

# **Elk Trail**

Architectural Design Guidelines  
and Construction Rules

June 18, 2007

# Elk Trail

## Architectural Design Guidelines and Construction Rules

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## ARCHITECTURAL DESIGN GUIDELINES AND CONSTRUCTION RULES

### A. INTRODUCTION

Elk Trail comprises 50 acres of pine-forested terrace with beautiful views of the mountain peaks which ring Lake County. The property is home to a diverse population of wildlife, including elk, deer, bear, cougar, fox, squirrels, and birds.

Insofar as possible, it is the intent of the Elk Trail Covenants and Architectural Design Guidelines to maintain this pristine environment. Toward this end, twenty percent of the property is protected by an easement to Lake County that requires it be maintained in a naturally forested state, subject only to thinning and maintenance controlled by the Elk Trail Owner's Association (ETOA). In addition to this, each lot has a defined building envelope, outside of which any disturbance to the natural setting will be kept to an absolute minimum and will be subject to written approval by the ETOA Architectural Review Committee (ARC). Development within the building envelopes, which comprise about fifteen percent of the total subdivision area, also requires ARC review and written approval prior to any construction or modification. The owner and ARC shall use the following Guidelines in designing and approving construction plans, and some interpretation will usually be necessary. Interpretations made by the ARC shall govern.

Within the following guidelines, we encourage a variety of architectural expression which complements, and is complemented by, the quiet natural setting. It is the intention of the ETOA and ARC that these guidelines be protective rather than restrictive in interpretation.

### B. PURPOSE OF GUIDELINES

1. To protect the natural character of the site.
2. To preserve the forested setting.
3. To maximize the perception of open space.
4. To protect wildlife habitat.
5. To preserve privacy of setting.
6. To protect the value of all property within Elk Trail.
7. To ensure adequate conformity with Lake County building codes, subdivision covenants, firewise principles, and Elk Trail architectural guidelines.

### C. INTENT AND REQUIREMENTS

These Guidelines include statements of intent as well as requirements. Statements of intent describe the features and qualities, sometimes immeasurable, that are considered desirable. Requirements describe the features and qualities that are absolutely required. Please note that these guidelines must be adhered to, even when they prevent a home

from being built as might otherwise be permitted under County approvals or as specifically desired by the property owner.

**D. ARCHITECTURAL REVIEW COMMITTEE**

All construction, modifications, additions, landscaping, excavation, paving or any other form of development shall be subject to advance review by, and require written approval in advance by, the ARC, as provided in Article VIII in the Declaration of Covenants, Conditions, and Restrictions for Elk Trail.

**E. FEES AND DEPOSITS**

All construction projects will require the payment of certain fees and deposits. Payments of fees and deposits shall be made at the time of application and shall be payable to the Elk Trail Owners Association. Fees are charged to offset the expenses incurred by the ARC. Deposits are required to cover potential cost for damage or cleanup from construction projects. This may include damage and cleanup on roads, common areas, subject property, and other privately owned property. Deposits are fully refundable if no cleanup or repairs are required, subject to final review and site inspection by the ARC. Amounts of required fees and deposits may be changed from time to time by the ETOA.

Damage and cleanup assessments are not limited to the amount of deposit. Property owners are responsible for the full costs related to any damage, cleanup, or restoration, as determined by the ETOA, plus any fines assessed by the ETOA. Building lots and roads and common areas will have been photographed and documented prior to sale, which will serve as a baseline for comparison.

**1. FEE SCHEDULE (as of date of this copy)**

a. Pre-application submittal .....	\$ 50.00
Initial review of conceptual ideas of construction project.	
b. Preliminary Review.....	\$ 250.00
Review of drawings and construction documents	
c. Re-submittals (if required) .....	\$ 100.00
Review of recommended or required changes by ARC	
Review of minor design changes made by owner	
d. Pre-excavation site inspection .....	\$ 100.00
Verification of building location within building envelope	
Verification of well and septic layout	
e. Additional inspections during construction, as required.....	\$ 100.00

This page has been read and understood by owner. Date \_\_\_\_\_ Owner \_\_\_\_\_ ETOA \_\_\_\_\_

f. Final Review and Site Inspection ..... \$ 100.00  
Inspection for deposit refund

g. Additional fees may be assessed as required for special situations.

