

## **Rainbow Lake Estates Homeowners Association Architectural Review Committee Guidelines**

These guidelines are established pursuant the Article 8 of the Declaration of Covenants, Conditions and Restrictions for Rainbow Lake Estates Conservation Development and §38-33.3-302 Colorado Revised Statues to formalize governance of and actions by the Architectural Review Committee.

### **GOVERNANCE BY EXECUTIVE BOARD**

1. The Architectural Review Committee (herein "ARC") is a committee of the Executive Board of Rainbow Lake Estates Homeowners Association (herein Executive Board). Rainbow Lake Estates Homeowners Association is herein called "Association."

2. The Architectural Review Committee (ARC shall consist of three (3) members appointed by the Executive Board for terms established by the Executive Board. Any vacancies in ARC positions shall be quickly filled by Executive Board appointment. The ARC shall continue to function and operate in the event one or two positions thereon are vacant. The Executive Board has the authority to remove ARC members with or without cause. All ARC members must be members of the Association. One current member of the Executive Board, shall act as liaison between the ARC and the Executive Board.

3. The ARC is responsible to deliver all records of the ARC to the then current management company for the Association including, but not limited to, all Requests for Approval, plans, all actions by the ARC, and all records of deliberation by the ARC.

4. An owner shall have the right to appeal to the Executive Board a denial by the ARC of a Request for Approval, as hereinafter stated.

### **AUTHORITY OF THE ARCHITECTURAL REVIEW COMMITTEE.**

5. The ARC shall be responsible for review, followed by approval or denial, of all structures and improvements proposed to be constructed, placed, or located upon a lot within Rainbow Lake Estates by the owner(s) thereof including, but not limited to, a primary residence, outbuilding, fencing, flag pole, antenna, windmill, street lamp, lighting, swimming pool, hot tub, retaining wall, driveway, porch, patio, deck, solar collector, which is reasonable expected to have a useful life of more than one year. Such a request to the ARC is herein called a "Request for Approval." NO SUCH STRUCTURE OR IMPROVEMENT OF ANY NATURE MAY BE CONSTRUCTED, PLACED, OR LOCATED WITHOUT PRIOR WRITTEN APPROVAL OF THE ARC. The purpose of review by the ARC is to obtain and maintain a positive and consistent appearance and use of the Rainbow Lake Estates community, consistent with its Declaration of Covenants and the existing community.

6. Landscaping including, but not limited to, trees, bushes, grasses, ornamental vegetation, mulch, rock, etc. is the responsibility of the Landscape Review Committee.

## **PROCEDURES FOR REVIEW BY ARCHITECTURAL REVIEW COMMITTEE.**

7. To initiate a review by the ARC, an owner or owners (herein called "Owner") shall submit a Request for Approval by submitting to any current member of the ARC three (3) sets of plans reflecting the Owner's lot and location of every proposed structure or improvement thereon, plus detailed plans of such structure(s) or improvement(s). The ARC chairperson shall sign each set of plans received for consideration, and shall state thereon the date of receipt, which shall be the "Date of Submission" thereof.

8. Prior to submittal of plans to the ARC, the Owner must show the plans of the proposed structure(s) or improvement(s) to the owner(s) of every adjacent occupied lot in the development. An adjacent lot is defined as one which has a common border, of any length, with the lot upon which the structure(s) or improvement(s) are proposed. The Owner need only obtain the signature of one owner of each adjacent lot upon the Association Adjacent Owner Statement form indicating such adjacent owner(s) agreement with or objection to the proposed structure(s) or improvement(s). All of such Adjacent Owner Statement forms shall be submitted with the sets of plans to the ARC.

9. A written response to a Request for Approval shall be delivered to the Owner(s) by the ARC, by postal mail or by hand delivery to one of the Owner(s) within thirty (30) days of the Date of Submission of the plans, herein called "Date of Response." Postal mailing of a response shall be by the thirtieth day and shall be addressed to the Owner(s) at their residence address in the community.

10. The written response of the ARC may be stated upon a copy of the proposed plans, or in any other written format. Such written response shall indicate approval of the Request for Approval per the submitted plans, or denial of the Request for Approval, or changes to the Request for Approval and plans which would subsequently obtain ARC approval thereof.

11. In the event the ARC desires or requires additional information from the Owner, the ARC shall request in writing to the Owner, with specificity, the additional information desired. Each written request by the ARC for additional information shall cause the Date of Response to be extended by fifteen (15) days following the receipt by the ARC of such additional information.

## **STANDARDS FOR ARCHITECTURAL REVIEW COMMITTEE ACTIONS**

12. It is the intent of these ARC guidelines that review of any Request for Approval by the ARC will occur prior to submission and review of the proposed structure(s) or improvement(s) to any governmental entity having authority over such proposed changes, and specifically includes Larimer County, Colorado, government. In many situations the Declaration of Covenants of Rainbow Lake Estates and or these rules are more restrictive than the regulations of Larimer County government or other governmental entities and the Executive Board believes it is more expeditious to obtain ARC approval before seeking or obtaining governmental entity approval(s). REGARDLESS, APPROVAL BY ANY CONTROLLING GOVERNMENTAL ENTITY SHALL NOT SUBSTITUTE FOR OR REPLACE APPROVAL REQUIRED BY THE ARC.

