



**ARCHITECTURAL AND LANDSCAPING**  
**STANDARDS**

*Revision 3.0*  
*March 2024*

# Somerset Estates HOA Architectural and Landscaping Standards

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## **SECTION I – Purpose**

The mission of the Somerset Estates Homeowners Association (SEHOA) Executive Board is to “seek to manage the Community in a manner that maximizes the market value of our homes, enhances our quality of life, and positions Somerset Estates as a premier Front Range residential subdivision.” The role of the Architectural Control Committee (ACC) in supporting this mission is to enhance the unique aspects of Somerset Estates that add to all three components, namely the stunning views of the mountains, the high quality of home and landscaping designs, and the consistent maintenance of properties. In fulfilling its purpose, the ACC shall be timely and consistent in the implementation of these Architectural and Landscaping Standards (“Standards”) and will respond to reasonable sustainable natural resource preservation practices.

These Standards establish a clarifying pattern to the whole process of building, modifying and maintaining properties so that development, construction and maturation of the properties merge and complement the natural beauty of the land and quality of the Community. Somerset Estates is a Community where different architectural designs and styles come together, and where the efforts of one designer, builder, or Owner are not damaged or devalued by the incompatible design of a neighbor. Because different designers, builders and Owners are involved, standards are necessary and useful in attaining the desired level of consistency and quality in the Community’s appearance.

The intent of the ACC and the Executive Board is to achieve harmony among Dwellings and between each Dwelling and its surrounding landscape. The exteriors of buildings are to be subdued and non-attention catching. Somerset Estates is a place where structures complement and harmonize with the buildings adjacent to each other.

These Standards are established to:

- Carry out the general purposes expressed in the Declaration.
- Prevent violation of any specific provision of the Declaration, including any amendments.
- Prevent any change in the existing state of property that would be unsafe or hazardous to any person or property.
- Optimize mountain views from all home sites.
- Preserve visual continuity between Improvements and prevent any marked or unnecessary transition between improved and unimproved areas.
- Assure that any change in the existing state of the property will be of attractive design and in harmony with development on other Lots.
- Assure that materials and workmanship for all Improvements are of high quality and durability comparable to other Improvements in Somerset Estates.

Compliance with these Standards and/or approval by the ACC does not constitute compliance with any applicable building codes or regulations. Owners or their representatives must consult Boulder County with reference to regulatory compliance. These Standards are in addition to and augment the Declaration. They are not intended to narrowly restrict choices, but to allow variation within a framework of compatibility and harmony with the surroundings.

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## **SECTION II – General Information and Procedures**

### **Definitions**

Primary definitions for terms used in this document are found in the SEHOA Consolidated, Amended and Restated Declaration for Somerset Estates. To avoid duplicate specifications, most definitions are not repeated in these Standards. Unless the context specifies otherwise, the following words or phrases used in this document have the following specific meanings:

**ACC:** Architectural Control Committee.

**Affected Owner:** A Somerset Estates Owner is considered “affected” by an ACC decision relative to another Owner’s lot if the Affected Owner is a near neighbor; generally considered to be the immediate neighbor on either side, across the street from, or behind the subject property.

**Architectural and Landscaping Standards (“Standards”):** These architectural and design guidelines and standards proposed by the ACC and approved by the Executive Board, as they may be amended from time to time. The current version of the Standards is posted on the Association website (somersetestates-hoa.com).

**Association:** The Somerset Estates Homeowners Association, Inc. (SEHOA).

**CCIOA:** The Colorado Common Interest Ownership Act, as amended, is the law that governs the formation, management, powers and operation of common interest communities (HOAs) in Colorado. The current version of CCIOA is posted on the Association website. In the case of a conflict between CCIOA and the governing documents of SEHOA (including these Standards), CCIOA prevails.

**Declaration:** SEHOA Consolidated, Amended and Restated Declaration for Somerset Estates, as it may be amended from time to time. The Declaration is posted on the Association website. NOTE: For the most recent and governing language, consult the Declaration. For convenience, Appendix E contains relevant sections of the 2018 Declaration.

**Executive Board:** The Executive Board of the Somerset Estates Homeowners Association.

**Improvements:** Any exterior construction, structure, fixture, landscaping or facilities existing or to be placed on a Lot in Somerset Estates, including but not limited to: buildings, outbuildings, swimming pools and their supporting mechanical equipment, tennis and sports courts, play sets, patios, patio covers, awnings, painting or other finish materials on any visible structure, additions, walkways, garages, carports, driveways, fences, screening walls, retaining walls, stairs, decks, streets, drainage facilities, landscaping (including any material change in slope, pitch or drainage pattern), hedges, windbreaks, plantings, trees, shrubs, sod, ground cover, exterior light fixtures, poles, permanently installed basketball stands, trampolines, or other recreational or sporting equipment, signs, antennas, exterior tanks, and exterior air conditioning, cooling, heating, standby generators, and water softening equipment. Improvement shall also mean and include, without limitation: (a) the destruction by voluntary action or the abandonment of any building, structure or other Improvement; (b) the excavation, filling, or similar disturbance to the surface of the land; (c) the clearing, marring, defacing or damage of

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trees, shrubs, or other growing things; and (d) any change or alteration to any of the above described Improvements, including without limitation any change of color, texture or exterior appearance, of any previously approved Improvement.

**Lot:** Each platted lot which is a physical portion of the Community, other than Common Areas, designated for separate ownership or occupancy, the boundaries of which are described on the Plat.

## **Written Approval of Plans Required**

As specified in Article 7.1 of the Declaration, all Improvements require the Owner to first submit plans and specifications to the ACC, and approval must be received in writing before work begins. The Association has the right and authority to record a notice against title to a Lot to indicate that any particular Improvement has not been approved or that any approval given has been revoked. Removal of dead, dying and diseased trees, shrubs, and other growing plants is expected and considered to be routine maintenance that does not require ACC approval; neither is approval required to remove healthy trees.

## **Fees for ACC Reviews**

In its review of plans, specifications and other materials and information, the ACC may require that the applicant(s) pay for extraordinary expenses such as the use of outside experts to evaluate extensive or complex projects that are beyond the scope of the committee members' expertise in the review and approval process. Such amounts, if any, shall be levied as a Specific Assessment against the Lot for which the request for ACC approval was made.

## **Variances, Waivers, and Review**

As specified in Article 7.9 of the Declaration, the ACC may grant reasonable variances or adjustments from any conditions and restrictions imposed by Article 7 to overcome practical difficulties or prevent unnecessary hardships arising due to the application of any such conditions and restrictions. Such variances or adjustments: 1) shall be granted only in case their granting shall not be materially detrimental or injurious to an Affected Owner's Lot or the common areas; 2) shall not have the effect of modifying the general intent and purpose of the Standards; 3) shall not set a precedent for any other applicant; and 4) shall be approved by the Executive Board after allowing opportunity for Community input. As specified in Article 7.10 of the Declaration, the approval or consent by the ACC, its representatives, or the Executive Board of any application for architectural or landscaping approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent by the ACC, its representatives, or the Executive Board of any application or other matters whatsoever which may subsequently or additionally require approval or consent. As specified in Article 7.6 of the Declaration, a majority vote of the ACC may approve a request pursuant to this Section. In the event any Owner is dissatisfied with any decision of the ACC with regard to such Owner's proposed Improvements, all members of the ACC are required to meet with and review the request with the Owner (meeting can be in person, virtual, by phone, or as determined by the Chair of the ACC). Any further review will be according to the Rules and procedures outlined in Section III. In addition, any Owner affected by the decision of the ACC with respect to another Owner's Lot may request a review of such decision according to the Rules and procedures outlined in Section III. As such, the ACC

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may inform neighbors directly affected by an ACC decision (Affected Owners) of such pending application before approval is given. (For the most recent and governing language, consult the Declaration or Appendix E.)

## **Liability**

As specified in Article 7.8 of the Declaration, the ACC, the ACC members, as well as the Association, the Executive Board, or any representative appointed by the ACC to act on its behalf, shall not be liable for any loss, damage, or injury arising out of or in any way connected with the performance of the ACC for any action, failure to act, approval, disapproval, or failure to approve or disapprove in regard to any matter within its jurisdiction, if such action was in good faith and without malice. In reviewing any matter, the ACC shall not be responsible for approving the safety, structural or otherwise, or conformance to building codes or other governmental laws and/or regulations, nor shall its approval of an Improvement be deemed approval of such matters. Any evaluation of the potential for fire hazards of vegetation and/or structures included in a submission are the responsibility of the Owner, not the ACC. Owners are encouraged to seek the advice of the local fire authority for such evaluation. Owners and their contractors are responsible for obtaining all required governmental permits and approvals. Even if the ACC approves an application, governmental permits and approvals are the final determination for a project to go forward. (For the most recent and governing language, consult the Declaration or Appendix E.)

## **Enforcement**

These Standards may be enforced by the Association as provided in the Declaration and policies and procedures approved by the Executive Board.

## **Amendments to Standards**

As specified in Article 7.3 of the Declaration, the ACC may propose and the Executive Board may from time to time, adopt, amend or otherwise revise additional guidelines, standards, Architectural and Landscaping Standards, Rules and procedures governing architectural review for the purposes of further enhancing, defining, or interpreting what items are covered by Article 7 and providing for changes in technology, industry standards, style, materials, safety issues, consistency with updated building codes or other laws or ordinances, or for any other reason that the Executive Board deems proper, necessary, or in the best interests of the Community. Any guidelines, standards, Rules and procedures or amendment thereto, shall apply to construction, additions, modifications, installations, or items placed on a Lot occurring after the date such guidelines, standards, Rules, and procedures or amendments are published or otherwise made available to all Owners.

## **Prior Approvals**

In general, the ACC does not revisit prior, documented approvals of hardscape and structural house design or landscaping. However, if no documentation of prior approval exists (which is the case for some original landscaping plans), Owners need to check with the ACC before proceeding with repairs, replacement, modifications, or other maintenance items, as the ACC may require that Owners bring their Lot into compliance with the Declaration, these Standards and available prior approved improvement plans.

## **SECTION III – ACC Request Submittal Process**

The ACC is charged by the Executive Board to review all building and/or landscaping plans (Improvement plans) to determine compliance with the Declaration, CCIOA and these Standards. The ACC will issue a decision on whether to approve, disapprove, or request modifications to submitted plans based on its review of the plans, a site visit if required, and a review of the Declaration and the Standards. If necessary, relevant experts may be requested to review the proposed Improvement. Following is the process for gaining approval of plans.

- The ACC will meet in person, virtually, or communicate by email every month or as needed. At its discretion, it may meet more frequently or by appointment if meetings with Owners or their Architects and Landscapers are required.
- Applications and plans should be submitted electronically, if possible. The ACC application is located on the Somerset Estates website ([somersetestates-hoa.com/acc](http://somersetestates-hoa.com/acc)). Submissions should be sent electronically to the Chair of the ACC, as indicated on the SEHOA website under the tab “ACC”. The level of detail required to support a requested change will depend upon the scope of the work. Generally, changes that involve structural alterations or new construction will need to be supported by copies of the architectural plans and specifications prepared for the Boulder County building permit process. For non-permit changes, sketches, samples of colors or materials to be used and a written explanation of the scope of work are sufficient. Physical submission of color samples should be at least 8”X10” or the ACC may allow a section of the existing house painted to display the sample color. Large landscape projects will require Landscape Architect plans detailing locations of structures and features, drainage patterns, plant and tree types and placements. Sketches of proposed changes together with a written explanation may support small landscape jobs. While there are no fees associated with normal review by the ACC, Owners will be required to pay charges incurred in cases where it is necessary to solicit expert opinion. They will also be billed for any out-of-pocket costs.
- Owners are strongly encouraged to review the most recent version of the Standards on the SEHOA website prior to planning and submitting any application for review.
- Depending upon the scope of the change, the ACC may visit the property to gain a full understanding of the change requested.
- The ACC may conclude that the proposed change(s) will affect other neighbors and, at its discretion, contact Affected Owners for their input relative to the proposed change(s). Such responses will be considered by the ACC as it makes its decision.
- The ACC will not consider requests from Owners with current, outstanding compliance violations.
- Owners should submit plans assuming a 30-day approval cycle. The ACC will do everything possible to accelerate the process with proper notification. If the ACC needs additional information from the Owner to make a decision, it will request this information within 15 days of receipt of the application. If the ACC needs extended time to complete its review, it will communicate this to the Owner and seek an extension of the review timeline. If the ACC fails to approve or disapprove any

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request within 30 days after complete submission of plans, specifications, and materials, and receipt of any additional information requested, without the agreement to an extended timeline, the request shall be deemed to have been approved by the ACC.