2. DAMAGE AND CLEANUP DEPOSIT ..... \$ 2,500.00  
Additional deposit may be required for special circumstances.

**F. DESIGN REVIEW PROCEDURE**

All of these review procedures have stated anticipated performance periods by the ARC. These time periods cannot anticipate vacations or sicknesses by architect or ARC members, or other such contingencies. If performance periods are approaching or have elapsed, please contact the ARC and ETOA to determine the reason for the delay. ARC shall respond in writing, either with the completed review, or in the case of review complexities, to acknowledge that the plans are still being worked upon, explain the reasons for additional time being taken, and provide a revised estimate of turnaround time. ETOA shall ensure that alternates are available if unreasonable delays appear likely.

**1. Pre-application submittal -**

The lot owner shall submit to the ARC 5 copies of an overview of the construction project, including sketches of the building and location on the site. Drawings should include location of firewise zones, driveway, well and septic on lot. Lot owner should also include specifications for exterior building materials including roof, siding, and foundation materials.

The purpose of this submittal is to:

- 1) ensure that the applicant is familiar with the architectural guidelines and review procedures,
- 2) prevent unnecessary design costs, and
- 3) to answer questions and encourage communication.

Pre-application submittal will be reviewed by the ARC, who will try to provide an official written response within 14 days. However, lack of response within this time period does not constitute approval.

**2. Preliminary Review -**

Applicant shall provide 5 copies of the following project documentation, appropriately signed and sealed:

- a. Architectural drawings (24" x 36") including topographic survey, site plan, firewise zones, floor plans and sections, exterior elevations showing existing and finished grades, septic system and well location
- b. Specifications including choice of exterior materials including paint colors, lights, roof, siding, and foundation materials
- c. Driveway location and material selection

Plus one Certificate of Insurance with ETOA named as co-insured, non-cancellable without 10 days prior written notice to ETOA, to prove adequate liability coverage for the entire construction project. Cancellation of insurance may result in stopping of all construction work by the ETOA.

The ARC will try to respond in writing to Preliminary Review within 30 days. Lack of response within this time period does not constitute approval.

**3. Re-submittals -**

Applicant will re-submit architectural drawings with a list of changes made. Note: only drawings that have been altered need to be re-submitted.

The ARC will attempt to respond in writing to minor changes in re-submittals within 14 days. Major changes may require 30 days plus another review fee. Lack of response within these time periods does not constitute approval.

**4. Pre-excavation site inspection -**

Upon staking of driveway, foundation, well, and septic field locations, applicant shall request inspection by the ARC. Inspection is to ensure that the structure is within the building envelope and that the septic field, well, and water line are located as designed and in a manner so as not to interfere with utility trench and are in compliance with the covenants and architectural design guidelines. At this time the ARC will note the existing condition of roads, adjacent lots, and common areas surrounding the construction site.

Construction will not be allowed to begin until this inspection is completed and written approval is provided by the ARC.

**5. Construction site inspections-**

Depending upon the particular building proposal and the actual conduct of the project, the ARC may or may not require additional inspections at various points during construction. If so specified at any time, such inspections are required.

## 6. Final review and site inspection -

Upon completion of construction, owner shall request an inspection of the completed project and site. The purpose of this inspection is to ensure compliance with approved construction documents and to inspect public and common areas for damage and debris from the construction process.

At this time the ARC will 1) determine that there is no damage or debris and that the deposit will be refunded., or 2) determine that there is damage or debris. If it is determined that there is damage or debris, then the ARC shall provide in writing a list of actions required to correct problems, if those problems have occurred on owner's lot. However, if it is determined that the problems include damage to public or common areas or adjacent lots, then the ARC will forward to the ETOA a list of items to be corrected. The ETOA will obtain estimates and contract for remediation of these problems and provide an invoice to the lot owner. Adjacent lot owners shall be entitled to pursue separate civil claims, and shall not be limited by this review.