13. Any structure which will be occupied, permanently or temporarily must be completed and receive a Certificate of Occupancy (herein "CO") for the particular intended occupancy from the Larimer County Building Department within 24 months of ARC approval thereof. All other structures and improvements requiring ARC approval shall be fully completed within 18 months of ARC approval thereof.

14. Outbuildings.

- a. Construction of any outbuildings on a lot may only be initiated after the Larimer County Building Inspector has completed the framing inspection of the principal dwelling on such lot, unconditionally approved such framing, and documented the same in Larimer County Building Department records.
- b. It is recommended that outbuildings shall not exceed twelve hundred (1200) square feet. Anyone requesting an outbuilding exceeding (1200) square feet will be subject to a review by the ARC Committee, (Refer to: Procedures for Review by ARC Item #11).
- c. The height of any outbuilding shall not exceed the highest point of the roof of the existing primary residence dwelling upon the lot if it is a ranch or raised ranch style, and shall not exceed the height of thirty-two (32) feet if the primary residence dwelling upon the lot is a multilevel structure.
- d. Outbuildings less than or equal to 12 feet x 16 feet should be located behind the primary residence dwelling upon the lot so as to eliminate viewing of the outbuilding from the road in front of the residence.
- e. All sides of an outbuilding shall contain at least nine (9) square feet of window or door area for every twenty (20) feet of linear length of each side of the outbuilding.
- f. The exterior of the outbuilding shall match the building materials of the primary residence dwelling upon the lot, and reflect upon the front of the outbuilding the same percentage of brick or stone contained on the front of such primary residence.
- g. Outbuildings intended to store vehicles and recreational vehicles must have an ARC approved driveway. Horse buildings are exempted.

15. Fencing.

(Reference is made to Declaration of Covenants Article 4, section 12)

- a. Construction of any fence on a lot may only be initiated after the Larimer County Building Inspector has completed the framing inspection of the principal dwelling on such lot, unconditionally approved such framing, and documented the same in Larimer County Building Department records.
- b. Temporary fencing may be approved by the ARC for up to ninety (90) days use, for purposes such as to contain animals prior to the construction of a permanent fence.)
- c. Fences should not be placed in the front yard of a lot, which is defined as the area bounded by the front lot property line adjacent to the community access street, the lot side boundary lines, and a line effectively parallel to the front lot property line running through the point of the primary residence dwelling on the lot that is closest to the front lot property line.
- d. No fence shall exceed six (6) feet in height.
- e. Open fencing material and design is preferred.
- f. Screening by landscape design is preferred over screening by fencing.
- g. All swimming pools, spas, hot tubs, and similar improvements which are subject to Larimer County government fencing and safety enclosure requirements must comply with such requirements.

16. Street Lamps.

(Reference is made to Declaration of Covenants Article 4, Section 15)

- a. Street lamps are free standing wired electric lighting fixtures to be located near the intersection of a community street and a private residence driveway.
- b. Street lamps shall be not less than five (5) feet in height, measured from the top of the road base to the center of the bulb.
- c. Street lamps shall be installed within thirty (30) days of attaining ARC approval.
- d. Any street lamp enclosure shall be of building material similar to and consistent with the building materials of the primary residence dwelling upon such lot.
- e. A street lamp that is controlled by a sensor is preferred.

17. Flag poles, antennas and windmills shall not exceed a height of thirty-eight (38) feet from ground level.

18. These rules and regulations supplement the Declaration of Covenants of Rainbow Lake Estates, and any direct conflict between the Declaration and these rules shall be resolved by decision of the Executive Board.

**APPEAL RIGHTS TO THE EXECUTIVE BOARD**

19. In the event the ARC shall deny in total or in part any Request for Approval, the Owner may appeal such denial, or any part thereof, to the Executive Board. The Owner shall give written notice of appeal to any member of the Executive Board by postal mail to such individual's residence address within the community or by hand delivery thereto within ten (10) days of the Date of Response upon the Request for Approval. Postal mailing shall be effective if postmarked within such ten days.

20. Upon receipt of a notice of appeal the Executive Board shall determine the date of its review of the appeal, which shall be at a regular or special Executive Board meeting. At such review meeting the Executive Board shall hear the testimony, evidence, and statements of the Owner and of the ARC. In such Executive Board meeting, or as it may of necessity be continued, the Executive Board shall decide the appeal of the Owner. Such decision by the Executive Board shall be final, provided that the Executive Board may return the matter to the ARC for further action, based upon the agreement of the Owner to such further action and the Owner's agreement to the timing of such further action, all of which shall be determined by the Executive Board.

Adopted by the Executive Board: January 2014

President:

