

11/93

EVERGREEN MEADOWS ARCHITECTURAL GUIDELINES AND CONSTRUCTION GUIDELINES

Evergreen Meadows is a quality residential development of single family homes. The natural character of the area, dominated by the stands of maturing pines, makes it mandatory that residences built here must be carefully and sensitively nestled into the landscape. It is the intent of these Architectural Guidelines to provide guidance to designers, builders, and owners in developing appropriate architectural and site plans which satisfy these concerns. The Architectural Review Board (ARB) reserves the right to revise these guidelines as changing conditions and priorities dictate, in order to maintain maximum aesthetic benefits to the community while enhancing property values.

ARCHITECTURAL REVIEW PROCESS

All construction that is undertaken in Evergreen Meadows, whether new building or site construction or changes to existing facilities, shall be subject to review under these guidelines. The following processes shall be followed:

NEW CONSTRUCTION

Prior to preparing plans for a proposed residence, it is recommended that the owner and/or his architect meet with a Committee member to discuss proposed plans. This informal review will provide guidance but will not result in any binding stipulations. No fee shall be charged. Appointments should be made at least one week in advance.

1. Drawings

A total of two (2) sets of preliminary drawings are required to be submitted to the ARB. One approved set will be retained by the ARB until construction is complete. The other set will be returned for reference during construction. Each set to consist of the following items:

- A. Plans for all new construction and additions or alterations should be at a scale of 1/8" = 1' or 1/4" = 1'.
- B. All plans shall be of the same sheet size and shall include the following:
 - a. Legal description; north arrow; name, address and telephone number of owner and builder.
 - b. A professional survey of existing conditions, such as topography of the site, drainage ways, and other natural features. Legal restrictions, such as right-of-way, easements, property lines, and setbacks, shall also be included.
 - c. A site plan of proposed improvements, indicating items such as building location, driveway and parking areas, proposed grading and drainage features, at a scale of 1" = 20' or larger.
 - d. Square footage of the building footprint for each building.
 - e. Detailed roof and floor plans at a scale of 1/8" = 1' or larger.
 - f. All exterior elevations, at the same scale as the floor plans, indicating existing and proposed grades.
 - g. Wall sections and exterior details, including items such as chimneys, exterior stairs and decks, railings, and supports.
 - h. Indication of all exterior materials and colors.
 - i. Any other proposed improvements.
- C. At the owner's option, a perspective sketch and/or model may be prepared as a visualization aid.
- D. In order to assist the board, the owner shall provide accurate staking of all proposed building corners, driveway centerline, lot corners, easements, and setbacks. All stakes must extend at least 3' above grade and must be identified.

2. Procedures

- A. After preparing these detailed plans, the owner shall submit them to the Board.
- B. Following the on-site review of the plans and staking, the ARB shall respond to the owner, in writing, within 30 days of plans submittal. In the event of any disapproval, the resubmission of plans shall follow the same procedure as an initial plans submittal.

Changes During Construction

Changes during construction affecting the finished grade of the site or the exterior appearance of any structure will require approval of the ARB prior to execution of the change. Such changes may necessitate submittal and approval of revised drawings; this requirement will depend on the complexity of the change and is at the discretion of the ARB.

CONSTRUCTION PERIOD

The board may inspect all work in progress or at completion and give notice of non-compliance. However, absence of such inspection or notification during the construction period does not constitute either approval of the Board with work in progress or compliance with these guidelines.

Upon completion of any residence or other improvements for which final approval was given by the Board, the owner shall give written notice of completion to the Board.

With such reasonable time as the board may determine, but in no case exceeding 30 days from receipt of such written notice of completion from the owner, or his duly authorized representative, the Board may inspect the improvements. If it is found that such work was not done in strict compliance with the approved plans, the Board shall notify the owner in writing of such non-compliance within such period specifying in reasonable detail the particulars of non-compliance, and shall require the owner to remedy the same.