If the total charges are less than the deposit, then the balance will be refunded to the lot owner. If the charges exceed the deposit, the excess will be billed to the lot owner and shall become a common expense charged exclusively against that owner's lot. (See Declaration of Covenants, Conditions, and Restrictions for Elk Trail - Article VII )

## G. DEFINITIONS

### 1. Land Designations

- a.. Dedicated Open Space - that portion of a lot dedicated to the County as part of the open space easement. This area may not be disturbed except at the discretion of the ETOA for the mitigation of fire, insects, disease, aesthetics, recreation, or other such matters.
- b. Building Envelope - that area of each lot as surveyed and noted on final plat within which construction may be undertaken.
- c. Firewise Area – a Fire Department-approved fire-retardant area surrounding a structure. The first fifteen feet adjacent to the structure must be cleared of all trees. The next 15 feet may be thinned at the discretion of the owner to reduce fire hazard. This area may extend beyond the building envelope, if necessary. Additional firewise thinning outside of the building envelope must be approved by the ARC and ETOA.
- d. Natural Area - area of lot not included in a, b, or c above, and within which

This page has been read and understood by owner. Date \_\_\_\_\_ Owner \_\_\_\_\_ ETOA \_\_\_\_\_

construction or excavation is not allowed except for approved paved driveway, ground level patio or walkway, underground utilities, well, and in some cases, underground portions of septic system. Owner may remove deadfall for fuel reduction, but no standing timber shall be cut without the advance written approval of the ARC.

- e. Common Areas - areas owned in common by all lot owners. These areas include the centers of the three circles. Common areas will be maintained and managed by the ETOA.
- f. Right of Way Area - area deeded to ETOA or Lake County for roads, ditches, and road rights of way.
- g. Easements - specific areas on lots as designated on plat and/or deed that are eased to the ETOA and/or to utility companies, for such uses as utilities, hydrant, cistern, signs, emergency egress, or other community purposes.

## H. SITE PLANNING

Each set of architectural drawings must include a site plan with the following information:

1. Precise location of the lot lines, easements, building envelope and of all proposed structures within the building envelope,
2. Precise location of proposed utility and well and septic components,
3. Precise location of proposed sidewalk, walk way, patio, driveway, parking areas, and any area to be excavated or thinned or altered in any way,
4. Precise location, diameter, and species of all trees above a 2" dbh within and to 60 feet beyond the building envelope and firewise thinning area, with firewise plans, and within 30 feet of patio, driveway, sidewalk, utilities, well and septic components, excavation areas, and landscaping areas, and
5. Precise ground topography within and to 60 feet beyond the building envelope and within 30 feet of any proposed driveway, utility, structure, excavation thinning, landscaping, or other alteration, at a 1 foot contour interval, with elevation control points at two nearby lot corner pins.

## I. ARCHITECTURAL STANDARDS

It is the intention of Elk Trail Covenants and Architectural Guidelines to ensure that the property remain as much as possible a pristine, quiet setting that benefits both the wildlife and residents of the subdivision. With this in mind, the ARC encourages diversity and creativity in design incorporating the use of some or all of the following design elements:

## Encouraged

## Discouraged

Use of natural materials  
 Earth tone color palette  
 Large, soffited roof overhangs  
 Predominantly horizontal orientation  
 Decorative masonry chimneys  
 Decorative masonry exposed foundations  
 Firewise construction materials

Large unbroken planes of wall or roof  
 Large mass or structure relative to surroundings  
 More than 4 garage spaces.  
 Separate storage sheds, garages, or outbuildings  
 Large expanses of glass without posts or beams separating panes

Among the items specifically prohibited are:

Mobile homes.

Simple singlewide or doublewide modular homes (this does not preclude the use of all manufactured or kit homes).

Single pane windows.

Vents that are not fully covered with 1/8" screens.

Aerial wiring.

Landscape lighting, accent lighting, unnecessary lighting, security lighting, bright lighting, halogen or vapor lights, or any lighting that is not fully shielded from the sky, from neighbors' properties and from the street.

Separate free-standing flagpoles or other poles (up to two 4 to 6 foot flagpoles attached to house at an angle 30 to 45 degrees above horizontal, each with an official US or Colorado flag up to 3 by 5 feet in size, is permitted and encouraged).

Exterior speakers.

Animal kennels, stakes, runs, feeding facilities or other amenities, other than bird feeders.

Non fire retardant roof materials.

Vinyl exterior siding or molding.

Wood shingles.

Buildings on stilts without fireproof construction.

Chimneys without fully-protective spark arrestors.

Bright or reflective paint colors.

Fences.

Outdoor trash receptacles or areas for same, other than as specifically permitted below.

It is understood that some of these standards are subject to interpretation, and the lot owner is encouraged to take advantage of the Pre-application submittal to bring up any questions and concerns before moving ahead in the design process. Interpretation of the ARC shall govern.

