeting the purposes of the Architectural Standards.

Section 2. Compliance. In addition to meeting the requirements herein and complying with the above referenced Entity Documents, an Owner must comply with requirements and regulations of all governmental entities and agencies having jurisdiction, including Montrose County authorities, in order to obtain a building permit and a Certificate of Occupancy. All construction plans presented to the ARB for final review must include an appropriate certification of a duly qualified engineer. The ARB is not responsible for certification or guarantees with respect to the engineer, but shall have only a certification for its file.

Section 3. These standards and regulations shall be deemed supplemental to the Entity Documents. In the event of conflict between the Architectural standards and the Entity Documents, the Entity Documents shall control and govern. Within the Entity Documents, there are similar controlling provisions that dictate which Entity Document trumps another. In no event shall any building be erected, placed or altered on any Lot until the construction plans and specifications have been approved by the ARB as to the materials, harmony of external design with existing structures and environment, and as to location with respect to the specific building site within any Lot as well as with respect to the topography and finished grade elevation.

Section 4. Approval shall be obtained by the ARB prior to installation of any landscaping or other site improvements including, but not limited to: fencing, exterior lighting, patios, play equipment, gazebos, retaining walls, dog runs, trees or large bushes, etc.

Section 5. Any revisions and/or additions to the approved Architectural and Landscape Plans made by either the Owner or his agent, or as required by any governmental agency, must be resubmitted for approval by the ARB. The revised plans are subject to all requirements detailed herein.

- Section 6. Action of the ARB. The ARB will meet regularly to review all plans submitted for approval. The ARB may require submission of additional material and may postpone action until all required materials have been submitted. The ARB shall act within the limits specified herein unless those time limits are extended by mutual agreement. If the ARB fails to communicate its approval or disapproval within 30 days after receipt of a complete submittal, submittal shall be deemed approved. However, no approval, whether expressly granted or deemed granted, shall have the effect of negating or superseding any section or sections of the Entity Documents unless a written variance has been granted by the Executive Board of the Association. The ARB shall not be required to return submittal plans and specifications.
- Section 7. Enforcement of Architectural Standards. Enforcement of these provisions is detailed in the Entity Document. Members of the Board or ARB may enter a property with prior reasonable notification to the Owner.
- Section 8. Denied Submission. If a submission is denied, the reasons for the denial shall be stated in detail by the ARB. The Owner may resubmit the application to the ARB with revisions addressing the reasons for denial stated by the ARB. The Owner also may file a written appeal with the ARB. Owners may make written requests to appeal a denied submission or to request a variance based on unique circumstances. All requests shall clearly state the nature of appeal and/or why a variance is being requested.
- Section 9. Period of Plan Validation and Construction. Final approval of a specific set of plans and specifications is valid for 12 months after final approval unless a written extension is mutually agreed upon. Construction must begin within this period; if it does not, plans must be resubmitted to the ARB. Further, completion of construction must be finalized within 18 months of commencement of construction.
- Section 10. Variances. Variances may be granted by the Executive Board on a case-by-case basis and must be fair and impartial.

## Article II. Review Procedures

- Section 1. Plan Review. All Owners and/or their agents shall comply with the following review procedures in order to gain approval for any improvement to a Lot within the Eagle Heights Subdivision. All construction in the subdivision, except that undertaken by the Declarant, whether new residential construction; subsequent exterior renovation; remodel; extensive repair; home site improvements, including but not limited to: walks, driveways, drainage, fencing, lighting, statuary, landscape planting, retaining walls, is subject to review under these standards. Drawings or plans for any such proposed improvement must be submitted to the ARB and a written approval obtained before the improvements may begin to be made. The review process follows:
- A. Preliminary plan review:
- a. Architectural elevations (front, side, and rear) indicating typical proposed grade line finish floor elevations, top of slab elevations and building height calculations.
  - b. Floor plans including square footage of each room and overall structure.
  - c. Roof plans including pitches, ridges, valleys, and locations of mounted equipment.
  - d. Indication of all proposed exterior materials.
  - e. Exterior details including chimneys, exterior stairs and decks, railings and deck supports.
  - f. Any proposed exterior improvements such as awnings, hot tubs, decks, patios, permanent barbecue structures, etc.
  - g. Lot lines and dimensions, building setbacks, and easements.