OTHER CONDITIONS

Approval of plans by the Architectural Review Board shall not be deemed to constitute compliance with the requirements of any local building, zoning, safety, health or fire codes, and shall be the responsibility of the owner or other person submitting plans to assure such compliance. Nor shall approval waive any requirements on the part of the owner or his agent to comply with setbacks, height restrictions, or requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the ARB.

The Covenants, Conditions and Restrictions as established by the applicable Declarations shall remain in force as the legal restrictions governing all construction.

Neither the Board nor its assigns shall be liable for damages to anyone submitting plans them for approval, or to any owner by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any plans or specifications. Every owner or other person who submits plans to the Board or approval agrees, by submission of such plans and specifications, that he will not bring action or suit against the Architectural Review Board to recover damages.

The Board reserves the right to waive or vary any of the procedures or Standards set forth herein at its discretion, for good cause shown.

ARCHITECTURAL AND SITE GUIDELINES

1. Building Location and Setbacks

The residence should be sited to take advantage of existing views while respecting existing terrain, vegetation, and adjacent land uses. Disruption of existing conditions shall be minimal. Where possible, all existing trees shall be preserved and existing drainage patterns shall be respected.

Building setbacks shall be 50 feet on all sides or shall meet current Jefferson County regulations, whichever is least restrictive.

2. Grading and Drainage

All site improvements should be designed to minimize the extent of grading required. Techniques for doing this include providing access across slopes instead of down them, and using low retaining walls where necessary. No grading shall extend beyond existing lot lines. In addition to minimizing the extent of disturbed land, disruption to existing drainage courses should also be minimal. Where disruption or realignment must occur, reconstruction should occur in a naturalized manner allowing water to percolate instead of concentrate while still allowing water to flow in a non-destructive course. If culverts or other drainage facilities are required, these should be detailed such that contrast with the existing environment is minimized.

3. Erosion Control

All site disruption, approved techniques for controlling erosion within the site and onto other sites shall be used. Methods include sedimentation basins, filtration materials such as hay bales or permeable geotextiles, and slope stabilization fabrics or tackifiers. Proper revegetation shall begin as quickly as possible after soil disruption and should be well established within one year after disturbance.

4. Driveways and Parking

All driveways and private lanes should be sited to minimize earthwork, without overly emphasizing the parking area or garage. Off-street parking shall be incorporated into the drive design.

Driveways and private lanes should be constructed to specifications which consider vehicle loads such as trash trucks and moving vans to prevent premature degradation. Appropriate measures should be taken to contain edges and control washouts.

5. Architectural Design

No mandatory architectural 'style' is required for this development. However, it is the intent of these guidelines to encourage residences which are harmonious with the existing natural environment, suggesting design solutions which reduce the apparent visual mass, incorporate materials, colors and textures which generally blend with the landscape, and develop proportions and details appropriate to the site.

6. Building Height

In order to minimize the visual prominence of structures, no building shall exceed 35 feet in height, as measured from the top of the foundation at the level of the basement ceiling. Items such as chimneys, flues, roof vents, etc., shall not be included in such measurement. It is strongly suggested that the owner consider the qualities of the site, especially the visual and climatic exposure created by the combination of existing slopes, vegetation and orientation. Lower buildings are generally more appropriate on more exposed sites, while taller buildings can be incorporated into those sites which are less visible and/or more protected.

7. Roofs

The form of the roof and the materials used on it create a significant part of the visual impact of a building, and will be carefully reviewed by the board. Gable, hip, and shed roofs will generally be acceptable for residential construction.

Materials selected should be of a texture and color that harmonizes with the environment. Color of roofing material should be selected as to not draw attention to the roof. Rolled composition or unfinished metal will not be approved.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylight, etc., should be carefully located and finished to complement other elements of the design.

Gambrel, Flat or Mansard roofs will not generally be approved. These roofs and any other unique forms developed will be reviewed on their merits on a case-by-case basis.