## J. SITE IMPROVEMENT STANDARDS

### 1. Driveways

This page has been read and understood by owner. Date \_\_\_\_\_ Owner \_\_\_\_\_ ETOA \_\_\_\_\_

- a.. All driveways must be paved with an all weather material such as asphalt, concrete, or masonry. Gravel or soil driveways are not acceptable. Driveways shall be appropriately ditched, and cleared of vegetation for 15 feet overhead and 4 feet to the sides for emergency vehicles.
  - b. To the extent possible, lots with long approaches to building envelopes should incorporate curved rather than straight driveways, avoiding significant trees.
  - c. Prior to construction of driveway, contractor must submit plans showing a section of road with thicknesses and types of material for sub-base, base, and finish paving material.
  - d. Garages are required for all vehicles kept at the property, and must normally be used exclusively in preference to parking on driveway.
2. Signs - no exterior signs of any type, including, but not limited to, business signs, real estate for rent, or similar signs, are permitted, except as noted here. All permitted signs except address markers must be set back 25 feet or more from the road ROW.
- Temporary "For Sale" signs no larger than 3 square feet in area may be displayed for up to 6 months while a property is for sale.
- A house under construction may have one sign no larger than 3 square feet in area for the purpose of displaying building permits and lot identification. This sign must be removed at the completion of construction.
- Political signs no larger than 3 square feet in area may be displayed for a period from 45 days before the election to 7 days after the election.
3. Address numbers - One permanent address marker is required at the street end of the driveway for each lot. The ETOA will approve the address marker design to be used on all lots in the subdivision.
4. Mail boxes - mail boxes on individual lots are not permitted. The ETOA may choose to build a mail facility at the entrance to the subdivision, or further east down Tabor Drive, and assess each lot owner a share of the cost; however, this location is at the discretion of the ETOA and USPS. In the absence of a community box, an individual box may be placed outside the subdivision, either at the bottom of the hill on Tabor Drive or on County Road 4.
5. Fences - fencing on individual lots is not allowed. However, the ETOA may elect to build a wildlife-friendly fence along all or part of the subdivision perimeter boundary within the perimeter easement for purposes such as preventing trespass by campers or off road vehicles or other unauthorized people.
6. Outside Storage -

- a. RVs, boats, trailers, inoperable or unregistered vehicles, business vehicles, utility trailers, ATVs, snowmobiles, similar vehicles, or accessories to any of the above must be stored in a garage. Live-in RVs owned by guests of lot owners will be allowed to be parked on a paved area of the lot adjacent to the home within the building envelope for a maximum of 15 days per year.
- b. Equipment - no construction equipment (except short period use by contractors during house construction, within the building envelope only), other equipment, supplies, furniture, or other items may be stored outside. Outdoor furniture in good condition may be left outside in the area of use, during periods of regular use only.
- b. Trash containers - all trash containers must be wildlife proof (especially bear proof) and stored either inside the garage or within a fully closed enclosure with an area of 32 square feet or less attached to the house. Slash, pruning refuse, trash, flammable items, or other debris may not be piled or left outside.
- c. Guest parking (if provided) shall be on a paved pad and located within the building envelope. Overnight guest parking may not be allowed for more than a total of 30 vehicle days per year unless provided for within a garage.

#### K. LANDSCAPE STANDARDS

Post-construction revegetation - scraping and stockpiling of the forest litter and organic soil layer from the driveway and building footprint prior to construction is required. All bare soil left as a result of a construction project shall be covered with stockpiled forest litter or native groundcover.

Irrigation - The state water court has not allotted any well water for the purposes of landscape irrigation or plant watering within this subdivision.

Water from roof gutters and driveways may be channeled to provide irrigation during periods of snowmelt or rain.

All plantings should be native species and able to survive with naturally occurring rainfall. Use of rocks and boulders, and the general the concept of xeriscaping, is encouraged by the ARC, subject to the restrictions on bare soil noted earlier.

Tree cutting - Standing live timber larger than 2" diameter may not be cut without written ARC approval. Cutting of trees that clearly endanger life or property will generally be approved.

Areas burned by forest fire or local burn must be salvaged and replanted to a minimum density as described in the regulations. This may be done by ARC and billed to owner, or by lot owner in accordance with ARC guidelines. Cutting of any trees of any size in planted or revegetating areas requires ARC approval.