- ACC decisions require a majority vote of the committee. Such a vote may be taken in a meeting of the ACC or by email. Decisions will be based on the impact on the neighborhood and compliance with these Standards and the Declaration. If a member is recused, the decision then requires a majority of the remaining committee.
- Should the ACC determine that a variance or waiver of the Standards is appropriate to a particular application (see “Variances, Waivers, and Review” above), the Chair of the ACC will ask the President of the Executive Board to consider approval of the variance or waiver at the next regularly scheduled Board meeting or at a special meeting of the Board.
- The ACC will submit its approval or disapproval to the Owner in writing; generally, electronically via email.

## Reviews and Appeals

Owners or Affected Owners who disagree with an ACC decision may appeal (as provided in Article 7.6 of the Declaration) by using the following process:

1. Request a meeting with all members of the ACC to review the decision. Following the review meeting the ACC has the options to vacate, modify, or reconfirm the original decision.
2. After the outcome of the review meeting, if the Owner or Affected Owner is still not satisfied with the decision and believes it to be inconsistent with the Standards or that the application decision process was not properly followed, an appeal to the Executive Board may be requested.
  - NOTE that this Executive Board review shall not be conducted for matters of opinion on colors, materials or design, which are solely between the Owner and the ACC. The Executive Board’s primary responsibility in any appeal shall be to evaluate adherence to a fair, timely and equitable process carried out consistently by the ACC.
3. The Owner or Affected Owner appeal request may be submitted to the President of the Executive Board by email, US mail or in person. The request must contain a copy of the initial submission to the ACC, the ACC final decision, and a brief explanation of why the Owner or Affected Owner is submitting the appeal.
4. The President of the Executive Board will schedule a time for the Executive Board to meet with the Owner, Affected Owner(s), and one or more ACC members within 30 days either in person or via internet video conference. The Executive Board shall use the following process to review ACC decisions regardless of whether the request for review was submitted by the Owner or an Affected Owner:
  - a) Review documentation relative to the application in question.

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- b) Allow each party (Owner, Affected Owner, ACC members) to speak to the situation.
- c) Consider the following questions:
  - Was the process and decision consistent with similar ACC decisions?
  - Do the Standards adequately address the concern stated in the appeal?
  - Are there other concerns about the ACC process that were not disclosed, such as whether any member had cause for recusal or abstention?
- d) After the review the options to the Executive Board are to:
  - Affirm the ACC decision.
  - In the event the Executive Board considers that an incorrect process was used in the ACC decision-making, the Executive Board will explain to the ACC the concerning process issue and ask the ACC to reconsider its approach. The ACC will report back to the Executive Board as to whether a modified process has an effect on its decision or Standards interpretation.
  - Approve a variance or waiver to the Standards according to Article 7.9 of the Declaration (see “Variances, Waivers, and Review” above).
  - Request the ACC to consider proposing a revision to the Standards for Board approval, followed by a reconsideration of the application based on the revised Standards.

## **SECTION IV – Architectural Standards**

This section focuses on basic requirements for buildings and associated hardscape. Although homes have been constructed on all Lots, the Standards apply to Improvements to an existing home, additions and remodels, and possible future new construction. Although “landscaping” includes both hardscape and plantings, hardscape is included in this section, with plantings covered in Section V.

### **Style and Quality**

There is no mandatory "style" of architecture in Somerset Estates. The only constant is high quality and harmony with the Lot, general landscape, and surrounding Dwellings. All new or remodeled structures require ACC approval. Dwellings with an unfinished appearance or rugged cabin finish or design shall not be permitted. A-frame type structures, Dwellings on stilts, and structures of a circular design will not be permitted. Mansard, shed, flat, geodesic or gambrel roofs are not permitted. Traditional dwellings like those already built within Somerset Estates are strongly encouraged.

### **Color**

The color of the external materials shall generally be subdued to blend with the colors of the natural landscape. Earth tones, generally muted, are recommended, although occasionally accent colors used judiciously and with restraint may be permitted. Colors shall be harmonious and compatible with colors of other residences in the vicinity and nearby

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surroundings. Physical color samples should be 8"X10" in size or the ACC may allow a section of the existing house painted to display the sample color. Any major painting or repainting of the home's exterior requires ACC approval. Touch-up painting with previously approved colors does not require ACC approval.

## **Materials-Exterior Surfaces**

Exterior surfaces shall generally be of natural materials that are compatible and blend with the natural landscape. The use of each material shall be a truthful and appropriate expression of the characteristics of that material. Textures shall be harmonious and compatible with textures of other residences in the vicinity and the nearby surroundings. The use of brick, wood and stone is preferred. Where brick is selected as the predominant material for the exterior wall covering, each wall shall be clad with brick, on the order of 25% of its square foot area, such that there will be a complete brick wrap on the structure.

Stucco or synthetic stucco (e.g., Dryvit) is permitted as an exterior wall covering material, preferably with natural stone or brick accents, or with significant stucco sculpture or relief to eliminate flat looking walls.

Exposed standard concrete; concrete blocks; prefabricated metal buildings; simulated brick, synthetic stone, or wood siding; unnatural brick tones; and mill finish anodized aluminum (silver) doors and windows shall not be permitted unless approved by the ACC. Untreated or raw wood surfaces, whether in the form of exterior siding or exterior decks and railings, will not be accepted.

"Natural" and "Unnatural" materials and tones shall be defined by the ACC at the time of submittal and be item specific as determined by the ACC. Foundation walls shall not be exposed in gross excess of what is required by building code unless approved by the ACC, and then shall be finished to blend with the exterior of the Dwelling.

## **Roofs**

All roofs shall be of a material, color and texture approved by the ACC. A roof pitch of less than a 6-foot rise with a 12-foot run (6/12) will be discouraged, except as deemed necessary for design purposes. No maximum pitch is specified, but approval by the ACC will be based on the visual impact of the roof on the Lot and/or neighboring Lots, Dwellings and roads. Concrete tile and Slate tile are preferred materials. Copper or other metal roofing may be used as a limited accent if approved by the ACC. Raw copper should be allowed to patina to a darker non-reflective finish (no protective coating).

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<b>Material</b>	
Treated Cedar Shakes	Yes*
Concrete tile	Yes
Slate tile	Yes
Stone Coated Steel	No
Steel	No
Architectural Asphalt	No
Clay tile	Yes
Solar tiles	Yes
Synthetic Composite tiles	Per evaluation

\*Not allowed for new construction or replacement due to fire risk unless the replacement is for a partially damaged roof amounting to approximately 25% or less of the total area.

## **Building Projections**

All projections including, but not limited to, chimney flues, vents, gutters, downspouts, porches, railing, and exterior stairways, shall match either the color of the surface from which they project, the exterior color palette or the architectural theme of the home. In general, downspouts shall be painted to match the base house side surface on which they are affixed but may be painted to match the window or roof trim with ACC approval. Gutters, a horizontal feature, can be a color matching the window or roof trim, a standard factory color of white, black or brown, or a color that matches the base house side wall color. Copper downspouts and gutters are permitted with ACC approval, but raw copper should be allowed to patina to a darker non-reflective finish (no protective coating). Like other exterior color treatments, replacement of gutters with different colors or materials than originally approved requires ACC approval.

## **Garages**

The residential structure or complex on a Lot shall include a garage. Its size is defined in Article 6.3.1 of the Declaration, namely that the cumulative size of the garage(s) must be “of sufficient size to house not less than three cars”. Garages must be part of the principal structure or attached to the principal structure by an arbor or breezeway and must conform to the architecture of the principal structure.

## **Garage Doors**

The visual impact of garage doors shall be minimized by such measures as, but not limited to, siting of the Dwelling, protective overhangs or projections, special door facing materials or design, and/or landscaping. Garage doors that do not face the street are preferred. If doors must face the street, landscaping shall screen the view of the doors, with previously approved landscaping plans taken into consideration to determine the sufficiency of such screening. The doors shall be maintained over time to assure a near-new appearance. Repainting to a different color or replacement of garage doors requires ACC approval.

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## Fences

All fences installed within Somerset Estates shall be approved by the ACC and shall be in design and materials consistent with the fencing standards in Appendix A. Fences should be designed to preserve the openness in the subdivision and minimize the visual impact of fencing between sites. Approved material for the containment of any pets may be added to the interior surface of perimeter fencing subject to prior approval by the ACC. New wooden fencing, interior to the yard or exposed to the outside, must be stained to match existing common area fences and the fences along Somerset Drive and Longview Drive. In the case of a partial replacement, the entire continuous length of fence containing the new portion must be stained. In 2024, and until modified by Standards updates, the oil-based stain applied to the fencing is Sherwin Williams Superdeck, semi-transparent in a custom color. Please contact the ACC for the color match information.

See Appendix A: Fencing Standards for more details.

## Drainage and Grading

All structures and landscape elements shall be placed on the Lot so that the existing topography will be disturbed as little as possible. As noted in Article 9.5 of the Declaration, all Lots contain easements for the installation and maintenance of utilities, drainage facilities, and public or private improvements. Access to them is reserved. In particular, drainage and utility easements are reserved under the plats around the entire perimeter of each Lot, of at least 10 feet and in some cases more than 10 feet wide. Any Improvements or changes in grading in these easements must not alter the direction, obstruct, or retard the flow of water through channels or swales within any such drainage. The Association has the authority to require the removal of any Improvements, including vegetation that could change or impede the flow of water in these easements regardless of whether they are intentional or naturally occurring. Proof of such an impediment is not required for the Association to require removal.

Finish grade shall prevent ponding or sheeting of water on the site into a single exit point to avoid erosion onto adjacent property. Drainage shall be away from structures and in compliance with Boulder County standards and not altered without ACC approval. Newly graded areas shall be protected against erosion. Significant mounding greater than 2 feet above natural grade of surface contours for architectural effect must be approved by ACC. Owners should also ensure the mounding will not negatively affect the original drainage for the Lot. Location of topsoil stockpiles, borrow pits on site, and material disposal areas is subject to ACC approval.

Each Lot must accept all drainage from uphill Lots and divert it away from critical areas on site (away from house foundations, driveways and garden or walk out level features). Each Lot must also divert runoff water to the front or side street borrow ditches or to the rear area of the Lot. Owners and builders are required to minimize disruption from grading; when possible, use existing or natural drainage paths; and to consider and provide for snow storage and runoff.

The final site plan and grading plan shall be prepared by an architect, engineer or landscape architect, and it shall include both existing contours and proposed contours. Finish grades shall include 4 inch minimum topsoil on all planted areas. Finished elevations with seed and

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sod in place shall be submitted for ACC approval. A topographic grading plan shall be submitted with the house plans.

## **Paved Areas**

Hard-surfaced private driveways and concrete parking areas are required. Driveway grades should be kept under eight percent (8%) for satisfactory year-round use. Materials used to create special driveway paving patterns are subject to ACC approval.

## **House Numbers and Mailboxes**

Each Lot has an assigned street number. When a Dwelling was constructed, mailboxes were constructed or installed, and the assigned street number was displayed on the mailbox. Any change to the mailbox needs to be approved by the ACC. It shall conform to the style of and be compatible with mailboxes installed in Somerset Estates and meet any requirements of the United States Postal Service. Owners are responsible for maintaining their mailbox such that it continues to conform to the style and quality of mailboxes in the neighborhood, including prompt repair or replacement if damaged by accident or vandalism. House numbers installed anywhere else on the Lot other than the mailbox must be approved by the ACC.

## **Site Entrance**

The front site entrance defines the approach to the residence and presents a strong statement to the Community. Many Owners have elected to construct a pair of piers or short walls, one either side of the entry drive, to accentuate their driveway. Such piers or entry walls must be constructed of masonry or stucco with masonry accents to match the architectural character of the residence. They must be capped with masonry to match the house. For new designs, lighting must provide indirect non-glaring light source and conform to Boulder County 'dark sky' requirements.

## **Exterior Lighting**

All exterior lighting on any Lot requires written approval of the ACC. Exterior lighting that is subdued and whose light source is not visible from surrounding Dwellings may be permitted by the ACC for such purposes as illuminating entrances, decks, driveways, pathways and parking areas, and other approved purposes. Lighting is permissible in the form of electric or solar lights installed along the illuminated areas with ACC approval. Safety lighting caused by motion detectors is allowed if the light is on only temporarily.

Exterior light bulbs shall be warm white (2500-3000-degree Kelvin temperature) as opposed to daylight (3000-4000-degree Kelvin temperature). All new exterior lighting must conform to Boulder County "dark sky" requirements.