- h. Building footprints, main finish floor elevations, garage slab elevations, and basement elevations.
  - i. Septic drain fields.
  - j. Walks, driveways, outbuildings, detached buildings, retaining walls, etc., with top and bottom elevations.
- B. Review Steps:
- a. Owner prepares and submits to the ARB all of the above review materials to the principal office of the Association listed with the Secretary of State in Colorado.
  - b. The ARB will review the submitted plans and make suggestions/ comments/ findings which will be submitted to the Owner within 30 days of receipt.
  - c. The Owner may then refine or revise the preliminary design as suggested by the preliminary suggestions/comments/findings within 30 days or as mutually agreed upon.
  - d. The ARB may issue “pre-approval” of design renderings. Each “pre-approval” review is subject to a \$200 fee. Pre-approval of renderings will allow the ARB to identify and express design concerns while permitting the Owner to address these concerns with their architect or draftsman. Pre-approval is still subject to Final Approval.
- C. Final Plan Review. Owner shall furnish:
- a. Landscape Plan (minimum scale 1" = 20') that includes extent and location of all plant materials and landscape features, site lighting, existing trees, vegetation and land forms, retaining walls, walkways, drainage, and similar detail.
  - b. Building Plans. In addition to the requirements for the preliminary building plans, a complete set of floor plans shall be submitted including: all exterior elevations; roof pitch; roof material; exterior materials; building height at highest point; door and window types; stain, paint, and stucco colors; chimney caps and flue enclosures. Samples of colors and materials are required.
  - c. Final Review Steps. Upon approval of the preliminary plan, the Owner shall submit all above required information and materials for final plan approval. Upon receipt of all final plan requirements, the ARB shall meet within 30 days and notify Owner in writing of the final plan approval or disapproval.
  - d. Upon final plan approval the Owner may apply for a building permit from Montrose County. All sets of drawings required for a building permit from Montrose County must be submitted to the ARB in order to receive final ARB approval.
  - e. Owner may appeal a negative decision of the ARB to the Executive Board or the Owner may revise/refine their plan and resubmit this revised final plan for consideration of the ARB.
- D. Construction Conformance Review. Prior to any application for a Certificate of Occupancy, the Owner shall obtain a letter from the ARB advising compliance with the final approved landscape and building plans. The Owner shall request this letter not less than 4 weeks prior to their application for a Certificate of Occupancy from Montrose County. In the event that certain landscaping or minor building improvements have not been completed, but all other improvements have been completed and are in conformance with the final approved plan, the ARB may issue a letter advising temporary compliance pending completion of those improvements that have not been completed, provided that the Owner commits in writing to complete these improvements within 6 months. Only when all improvements have been made and are in compliance with the final approved plan may the ARB issue an unqualified letter of compliance.

### Article III. Design Guidelines

Section 1. Building location and sizing. All buildings shall be constructed within the site-specific location shown on the plat for the Lot. The ARB may amend the site-specific location upon application. All structures must be of a permanent nature constructed on site and affixed to a permanent foundation. No modular home, trailer house, mobile home, manufactured home, prefabricated home, or similar shall be set upon any lot within the Subdivision. All residences must be of workmanlike quality using new materials and shall be completely finished before occupancy.

- a. Each residence structure shall contain not less than 2,300 square feet of finished living space, but not more than 6,500 square feet, excluding garages, basements, decks, and patios. Each residence shall have an attached garage (or connected to the residence via a covered walkway) consisting of not fewer than 3 bays but not more than 4 bays.
- b. Each residence and all structures must have a minimum roof pitch of 6:12 and secondary roofs with a minimum 4:12 with a minimum eave overhang on all sides of 12 inches. Roof height shall not exceed 28 feet from natural or finished grade at any point in the structure for all lots except lots 1, 2, and 3 which will have a maximum roof height of 21 feet. No single ridge roof design shall be permitted. Roofs are to be cedar shake, tile, or architectural metal or composite material to be reviewed by ARB. For roofing material, Propanel or similar smooth surface metal roofing is prohibited. Bright or primary-colored roofing materials are not permitted.
- c. No structure shall contain more than 2 stories above ground. Residence design should pay particular attention to structures on ridge lines and other prominent locations to avoid a "billboard" appearance.
- d. Each plot/site plan must include a site-specific design level geotechnical study that at a minimum addresses soil-bearing capacities, soil swell pressures, slope stability, viable foundation types, etc., and areas or conditions, *i.e.*, steep slopes, ridge lines, wet areas, etc., where structures and similar site improvements should not encroach. This study shall address these and other applicable geotechnical parameters and characteristics. The geological hazard study prepared by Lambert and Associates (project number M05118GF titled "Geologic Hazard and Feasibility Level Geotechnical Study, Eagle Heights Subdivision, Montrose County, Colorado" and is dated April 24, 2006. This report contains information, suggestions, and recommendations that should be recognized and in some cases implemented during the development of each site and will be made available to each initial owner.
- e. Each plot/site plan shall show the location of the septic system and area for a leach field.
- f. Each lot in the subdivision has a designated building envelope --- each lot is site specific --- in order to preserve and enhance the value of the entire property and to establish view corridors and provide for privacy. Structures must be constructed within these designated building envelopes.
- g. Landscaping must be installed and completed within 18 months of occupancy of the residence. All landscaping plans must be approved by the ARB.

