

CRYSTAL RIVER PARK SUBDIVISION

BYLAWS:

ARCHITECTURAL REGULATIONS

	The 1987 Articles of Incorporation are available on request
1.	Declaration of Covenants
2.	Bylaws, Part 1: Amended Bylaws
3.	Bylaws, Part 2: Architectural Regulations (This Document)
4.	Bylaws Part 3: General Rules

This document is part of the Bylaws of the Crystal River Park and does not stand by itself. To understand your rights and obligations as a property Owner in Crystal River Park and a member of the Homeowners Association, you need to have copies of the Association Documents which include the following:

Sept. 8, 2022

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OBJECTIVES

The goal of the Architectural Regulations and the Architectural Review Committee (ARC) is to maintain our community as a highly desirable, rural residential area. Protecting the privacy of each home is important as are high quality design and construction. Preservation of the natural beauty, the natural setting and surroundings is essential as is preservation of the remarkable views in and around our community. This requires consideration of the relationship of buildings, setbacks, landscapes, topography, and overall community design.

The ARC has the responsibility to consider the visual impact created by changes or improvements to a Lot upon other members as each person's home is part of another's view. Members of the HOA share common areas and the ARC will consider all plans carefully to preserve the common areas intact visually and functionally. In addition, the ARC will work with homeowners to address relevant community impact and safety issues including mitigation of wildfire risk. Achievement of these several goals will promote community interests and protect homeowner values.

The subdivision is within Pitkin County and most major alterations and all new construction must also meet the County's permitting and review procedures. The ARC will work with homeowners to help achieve their goals and express their creativity within both our community framework and the County's requirements.

The Architectural Regulations and the ARC were established by the Declaration for Crystal River Park Subdivision. These Architectural Regulations contain a detailed description of the ARC and the Board's approval process and are part of the Bylaws and Association Documents of the Home Owners Association (HOA). The Association Documents and any rules or regulations, duly adopted, pursuant to these documents, shall govern the decision of the ARC.

These Architectural Regulations must be followed by the Owner, the Owner's contractor or builder, subcontractors, agent or any other party present who is under the authority or control of the Owner. In the event of violations, the ARC or the Association may take any action permitted by law or the Association Documents. Such actions may include, but are not limited to, the imposition of fines, which may be collected at any time.

Article 1 -Architectural Review Procedures

1.1 ARC. The ARC will be composed of at least three members of the HOA. The ARC has and may exercise all the powers, duties and responsibilities assigned to it in these Bylaws. The ARC may, with Board approval, hire professionals at the Owner's expense to help application review. A majority vote of the ARC is needed to make a recommendation to the Owner or to the Board.

The ARC shall acknowledge receipt of a request for ARC approval and then respond to the request in a **timely** fashion. For these matters **timely** means a response by the ARC which does not exceed 30 days from receipt of the Owners application.

¹ For Information go to the Pitkin County Website: presently www.aspenpitkin.com Find County Code. You may also call the County or use their website to ask a question.

Subsequently, the Board shall have an additional 30 days to make a decision after the Board's receipt of the ARC's recommendation.

In the event that the ARC does not make a response to the Owner or a recommendation to the Board within 45 days the request shall be considered approved, unless the ARC or the Board has requested additional information from the Owner, the Architect or the County. In such cases an additional 15 days time is granted following receipt of the requested information.

If the Board fails to take action on an ARC recommendation within 30 days, the ARC's recommendation shall stand. In unusual cases, the ARC or the Board may request additional time for consideration and that time extension shall be granted by the Owner. An Owner may justify and request expedited review and the ARC and the Board shall attempt to meet the Owner's needs. An Owner may appeal delays perceived to be unreasonable.

1.2 Committee Members. The Chair of the ARC shall be an elected member of the Board. The Board shall also appoint the remaining members of the ARC and an alternate. Only one member per Lot shall be allowed. The term of office for each committee member shall be two years. No committee member or resident of any one Lot shall serve more than two consecutive terms.

1.3 Vacancies on the Committee. A vacancy on the ARC must be filled by the Board promptly after notifying all members of the HOA of the opening and seeking volunteers.

1.4 Authority of the Committee. The ARC must approve improvements or changes in the condition of any property prior to the commencement of work, other than routine ones (see 1.5a below.) The ARC shall exercise its best judgment in determining that all improvements, construction, landscaping and alterations on the lands within Crystal River Park meet the requirements of these Bylaws and other applicable rules and regulations of the HOA.