## **Exterior Mechanical Equipment**

Exposed exterior mechanical equipment shall be screened from the view of other Dwellings, streets or yards by ACC approved screen fencing or by a Dwelling matching structure. No mechanical equipment other than solar panels shall be roof top mounted.

# Somerset Estates HOA Architectural and Landscaping Standards

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## **Swimming Pools**

Swimming pools shall be designed to integrate with the existing site and architectural form. Adequate screening that does not interfere with mountain views, security, and maintenance shall be provided. Swimming pool construction shall meet Colorado State Board of Health standards. All pool-related pumps, filters, heaters and other equipment shall be screened from view. Noise producing equipment shall be sound buffered from other Dwellings and yards. These requirements apply regardless of any prior approved landscape plan when the pool was installed.

## **Tennis and Sport Courts, Play Sets**

Tennis and other sport courts (e.g., basketball, volleyball, pickleball, or skateboard) and play sets or trampolines will be discouraged unless the ACC can be shown that the court will not aesthetically detract from the adjacent area, either visibly or by producing excessive noise. The impact of the sport court, skateboard ramp, playsets or trampolines on surrounding Lots, street and pathway view will be determining factors considered by the ACC in any screening requirement in the application review.

Tennis and sport courts shall not be lighted and appropriate screening installed or planted if visible from the street. If fencing is required, a wire mesh material is acceptable subject to final drawing review. Galvanized fence material is not acceptable. For tennis and pickleball courts, the height of fence shall be minimized at the ends and possibly reduced at the sides depending on the location. For other courts, fence heights shall be of minimal height (in case of skateboard ramps, trampolines, volleyball courts and playsets). Screening must not block mountain views and can consist of fencing, walls or vegetation subject to ACC approval. Sport courts and play sets or trampolines that are in a deteriorated state shall be removed.

## **Solar Panel Installations**

Solar panels installations are permitted as ground free-standing structures or upon roofs. Ground based structures shall be hidden from view through landscaping or a blended building structure. Roof based installations, like all roofing materials, must be reviewed for the design and visual aesthetics. Either approach must be approved by the ACC to ensure harmony with surrounding houses and landscapes.

## **Garden Sheds, Accessory Structures, and Other Out Buildings**

As stated in Article 6.2.9 of the Declaration, non-permanent structures (such as garden sheds or other storage units) are not allowed. Non-permanent structures are defined as those without foundations or without direct connection to the principal residence. Permanent structures require ACC approval and generally need to be compatible with the dwelling both architecturally and in material finishes. As with garages, these structures need to be connected to the dwelling and appear integral to it. Dog runs or enclosures for other pets shall also be architecturally compatible with the Dwelling and must be approved by the ACC.

## **Signs**

As stated in Article 6.2.10 of the Declaration, signs are not permitted in the yards or on dwellings. There are exceptions to this rule: 1) temporary political or other signs as defined

# Somerset Estates HOA Architectural and Landscaping Standards

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in CCIOA, 2) one real estate sign advertising the sale of the property (not larger than 2'X3'), 3) alarm company signs no larger than 8"x12", 4) content-neutral information that is not commercial oriented, and 5) temporary signs recognizing graduating students as long as removed within 60 days of graduation. Alarm company signs may only be placed on a gated entry to the yard or near the dwelling unit, Signs like "No Trespassing" or "Private Property" can be considered off-putting or unfriendly and are requested not to be used. The exception is "No Trespassing" signs are allowed during construction due to legal liability to Owner. "No Solicitation" signs are allowed if located near the main entrance door of the residence.

## **Garbage Receptacles**

Garbage, trash and/or recycling receptacles shall not be exposed to view from any street, community pathway, or adjacent Lot. Compost containers (for pickup) should be, at a minimum, screened with ACC approved landscaping and/or fencing so that it is not noticed by a passerby on any street or adjacent Lot.

## **Sewer Manholes**

Wherever sewer manholes are located within an Owner's Lot, the Owner shall provide access for sewer cleaning, such as easily removable fence rails, a 10-foot-wide gate, or other access method. Niwot Sanitation District needs to be able to easily access the sanitary sewer approximately every three years for general sewer clean out.

## **Flagpoles**

Flagpoles displaying the American flag and non-commercial flags as authorized by CCIOA are allowed, subject to ACC approval for placement of poles, flag height, and flag size.

## **Satellite Dishes**

As stated in Declaration Article 6.2.11, satellite dishes and any other installations for the transmission or reception of electronic signals, radio or television waves are subject to these Standards and therefore must meet the general requirements for visual aesthetics for the house structure or landscaping. Whenever possible, satellite dishes should be screened from any street, community pathway, or adjacent Lot. The installation location requires ACC approval. Dishes that become deteriorated or unsightly, or which are no longer used, should be repaired or removed.

## **Side Mounted Exterior Utility Boxes**

Utility boxes installed on the side of houses should be painted with a color to blend to the underlying color of the house without blocking the readable dials and openings; or be screened by vegetation, fencing or walls subject to ACC approval.

## **Additional Construction or Exterior Changes**

Any changes to the approved plans before, during or after construction or installation must first be submitted to and approved by the ACC. Any changes to the Dwelling exterior and landscaping must first be submitted to and approved by the ACC.

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## **Location of Dwellings and Setbacks**

Location of buildings will be in accordance with the recorded plat and the Declaration. According to Article 7.9 of the Declaration, all Dwellings will have a minimum setback of 35 feet from the front property boundary and any Lot line that borders an additional street unless a variance is granted by the Executive Board. Also, the required setback from any other Lot boundary is 15 feet as described in Article 6.3.3 of the Declaration. Roofs may overhang the setback by no more than 2 feet.

Because no two Lots are exactly alike, the ACC will review each plan for a Dwelling or other structure in relation to the specific characteristics of the Lot and its surroundings. What might be considered appropriate for one Lot might be inappropriate for another. The Declaration permits flexibility that is essential to the appropriate use of widely varying Lot conditions and topography. The basic objective is that the Dwelling and other structures be compatible with the Lot and minimize obstruction of the views of Affected Owners.

## **Height of Structures**

The ACC will not approve the construction of any Dwelling or other structure that would appear excessive in height when viewed from the roads, drives or other Lots. Specifically, Dwellings and other structures on Lots 5-11, Block 5 and Lot 15 Block 5 are restricted to a height of no more than 30 feet from the grade existing prior to any construction or other Improvements. All other areas are limited to 35 feet from the grade existing prior to any construction or Improvements. At the time of construction of any Dwelling, the Owner shall provide the ACC with any calculations, illustrations, or documents required by Boulder County to prove compliance with the height restriction limitations established by the County.

## **Permitted Uses and Floor Spaces**

Each Lot shall be used exclusively for residential living purposes and such purposes as are customarily incident thereto. As defined in Article 6.3.1 of the Declaration, every newly constructed Dwelling shall have the specified minimum improved living floor area exclusive of unfinished lower-level walkouts, basements, garages, porches, patios, and accessory structures. No maximum floor area is specified; however, the ACC will be concerned that the total size of all structures on the Lot does not create a negative visual impact.

## **Building Code**

All structures shall conform to all applicable building codes and ordinances. Approval by the ACC does not constitute or imply compliance with such codes and ordinances.

## **SECTION V – Landscaping Standards**

Landscaping includes plantings and hardscape (such as patios, walkways, concrete driveways, exposed barbecues, pools, decks, fencing, and decorative walls and structures). As most hardscape landscaping considerations are covered in Section IV, this section focuses on plantings on Lots. Differing landscape architectural design and style is permitted and encouraged. It is not the intent of these Standards to narrowly restrict design choices, but to allow variation within the framework of compatibility and harmony with the surroundings. Details on specific landscaping requirements are shown in Appendix B.

All landscaping shall be approved by the ACC, with the exception that in general approval is not required for the addition or replacement of plants and shrubs whose mature height is under 10 feet tall. For new construction and significant changes to an existing landscape, the ACC requires complete landscaping plans and specifications, as set forth in these Standards. Any subsequent changes to existing, approved landscaping as a result of growth, change in design, etc. also requires ACC approval.

While these Standards provide a framework for the landscape planning and construction process, it is highly recommended that Owners obtain the assistance of a landscape architect to design the landscape. This architect should be familiar with all elements of landscape design and construction as well as the proper selection and placement of plant materials. In particular, the landscape design must address both the existing grades and proposed final grades for a given site and how they are to be integrated with the adjacent properties, particularly in terms of drainage.

Compliance with these Standards and approval by the ACC does not constitute compliance with any building code or regulation, nor proper landscaping or engineering practices. The Owner or his representative must consult with the Boulder County building department and his architect or engineer with reference to compliance with applicable codes or regulations and proper landscaping or engineering practices.

Without limiting the generality of the foregoing, the ACC may condition any approval of landscaping and plantings upon the limitation of future growth thereof in order that they not impinge upon the mountain views of Affected Owners. The ACC may also subsequently require landscaping or plantings to be reduced in size or height to avoid impinging upon the mountain views of Affected Owners.

### **Site Grading**

The use of soil mounding of greater than 2 feet above natural grade to raise vegetation bases must be approved by the ACC. Terracing with hardscape can be used if it is approved by the ACC and if any associated planted vegetation at any height is not reasonably expected to block any Protected View Corridors, either presently or in the future. If new trees are proposed on top of soil mounding the height of the mature tree will include the height of the mound in considering whether the tree is detrimental to Protected View Corridors.

### **Irrigation**

An automatic underground sprinkler system is required for all grassed and planted areas of the Lot. See Appendix B for details. Nonvegetative turf grass to reduce irrigation requirements is permitted in rear yards subject to approval by the ACC.

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## Design Recommendations for Particular Planting Areas

The design and planning of the landscape will include plantings in a variety of areas such as the front yard (street frontages), Dwelling entrance, house perimeter, and rear yard, and around street monuments (on some Lots). General design recommendations for these areas are listed below (and in Appendix B) and are not intended to restrict but to allow variation within the framework of compatibility with the Dwelling and the surrounding Community.

- **Front Yard Plantings**

The space between the Lot line and the edge of road pavement, on the front and/or side of a Lot, belongs to Boulder County (right-of-way), typically approximately fourteen (14) feet from the Lot line to the pavement. The Lot Owner is required to landscape and maintain the right-of-way, with the exception of the rights-of-way on either side of Somerset Drive and Longview Drive that have historically been maintained by the Association. The position of trees in the front yard is dictated by the desire to achieve a well-balanced combination of shade and evergreen trees within each Lot and between Lots. Associated with the need for balance is the Standards' requirement that landscapes are not detrimental to any Affected Owner's Protected Mountain Views. The precise number of front yard trees will be determined by appropriate groupings of trees and other vegetation, creating a pleasing setting for the home and transitioning smoothly to landscaping of adjacent neighbors.

- **Dwelling Entrance Plantings**

The entrance of the Dwelling should be well-defined and inviting and should include detail plantings and lighting. The entrance plantings should be carefully selected for comfortable scale to people and the residence entry; detail in color, form and texture; provide year-round attractiveness and appeal. The use of enhanced paving (textured or colored concrete, such as cast cobbles, or brick pavers, edging pattern, etc.) and planting of annuals, perennials, ground covers and broadleaf evergreens is recommended for the entry area.

- **House Perimeter Plantings**

The house perimeter plantings play an important role in providing a setting for the Dwelling. The ACC encourages homeowners to design landscapes such that 50-60% of plantings around the perimeter of their Lots consist of evergreen trees and shrubs, since evergreen plantings ensure year-round attractiveness and complement the seasonal color of ornamental, deciduous trees and shrubs. Plantings of trees and shrubs in odd number groupings (3 or 5 or 7) is encouraged by the ACC because this practice provides a simple and elegant setting for the quality Dwellings in Somerset Estates.

- **Rear Yard Plantings**

The particular needs and desires of the Owner determine the plantings in the private or rear yard of a Lot. All utilities, service yards, and recreational facilities require screening from neighboring properties, both public and private. With ACC approval, Owners may install screening for privacy to obscure areas around decks, patios or similar elements. Groves of evergreen and shade trees and masses of shrub plantings simplify the landscape and can provide effective year-round privacy and are encouraged so long as they do not block Protected View Corridors. The ACC encourages the interplay of mass plantings and open spaces because these elements together provide an attractive and

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interesting sequence of views and open spaces. All landscape plantings should be in keeping with the character of Somerset Estates and consider design constraints such as storm water drainage, utilities, all types of easements that may be present on the site, setbacks, view corridors, etc. Climbing vegetation and vines on houses needs to be maintained below roofing and gutters and are not allowed to cross window frames.