- Section 2. Design. Design should reflect high quality construction materials in an attractive, unique and distinctive design. In order to achieve a varied Architectural expression, each design will be judged on its own merits. Subsequent plans for landscaping, additional structures, additions to existing structures, fences, etc., must be consistent with existing design. Owners/Applicants are encouraged to consider the following suggestions:
- Columns should look substantial.
  - Use natural colors that blend with the environment.
  - Use individualistic or custom front doors.
  - Use custom or handcrafted features (*e.g.*, stained glass).
  - Incorporate broken and varied rooflines.
  - Avoid boxy or long wall lines, maximize corners.
  - Discuss conceptual or preliminary plans with the ARB.
- Section 3. Driveways and parking. Extension, expansion, or resurfacing of driveways require ARB approval. Driveways are not to be intended to promote off-street parking or vehicle storage. Garage plans should be sufficient to provide enclosed parking for all Owners' vehicles such that no vehicle is parked outside a garage. If an Owner wishes to store additional vehicles or equipment (although not equipment of a revenue-producing nature), the Owner's plan may include an additional building for this purpose provided: it conforms with all design requirements; is constructed within the site-specific footprint; and is approved in advance in writing by the ARB. Hard and non-hard driveway surfaces are acceptable but appropriate measures should be taken to provide erosion control, dust control, and drainage. Culverts that span a roadway right of way drainage ditch must be of adequate length to prevent the end from being crushed by vehicle tires. Regardless of length such culverts must be maintained by the Owner.
- Section 4. Exterior features and materials. Every effort should be made to conceal mechanical features such as heaters, air conditioners, metal chimneys, antennas, satellite dishes, etc., from view. Heating and air conditioning equipment are not to be roof or side-mounted and when placed on the ground next to the building should be concealed. Concrete foundation walls or stem walls should not be exposed. Direct light sources and all exterior lighting should be used only to accent Architecture, landscape or artwork; for the definition of entries or walkways; or for safety. In all cases excessive glare to neighboring properties shall be avoided. All utility lines must be buried.
- Section 5. Exterior Maintenance. Building exteriors and landscaping on each Lot shall be kept by the Owner in the condition described on their approved final plan. This includes lawn mowing; watering and trimming; exterior repair, maintenance, and painting; shrubbery pruning and watering; and all reasonable steps to maintain Eagle Heights as a high-quality residential subdivision.
- Section 6. Garages and storage or out-buildings. All such buildings must be approved by the ARB in writing and in advance and their design consistent with the design and construction of the primary residence. Each residence should have a minimum of a 3-car garage and not more than a 4-car garage. Permitted outbuildings may not exceed one story (*i.e.*, 12 feet) in height and may be no more than 1600 square feet. Gazebos, storage sheds, and greenhouses must: be located in an inconspicuous location; adhere to these standards; be approved by the ARB; and generally should not exceed 8 feet in height and 200 square feet. All such buildings must be coordinated as to massing and scale, forms, materials, detailing, and overall design compared with the main residence. No carports nor temporary sheds will be allowed. No visible storage containers, fuel tanks, nor water tanks are allowed.

- Section 7. Hedges and fencing. Location and size of privacy fences and hedges will be determined with consideration given its impact on adjacent properties and streets, and should be consistent with the residence in materials and color. No chain link, barbed wire, nor vinyl fencing shall be permitted. Fences shall not exceed 5 feet in height. No fences or hedges may extend beyond the front corners of the residence. All fences for containment of pets and children are to be constructed as to be unobtrusive and inconspicuous as possible. Natural landscape materials such as trees and shrubs may be used for privacy hedging or screening so long as such landscaping does not interfere with views in the Subdivision. All fences shall be constructed in an open rail-type or a wooden picket type fence. Welded wire mesh may be installed on the inside of the fence. Chain link, barbed-wire, or vinyl fencing shall not be permitted. Metal farm or ranch gates are not permitted.
- Section 8. Patios, decks, and paving materials. Patios, decks, and paving material should be compatible and harmonious with the structure and must be an integral part of the landscape Architecture design. Materials and design should be compatible with those of the main residence.
- Section 9. Retaining walls. Retaining walls may be used to create or accommodate changes in grade and as part of a landscape design. They must be approved by the ARB and be properly anchored and constructed and drained. Walls may not exceed 5 feet in height and may not alter existing drainage.
- Section 10. Roofs. No single ridge roof designs will be permitted. Shake, tile, Architectural metal or composite materials are recommended, but Propanel or similar smooth-surface metal roofing is not permitted. A bright or primary-colored roof, or unfinished or exposed metal detailing is not permitted, except for copper. Roofing material, roof design, and roof pitch must be compatible with the building design. Stack vents and chimney covers located on the roof shall be dark colors.
- Section 11. Siding. Exterior wall material should be of a natural image using wood, stone, and stucco. Artificial "stucco," plastic siding, Masonite-type siding or vinyl or aluminum siding are not permitted. It is required that a minimum of 20% of the exterior wall surface shall be covered by brick or natural stone/rock. Earth tones/natural colors are recommended for exterior colors.
- Section 12. Windows. Wood window casings are encouraged with natural, stained, painted, or metal or vinyl-clad finishes. Aluminum or bright metal finishes are not permitted. When located in stucco, stone, brick or rock, windows are encouraged to be recessed a minimum of 2" from the outside face. Mirrored glass is not permitted.
- Section 13. Easements. Easements are located throughout the subdivision. No grading, structures, plants or other materials or action that interferes with easements shall be permitted.

#### Article IV. Landscape Guidelines.

Section 1. General. Initial landndscaping must be installed and completed within 18 months of occupancy of the residence. Additional landscaping may be added in phases. All landscaping must be approved by the ARB in accordance as described herein. Landscaping shall consist of any combination of attractive grass, rock, ground cover, plants, shrubs, and native plants and trees. Stone or gravel mulch with harsh, unnatural, or high-contrast colors, or any coverings with harsh, unnatural, or high-contrast colors, are prohibited.

Section 2. Landscape irrigation. Irrigation water is available to each Owner. Each Owner may install a 1.5" tap and 1.5" hp pump to irrigate his lot. Absolutely no flood irrigation will be allowed in the subdivision. The landscape plan submitted to the ARB shall include irrigation.

Section 3. Vegetable gardens. Vegetable gardens shall be located in the rear or side yard areas of the home so that both the garden and its accessory operating area are substantially screened from neighboring homes, streets, and common areas.

Section 4. Maintenance. All landscaping must be maintained in a neat and attractive condition. Minimum maintenance includes watering, mowing, edging, pruning, removal and replacement of dead or dying plants or trees, and elimination of undesirable weeds and brush. Control of weeds must conform to the Entity Documents and applicable law.

#### Article V. Other Site Improvements

Section 1. Awnings, patio covers, screens and shutter colors must be complimentary to the exteriors colors of the house and be constructed of wood or materials consistent with the primary residence.

Section 2. Dog/Pet houses and runs. Dog/pet houses and runs are permitted, but must be approved by the ARB. The ARB may consider the impact of pet houses and runs on neighboring properties and common areas and streets. Design must be compatible with the main residence and maintained in a like manner. The ARB may require such structures be screened to be as unobtrusive as reasonable. The ARB may also consider the effects of potential noise from the location of the pets on the neighbors and common areas.

Section 3. Holiday decorations. Holiday decorations and/or lighting may be installed 45 days prior to the holiday and must be removed within 30 days after the holiday. Such decorations and/or lighting must respect the neighbors' concerns. It is not necessary to apply to the ARB for such decoration or lighting, but the ARB, upon petition by 3 Owners, has the authority to limit or constrain or otherwise reduce or modify such decoration or lighting.

Section 4. Hot tubs/Jacuzzi or similar. The ARB shall consider installation of hot tubs or Jacuzzis or similar as part of design review. This review shall consider visibility to neighbors and common areas, and noise level and its effect on neighbors and common areas.

Section 5. Mailboxes. Mailboxes are provided at the entrance to the subdivision as shown on the plat. No mailboxes nor newspaper boxes are allowed for private homes.