8. Walls and Openings

The walls of a building are an important part of its overall visual impact and should be carefully detailed. Siding and trim materials should be consistently used throughout the building. Location, type, and size of window openings should be carefully considered for effect on proportions, continuity, and illumination. The connection from the walls to the foundation should be treated such that the foundation becomes a very minor element.

9. Exterior Materials

All materials and finishes should be harmonious with the surrounding environment, with natural wood, stone, or stucco generally being acceptable. Use of manufactured siding will require specific Board approval.

10. Color

Exterior finishes shall be in subdued earth and/or forest tones, although brighter accents, used judiciously, may be permitted.

11. Foundation Walls

Foundation walls shall not be exposed, but shall be finished to blend with the other exterior materials so that no more than 12 inches of the foundation from the finish grade is exposed.

12. Accessory, Utility, and Solar Structures

Accessory buildings or facilities such as detached garages, gazebos, greenhouses, tennis courts, pools, etc., shall adhere to the standards outlined for buildings and site planning. It is important that the massing and scale, as well as forms, materials, and other detailing should be well coordinated with the main structure(s) on the site.

13. Storage Sheds

Storage sheds should be located in rear yards. All storage areas shall be enclosed. In certain cases, side yard locations will be considered when constructed in conjunction with appropriate screening or natural plantings. Sheds which are close to the house require close attention to compatibility of architectural details. Sheds attached to the house should relate directly to the materials, colors, and architectural style.

14. Fences and Screening

In order to preserve the open mountain meadows habitat and to encourage the natural flow of wildlife, the use of fencing and screening will be discouraged by the ARB.

The use of fences and/or screening may be approved only when used to define private outdoor living areas or to aid in confining pets to selected areas in the rear of the residence. When approved, such fences and screens shall be complementary in design to the main structures. Screens along property lines, in the form of fencing or formal planting, will be discouraged.

Any wire fencing such as woven wire, barbed wire and chicken wire will not be allowed in Evergreen Meadows. Field wire may in some cases be approved when attached to split-rail or other decorative wood fences.

Chain link fences will be permitted for use only in dog runs and may be up to 600 square feet in size with a maximum height of 72 inches.

15. Retaining Walls

Retaining walls shall be constructed in accordance with applicable Jefferson County building code requirements. Depending upon the height of such walls, a building permit and engineering approvals may be required. Building materials for retaining walls should provide an appearance in harmony with the natural features of the land, and with neighboring structures and other improvements.

16. Trash Receptacles

All areas used for storage of solid waste shall be screened from all site views, using materials and forms complementary to the main structure(s).

17. Signage

No signs whatsoever shall be permitted within any lot, with the exception of those listed below:

- A. Signs required for legal proceeding.
- B. Residential identification signs which are compatible with the architecture of the area, and these shall be subject to the approval of the Architectural Board Review prior to erection. Such signs shall not exceed a total face area of two square feet.
- C. Signs of the type used by architects, contractors, subcontractors and tradesmen may be erected during the authorized time of construction, provided that no more than one sign is erected and that such sign does not exceed a total face area of five square feet unless otherwise approved by the Architectural Review Board.
- D. For Sale or For Rent signs may be erected upon a Lot, provided that no more than one sign is erected and that such sign does not exceed a total face area of five square feet unless otherwise approved by the Architectural Review Board.
- E. No sign shall exceed a height of four feet from grade.
- F. All signs must be removed within one week of sale or rental.
- G. No signs whatsoever shall be attached or fastened to any natural features including existing trees.

Lighting

All exterior lighting shall be of a sharp cut-off design, minimizing light spill onto adjacent properties.

19. Satellite Dishes

Satellite receiving dishes should be screened from the view of adjoining Lots through the use of plantings or trees.

20. Construction Time Period

Work must be commenced within six months of the date of building permit issuance and all exterior work on the structure must be completed within a six month time period after foundation inspection by Jefferson County. All exterior site work which would affect drainage onto surrounding properties must be completed within one year of work commencement.