- **Street Monument Plantings**

For Lots that include a street monument, any landscaping around the monument must be approved by the ACC. In general, monuments that have only grass or unplanted rock beds in front should remain that way and no new plantings will be allowed in front of or beside the monument sign. Vegetation behind a monument, within the Signage and Landscaping Easement, must not grow over the top of the monument.

## **Landscape Plant Materials**

The selection and placement of plant materials carries a special importance in landscape planning, as they form the framework of the landscape for the Dwelling and Community. Plant materials native to this climate are encouraged. Plant materials serve a variety of purposes in the landscape, such as screening objectionable views, framing desirable views, creating privacy, defining spaces, providing shade and wind control, etc. In addition to the function the plant is intended to serve, its horticultural needs must be considered during the planning process. The plant material locations should be analyzed for soil type, fertility and degree of exposure or protection. All plant materials should be indigenous or highly adaptive to our semi-arid climate unless special protective micro-climates are utilized or created to ensure a healthy and attractive landscape.

- **Trees**

Any proposed tree or shrub in a Protected View Corridor may not exceed the height or width determined by the ACC process (see “Protected View Corridors – ACC Process” below), nor will groupings of trees or shrubs be permitted that have the effect of creating a fence that encroaches upon mountain views of Affected Owners. To help preserve other mountain views, shorter evergreen and deciduous trees and shrubs (estimated to be less than 25 feet tall at maturity relative to the original grade at the base of each tree) are recommended and strongly encouraged. Trees and shrubs should be planted such that the expected width at maturity will not extend beyond the Owner’s property line.

If an Owner seeks to plant a tree expected to grow taller than 25 feet at maturity, the ACC will consider approval of such applications under certain conditions, such as:

1. The tree is away from the exterior perimeter of the Lot (see also Drainage and Grading on p. 14).
2. The tree is narrow in width, less dense in foliage, and/or has a canopy shape that will not encroach significantly on mountain views, considering line-of-sight of Affected Owners.
3. The tree does not add to the encroachment of mountain views already created by the home or any outbuilding on the Lot.
4. The Owner is willing to participate in the Recovery of Lost Views process below to remove vegetation that is encroaching on a Protected View Corridor of an Affected

# Somerset Estates HOA Architectural and Landscaping Standards

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Owner before any new planting is approved that might encroach on secondary mountain views of the Affected Owner.

As noted on p. 8, any evaluation of the potential fire hazards of trees and shrubs is the responsibility of the Owner, not the ACC. The ACC maintains a table of tree maturity heights that is available for reference upon request by Owners.

See Appendix B: Landscaping Suggestions and Details for more information.

## **Protected View Corridors**

Some of the best and most unique features of Somerset Estates are the views of the mountains from every Lot. The subdivision was laid out with the intention that all properties should benefit from these views and the significant market value enhancement these views provide. As a result of both the slope terrain and the panoramic views available, all views from each site are considered an extremely important element when considering the placement of landscape materials as well as maintenance of maturing vegetation.

The ACC considers the importance of all mountain views when reviewing landscaping plans and additions, but the Standards are more specific for three Protected View Corridors, which are defined below. When laying out the Lots and home sites during the development of Somerset Estates, the developer endeavored to place the Dwellings on each Lot to minimize the interruption of views of the three Protected View Corridors from other Dwellings in Somerset Estates. To the extent Protected View Corridors still existed after each Dwelling was placed, the historical Architectural and Landscaping Standards specified that these Protected View Corridors ought not be interrupted or blocked by subsequent additions/remodels or by landscaping.

In developing these Standards, the ACC and the Executive Board considered the welfare of the Community, from the perspective of harmony and the culture of sharing this beautiful setting, as well as the economic benefit derived from our magnificent Front Range views. As the landscaping in Somerset Estates matures, neighbors' mountain views are occasionally blocked by other Owners' vegetation. These view blockage issues are preferably resolved amicably to promote harmony and goodwill within the Community.

Below are photos of the three Protected View Corridors in Somerset Estates: 1) Flatirons, 2) Indian Peaks, and 3) Longs Peak. If possible and practical, all three corridors, as viewed from Affected Owners' Lots, are protected from being blocked or infringed upon by new construction, housing additions and landscaping.

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## 1) Flatirons



## 2) Indian Peaks from South Arapahoe Peak to Pawnee Peak



## 3) Longs/Meeker Peak



A Protected View Corridor has both a destination and a reference point. When evaluating the impacts of landscaping or Improvements to the Protected View Corridors on the homes of Affected Owners, the reference point(s) should be from any mountain view facing family gathering area on the main floor of the Dwelling. These family gathering areas include family rooms, living rooms, dining rooms, kitchens and their associated eating areas, in all cases to the extent that these rooms were reasonably intended to take advantage of the views of the Protected View Corridors based on the original design of each Dwelling. Non-gathering areas such as bedrooms, bathrooms, and home offices are not considered family gathering areas from the perspective of Protected View Corridors. The evaluations will be made by physically sitting in each view location of an Affected Owner's house and looking at the corridor and its defined boundaries. The sitting locations should match reasonable usage of the room and not its physical walls.

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## **Protected View Corridors – ACC Process**

There are three aspects to protecting views in Somerset Estates: 1) new applications, 2) maintenance of existing landscaping, and 3) restoration of lost views.

### 1. New applications for Landscaping, Dwelling additions, or other structures

In considering applications for proposed Improvements, the ACC will use the original intention of Protected View Corridors and the reference points described above to determine if the Improvements are consistent with protecting the mountain views of Affected Owners. Approvals will be contingent upon an agreement by the applicant to maintain the vegetation such that it does not grow to impinge upon the mountain views of Affected Owners.

If placement of a house on one Lot results in blocking the mountain views of another Lot, landscape material cannot extend beyond the house to further block the mountain views of the second Lot. If an Owner chooses to block his own mountain views, this does not give an adjacent Lot Owner the right to also infringe upon such mountain views.

### 2. Maintenance of Existing Landscaping

Owners must maintain their landscaping as described in Section VI. Maintenance requires trimming of vegetation that has become overgrown, including vegetation that is impinging on Protected Mountain Views. We recognize that over time, and as houses are bought and sold, the original landscaping approval documentation may be lost, and/or new Owners might not be aware of its existence. To the extent possible, the ACC will work with Owners and help them understand the typical guidelines used in Somerset Estates since the inception of the development, and the implications those guidelines have with respect to regular trimming and/or removal of vegetation.

Plantings are permitted to screen non-Western adjacent Lots (e.g., block visibility of one house from another) unless they also impinge on Protected View Corridors. Owners do not have rights (such as for privacy) to the vegetation of another house or property. Owners can remediate their own blocked views at any time even if the blockage was created by a previous Owner.

### 3. Recovery of Lost Views

Even though protecting the mountain views has been part of ACC practice since the inception of Somerset Estates, over time some mountain views that were intended to be protected have become fully or partially blocked. A variety of factors contribute to this problem: trees grew taller than expected when they were approved (sometimes by over irrigation or by planting incorrect species); trees were planted in incorrect locations; trees were planted without approval; volunteer trees grew from wild seeds, shoots, etc. Without a process to address these trees, their future growth will assure continued encroachment upon the mountain views of neighbors. As views are a direct contributor to home valuation, a loss of value to one home adversely affects that of neighboring homes, including the home with vegetation causing the blockage. In the spirit of fostering an accommodating culture and to reduce the potential loss of home values, the ACC developed a reasonable, non-contentious process by which neighbors can cooperate with each other for their mutual benefit. Using this process, neighbors are encouraged to work together to create positive solutions for all parties.

- The Affected Owner whose view is fully or partially blocked may contact the ACC

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and ask it to inspect the properties and review the landscaping in light of these Standards and any available approved landscape plans. Using the results of these reviews, the ACC will help the parties come to an agreement regarding actions to improve the affected view.

- The ACC will encourage the neighbors to negotiate a reasonable solution for view restoration, mutually agreeable to all parties.

## **SECTION VI – Maintenance and Upkeep**

According to Article 4.3 of the Declaration, each Owner shall maintain, repair, and replace, at their own expense, all portions of their Lot including the Dwelling and all other Improvements located thereon, and including any easements located thereon, as depicted on the Plats. In addition, Article 6.3.6 requires that the Owner shall landscape and maintain the area of public street right-of-way from the lot line(s) to the edge of the asphalt paving of the public streets, except for the easements and right of way on either side of Somerset Drive and Longview Drive that have historically been maintained by the Association. Any Owner that is unsure of the boundaries of his or her responsibility may contact the ACC or the SEHOA Lot Easement Policy for clarification.

Dwellings shall be maintained consistent with the original house/landscaping plans and any subsequent approved Improvements.

### **VI.1 Exterior Finishes**

No Improvement upon any Lot shall be permitted to fall into disrepair and shall at all times be kept in good condition, repair, and adequately painted and/ or otherwise finished by the Owner before the surfacing becomes weather beaten or worn off. This includes exterior lighting, mailboxes, and other hardscape.

### **VI.2 Roofs**

Weather can particularly affect roofs. If individual tiles or shingles are replaced, they need to match the color of the existing roof.

### **VI.3 Lawns**

Lawns must be well-maintained, including regular lawn mowing, fertilization, irrigation, and weed control. Nonvegetative turf grass in rear yards is permissible with ACC approval and must be kept in like-new condition.

### **VI.4 Parking on Lawns or Street**

Parking on Owner's lawns is not permitted except on an occasional, temporary and non-recurring basis. Should additional parking be required from existing conditions the Owner can submit a request to the ACC to extend paved areas on the Owner's Lot.

Street parking is regulated by Boulder County. Street parking for extended periods is discouraged to facilitate better aesthetics for the Community.

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## **VI.5 Vegetation**

Trees and bushes shall be properly trimmed, and dead foliage and weeds consistently removed. Climbing vegetation on houses and garages needs to be trimmed away from window frames and below roofing gutters. Approval is not required for the removal of healthy trees. All vegetation must be kept neat and at an appropriate height given the plant type and location. Furthermore, over time certain vegetation may have become part of a Lot's landscaping that was not part of the original plan nor subsequently approved by the ACC (e.g., "weed" trees, shoots around established trees, plantings immediately adjacent to fence lines, etc.). Vegetation growing next to fences needs to be trimmed back from the fence at least 2 feet. The ACC will identify vegetation that needs to be removed during periodic inspections.

## **VI.6 Composting**

Care should be given to screen ground level composting piles visible from streets and common areas, as these can easily become unsightly and malodorous.

## **VI.7 Fences**

All fences on an Owner's Lot, whether fabricated from wood, metal, or other materials, are the responsibility of the Owner (the "Lot Fencing") with the exception that the Association maintains the fences on both sides of Somerset Drive and Longview Drive (the "Somerset/Longview Fencing") and any other exceptions as may be in the SEHOA Lot Easement Policy. Even so, Owners are responsible for keeping the Somerset/Longview Fencing clear of vegetation and repairing fences damaged by landscaping (vegetation, rocks, etc.), pets, children, guests or other agents under the Owner's control. Owners of Lots with fences along pathways to the open space or other common areas are responsible for such fence's maintenance, vegetation control and common stained appearance.

All fences visible from a public right-of-way or common area shall be kept in good repair with no missing and/or fallen rails and no fallen posts. Metal fences need to be consistently maintained and not allowed to rust or corrode. Owners shall maintain vegetation such that it does not grow through or put weight on fences and allows at least 2 feet clearance from the fence for maintenance. Adjacent residents to neighbors' fences shall maintain vegetation off their side of the fence to avoid weight on the fence and allow at least 2 feet clearance from the fence for maintenance.

Any new wood fencing, whether full sections or individual rails, must be stained as described in Section IV-Fences. In the case of a partial replacement, the entire continuous length of fence containing the new portion must be stained.

## **VI.8 Street Monuments**

For the individual street monuments and surrounding landscaping there is a split responsibility for maintenance. These monuments sit on easements located on Owner property (see Appendix F for the complete description of the Lots with monument easements). The Association maintains the monuments and reserves the right to modify and/or replace the monuments and the landscaping in the easement around the monuments to protect the monuments and nearby sidewalks and pathways from damage or unsafe passage,

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to protect view corridors, and to create a uniform harmonious look to the neighborhood. With the exceptions noted in Appendix F, the Association will maintain and irrigate the grass and unplanted rock beds in front of the monuments and the spruce trees on either side of the monuments that were installed by the developer.

Additional landscape elements in any part of the easements require approval by the ACC (as specified in Section V of these Standards) and must be maintained and irrigated by the Owner in a neat and harmonious manner that provides full access to and visibility of the monument. Failure to keep vegetation around the monument (other than the spruce trees maintained by the Association) from covering the sign lettering or hanging over the top of the monument may result in removal by the Association, which may be billed to the Owner as a Specific Assessment. Should the Association choose to modify the monuments or landscaping, the Owner(s) of the respective properties will be informed prior to major work being done within the easement on such Owner's Lot(s). However, the decision to modify the monument and/or its landscaping is the purview of the Association.

