

Foothills Estates Homeowners Association Architectural Review Committee Guidelines (Update 11-2016)

These guidelines are established pursuant the Article 6 (6.19) of the Declaration of Covenants, Conditions and Restrictions for Foothills Estates Conservation Development and §38-33.3-302 Colorado Revised Statutes 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 Foothills Estates Homeowners Association (herein Executive Board). Foothills 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 Foothills 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 Foothills Estates community, consistent with its Declaration of Covenants and the existing community.

PROCEDURES FOR REVIEW BY ARCHITECTURAL REVIEW COMMITTEE.

6. To initiate a review by the ARC, an owner or owners (herein called "Owner") shall submit a Design Review Request Form through the management company for Foothills Estates HOA. reflecting the Owner's lot and location of every proposed structure or improvement thereon, plus detailed plans of such structures(s) or improvement(s). The ARC chairperson shall sign the plans received for consideration, and shall state thereon the date of receipt, which shall be the "Date of Submission."

7. 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.

8. 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.

9. 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

10. 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 Foothills 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.**

11. 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.

12. 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 the footprint of the home (gross living area of first floor, not including the garage.) **If the gross living area of the first floor is over 2000 s/f no outbuilding shall exceed 2000 s/f.**

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 twenty-five (25) 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. The exterior of the outbuilding shall match the color of the home.
- f. Outbuildings intended to store vehicles and recreational vehicles must have an ARC approved driveway. Horse buildings are exempted.

13. Fencing.

- 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. No fence shall exceed six (6) feet in height.
- d. Open fencing material and design is preferred.
- e. Screening by landscape design is preferred over screening by fencing.
- f. 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.

14. Street Lamps.

- 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.

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

16. These rules and regulations supplement the Declaration of Covenants of Foothills 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

17. 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 email to the management company for Foothills Estates. Postal mailing shall be effective if postmarked within such ten days.

18. 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: November 2016