

-Design Review Guidelines-

Revised May 8, 2018

This document supersedes the previous versions dated October 23, 2007, June 13, 2014, May 2, 2016 and March 5, 2018.

The Spring Creek Meadows Owners Association, Inc. (hereinafter "SCM") Design Guidelines (hereinafter "DG") have been established under Section 7.05 and Section 7.06 of the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for the Spring Creek Meadows Development, Montrose County, Colorado recorded by the Montrose County Clerk and Recorder on May 7, 2007, Reception #772626. Further, this revision is in accordance with Section 7.06 (d) of the CCRR&E.

Introduction:

No construction or alteration of a building, landscape or fence project or installation (Project) shall be commenced by an Owner of a Lot within the SCM subdivision without obtaining approval from the SCM Design Review Board (hereinafter "DRB"). This document sets forth the process for a Lot Owner to obtain DRB approval for a new or revised dwelling, outbuilding, landscape and/or fence project and the design guidelines for same.

Section 1: Objectives:

The objectives of the design review process are:

1. To promote harmonious relationships of SCM Members, their buildings, fences, landscape, topography and overall community esthetics.
2. To promote high quality construction through the use of long-lasting building materials.
3. To protect and preserve view corridors for future or existing residences.
4. To encourage placement of new buildings upon a Lot so that existing buildings are minimally impacted either by proximity to, or encroachment upon view or Lot access corridors.
5. To preserve, protect and enhance overall property values with the SCM community.

For these purposes, an "Applicant" is the Owner of Record of a Lot within the SCM subdivision. If the Owner wishes to designate a Representative, a suitable form is included as "Exhibit A" and must be completed and signed by the Owner with the name and contact details of the person so designated. The original and a copy of this executed form must be presented to a DRB member by the person so designated prior to any discussions occurring.

Section 2: Preliminary Meeting:

Prior to preparation of formal plans and specifications, the DRB encourages the Applicant to attend a preliminary meeting with one or more DRB members. The purpose of this meeting is to acquaint the DRB with the Applicant's plans, and for the DRB to address how the concept meets the goals of the community. This meeting is intended to save the Applicant time and money. To facilitate this discussion the Applicant should bring a drawing or sketch of the proposed improvement location on the subject Lot, illustrating setbacks from Lot boundaries, proposed locations of fences, driveways and County road access point, on-site wastewater treatment system (OWTS) element locations, and any relevant pictures, drawings, renderings, etc. to illustrate the architectural style, roof lines and any other materials that will help the DRB evaluate the proposed project.

This discussion will include recommendations of the DRB to help the Applicant meet the goals listed above in the **Introduction and Objectives** section. This meeting's goal is to assist the Applicant in preparing final construction documents that meet DRB objectives.

If the Applicant does not wish to engage in a preliminary meeting, then any changes to the final construction documents required by DRB to meet the objectives listed in Section 1 above, will be the entire responsibility of the Applicant and the cost of those changes will be born exclusively by the applicant. Again, participation in a **Preliminary Meeting** prior to formal application is encouraged; its aim to save the Applicant time and money.

Section 3. Application:

An application for DRB approval of plans for a building, fence, retaining wall, out building, etc. must include a cover letter (sample included as Exhibit B), and the following items in a "Project Document Set". Digital documents, including plans, in Adobe's Portable Document Format (.pdf) are preferred but not mandatory. If hard copies are submitted, 2 copies of each document, sample, etc. are required:

1. Proposed site plan illustrating the building(s), fences, driveway access location, driveway alignment and gradient, and OWTS element locations, including all setbacks from the Lot boundaries to the individual constructions, the Lot number and if available, the County-assigned street address.
2. Blueprints or blackline plans in at least "C" format size, (11" x 17"), detailing accurate front, side and rear elevations, roof lines and roof pitches, window openings, chimneys and other design features.
3. Exterior finish schedules, including samples of proposed exterior finish materials, any rock, stone, stucco, siding and their colors and textures.

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4. Proposed landscape plan, including final grading plan with detailed drainage swale flow lines, flow directions, plants and other landscape materials and an irrigation plan illustrating pump location. The landscape plan may be incorporated with Item 1, the site plan.
5. Proposed construction start date and completion date.
6. The Applicant's contact information including postal address, telephone number and e-mail address.
7. And, if designated, the Applicant's Owner's Representative's contact information in the completed designation form a copy of which is retained by the DRB.
8. An Application Cover Letter listing the submitted items in the Project Document Set and stating that the Owner agrees to construct the improvements as depicted in the Project Document Set.