## **VI.9 Open Space Pathways**

The Association will maintain the easements for open space access paths or walkways. However, Owners of Lots adjacent to such paths or walkways are required to trim trees and vegetation so that walkway usage is not impeded. Vegetation overlapping above the paths and walkways is not allowed and must be trimmed. Vegetation should be trimmed back away from fences to not add force to the fences or overhang them. When planting near the pathway fences, consideration should be given to the mature width of the tree. It is highly recommended that trees be located a minimum distance of 10 feet away to reduce the likelihood that the tree will place undue force on the fence and cause damage.

## **VI.10 Trees and Protected View Corridors**

As noted elsewhere in these Standards, maturing trees or screening hedges may not impede upon the Protected View Corridors of other Lots in Somerset Estates. Vegetation in each Lot must be trimmed, pruned, or removed by the Owner to prevent blocking views. Removal of any tree does not require ACC approval. According to arborists, the height of native trees can be controlled by irrigation without affecting life. Once the root system is well established (several seasons), normal precipitation is sufficient for the tree to thrive, unless extreme drought conditions exist. Irrigation is not necessary. An Owner can choose to continue irrigation until the tree approaches the desired mature height and then stop regular irrigation (as opposed to winter or drought maintenance). If a tree continues to be regularly watered, it may grow to exceed the expected mature height quoted by nurseries or literature. Therefore, the ACC encourages residents to reduce or halt irrigation of mature trees to avoid excessive growth.

## **VI.11 Pest Trees**

Cottonwood and Russian Olive trees are considered pest trees and are required to be removed at the Owner's expense. Black locust tree branches are prohibited as an overhang or blockage to walkways or open space access pathways being that their bark, leaves, and large thorns are toxic to humans and dogs. Some ash trees are considered disease threatened by Boulder

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County and require annual pesticide treatments or should be removed at the Owner's expense.

## **VI.12 Dead Vegetation**

For safety and aesthetic reasons, dead and dying trees should be removed within six months or as quickly as possible after de-vegetation, at the Owner's expense. Removal does not require ACC approval. Stump heights must be less than 6 inches, preferably ground level or below. Stump removal is recommended at the same time trees are removed.

## **VI.13 Edging**

Plastic and metal ground cover edging or separators must be maintained. Edging should be near flush to the ground and must be reinstalled or replaced when they pop out. At times, use of steel edging materials as mini-retaining rock walls along walkways has become a pedestrian hazard when they fail or pop out and will be noted by the ACC.

## **VI.14 Garbage and Debris**

No unsightly articles such as building materials (after construction), rubbish or debris are allowed to accumulate on Lots. This includes materials that produce unpleasant odors. Garbage, recycling and compost bins supplied by the local collection company are also not allowed to be kept in locations visible from any street, community pathway, or adjacent Lots. Waste management companies require street side placement of these bins for pickup on a preset schedule. Bins should not be placed alongside the road more than 24 hours before the scheduled pickup, and they should be returned to the house on the same day after pickup.

## **VI.15 Other Items in Front Yards**

Electrical cords and other non-permanent cords (e.g., cable company cords) may only be used in front yards temporarily, such as for up to 60 days during the holiday season and should be hidden as much as is practical. Other items that are not part of the landscaping, such as canoes or other sporting goods, tools, leftover materials, etc. shall not be stored in front yards or where easily visible from any street or community pathway.

## **VI.16 Rock and Stone Walls**

As stated in the SEHOA Lot Easement Policy, there are no easements in the plats or Declaration concerning rock or stone walls, and they are not common elements under the Declaration. Therefore, the Owners are responsible for maintaining the rock and drystack stone walls on their Lots, including keeping them clear of vegetation and repairing walls that are damaged. Owners may modify, remove and/or replace the walls if any such modifications, removals or replacements are approved by the ACC in accordance with these Standards.

## **VI.17 Ponds**

As stated in the SEHOA Lot Easement Policy, the developers of Somerset Estates installed several ponds for the primary purpose of providing irrigation water in the neighborhood. Some of the ponds are located on common property and some are located on private

# Somerset Estates HOA Architectural and Landscaping Standards

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property. The Association owns the ponds on Outlots C and D (collectively, the “Common Property Ponds”) and has sole authority to repair and maintain the Common Property Ponds subject to and in keeping with applicable laws and regulations. Owners, including those Owners whose lots are adjacent to Outlots C and D, have no special right to the Common Property Ponds.

The Association also has the sole authority to repair and maintain ponds 4, 5, 6, and 7 (the “Easement Ponds”) located on private property within the Drainage, Utility, and Landscape Easements located on Block 4, (Lots 8, 9, 10, and 11) and Block 5, (Lots 1, 2, 3, and 4) subject to and in keeping with applicable laws and regulations. The Association has an easement over and across a sufficient portion of each Lot on which the Easement Ponds are located to repair and maintain the Easement Ponds. The Association owns the elements of engineering associated with the Easement Ponds and the water therein. The Owners of Lots on which the Easement Ponds are located are responsible for the landscaping and irrigation adjacent to these ponds such that no vegetation grows into the ponds from the boundaries or under the pond liners. To maintain the Easement Ponds, the Association has the right, but not the obligation, to clear vegetation and repair pond liners that have been damaged by Owner’s vegetation and charge the associated expenses to the Owners of such Lots as Specific Assessments.

Recreational use of any pond located within Somerset Estates is prohibited and shall be considered a violation that threatens public health and safety.

## **VI.18 Inspection and Enforcement**

The ACC or Property Manager will periodically inspect the Community to confirm compliance with these minimum maintenance and other Standards, as viewed from the street, pathways, common areas, easements, and/or open space. These inspections will generally occur annually or more often as the ACC deems necessary. Any Affected Owner that observes maintenance issues in another Lot from his/her property may request that the ACC or Property Manager inspect that Lot from the Affected Owner’s property. The ACC or Property Manager will notify each Owner of disrepair and maintenance problems observed during these inspections and require timely remedy. The timeline for remedy will be included in the notification.

Should the required maintenance not be performed in a reasonable period, the lack of compliance will be reported to the Executive Board as a complaint. The Executive Board will implement the SEHOA Enforcement and Fines Policy as adopted by the Executive Board. Note that the Enforcement and Fines Policy may be applied separately to non-compliance in each of the specific maintenance categories identified above. In addition, any Owner may submit a complaint about a property to the Executive Board. In extreme circumstances Article 3.4.4 of the Declaration allows the Association to exercise self-help to abate a violation of these Standards, levying a Specific Assessment to cover costs incurred by the Association to bring a Lot into compliance. As such, after Notice and Hearing and failure to comply, the Association can elect to contract the work to be done and assess the Owner for the work as a Specific Assessment.

# Somerset Estates HOA Architectural and Landscaping Standards

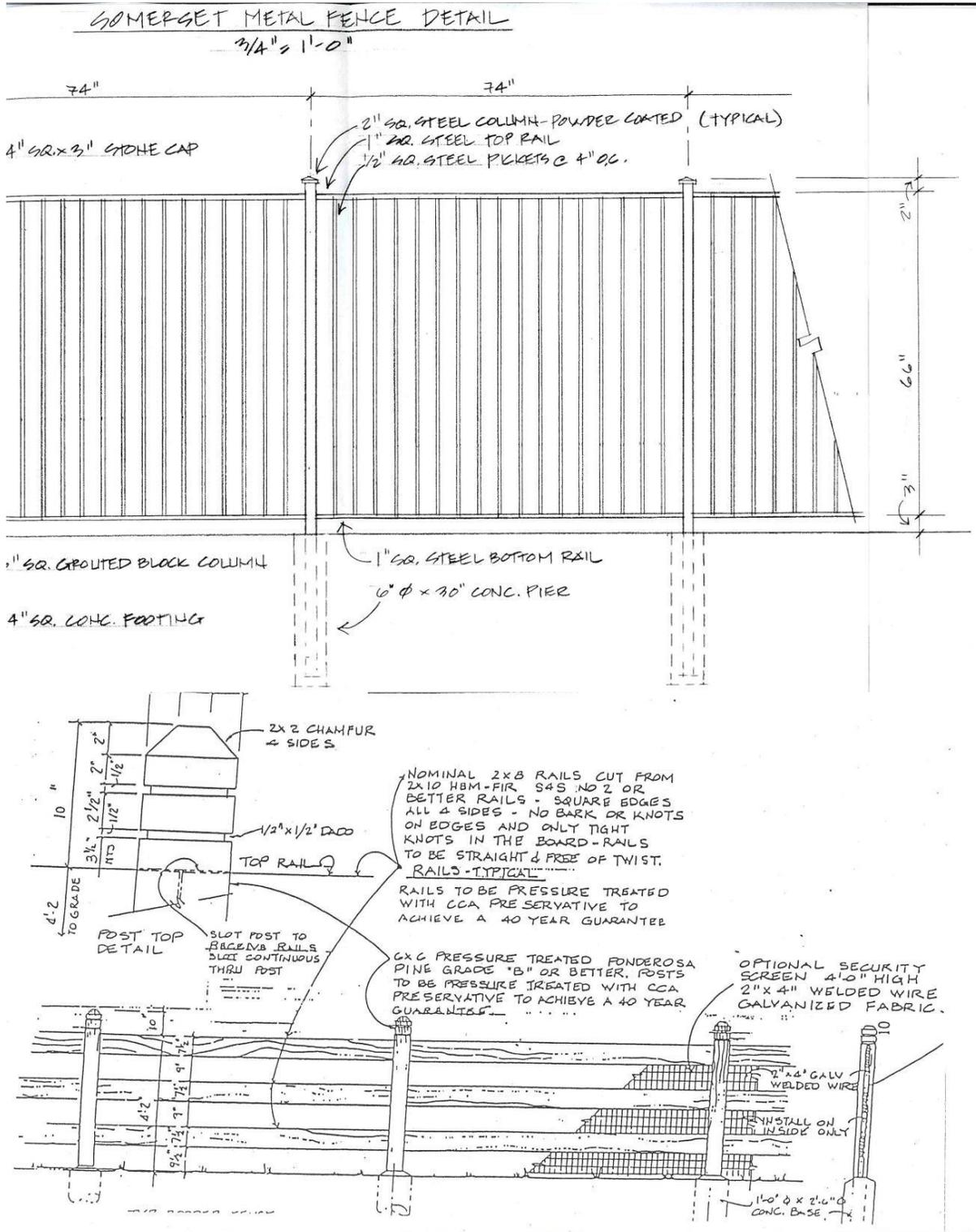
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## **APPENDIX A: Fencing Standards**

Minimal fencing is preferred to preserve the openness in the subdivision and minimize the visual impact of fencing between sites. Perimeter fencing that encloses the rear and side yards (up to the front plane of the residence) is generally accepted. Fences interior to the yard, for example to contain dogs, exclude rabbits, and keep pests out of gardens, are also generally accepted but require ACC approval.

1. Only one fence between adjoining properties is preferred and neighbors are encouraged to share a common fence. If that is not possible, the second fence of different design is to be spaced a minimum of 5 feet from the first and landscaping materials planted between the fences to screen the dissimilarities.
2. A drawing of the fence location and type must be submitted to and approved by the ACC before fencing starts.
3. All new fencing shall be constructed per the approved design drawing. Furthermore, long stretches shall be installed at the same time to avoid a patchwork appearance.
4. No metal fencing can be substituted for fencing along Somerset Drive and Longview Drive.
5. The color of metal fencing should be a dark gray or black; light colors are not permitted. Either coated aluminum or iron material is acceptable.
6. When adding perimeter wood fencing that connects with neighboring fences, adding interior fencing, or repairing existing fences, the new fencing shall match the texture of the fencing to which it attaches and stained to the ACC standard color, as stated in Section IV (Fences).
7. If the Owner wishes to include masonry piers in the fence design, the piers must be installed in accordance with the site-specific soils engineering recommendation. In most instances, the recommendation will be for a concrete pad, spread footing or caisson. The purpose of the engineered foundation is to avoid having the masonry pier tip or tilt as the result of using a foundation that does not properly recognize the soil specification and condition.
8. Stone caps are required for the masonry posts as they represent a unifying element between fence posts of different brick colors. Adjacent Owners are encouraged to work out any difference they have with respect to brick selection.
9. As noted in the illustration, mesh for the purposes of containing pets, may be added to the **inside** of fencing.

# Somerset Estates HOA Architectural and Landscaping Standards



Wood fence detail (above).