21. Additions or Alterations

Any additions or alterations affecting the finished grade of the site or the exterior appearance of any structure may require approval of the ARB. Building plans for additions/alterations will be accepted at any scale which clearly shows the intent of the design and accurately portrays the existing exterior of the structure to which the addition or alteration is to be made. The ARB Chairperson should be contacted to determine if the addition or alteration, as submitted, is consistent with approved guidelines for the area. If so, he may approve the plans without ARB's full review. When contacted, the ARB Chairperson will advise the applicant if ARB approval is required and what information is needed for ARB review.

22. Propane Tanks

All propane tanks shall be shielded from view by placement or appropriate screening.

CONSTRUCTION PERIOD REGULATIONS

1. Construction Trailers, Sheds, or Temporary Structures

Any construction shelters shall be approved by the committee as to their size, configuration, and location. All temporary structures shall be removed upon completion of construction.

2. Excavation

Excess excavation material shall be removed from the property and shall not be placed in common areas, roads, or other Lots (except as approved on a site specific basis by the Board). Excavation, except for utility trenching, shall be on the owner's site only. Contractors are expressly prohibited, during backfill and final grading operations from spreading excess debris or material over the remainder of the Lot.

3. Debris and Trash Removal.

Daily cleanup of the construction site is mandatory. All trash and debris shall be stored in a fenced trash disposal area and shall be removed from the trash disposal area on a weekly basis. All soil and debris flowing into the street(s) or open spaces from the construction site shall be cleaned on a weekly basis.

4. Vehicles and Parking

All vehicles will be parked so as not to inhibit traffic or damage surrounding natural landscape. Vehicles shall not be left on county maintained roads overnight.

5. Pets

Contractors, subcontractors, and employees are to be discouraged from bringing dogs and other pets to the construction site.

6. Restoration and Repair

Damage to any property other than the owner's shall be promptly repaired at the expense of the person or entity causing the damage.

Dust, Noise and Odor

Every effort shall be made to control dust, noise, and odor emitted from a construction area. The contractor will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the Lot.

8. Other Stipulations

The following items are prohibited in this community:

- A. Oil changing of vehicles and equipment without proper receptacles cleanup and restoration.
- B. Concrete equipment cleaning or concrete dumping without proper cleanup and restoration.
- C. Removing any rocks, trees, plants, or topsoil from any portion of the property other than the owner's Lot.
- D. Careless treatment of trees or preservation area.
- E. Signs other than approved construction or real estate signs.
- F. Careless use of cigarettes or flammable items.
- G. Discharge of firearms.

GENERAL PROVISIONS

1. Conditions Not Defined

Any matter, condition or material not defined herein shall remain a matter for review on the part of the ARB.

2. Neighbor Approval

The ARB may request the submitter to solicit approval in writing from all adjacent property owners for proposed project. This would apply in projects either not described or in conflict with the existing guidelines. The ARB will consider the wishes of neighbors in its approval decision.

3. Enforcement

Failure to conform to these guidelines or obtain necessary approval from the ARB will constitute a violation of the Covenants and shall require modification or removal at the expense of the property owner.

4. Effective Date

These guidelines, as may be properly amended or supplemented from time to time, are adopted and effective upon approval by a majority of the Evergreen Meadows Home Owners Association Memberships present at any duly constituted meeting as outlined in the By-Laws. All conditions existing within Evergreen meadows on that date shall be allowed to remain so long as no changes are made to the noncomplying condition. If at any time the noncomplying condition is altered, changed, repaired, or added to, the property owner shall contact the ARB to determine whether the noncomplying condition will be required to comply in total with these guidelines. After the guidelines are initially approved, they will be available to all interested parties from the Evergreen Meadows Homeowners Association Board of Directors.

5. Arbitration

Either party may request arbitration of any matter in dispute relating to these guidelines by giving written notice to the other party specifying the name and address of the person to act as an arbitrator on its behalf. The arbitration shall be conducted in accordance with the then prevailing rules of the American Arbitration Association. Each party shall pay the fees and expenses of the arbitrator that it appointed. The fees and expenses of any arbitrator agreed upon by the parties shall be equally borne by the parties.