#### L. UTILITIES

1. Utility easement - electric, cable TV, and phone lines are buried in the utility trench easement. Location of this easement is surveyed and indicated on the recorded plat. Utility companies have been given access rights to this easement over private driveways as noted in the Section 11.6 of Elk Trail Covenants and on your deed.
2. Water - currently no public water is available in Elk Trail Subdivision. It is the responsibility of each lot owner to supply his own well for water. Water rights provided to each lot owner are restricted to interior/household use only. Water facilities must be located below ground surface, except for top of well casing, appropriately finished. Location, exposure, and engineering of the well must be approved by the ARC prior to drilling.
3. Sewer - currently no public sewer system is available in Elk Trail. It is the responsibility of each lot owner to provide his own septic system. Septic system components must be located underground, except for appropriately finished access ports, as needed. Septic systems must be dosed, must include a sand filter and sampling port, and shall address nitrate removal in their design. The location, exposure and engineering of each septic system, including maintenance contracts, must be approved by the ARC prior to construction.
4. Propane tanks - no public natural gas supply line is currently available. All propane tanks and connections to buildings must be placed underground, except for appropriately finished access ports, as required.
5. Satellite dishes, antennas, or other electronic hardware must not be visible from roads or other lots.
6. Solar collectors and other solar devices must be approved in writing by the ARC prior to installation to ensure that their visual impact is minimal. Large or unsightly installations may be restricted or require special architectural treatment, and should be discussed with the ARC well in advance of plan submission.
7. Fire hydrant - hydrant and cistern are installed for the sole use of the fire department. The ETOA will do periodic inspections of the cistern and hydrant and arrange for refilling and maintenance as necessary.

#### M. CONSTRUCTION RULES

It is the intent of this section to keep the disturbance to other lot owners from the

construction project to a minimum.

Storage - all building material, fill, or construction debris may only be stockpiled within the building envelope and only during the approved construction period.

Construction period - it is expected that once construction has begun it will proceed in a timely manner towards completion, not to exceed a period of eighteen months. No additional time can be allowed for exterior work, exterior storage, porta potties, driveways or minimum landscaping requirements, and daily fines will be assessed for exceeding this deadline. With advance written approval of the ETOA, interior work may be continued without ETOA fines after the 18 month period if the exterior is completely finished, no outside storage is required, and the landscaping is complete.

Construction hours are limited to Monday through Saturday from 7:00 AM to 5:00 PM. No construction is allowed on Sunday without written permission from the ARC.

Track Vehicles - no track vehicles will be allowed to operate on subdivision roads. These vehicles must be transported to the building site on a trailer.

Speed limit within subdivision will be 15 MPH.

Lot owners or general contractors must supply porta potties during the period of construction. Porta potties must remain within the building envelope and be appropriately serviced.

**N. ARCHITECTURAL REVIEW COMMITTEE (ARC) AUTHORITY**

The ARC derives its authority from Article VIII of The Declaration of Covenants, Conditions, and Restrictions for Elk Trail.

It is required that lot owners comply with The Declaration of Covenants, Conditions, and Restrictions and the Design Guidelines and Rules. If the ARC determines that a lot owner is in noncompliance, it will serve the lot owner with a list of specific items of noncompliance and the required mitigation. The lot owner will have a short stated time period, as little as one day or less if the item is considered egregious or time-critical, in which to correct the items of noncompliance. If the owner has not corrected the items of noncompliance within the stated period, then the ARC may refer the list of items to the ETOA for possible fines or legal action.

The Architectural Design Guidelines and Construction Rules may be amended by ETOA from time to time as set forth in Section 8.2 of the Declaration of Covenants, Conditions, and Restrictions for Elk Trail.

**END OF ARCHITECTURAL DESIGN GUIDELINES AND CONSTRUCTION RULES**

This page has been read and understood by owner. Date \_\_\_\_\_ Owner \_\_\_\_\_ ETOA \_\_\_\_\_

Adopted by the Elk Trail Owners Association June 28, 2007

**OWNER ACKNOWLEDGMENT AND ACCEPTANCE:**

I hereby acknowledge that I, as a buyer/owner of a single family property in Elk Trail, have received and accepted this version of the Architectural Design Guidelines and Rules, and I will provide this information to my architect, designer, and contractor. I agree to abide by the requirements of this and subsequent editions of these guidelines, and to abide by the decisions of the Architectural Review Committee with reference to interpretation of these guidelines.

Printed name \_\_\_\_\_

Lot number \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

This page has been read and understood by owner. Date \_\_\_\_\_ Owner \_\_\_\_\_ ETOA \_\_\_\_\_