Section 6. Play and sports equipment. The location of play and sports equipment should be designated on the preliminary plan submission and approved by the ARB. Consideration shall be given as to location so as to minimize the noise neighbors may incur and to minimize undue disturbance on neighboring properties. Play houses larger than 30 square feet and taller than 6 feet shall have ARB approval. All play and sports equipment visible from streets, common areas, and neighboring properties should be well-maintained and in good repair.

Section 7. Solar equipment and skylights. All solar equipment and skylights shall be incorporated into the structure and building and be architecturally compatible with the residence or building. Solar panels shall have ARB approval.

Section 8. Wood Storage. Wood must be stored in a side or rear yard, out of sight of roads, neighboring properties, or common areas. Wood must be neatly stacked and kept pest-free, and not to exceed 6 feet in height.

## Article VI. Miscellaneous

Section 1. Non-liability. The ARB approval pursuant to these Guidelines does not approve or guarantee engineering design nor compliance with law and applicable governmental ordinances or regulations (such as zoning and building ordinances or building codes) and does not reflect any expertise by the ARB as to such matters. By approving plans and specifications, neither the ARB, its members, the Association, the directors and officers of the Association, nor the Declarant assumes any liability or responsibility for engineering design or compliance with law and applicable governmental ordinances or regulations or codes. Neither the ARB, its members, its agents, the Association, the directors and officers of the Association, the Declarant, nor any successors, assigns, agents, employees, or officers of them shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed to be suffered on account of (1) approval or disapproval of any plans; (2) performance of any work, whether or not pursuant to approved plans, drawings, or specifications; or (3) development of any property within the subdivision.

Section 2. Legal Basis for the Design Review. The process for appointing ARB and defining the specific duties and powers conferred on it are set forth in the Entity Documents.

Section 3. Aesthetic Considerations. Aesthetic considerations relating to any improvement or other matter that is addressed in these Guidelines are within the scope of the design review process and the ARB may deny or condition any application or request before it on the basis of aesthetic considerations, as well as the aesthetic consistency of a proposed improvement or other matter, with the surrounding landscape and structures.

Section 4. Declarant Rights. Nothing in these Guidelines or procedures shall be construed to supersede Declarant rights reserved in the Entity Documents.

Section 5. Amendment. These standards may, at any time, be amended, supplemented, or superseded in writing, upon majority vote of the Executive Board.

## Article VII. Construction Regulations

Section 1. General. The following shall be enforced during construction periods. These regulations shall be a part of the construction documents contract for each home, and for each improvement on any Owner's lot, and all Owners and their agents shall abide by these regulations.

- A. All applicable OSHA regulations and guidelines must be carefully observed at all times.
- B. Construction is permitted between the hours of 7:00 AM and 7:00 PM, Monday through Saturday. No construction shall be permitted on Sundays unless specifically permitted by the ARB.
- C. All construction shelters or storage shall be approved by the ARB as to size, configuration, and location. All temporary structures shall be removed upon completion of construction.
- D. Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Owner's home site only or in accordance with an approved landscape plan. Any disposal of excavation material within the subdivision must be approved by the ARB.
- E. Regular cleanup of the construction home should be conducted. All trash and debris shall be stored in a fenced trash area or debris box and shall be removed from such area on a weekly basis or when full. All soil and debris flowing into the street or open space or common area shall be cleaned up daily.
- F. All vehicles must be parked so as not to inhibit traffic or cause damage to surrounding natural landscape. Vehicles shall not be left overnight on the roads of the Subdivision.
- G. Contractors, subcontractors, employees, or agents are prohibited from bringing dogs and other pets to the construction site unless they are confined to the animal Owner's vehicle.
- H. Damage to any property, other than the Owner's lot, shall be promptly and completely repaired at the expense of the person or entity causing the damage.
- I. Every effort shall be made to control dust, noise (including the personal use of radios and CD players), and odors emitting from the construction site. The contractor will be responsible for watering, screening, or oiling dust problem areas as well as controlling noise and offensive odors.
- J. No blasting is to occur within the Subdivision without specific approval of the ARB.



Section 2. Prohibited Uses and Activities.

- A. Changing oil of vehicles and equipment with out proper disposal receptacles and removal.
- B. Concrete equipment cleaning or concrete dumping.
- C. Careless treatment of open space and natural landscape.
- D. Careless use of cigarettes or flammable items or open flames or fires.
- E. Firearms.
- F. Careless or reckless driving or driving across open space or on lots other than the Owner's lot.
- G. Illegal drugs.

Adopted this 29th day of February, 2008, by the Board of Directors of the Eagle Heights Homeowner Association, Inc., a Colorado Non-Profit Corporation.

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