In addition, major changes require a building permit and must meet Pitkin County requirements (examples include new construction, septic systems, major remodels and new roofs.)

1.5. Application for Changes to Property or the Exterior of the House. Major Lot alterations and construction shall be processed as in Section 1.6. Simpler ones are as follows:

a. **Routine Repair and Maintenance.** Routine repair, maintenance and general fix-up do not require review or approval by the ARC. Examples include: refinishing an exterior surface to the same color, minor clearing, removing dead or dying trees or bushes, planting or maintaining gardens, and interior remodeling.

b. **Renovations.** A **single-step application process** shall be followed for generally *minor* changes to a property or to the exterior of a home that do not change the footprint of an existing home and for projects that do not involve architectural or construction plans or require a County building permit. An application for approval should be submitted to the Chair of the ARC. The ARC will provide final written approval or denial in a timely fashion. For emergency repairs, please contact the ARC chairperson or a Board member directly and we will review and discuss problems or approve as quickly as possible.

Approval by the Board is not required for *single-step applications* unless requested by the ARC.

Examples include:

- i. changes involving painting, staining, or exterior siding in a different color;
- ii. minor earth moving, driveway or water drainage modification which do not impact other properties;
- iii. changes to windows, window frames, decks or deck railings;

- iv. significant changes to gardens or landscape, cutting live trees; and
- v. installing, replacing or modifying: existing fences, retaining walls, berms, satellite dishes, exterior lighting, signs, septic systems and underground propane tanks.

Installing or replacing septic systems or propane tanks usually requires a building permit. Check with the County if unsure of current permit or other requirements.

1.6 Application for New Homes or Remodels. A two-step application will be used for new homes or for most modifications to existing homes or Lots which change the appearance of the home or Lot or which require a County building permit.

Step 1: Preliminary Approval for New Home or Remodel. During a review of the preliminary/conceptual application, the ARC will consider the general concept of the development. Owners or other entities whose projects require a building permit shall submit one copy of preliminary plans to the Chair of the ARC for an informal, preliminary review. Such drawings shall contain sufficient architectural, site development plans and specifications to permit an informed, timely ARC preliminary recommendation to the Board. The Board will make a timely written response to the request from the ARC.

Persons contemplating the purchase of a Lot in Crystal River Park may submit preliminary plans for purposes of obtaining an informal approval as above. One (1) single-family dwelling, with a floor area between 2,000 sq. ft., and 5,250 total square feet, including one two-car garage and all covered decks, porches, patios and entrance ways, is permitted per Lot. Detached garages will not be allowed on either side of the circle (i.e. the sections of Chair Mountain Drive and Crystal Park Drive which surround the meadow.)

Step 2: Final Approval for New Home or Remodel. Once the Owner has received preliminary approval, the Owner shall submit a detailed application to the Chair of the ARC, unless the ARC approves a simpler application for a limited remodel or one which does not change the exterior of the home. After review, the ARC will make a recommendation to the Board for the Board's final approval or disapproval. The ARC and the Board's approval are contingent upon approval by Pitkin County and construction may not proceed until County approval has been obtained.

For new homes or when a significant exterior change is proposed, the ARC shall inform each member of the HOA of the application by E-mail, noting the location of proposed plans for review and any variances requested. The ARC shall make sure that neighbors are specifically informed. Members are encouraged to review the plans and provide their comments. These applications shall include at least the following:

- a. One complete set of American Institute of Architects (AIA) architectural plans, drawn to 1/4" or 1/8" scale, including details of the septic system if new. For remodels, include the existing plan and proposed plan;
- b. one complete site development plans showing two-foot contour intervals for both existing and proposed conditions;
- c. landscape plans; and
- d. samples of all exterior materials and colors.

Electronic copies for posting on our website shall be provided for a, b and c above.

The ARC may require additional information to evaluate the development proposal throughout the approval and construction process. The ARC will make a recommendation to the Board which will make the final decision and notify the Owner in writing of approval/disapproval. (See Section 3, appeals.)