Section 4. Action by the Design Review Board

Upon receipt of the Applicant's complete Project Document Set, the DRB will evaluate the Applicant's project. From the date of receipt of a complete Project Document Set, the DRB will reply to the Applicant with its project approval or rejection within 30 calendar days. In the interest of time, it is the DRB's prerogative to discuss with Applicant any deviations from the original concept discussion, or to discuss alternatives to submitted materials with the objective of gaining conformance with the Design Guideline goals within this 30 day period. This is not a guarantee of approval, but simply an effort by the DRB to assist the Applicant in meeting this schedule. If the applicant is unable to respond to the DRB's requests in a timely manner, or the Project Document Set is incomplete, the 30 days may be extended at the sole discretion of the DRB.

1. **Rejection:** The DRB's rejection of an application will be communicated to the Applicant by letter, via US Postal Service issued within the time frame outlined in Section 4. This rejection letter will include a listing of rejected elements and recommendation(s) to the Applicant on how those elements might be amended to meet the DRG goals. An amended application will be reconsidered within a new 30 day time frame starting with receipt by the DRB of the amendment(s) to the Project Document Set.
2. **Approval:** The DRB's action of project approval will be communicated via telephone or e-mail and a time established for a meeting with the Applicant. This meeting will be to deliver the DRB's Letter of Project Approval, to obtain the Applicant's review and signature assuring compliance (letter sample attached herein as Exhibit C) with the submitted "Project Document Set" and to obtain the Applicant's construction deposit.
3. **Deposit(s):**
 - a) For a single family dwelling and any outbuildings, detached garage, fences, etc. constructed in the same construction schedule the deposit amount is \$2,500.00.

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- b) For an outbuilding, garage, etc. constructed after the dwelling has been constructed and approved by the DRB, the deposit amount is \$1,000.00.
4. **Compliance, Final Approval and Deposit Return:** At the time Applicant believes all Project details have been completed, he/she should notify the DRB and request a Compliance Inspection and Final Approval.
- a) **Document Requirements for Final Acceptance of the Project (Exhibit D).**
- i) For a dwelling, the Applicant must deliver to the DRB;
- (1) A copy of the Montrose County Dept. of Development's **Certificate of Occupancy (CO)**. A copy of the Building Permit is unacceptable.
- (2) A copy of a State of Colorado Licensed Land Surveyor's **Improvement Location Certificate (ILC)** showing locations of all improvements and their dimensions from the property boundaries.
- ii) For an outbuilding, garage, etc., a copy of the final inspection sign-off on the County building permit is acceptable, unless a setback variance has been granted, in which case the DRB may require an Improvement Location Certificate showing the exact location of the building from property boundaries.
- iii) For fence and landscape construction, no documentation is necessary unless it is apparent to the DRB that the elements encroach upon an adjoining property. To avoid this possibility, Applicant should identify and stake the boundary corners of the project Lot, and keep these stakes in place for the construction period.
- b) If the DRB determines that all improvements are in compliance with the Project Document Set (as submitted or amended by Variance and/or Waiver), the DRB will advise the HOA Board that the project complies with submitted specifications and as evidenced in the required document delivery, the construction deposit will be returned to the Applicant.
- c) The deposit may be used by the DRB to pay for any repair, replacement, cleaning of the County road, fencing, plumbing or SCM owned landscaping that has been damaged by Owner or his contractors or subcontractors. This includes cleanup of construction trash. The DRB shall keep a complete copy of the Project Document Set along with the approval letter.
2. **Variations:** The DRB may grant reasonable variations or adjustments from any condition and/or restriction imposed by this declaration in order to overcome practical difficulties and unnecessary hardships arising by reason of the application of the conditions and restriction contained in these covenants or in this development guide. Such variations or adjustments shall be granted only when the granting thereof shall not be materially

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detrimental or injurious to the other Lots or Common Elements nor deviate substantially from the general intent and purpose of this declaration. In the event that the request for a variance is rejected by the DRB, the Applicant shall have the right of appeal to the Executive Board of the Owner's Association. Any variance or adjustment request must be documented and signed by the Applicant, submitted to the DRB and approved by a DRB Member, dated and will become a part of the Project Document Set.