## **APPENDIX B: Landscaping Requirements, Suggestions and Details**

Landscaping on any Lot shall be completed as soon as reasonably possible after occupancy in accordance with an approved landscaping plan but in no event later than seven months after obtaining a certificate of occupancy for the residence without prior approval of the ACC. Each Lot shall be fully landscaped, and Owners are encouraged to make adequate provisions for landscaping costs in their overall construction budget.

Major landscaping change applications will be reviewed using the guidelines in this Appendix, except for the plant quantities. If landscape drawings accompany an application, the landscape architect will include a statement on the drawings that states the Standards have been followed or requested exceptions are listed.

### **Planting Requirements**

High quality, long-lived plant materials are required as the dominant species to ensure long-term attractiveness of the landscape. A variety of plant materials is highly encouraged. The landscape development of each Lot in Somerset Estates shall include certain minimum plant quantities and sizes based on Lot size, as defined below. As yards mature, shrubs and trees can be removed as needed and the minimum counts may no longer be applicable. A mixture of one-third to two-thirds evergreen plant materials is encouraged to give year-round visual impact, with seasonal change and interest supplied by deciduous plantings. Massed shrub plantings and accents of ground covers, perennials, annuals and flowering bulbs should be included in landscapes.

Due to the maturity of landscaping in Somerset Estates, the quantities below may be modified on a Lot-by-Lot basis during ACC reviews of future Landscaping requests.

#### **Tree Quantities**

One to two trees shall be planted for each 3,630 sq. ft. of gross Lot area (1 acre/12 to 24 trees). Less or more than this range requires ACC approval.

#### **Shrub Quantities**

Six shrubs shall be planted for each 3,630 sq. ft. of gross Lot area (1 acre/72 shrubs)

### **Ground Covers**

Ground cover may consist of either living materials or a combination of living and nonliving materials. The color selection, size, location and placement of ground cover areas require careful consideration in completing the landscape plan for the site.

### **Grasses (Turf , Native & Ornamental)**

*Turf Grass* is a sod-forming grass, resistant to wear from foot and other traffic. It should be watered, fertilized and mowed to less than 4 inches for a healthy appearance and green color. While there are many blends of Turf Grass, the Standards refers to them all as Bluegrass. Turf Grass is generally required for lawns.

*Native/Clump Grass*, such as Buffalo Grass and Blue Grama, can be hybrids of native and foreign grasses that grow taller than 6 inches. They are not resistant to foot traffic and if cut

# Somerset Estates HOA Architectural and Landscaping Standards

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shorter than 6 inches can become unsightly in appearance, so they are not recommended for general lawn use but may be approved as ornamental grasses.

*Ornamental grasses* that are grouped in decorative planting beds may grow taller than 6 inches. Similar to shrubs, the height and quantity of the ornamental grasses will be subject to ACC approval (more detail in the shrub bed section).

## **Lawn Areas**

Grassed lawn areas may be sodded or seeded with Bluegrass. Lawns need to be adequately watered to assure good color and appearance. Lawn areas that have been historically mowed and watered must continue to be mowed unless they are removed and converted into approved decorative planting beds.

Native, drought resistant grasses are allowed in certain circumstances. Blue Grama or a mixture of Blue Grama and Buffalo Grass can be allowed in the lawn area if they are mowed to less than 6 inches, but doing so might create an unsightly appearance. In particular, the ACC will be concerned with the maintenance and the aesthetic impact of the use of native grasses on the perimeter of Lots, and near roads and public areas. Buffalo Grass and Blue Grama lawns shall generally not be allowed closer than 15 feet to the street or pedestrian paths because they do not stay as green as watered Bluegrass. Owners should consult a landscape specialist to understand the trade-offs before planting these grasses as a lawn. Watering to attain a green color is generally expected, but drought conditions, with associated watering restrictions, may limit the Owners' ability to maintain that color. Buffalo Grass and Blue Grama that is not visible from the street, Community paths or a neighbor's yard and is mowed and serves as a lawn area between planting beds may be watered less to conserve water. However, these types of lawns are not allowed to die or be brown during the growing season.

Nonvegetative turf grass can be used in rear yards subject to approval by the ACC.

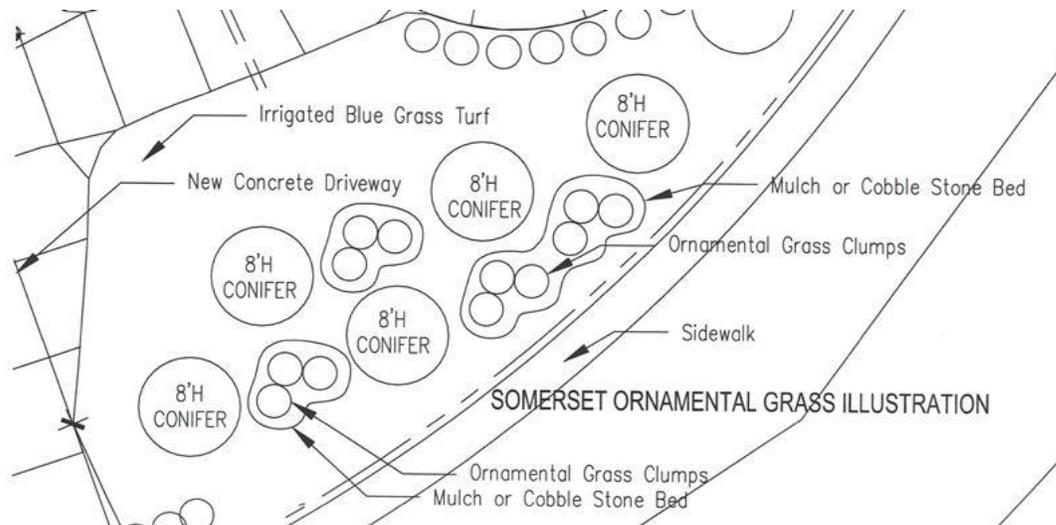
## **Planting Beds**

Decorative planting beds of shrubs, perennials or ornamental grasses provide visual appeal to the Owner and Community. Plants should be grouped and arranged to provide height variation and seasonal color. Evergreen plants should be incorporated to provide interest during the dormant season for perennials. These beds should be surrounded by a lawn area or ground cover to provide visual contrast and appeal. Like lawns, ground covers must be adequately watered to assure good color and appearance.

Native grasses can be a nice element in decorative planting beds if they are grouped and watered like shrubs and bordered with suitable edging such as pavers. To prevent ornamental grass plantings from looking like overgrown lawn areas, these plantings should be separated from watered lawn areas by rock, mulch or ground cover. Like the height and quantity of shrubs, the height and quantity of the ornamental grasses will be subject to ACC approval. Dormant or "unsightly" tall grasses should be cut back to less than 6 inches high to maintain a good appearance. Dormant tall grasses that maintain their attractive shape throughout the winter and early spring will be allowed.

# Somerset Estates HOA Architectural and Landscaping Standards

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## Tree Species

As covered in Section V, any proposed tree or shrub in a Protected View Corridor may not exceed the height or width determined by the ACC process (see “Protected View Corridors – ACC Process”), nor will groupings of trees or shrubs be permitted that have the effect of creating a fence that encroaches upon mountain views of Affected Owners. To help preserve other mountain views, shorter evergreen and deciduous trees and shrubs (estimated to be less than 25 feet tall at maturity relative to the original grade at the base of each tree) are recommended and strongly encouraged. Trees and shrubs should be planted such that the expected width at maturity will not extend beyond the Owner’s property line.

If an Owner seeks to plant a tree expected to grow taller than 25 feet at maturity, the ACC will consider approval of such applications under certain conditions, such as:

1. The tree is away from the exterior perimeter of the Lot (see also Drainage and Grading on p. 14).
2. The tree is narrow in width, less dense in foliage, and/or has a canopy shape that will not encroach significantly on mountain views, considering line-of-sight of Affected Owners.
3. The tree does not add to the encroachment of mountain views already created by the home or any outbuilding on the Lot.
4. The Owner is willing to participate in the Recovery of Lost Views process to remove vegetation that is encroaching on a Protected View Corridor of an Affected Owner before any new planting is approved that might encroach on secondary mountain views of the Affected Owner.

Due to infestation susceptibility from the Emerald Ash Borer, new ash trees of the genus *Fraxinus* are discouraged, and all such trees require annual pesticide treatment. Black locust tree branches are prohibited as an overhang or blockage to walkways or open space access pathways since their bark, leaves, and large thorns are toxic to humans and dogs.

Cottonwood and Russian Olive trees are considered pest or toxic trees and are not permitted.

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Furthermore, to contain their spread these pest trees should be removed promptly before they become established.

## **Irrigation System Design**

All landscape areas shall be irrigated by an automatic underground sprinkler system to ensure the continued health and beauty of landscapes. The following design criteria will provide the proper techniques to irrigate the landscape.

### **Lawn Area Irrigation**

Grassed areas should be zoned separately from planting beds and irrigated with pop-up spray heads or gear-driven rotary heads. All grassed areas, whether Bluegrass or native grasses, must be kept watered and regularly mowed.

### **Ground Cover Irrigation – Annual and Perennial Beds**

These beds should be watered with low-volume sprays (such as maxi jet) or standard sprays. Standard spray heads should be on pop-up risers in the front beds, fixed risers are acceptable in the back beds.

### **Shrub Bed Irrigation**

Shrub beds may be irrigated by drip irrigation or by the spray techniques used in ground cover, annual, or perennial beds.

### **Tree Irrigation**

Certain varieties of trees may thrive on different amounts of water than the adjacent landscaped areas receive. Drip systems sized and set to match these variances of needs are recommended. The height of native trees can be controlled by irrigation without affecting life. Once the root system is well established (several seasons), normal precipitation is sufficient for the tree to thrive, unless extreme drought conditions exist. Irrigation is not necessary. If a tree continues to be watered, it may grow to exceed the expected mature height ranges. Therefore, the ACC encourages residents to reduce or halt irrigation of mature trees to avoid excessive growth.

## **Appendix C: Architectural Review Procedures for New Construction, Exterior Remodels, or Major Landscaping Revisions**

### **Submission of New Construction, Exterior Remodels, or Major Landscaping Plans**

Architect-prepared new house, major remodel, or exterior renovation plans and specifications shall be submitted to the ACC. Two copies of plans and/or specifications are required. The level of detail required to support a requested change will depend upon the scope of the work. Generally, changes that involve structural alterations or new construction will need to be supported by copies of the architectural plans and specifications prepared for the Boulder County building permit process. For non-permit changes, sketches, samples of colors or materials to be used and a written explanation of the scope of work is sufficient and should be submitted electronically. Large landscape projects will require landscape architect's plans detailing locations of structures and features, drainage patterns, plant and tree types and placements. Sketches of proposed changes together with a written explanation may support small landscape jobs and should be submitted electronically.

### **Pre-Design Meeting**

Before Owners prepare preliminary plans for a proposed Dwelling or major remodel, it is recommended that the Owners and/or their architect meet with an ACC member to discuss proposed plans and to explore and resolve any questions regarding building in Somerset Estates. This informal review is to offer guidance prior to initiating preliminary design. To derive the maximum benefits from this meeting, the Owner should be prepared to discuss in as much detail as possible the type of Improvements to be built on the Lot. Photographs of similar homes are encouraged for presentation. This meeting is intended to prevent the Owner from making excessive expenditures on concepts which will not be acceptable to the ACC. An appointment should be made at least one week in advance by contacting the Chair of the ACC. Contact information is listed on the Association website.

### **Preliminary Submittal and Review**

Preliminary plans, including all of the exhibits outlined below, shall be submitted to the ACC. The ACC shall conduct this preliminary review no later than 30 days after submittal and will respond to the Owner within 14 days of this the review, provided that the preliminary plans are in accordance with the requirements outlined below. A minimum of two copies of the complete submittal shall be submitted to the ACC.

#### **All preliminary plans shall include:**

- Site plan (at no smaller than 1" =20') indicating building location, driveway, parking and grading plan. Topography should be shown by contours at 2' intervals with a base datum of sea level over the total Lot and extended approximately 10' outside the Lot on all sides.
- Site specific subsurface soil investigation by a registered soils engineer which indicates soil structure and profile, bearing, water table, pH and foundation design recommendations.
- Roof plan and floor plans, including solar panels and metal trim/decorative elements and their finishes.