To expedite the approval process the ARC recommends that an application for final approval be submitted simultaneously to the ARC and Pitkin County. The applicant is required to inform the ARC in writing of any changes made to the plans by Pitkin County. Construction cannot begin until the Board receives notification that Pitkin County has issued a building permit and the Board gives final approval in writing within 14 days of receiving the building permit.

Changes in the construction plan during construction must receive ARC approval.

1.7 Variances. Any matter requiring a variance from Pitkin County land use, building or zoning regulations shall be identified in writing and shall also require an approval from the ARC.

1.8 Specific Architectural Regulations. The HOA has adopted the following specific rules which are covenants and restrictions that run with and bind the Lots in the Subdivision:

(a) **Residential Use.** Each Lot shall be used exclusively for residential living purposes. No duplexes or multifamily dwellings shall be allowed. Unless otherwise specified on the Plat or in a supplemental declaration covering a Lot, the following applies:

No dwelling, building, fence, or other structures shall be placed, erected, altered or permitted to remain at any site or location other than as specifically permitted by the ARC. Structures used for storage will comply with the “Detached Enclosed Storage” guidelines. Guidelines for Detached Enclosed Storage include the following:

Use. The intended use of these structures is for storage of miscellaneous household, yard and general maintenance items. Examples are snow blowers, yard and garden tools, household repair, maintenance tools and firewood.

Location. In order to minimize their impact on the residential and natural view of our subdivision, free standing structures should be located as close to a house structure as practical or in the most unobtrusive or easily screened location compatible with the structure’s purpose.

Size. Height should not exceed 8 feet at its highest point and the outside floor area should not exceed 80 square feet as long as it is commensurate with the ability to screen. It must have a wood or concrete floor, a wood sub roof capable of withstanding snow loads, and 4 wooden sides.

Color. Wood Side walls and roofing should be a color that blends with the natural environment or matches the existing house color.

Screening. Consistent with other C.R.P. homeowner bylaw regulation, free standing structures must be shielded both from the road as well as from neighbors. Screening shall consist of non-deciduous trees or bushes. New plants need to be of adequate size in order to screen the structure.

Electricity. No electrical outlets or lighting is allowed inside or outside the structure.

Bear protection. No food or food products are allowed in outdoor structures, even if closed and locked as this would be an attraction to bears.

Roof: Roofing material should be non-reflecting and colors that blend with the natural environment.

Home-based businesses which have a minimum effect upon traffic in the community and the neighborhood are permitted. The Owner should discuss the planned business use with the ARC if customers are to come to the home. The ARC and the Board will review such business use and permit or restrict it if there is a question of its suitability for the community.

(b) Connection to Central Water System. All Lots shall connect to the central Redstone municipal water system. A monthly water fee must be paid to the Redstone Water & Sanitation District for all Lots, with or without a dwelling, that have paid a tap fee.

(c) Approval Resolutions. All improvements constructed on any Lot as well as their uses shall be in accordance with these Bylaws and the Plat.

(d) Satellite Dishes. The ARC shall approve or disapprove a request for small satellite dishes within 10 days of the request.

(e) Drainage and Erosion Control. No Owner shall make any changes to a Lot that shall impair or adversely affect the natural drainage on the Lot, divert drainage or irrigation water onto another Lot, or deprive any other Lot of its natural drainage course, or in the opinion of the ARC be detrimental to other property in Crystal River Park. Each Owner shall install and maintain culverts where driveways cross road ditches or other drainage ways as needed and of a size and location specified by the ARC.

(f) New Home Construction, Remodels and Repairs. Due to the impact of winter, the timing of the initiation, anticipated phases of construction and the end of construction shall be subject to ARC review and approval. New homes and remodels shall be completed within 12 months from start date of excavation/construction. If additional time is needed, the Owner shall appeal to the ARC for an extension. The area around homes under construction, remodeling or repair must have trash maintained daily. All reasonable attempts should be made to keep the area presentable and free from unsightly debris.

(g) Driveways. Parking adequacy, driveway design location, surfacing material and construction methods shall be approved by the ARC and meet Pitkin County requirements.

(h) Landscaping. A landscaping plan shall be submitted to the ARC both as part of the review and approval process for new homes and for substantial landscape changes to existing developed Lots. Landscape plans for new homes and major upgrades shall be implemented as soon as the season of the year allows — for new homes, after the Certificate of Occupancy has been issued by Pitkin County. Privacy and fire safety goals may conflict. See the Pitkin County Code on Wildfire Hazards. Talk to the ARC for additional information.