- 3. Inspection(s):** The DRB shall have the right and authority to inspect construction in progress to assure its conformance with the Project Document Set as approved by the DRB.
- 4. Waivers:** The approval or consent of the DRB, or appointed representative thereof, to any application for design approval shall not be deemed to constitute a waiver of any right to hold or deny approval or consent by the DRB as to any application or other matters subsequently or additionally submitted by Applicant for approval or consent.
- 5. Liability:** The DRB and the Members thereof, as well as any representative(s) of the DRB designated to act on its behalf, shall not be liable for damages to any person submitting requests for approval or failure to approve or reject in regard to any matter within its jurisdiction under these covenants. Every Lot Owner or other person who submits a Project Document Set for the DRB's approval agrees by submission of such plans and specifications, that he/she will not bring any action or suit against the approving body to recover such damages.

Approval of the Applicant's application and Project Document Set shall not be deemed to constitute compliance with the requirements of any local building codes or land use regulations, and it shall be the responsibility of the Lot Owner, Applicant or other person submitting an application to comply with such codes and regulations.

- 6. Enforcement:** Enforcement of this declaration may be by any proceeding of law or in equity against any person or persons violating or attempting to violate any such provision. The DRB and any interested Lot Owner shall have the right, but not the obligation, to institute, maintain and prosecute any such proceedings. In any action instituted or maintained under this article, the DRB shall be entitled to recover its costs and reasonable attorney's fees incurred pursuant there to, as well as any and all other sums awarded by a court. Failure of the DRB or of any Lot Owner to enforce any

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covenant or restriction herein contained shall, in no event, be deemed a waiver of the right to do so thereafter.

7. **Records:** The DRB shall maintain written records of all applications submitted to it and of all actions taken by it with respect thereto. Such records of all applications shall be open and available for inspection by an interested party during reasonable hours of the business day.

Design Criteria

Section 5. General Criteria: The exterior of all structures shall feature a combination of stone, wood, stucco or rusted corrugated metal and large timber or other structural elements. All exterior colors, including roofs, shall blend with the natural surroundings. All exterior wood shall generally retain a natural earth tone color or be stained with neutral tones. Window, door and fascia trim may be painted with brighter color for accent and interest. Architectural "style" diversity is encouraged.

- a. **Building Setbacks.** All set backs are measured from the Lot's property boundary lines. Most Lots are defined by steel pins marking the property corners and/or radiuses. Particularly with irregular shaped lots or where pins are missing, hiring a licensed Colorado Land Surveyor to stake the improvement locations is encouraged. Front yard setback is seventy-five feet (75'), side and rear yard setbacks are fifty feet (50'). Dwelling, garage or outbuilding construction within these setbacks is not permitted except with a DRB approved variance.
- b. **Dwelling Size.** The minimum size for a single story dwelling shall be 2,000 square feet of habitable space. A dwelling with a second story shall have a minimum total of 2,200 square feet with a first floor habitable area of at least 1,800 square feet.
- c. **Roofs.** Roof pitches of 4/12 or greater are encouraged. Roof lines should be varied and broken to avoid long, unbroken roof planes. If flat roofs are considered, adequate parapet walls must be incorporated in the design, (for example, "Santa Fe" style).
- d. **Roof Materials.** Architectural grade, 30 year, composition shingles, rusted or non-colored metals, slate, concrete roof tiles, colored metal roofs and cedar shingles are

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permitted. The color of all roofing materials shall be approved by the DRB. Reflective or galvanized roofs are not permitted.

- e. **Porches.** Applicants are encouraged to include in dwelling design at least a 100 square foot covered porch or entry way incorporated in the front entry area, to include the front door.
- f. **Attached Garages.** If an attached garage faces the front property line, Applicants shall exert every effort to make the front entrance to the dwelling more prominent (“proud”) than the garage doors. The front porch should be a minimum of six feet (6’) to the front of the garage. Garages that create an “L” shape to the house and entry from the outside of the “L” shall be preferred.
- g. **Siding.** Aluminum, vinyl or plywood siding are strictly prohibited. Stucco, synthetic or natural stone and wood (including engineered wood, by example, “LP Smart Side”), cement board and Masonite are permitted. Rusted, corrugated metal siding as an accent material (for example, a wainscot) is permitted. Siding can be applied horizontally or vertically, per manufacturer’s specifications. These restrictions shall not be read to prohibit the use of materials or installation methods that are created and/or invented after the date of these guidelines, however the use of any such material must be approved by the DRB in advance of its application.
- h. **Gutters, Downspouts and Flashings.** Exposed metal flashings, gutters and downspouts, snow fences and other roof hardware shall be color-coordinated to match the finish and/or color of adjacent materials.
- i. **Chimneys and Flues.** Chimneys, flues and their chases shall have an exterior finish of stone (natural or synthetic), stucco, rusted metal, contrasting wood siding or other material approved by the DRB.
- j. **Retaining Walls.** Railroad ties (either new or used) are strictly prohibited as retaining wall material except on the rear of the Lot. Retaining walls must be covered with stone (natural or synthetic), stucco, rusted metal or other material (for example, exposed aggregate concrete or treated landscape timbers), approved by the DRB.
- k. **Detached Garage Size.** Any detached garage shall be at least 700 square feet minimum and 1,200 square feet maximum, in first floor area. Rectangular shapes are encouraged and the garage design and location must compliment the parent dwelling. Narrow, tall and multi-story garages are prohibited. Loft or attic storage areas are permitted in the roof structure. Wall height must be no greater than 10 feet from floor level. These structures shall reflect an architectural theme, colors, roof lines, pitches and overhangs of the parent dwelling. In all cases the location of

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these structures shall observe side, front and rear yard setbacks and be approved by the DRB.

- l. Storage Sheds, Outbuildings and Barns.** The DRB will consider these structures on a case-by-case basis.
- m. Driveways.** The DRB will permit one driveway per Lot. Montrose County Road and Bridge Dept. issues required County Road Access Permits. The County will determine design criteria for gradients, site-lines and alignment in a meeting with the Applicant at the project site. Driveways must be surfaced with gravel or impervious material such as asphalt or concrete.
- n. Construction Time.** All construction shall be completed not more than twelve (12) months from the issuance date of the building permit.
- o. Construction Trash.** It is the Owner's responsibility to control construction trash. If trash is deposited on another Member's Lot, County right-of-way or Common Areas (due to wind or other movement forces) the Owner will be notified by the DRB and trash must be removed within 24 hours of the notification. If construction traffic deposits mud, gravel or other debris on the County road, the pavement surface, adjoining barrow ditch and Common Areas must be satisfactorily cleaned.
- p. Construction Traffic.** The DRB requires all construction traffic to enter the subdivision via the Kansas Road/LaSalle Road intersection and to avoid the use of 6100 Road/LaSalle route.
- q. Fences.** Only two (2) rail or three (3) rail split rail fences are permitted in the front yard of any Lot. Split rail with welded wire on the inside will be permitted in the rear yard. Installation of other types of fencing, including material, transparency, height and other specifications require DRB approval. Deer fencing to protect young landscape plantings and/or a vegetable garden is permitted. Vinyl and chain link fencing will not be allowed except as approved by the DRB.
- r. Landscaping.** A formal landscape plan must be included in the Applicants Project Document Set. Landscaping must be installed in the front yard between the front line of the dwelling/garage and to the Association-owned common area, and must be completed within 12 months of the dwelling occupancy date. Front yard landscaping shall consist of:
 - a. Attractive grass, to a minimum of 30% cover of the front of the Lot.
 - b. Rock, boulders and ground cover vegetation up to 50% cover of the front of the Lot.
 - c. At least 6 trees of 1-1/2" caliper and 6' in height.
 - d. Spring Creek Meadows is in a desert environment. Xeriscape installations are encouraged.
- s. Irrigation.** Irrigation water (subject to availability) is delivered to all Lots via a gravity-flow piping system. A system water distribution pipe, service line, riser and shut-off valve terminates the Association-owned irrigation system. Damage to the Association-owned elements located on an Owner's Lot is the responsibility of the