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- Exterior elevations at a minimum of two representative locations with both existing and proposed grade lines, at same or larger scale than the floor plans. Indicate grade elevations of street, main floor other floors and top of highest roof. All grades shall be stated in sea level datum.
- Description of all exterior materials and colors, samples and location on the building. Provide samples of major items, for color and texture.
- A preliminary landscape plan indicating character, massing and ground covers proposed (e.g., dog runs, pools, garden areas, location of playground equipment, etc.).
- All accessory Improvements contemplated on the Lot must be shown in the preliminary submittal. After the preliminary submittal, the ACC may require that a model and/or perspective be prepared to convey the complete concept.

## **Final Submittal and Review**

After preliminary approval is obtained from the ACC, the final documents are to be submitted for final approval, either electronically or two physical copies. If the ACC needs additional information from the Owner to make a decision, it will request this information within 15 days of receipt of the application. If the ACC needs extended time to complete its review, it will communicate this to the Owner and seek an extension of the review timeline. If the ACC fails to approve or disapprove any request within 30 days after complete submission of plans, specifications, and materials, and receipt of any additional information requested, without the agreement to an extended timeline, the request shall be deemed to have been approved by the ACC, provided that the final plans are in accordance with the requirements outlined below.

### **Final plans shall include:**

- An approximate time schedule indicating start and completion dates of the Dwelling, utilities hook-up and completion of landscaping work.
- Site plan (at no smaller than 1" = 20') showing building location, including accessory Improvements, exterior mechanical equipment (including gas and electric meters), driveway, parking, utility connections and grading plan.
- Grading Plan to include existing and proposed topography at contour intervals of 2' with a base datum of sea level over the total Lot and extended 100' outside the Lot on all sides.
- Roof plan and floor plans (at no smaller than 1/8" = 1'-0).
- Foundation Design, together with a Final Topographic Drainage Plan, and Soils Report, prepared and certified by appropriate licensed professionals.
- Samples of all exterior materials and colors, and manufacturer's cut sheets for windows and glass.
- Exterior elevations with both existing and proposed grades shown.
- Wall sections, and details of fireplace and interior and exterior stairs and decks.

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- Cross section of structure indicating existing and proposed grade lines on the site. Show grade elevations of street, main floor and top of roof. All elevations shall be stated in sea level datum.
- Landscaping plan for entire site including County road right-of-way between Lot line and edge of pavement, including areas to be irrigated. Full description of plant and landscaping materials. Indicate all areas and types of ground cover. Final landscaping plan may come separate from the Dwelling plan submission.
- A perspective (sketch) of the structure sufficient to illustrate design characteristics, as determined at preliminary plan submittal. In addition to the above, exterior building corners of the proposed structure shall be staked on the site for the ACC's inspection. At least 7 days prior to commencement of construction, the Owner shall notify ACC so that it can schedule a visual inspection of the Lot to ensure that the final building layout and staking is acceptable and complies with the final plan approved by the ACC. Any deviation from the final plan shall be submitted in writing and/or drawings for ACC approval and record. Final approval by the ACC shall be issued in writing. Engineering certification of foundation design and reinforcing and the securing of a building permit are the responsibility of the Owner and/or builder. Construction documents (working drawings and specifications) are to be in accordance with the design approved in the final submittal.
- Construction shall not commence until all the above requirements are satisfied unless approved by the ACC.

## **Re-submittal of Plans**

In the event of any disapproval by the ACC of either a preliminary or a final submission, the resubmission of plans shall follow the same procedure as an original submittal. In the event a decision by the ACC is felt to be unjust, a request may be submitted in writing to the ACC within 7 days of the date of notification of the decision for a special hearing. This request shall contain the reasons why the decision is felt to be unjust and any other explanatory material that would be helpful to the ACC in reviewing the situation. A meeting of all parties concerned will be arranged when warranted and the decision of the ACC at this meeting or subsequent reviewing this material will be final, subject to the Reviews and Appeals process in Section III of these Standards.

## **Work in Progress**

All applicable Federal and State OSHA regulations and guidelines shall be strictly observed.

The ACC may inspect all work in progress and give notice of non-compliance. The absence of such inspection and notification during the construction period does not constitute either approval of the ACC with work in progress or compliance with these Standards. If during construction, changes occur to an Improvement that cause it to be significantly different from the approved documents, a request for approval of these changes shall be submitted to the ACC electronically or physically in duplicate in the following manner:

- A written statement giving the reason such changes are desired.

## Somerset Estates HOA Architectural and Landscaping Standards

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- A complete description of the change, including drawings, specifications, or any other descriptive material.
- Any adjustment in the position, orientation, or finish floor elevations of the structure.
- Drawings illustrating the changes to the Dwelling.

### **Completed Work**

Upon completion of any Dwelling or other Improvement for which final approval was given by the ACC, the Owner or its duly authorized representative shall give written notice of completion to the ACC. Within 10 days from receipt of such written notice of completion, the ACC may inspect the Dwelling and/or Improvements. If it finds that such work was not done in strict compliance with the final approved plan, it shall notify the Owner in writing within 15 days from receipt of such written notice of completion of such non-compliance, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

The Owner has 30 days to remedy such non-compliance, unless a longer time is agreed to by the ACC. If the non-compliance is not remedied within the agreed time, the ACC shall notify the Owner and may take such action to remove the non-complying Improvements as is provided for in the Declaration. If after receipt of written notice of completion from the Owner, the ACC fails to notify the Owner of any failure to comply with its directives within the period provided above, the Improvements shall be deemed to be in accordance with the final plan.

# Somerset Estates HOA Architectural and Landscaping Standards

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## **APPENDIX D: Construction Regulations**

To ensure a safe, neat, and orderly construction, the ACC has established certain construction and safety regulations for the benefit of all Owners and residents. Anyone conducting activities in Somerset Estates must use extreme care to prevent conditions that are unsafe or that could constitute fire, wind or other safety hazards. The ACC or Executive Board will not tolerate any activity that, in their opinion, constitutes such hazards and has the right to stop construction on any structure where hazardous conditions continue to exist after notification is given to the prime contractor.

### **Working hours**

Working hours for companies making Improvements or performing maintenance on properties (including landscaping) are from 8:00am to 6:00pm, Monday through Friday and 9:00am to 6:00 pm on Saturday (not including holidays).

### **Occupational Safety and Health Act Compliance (OSHA)**

All applicable Federal and State OSHA regulations and guidelines shall be strictly observed at all times.

### **Construction Trailers, Portable Field Offices etc.**

Any storage of materials or equipment shall be the Owner's or Contractor's responsibility. Owners or Contractors are permitted to store construction materials and equipment on the Owner's Lot during the construction period. It shall be neatly stacked, properly covered, and secured. Storage of material or construction equipment outside the Owner's Lot requires the approval of the ACC. Materials or equipment stored on other sites without ACC approval may be confiscated without recourse.

Owners and Contractors shall not disturb, damage, or trespass on other Lots. Should any such damage occur, it must be restored and repaired to its original condition at the offender's expense.

### **Debris and Trash Removal**

Owners and Contractors shall clean up all trash and debris at the end of each day. Trash and debris should be removed from each Lot at least once a week by every Friday to a dumping site located off the project. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the Lot. Owners and contractors are prohibited from dumping, burying, or burning trash anywhere in Somerset Estates. Disposal of materials shall comply with all local, state, and federal ordinances.

During the construction period, each Lot shall be kept neat, and materials shall be properly placed to prevent it from becoming a public eyesore, hazard, or affecting other Lots. Dirt, mud, or debris resulting from activity on each Lot shall be promptly removed from public or private roads, open spaces and driveways or other portions of Somerset Estates. If necessary and to the extent allowed in the Association's governing documents, the Association may do any necessary clean up and charge the Owner for such services as a Specific Assessment.

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## **Construction Drainage**

Each Owner is responsible for controlling the silt in his Lot's runoff water. Prior to landscaping this may consist of hay bales or another method to create silt settling/water detention ponds in drainage swales. In addition, at the installation of the permanent driveway culvert, the Owner is required to install a dam on the uphill side of the culvert in the borrow ditch, to prevent silting of the culvert until the final landscape is in place.

## **Culverts**

Driveway culverts shall be a minimum of 18 inches diameter galvanized corrugated pipe or County approved elliptical equivalent with flared end sections. Culverts shall be set a minimum of 24 inches below grade of street asphalt and backfilled with road base aggregate. Driveway culverts shall be installed in the County right-of-way prior to the commencement of any soil testing or construction on a subject site in accordance with Boulder County requirements. Ditch flow lines must be maintained at a uniform 24 inches depth below level of edge of the adjacent asphalt. Landscapers must install sod or seed in the County right-of-way such that the top of the grass is 24 inches below the level of the adjacent asphalt i.e., allowing for eventual silt to build up along the flow line. Damaged or closed culverts require replacement or repair to assure the viability of their drainage function.

## **Sanitary Facilities**

Each Owner and contractor shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities should not be on the road and should be located only in areas approved by the ACC.

## **Parking Areas**

Construction crews shall not park on, or otherwise use, other Lots. Private and construction vehicles and machinery shall be parked in areas designated by the ACC. Contractors, subcontractors, and material suppliers shall not drive through ditches or onto adjacent Lots or County road rights-of-way.

## **Access to Somerset Estates**

All vehicles entering or leaving Somerset Estates shall do so solely by means of Somerset Drive or Longview Drive, and publicly dedicated streets.

## **Excavation Materials**

Excess excavation materials shall be hauled off the project or placed in areas designated by the ACC.

## **Blasting**

If any blasting is to occur, the ACC shall be informed far enough in advance to allow it to make such an investigation as it deems appropriate to confirm that all appropriate measures, including protective actions, have been taken prior to the blasting.

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## **Restoration or Repair of Other Damaged Property**

Damage and scarring to other property, including but not limited to, other Lots, roads, driveways and/or Improvements, will not be permitted. If any such damage occurs, it shall be repaired and/or restored promptly at the expense of the person or entity causing the same.

Upon completion of construction, each Owner and contractor shall clean the Lot and repair all property which was damaged, including, but not limited to, restoring grades, repair of streets, driveways, drains, culverts, signs, lighting and fencing.

## **Miscellaneous and General Practices**

The following practices are prohibited in Somerset Estates during construction:

- Contractor signage or displays. See Article 6.2.10 of the Declaration for reference.
- Changing oil on any vehicle or equipment.
- Concrete trucks may only clean out on Lots they are delivering to.
- Builders shall remove hardened concrete with the other trash.
- Removing any plant material, topsoil or similar items from any property of others within Somerset Estates.
- Carrying any type of firearms on the property.
- Using disposal methods or units other than those approved by the ACC.
- Careless disposition of cigarettes and other flammable material.
- Bringing any animals or pets, particularly dogs, into Somerset Estates.
- Use of any sound system which is disturbing to any Somerset Estates residents.

In the event of any violation these practices, the Association shall have the right to contact the proper authorities to impound the pets, or to refuse to permit such contractor or subcontractor to continue work on the Somerset Estates property, or to take such other action permitted by law or the Declaration.

## **Responsibility of Owner**

All Owners shall be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors, and employees.

## **Fire Extinguisher**

At least one (1) 10-LB., ABC rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the Lot at all times.

# Somerset Estates HOA Architectural and Landscaping Standards

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## **APPENDIX E: Relevant Citations From The SEHOA Declaration**

To facilitate location of relevant information, the citations below are from the SEHOA Declaration filed August 16, 2018, with Boulder County. These citations are for reference only. The latest Declaration on file with the County will supersede these reference citations.

4.3 Lots. Each Owner shall maintain, repair and replace, at their own expense, all portions of their Lot including the Dwelling Unit and all other Improvements located thereon, and including any easements located thereon, as depicted on the Plats. For the avoidance of doubt, each Lot, including the Dwelling Unit and all other Improvements located thereon, shall be kept in good condition and repair, and the Dwelling Unit and all other Improvements thereon shall be adequately painted or finished by the Owner before the surfacing becomes weather-beaten or worn off.

6.2.10 Except as approved by the ACC, no advertising or signs of any character shall be erected, placed, or permitted or maintained on any Lot other than political signs permitted by the Act, and a sign with the Lot's street number. One real estate sign advertising the sale of the property, but not larger than 2' X 3', shall be permitted.

6.2.11 All satellite dishes and devices or facilities to transmit or receive electronic signals, radio or television waves are subject to the Architectural and Landscaping Standards and the requirements of Rules and guidelines adopted by the Executive Board in conformance with applicable federal law. Unless expressly permitted by the Telecommunications Act of 1996, such satellite dishes, devices or facilities are prohibited without first obtaining ACC approval.