No approval shall be needed to remove dead or dying trees from any property. However, the ARC may require such trees to be removed. Replacing trees may also require ARC approval. The location of new or replacement trees shall be submitted to the ARC for approval.

Trees and bushes shall be planted as needed to screen houses from nearby neighbors as well as from other locations within the subdivision and from across the valley. However, homeowners are encouraged to create defensible spaces, and to care for and plan plantings which minimize the fire risk to their homes.

The County's recommendations for defensible space as of 2013 are briefly summarized:

- “(a) Brush, debris and non-ornamental vegetation shall be removed within a minimum 10 foot perimeter around all structures.
- (b) Vegetation shall be reduced to break up fuels at a minimum of a 30 foot perimeter around a structure built on flat ground.
- (c) Spacing between clumps of brush and vegetation up to the 30 foot perimeter shall be a minimum of two times the height of the fuel.
- (e) Tree crown separation within the 30 foot perimeters shall have a minimum of 10 feet between the edges of the crowns, except for mature stands of aspen trees where ladder fuels have been removed. In areas of aspen regeneration, understory shrubs and down and dead materials shall be removed.
- (f) All branches that extend over the roof eaves shall be trimmed and all branches within 15 feet of chimneys shall be removed.
- (g) The density of fuels up to a 100 foot perimeter of the structures shall be reduced and all deadfall removed.
- (h) No new conifer trees shall be planted within 10 feet of a residence.”

The ARC will work with homeowners and neighbors to resolve the potentially conflicting goals posed by the need for defensible spaces and the desire to secure privacy and screening.

(i) Fences. All fencing requires ARC approval.

(j) Restriction on Lighting. The ARC shall approve all exterior lighting proposals. Motion sensors and timers are encouraged. Landscape and walkway illumination shall be of low intensity and downward directed. Please consult the County regulations governing the impact of interior and exterior lighting which do apply to our Subdivision.

(k) Individual Septic Systems require Pitkin County and ARC approval.

(l) Zoning Regulations. Land use and buildings must conform to current zoning regulations of Pitkin County, Colorado.

(m) Road Impact Fees. Depending on the nature of the application, the Board will determine if a road impact fee is to be paid, before commencement of any construction to cover wear and tear on subdivision roads caused by construction traffic. The fee will be based on the size of the home and the distance of the site from Hwy 133. The road impact fee shall be calculated as follows:

$$\text{RIF} = \$2000 + (\text{HOA sq. ft} * \$2.50/\text{sq.ft}) * (\text{Act mileage}/0.5 \text{ miles}) * \text{CPI inflator}.$$

Where:

RIF is Road Impact Fee in dollars.

HOA sq. ft. is square footage calculated in HOA methodology defined in the Architectural Regulations to include “garage, all covered decks, porches, patios, and entrance ways.”

Act mileage is the mileage from the edge of the asphalt of Hwy 133 to the center of the lot road frontage.

CPI inflator This fee is to be indexed to the June, 2020 CPI index and will adjust to the most recent published index published by the Bureau of Labor Statistics.

This fee is to be paid prior to commencement of construction and will cover ordinary wear and tear caused by. Normal construction activity. Extraordinary damage caused by construction will be repaired by the HOA and billed to the owner. Examples of extraordinary include construction with heavy equipment during mud season during then spring thaw, or damage caused by heavy trucks going off the road base and causing

(n)Exterior Siding Materials and appearance. Exterior siding materials, including natural wood or wood products, fiber-cement sidings, and other fire resistant materials are encouraged. Accent materials such as brick, stone, window and door trim and fascia boards may be used.

(o)Colors. All exterior colors including roof color, decks, railings, and trim shall be compatible with existing structures and the environment and must be approved by the ARC. The ARC will not permit bright, garish or loud colors. Paint samples must be submitted to the ARC. If requested by the ARC, the Owner will provide a larger color sample on the material it is to be used on.

(p)Roofs. Roof pitches should be between 6/12 and 12/12 and flat roofs are not permitted. Samples of a complete roofing segment must be submitted to the ARC. New and replacement roofing material shall be at least class A fire resistant or non-combustible, and non-glare. A *Class A fire resistant* roof does not meet the same standard as a *noncombustible* roof. As an example, if a burning object falls on a metal roof (class A material), but metal is thin or the supporting material is flammable, the underlying material may become hot enough to burn. For a roof to be non-combustible, the roof exterior and the underlying material must be non-combustible. (Consult an expert!)