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- Owner to promptly repair. If the Owner is unresponsive to repair requirements, the Association may at its sole discretion make necessary repairs and assess the Lot Owner for the cost thereof. Each Lot Owner shall install a pressurized irrigation system with necessary valves, filters and pump. The pump and associated apparatus shall be enclosed in a “dog house” or other enclosure approved by the DRB. All distribution piping shall be buried or otherwise concealed from view. Water schedules and availability will be determined by the Executive Board.
- t. Installed Trees.** On most lots, the developer has installed trees at the Owner’s lot corners. The Owner is responsible for maintaining these trees, including the installation irrigation lines that are supplied and controlled by the Owner’s irrigation system. The existing irrigation lines supplied from the Owners Association should be terminated in a leak proof manner and abandoned, properly buried.
 - u. Sanitation Facilities.** The Owner will provide adequate temporary sanitation facilities for construction worker use until permanent facilities are available for the project. Owner is responsible for regular maintenance of these facilities.
 - v. Alternative Energy Devices.** Installation of solar energy collectors, windmills, fuel-fired standby power plants, boilers, etc., will be considered by the DRB on a case-by-case basis.
 - w. Towers, Satellite Dish Antennae.** Installation or erection of structures supporting radio or television signal transmission or reception antennae will be considered by the DRB on a case-by case basis. Commercial satellite signal antennae (dishes) mounted on roofs should be installed below the peak elevation of the roof.

These Guidelines dated May 8, 2018 are approved by the Spring Creek Meadows Owners Association Executive Board and are in effect on the date shown below. Prior versions are hereby rescinded.

/s/ Lee A. Whitney
Lee A. Whitney, Executive Board President
Spring Creek Meadows Owners Association, Inc.

Date: May 16, 2018

Exhibit A
Owner's Designation of Representative

Date: _____

To: Spring Creek Meadows Owners Association, Inc.
P. O. Box 3368
Montrose, CO 81403
Attention: Design Review Board

Subject: _____ (a brief description of the project)

Greetings,

As Owner of Lot _____, I/we have engaged,

(Name)
(Postal Address)
(City, State, Zip)
(Telephone)
(Email Address)

To represent me/us, and act on my/our behalf, in all matters pertaining to interface with the Spring Creek Meadows Design Review Board and relative to the subject Project. Please extend every possible courtesy to him/her.

Very truly yours,

Owner, Lot _____ Date

Exhibit B
Application Cover Letter

Date: _____

Owner(s): _____

Project Description: _____

Project Address: _____

Owner's Contact Information:

Email Address: _____

Telephone: _____

Postal Address: _____

To the Spring Creek Meadows Owners Association, Inc. Design Review Board

I/we hereby submit our application for your consideration of the above proposed Project at the above address. We estimate construction will start on or about _____, 20__, and be completed on or about _____, 20__.

Project Document Set Requirements			
Document Description*	Project Description:		
	New Dwelling or Alteration	New Garage or Outbuilding	Fence Addition or Landscape Alteration
Site Plan	Yes	Yes	Yes
All Elevations	Yes	Yes	No
Exterior Finish Schedules & Colors	Yes	Yes, if different from parent dwelling	No
Landscape Plan	Yes	No	Fence No, Yes for Landscape Alteration

*Place a check next to document enclosures.

We trust this information is adequate, however if you have any questions or require additional information, please contact us at your earliest convenience. Should the Project be approved by you, we agree to construct the project in conformity with the plans and specifications detailed in the enclosed Project Document Set.

Respectfully submitted,

_____ Owner

_____ Owner

_____ Date

_____ Date

Exhibit C
Design Review Board Approval and Notice to Proceed

Date:
Owner(s):
Project Description:
Project Address:
Lot Number:

Dear _____

We find your plans and specifications for the subject Project submitted to us on _____, and modified as we have requested to be in conformance with the Spring Creek Meadows Owners Association, Inc. Design Guidelines. Any variances from the Guidelines are listed:

In exchange for this approval and Notice to Proceed, we will accept your check for \$2,500.00 as a construction deposit as outlined in the Guidelines, the receipt of which is hereby acknowledged.

By your signature as Owner below, you agree to construct the Project in conformance with the submitted Project Document Set, abide by all rules in the Guidelines including construction trash control and complete the project in the time frame you have submitted. You may proceed with your Project.

_____ Owner

SCM Executive Board

_____ Owner

Date: _____

Date: _____

Exhibit D
Final Acceptance of Project and Deposit Refund

Date:
Owner(s):
Project Description:
Project Address:
Lot Number:

Dear _____

After inspecting your project on _____, 20__, we find it to be in substantial compliance with the previously approved project document set.

Exceptions, Variances and Work Arounds:

Your construction deposit of \$_____ less any withheld amounts, detailed in the attached accounting, is enclosed herewith. Thank you for your cooperation in helping us meet the objectives of the Design Review process.

Spring Creek Meadows Owners Association, Inc.

By: _____
Treasurer, Executive Board
Date: _____

By: _____
President, Executive Board
Date: _____