(q)Energy Saving is encouraged. The most cost effective and least intrusive measures involve increasing energy efficiency through decreasing heat loss or heat gain. Solar arrays and panels are permitted if inconspicuously configured, or screened from view. Ask the ARC for suggestions and information if needed.

(r)Propane Tanks. Propane tanks for new homes and replacement tanks must be buried. Any existing above ground tank must be screened from view using a scheme approved by the ARC and materials approved by the Carbondale Rural Fire Department.

(s)Chimneys/flues. Wood fireplaces shall have a chimney spark arresting device installed. To prevent chimney fires, chimneys/flues must be cleaned regularly.

1.9 ARC Liability. Neither the ARC, the Board, the HOA, or any of its Members shall be liable for damages to any person submitting plans for approval, or to any Owner, by reason of an action, failure to act, approval, disapproval or failure to approve or disapprove with regard to such plans. The ARC shall have no liability or responsibility for any representations made to any Owner or prospective Owner by any third parties.

1.10 Written Records. The Secretary of the Board shall keep and safeguard complete and permanent written records for at least five years or as required by Colorado State Law, including the following: (1) all approved applications, including one set of final, approved architectural and site development plans, (2) all actions of approval or disapproval, and (3) all other formal actions taken by the Committee under the provisions of the Association Documents.

1.11 Inspections and Compliance. The ARC has the right and authority and may make reasonable inspections of any construction. When work is completed on any project for which approved plans and specifications are required, the Owner shall notify the ARC in writing and shall provide the ARC documented results of the Pitkin County final inspection. The ARC shall then make a final inspection on the part of the HOA to verify compliance with the final approval.

1.12 Appeals Process. In the event the ARC shall disapprove any request or architectural plans, the applicant may appeal the decision as outlined in Article 3 -Appeals.

Article 2 -Rental of Homes

2.1 Tenancies. Rentals of less than 30 consecutive days are not allowed. Rentals of 30 consecutive days or more require that a lease be signed and a copy be sent to the Board. The Lot Owner shall provide tenants with a copy of the General Rules of the Bylaws of the HOA and shall be held responsible for any violations thereof by a tenant and for any fines, fees, or loss incurred as a result thereof.

2.2 Rental of Lots. The Owner who rents a property is responsible for providing the HOA with the following information:

- name(s) of each renter
- the telephone number for the property being rented
- the make, model, color and license plate number of each vehicle that will be parked on the property

Article 3 -Appeals

3.1 Right to Appeal. Any Owner may appeal a decision made by the Board or the ARC regarding an architectural matter.

3.2 Appeals to the ARC. An Owner who elects to appeal a decision or recommendation made by the ARC shall first request in writing that the ARC reconsider their decision or recommendation. If the ARC does not change the decision within 15 days of the receipt of the request, the Owner may then appeal to the Board as set forth in 3.3 below.

3.3 Appeals to the Board. Any Owner who elects to do so shall submit an appeal to the Board in writing within 30 days of the date of the decision being appealed. The Board shall then conduct a hearing on the appeal and issue a written decision either affirming or reversing, in whole or in part the Board's decision within 30 days. If the Board denies all or any portion of an appeal, the Owner may appeal to the HOA membership-at-large at a regular or special meeting at which a quorum is present. Arrangements with the Board must be made sufficiently in advance of the membership meeting so that information about the appeal can be made available to the membership and proper notice of the meeting can be given as required by the Bylaws. The decision by majority vote of the HOA membership present or by proxy at a regular or special meeting shall be final. No further appeal may be made.

Fire Hazard Map: Addendum for Reference Only

The Pitkin County Fire Hazard Map was supplied 10/9/2012 and shows that our subdivision is divided into a Medium Hazard area, brown to the right and a High Hazard area, green area to the left. Roof construction, defensible space and other county requirements will likely vary between these zones. It is provided as an informational page only and is not part of these Bylaws. The ARC and the Board will keep an updated version on the website and will provide information and links to other Pitkin County advisories, fire safety and other regulations which are likely to be important to members of the HOA.