6.3.1 The ACC shall propose, and the Executive Board shall approve and issue reasonable Architectural and Landscaping Standards that regulate the construction of Dwelling Units on a Lot. These Architectural and Landscaping Standards may include guidelines on exterior colors, finish and exterior parking areas. Notwithstanding the foregoing, every Dwelling Unit constructed on a Lot shall have not less than 3,000 square feet of floor area devoted to living purposes (exclusive of roofed or unroofed porches, terraces, unfinished lower-level walkouts, basements, or garages) and shall have a garage of sufficient size to house not less than three cars. If a residence of more than one story is constructed, then the main floor shall not have less than 1,800 square feet of floor area devoted to living space.

6.3.3 Each building, structure or other Improvement other than a wall, fence, uncovered terrace or steps, which is erected or placed upon any Lot shall be located in accordance with the following minimum prescribed distances from lot lines:

1. Front yard setbacks shall be not less than 35 feet from the front Lot line which faces the street. All Lots contiguous to two or more streets shall have a setback of not less than 35 feet from each Lot line with is contiguous to a street.
2. Rear yard setbacks shall be not less than 15 feet from any rear Lot line.
3. Side yard setbacks shall be not less than 15 feet from any side Lot line. Roofs may overhang the setback requirements by not more than two feet. The ACC, with approval of the Executive Board, may grant reasonable exceptions to the setback requirements hereinabove set forth where necessary to prevent an undue hardship on the owner of any

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Lot. Each Lot Owner, however, shall be encouraged to locate any structure on a Lot in such manner as to centrally locate the structure on the Lot.

6.3.4 The construction of fences or walls on any Lot may be regulated by reasonable Architectural and Landscaping Standards. No fence or wall shall be constructed or modified on any Lot without prior written consent of the ACC. The ACC, as a general rule, shall refuse permission for boundary fences and walls which would obstruct views, but shall, as a general rule, be receptive to granting permission for privacy fences or walls screening patios, outdoor eating areas and the like which encompass substantially less than all of a rear, side or front yard. For purposes of this section, hedges shall be considered to be the same as fences and subject to the same restrictions. The term “wall” as used in this section shall not include the walls of a Dwelling Unit or garage, but rather shall mean walls which are free-standing and intended to enclose or screen areas outside the Dwelling Unit or garage. As a general rule, all fences installed within the Community shall be of design and materials consistent with the existing fences originally installed around the perimeter of the community as determined by the ACC. Materials specified in the Architectural and Landscaping Standards addressing fence standards for the containment of any pets may be added to the perimeter fencing, subject to prior approval by the ACC.

6.3.6 The Executive Board shall have the authority to issue reasonable Rules governing the care and maintenance of any unpaved portions of the Lot. Any easements or rights-of-way contiguous to any Lot which are not part of the Common Areas of the Community as shown on the Plats shall be maintained by the Lot Owner whose Lot is encumbered by the easement or right-of-way. The Owner or each Lot shall landscape and maintain the area of public street right-of-way from the Lot line(s) to the edge of the asphalt paving of the public streets, with the exception of the easements and rights of way on either side of Somerset Drive and Longview Drive that have historically been maintained by the Association.

**7.1 Written Approval of Plans Required.** No Improvements shall be commenced or constructed, erected, placed, planted, applied, installed, removed, or modified (excluding routine maintenance) upon any Lot unless plans and specifications therefor shall have been first submitted to and approved in writing the Architectural Control Committee (ACC). Said plans and specifications shall show exterior design, height, materials, color, and locations of the Improvements, and type of landscaping, fencing, walls, windbreaks, and grading plan, as well as such other materials and information that may be required by the ACC. The ACC shall exercise its reasonable judgment to the end that all Improvements conform to the Architectural and Landscaping Standards and harmonize with the existing surroundings, residences, landscaping and structures. The ACC shall have the right to disapprove any plans, specifications or details submitted to it as aforesaid in accordance with all of the provisions of this Declarations if: (i) the design or color scheme of the proposed Improvements is not in harmony with the general surroundings of such Lot or with the adjacent buildings or structures; (ii) the plans and specifications submitted are incomplete; (iii) in the event that the ACC deems the plans, specifications or details or any part thereof to be contrary to the spirit or intent of this Declaration, or the Architectural and Landscaping Standards; or (iv) if such plans, specifications and design are contrary to the interest, welfare or rights of all or any member of the Association, and in the reasonable discretion of the ACC. In its review of such plans, specifications and other materials and information, the ACC may require that the applicant(s) pay for extraordinary

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expenses such as the use of outside experts to evaluate extensive or complex project that are beyond the scope of the Committee members' expertise in the review and approval process. Such amounts, if any, shall be levied as a Specific Assessment against the Lot for which the request for ACC approval was made. After approval by the ACC of any Improvement, the Improvement shall be accomplished as promptly and diligently as possible and in complete conformity with the approval given the ACC. Failure to accomplish the completion of the approved Improvement within one year after the date of approval or strictly in accordance with the approved plans and specifications therefor, shall operate automatically to revoke the approval of the proposed Improvement and upon demand by the ACC, the Lot or Dwelling Unit shall be restored as nearly as possible to its state existing prior to any work in connection with the proposed Improvement. The Association shall have the right and authority to record a notice against title to a Lot to indicate that any particular Improvement has not been approved or that any approval given has been revoked.

**7.6 Vote and Review.** A majority vote of the ACC may approve a request for approval pursuant to this Article. In the event any Owner is dissatisfied with any decision of the ACC with regard to such Owner's proposed Improvements, all members of the ACC are required to meet with and review the request with the Owner. Any further review will be according to the Rules and procedures approved by the Executive Board. In addition, any Owner affected by the decision of the ACC with respect to another Owner's Lot may request a review of such decision according to the Rules and procedures approved by the Executive Board.

**7.8 Liability.** The ACC and members thereof, as well as the Association, the Executive Board, or any representative of the ACC appointed to act on its behalf, shall not be liable for any loss, damage or injury arising out of or in any way connected with the performance of the ACC for any action, failure to act, approval, disapproval, or failure to approve or disapprove in regard to any matter within its jurisdiction hereunder, if such action was in good faith or without malice. In reviewing any matter, the ACC shall not be responsible for approving the safety, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations, nor shall its approval of an Improvement be deemed approval of such matters.

**7.9 Variances.** The ACC may grant reasonable variances or adjustments from any conditions and restrictions imposed by this Article 7, in order to overcome practical difficulties or prevent unnecessary hardships arising by reason of the application of any such conditions and restrictions. Such variances or adjustments 1) shall be granted only in case the granting thereof shall not be materially detrimental or injurious to the other property or Improvements in the community; 2) shall not militate against the general intent and purpose hereof; 3) shall not set a precedent for any other applicant; and 4) shall be approved by the Executive Board after opportunity is allowed for community input.

**7.10 Waivers.** The approval or consent of the ACC, any representative thereof, or the Executive Board, to any application for architectural approval shall not be deemed to constitute a waiver or any right to withhold or deny approval or consent by the ACC, any representative thereof, or the Executive Board, as to any application or other matters whatsoever as to which approval or

**9.5 Easements for Drainage and Utilities.** Easements for the installation and maintenance of utilities, drainage facilities, public or private improvements and access thereto are reserved

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as shown on the Plats and other documents affecting the Lots and any amendments to such Plats and documents or as established by any other instrument of record. No Improvements shall be placed or permitted to remain on any Lot nor shall any change in grading be permitted to exist which may change the direction of flow or obstruct or retard the flow of water through channels or swales within any such drainage easements.

### **APPENDIX F: Street Monument Definitions**

The street signage monuments for Somerset Estates are located in Signage and Landscaping Easements on these Lots: Block 1, Lots 1, 7, 8, 15, 16, 17, 18, and 23; Block 2, Lots 1, 3, 4, 8, 9, and 12; Block 3, Lots 1, 6, 7, and 12; Block 4, Lots 1, 11, 12, and 22; and Block 5, Lots 1, 8, 9, and 13.

The Association will maintain and irrigate the grass and unplanted rock beds in front of the monuments and the spruce trees on either side of the monuments that were installed by the developer, with the exception of these Lots: Block 3, Lot 12; Block 4, Lots 11 and 12 and Block 5, Lots 1, 8, 9 and 13, where the Owners will maintain and irrigate the grass and other landscaping in front of the monuments.

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## **APPENDIX G: Street Addresses to Block/Lot**

The table below enables identification of Block/Lot designation from street addresses.

Number	Street	Lot	Block	Number	Street	Lot	Block
8036	Bellflower Court	21	1	8467	Firethorn Court	1	1
8049	Bellflower Court	20	1	6511	Primrose Lane	12	3
8052	Bellflower Court	22	1	6519	Primrose Lane	13	3
8061	Bellflower Court	19	1	6532	Primrose Lane	17	3
8068	Bellflower Court	23	1	6533	Primrose Lane	14	3
8073	Bellflower Court	18	1	6540	Primrose Lane	16	3
8201	Cattail Drive	17	1	6545	Primrose Lane	15	3
8215	Cattail Drive	14	1	6303	Snowberry Lane	8	5
8227	Cattail Drive	13	1	6308	Snowberry Lane	9	5
8240	Cattail Drive	16	1	6317	Snowberry Lane	7	5
8243	Cattail Drive	12	1	6324	Snowberry Lane	10	5
8259	Cattail Drive	11	1	6331	Snowberry Lane	6	5
8261	Cattail Drive	10	1	6345	Snowberry Lane	5	5
8274	Cattail Drive	15	1	6346	Snowberry Lane	11	5
8277	Cattail Drive	9	1	6359	Snowberry Lane	4	5
8293	Cattail Drive	8	1	6373	Snowberry Lane	3	5
6470	Cherry Court	2	2	6378	Snowberry Lane	12	5
6482	Cherry Court	3	2	6385	Snowberry Lane	2	5
6487	Cherry Court	1	2	6392	Snowberry Lane	13	5
6509	Columbine Court	7	3	6397	Snowberry Lane	1	5
6516	Columbine Court	11	3	6339	Somerset Drive	15	5
6517	Columbine Court	8	3	6351	Somerset Drive	14	5
6528	Columbine Court	10	3	6477	Strawberry Court	20	4
6531	Columbine Court	9	3	6481	Strawberry Court	19	4
6460	Coralberry Court	6	2	6484	Strawberry Court	17	4
6471	Coralberry Court	5	2	6495	Strawberry Court	18	4
6476	Coralberry Court	7	2	8400	Strawberry Lane	1	4
6485	Coralberry Court	4	2	8414	Strawberry Lane	2	4
6488	Coralberry Court	8	2	8417	Strawberry Lane	22	4
6474	Cranberry Court	11	2	8428	Strawberry Lane	3	4
6475	Cranberry Court	10	2	8442	Strawberry Lane	4	4
6483	Cranberry Court	9	2	8445	Strawberry Lane	21	4
6486	Cranberry Court	12	2	8456	Strawberry Lane	5	4
6504	Daylilly Court	6	3	8470	Strawberry Lane	6	4
6507	Daylilly Court	1	3	8516	Strawberry Lane	7	4
6515	Daylilly Court	2	3	8519	Strawberry Lane	16	4
6518	Daylilly Court	5	3	8532	Strawberry Lane	8	4
6529	Daylilly Court	3	3	8535	Strawberry Lane	15	4
6530	Daylilly Court	4	3	8548	Strawberry Lane	9	4
8403	Firethorn Court	4	1	8551	Strawberry Lane	14	4
8414	Firethorn Court	5	1	8564	Strawberry Lane	10	4
8425	Firethorn Court	3	1	8567	Strawberry Lane	13	4
8428	Firethorn Court	6	1	8580	Strawberry Lane	11	4
8449	Firethorn Court	2	1	8583	Strawberry Lane	12	4
8452	Firethorn Court	7	1				

# Somerset Estates HOA Architectural and Landscaping Standards

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## Revision History

Rev.	Description	Effective Date
1.0	New release for SEHOA	March 5, 2019
2.0	<ul style="list-style-type: none"> <li>• Section II - Addition of definitions of an "Affected Owner" (near neighbor), also referred to throughout as part of ACC decision process, "Construction Site", and "Protected View Corridor"; clarification about Owner responsibility to obtain governmental permits and approvals.</li> <li>• Section III - Addition of Reviews and Appeals process if and Owner or Affected Owner disagrees with an ACC decision.</li> <li>• Section IV - Additional information on colors, roofing materials, fence staining, play sets, signs, satellite dishes, and setbacks.</li> <li>• Section V - Divided into sub-sections for easier reference; need to remove dead and dying vegetation as soon as possible; allowance to remove healthy trees without ACC approval; clarification of split responsibility for fences between Owners and SEHOA; clarification on split responsibility for maintenance of landscaping around street monuments (see separate article); new sub-sections on maintenance of drystack stone walls and ponds.</li> <li>• Section VI - For new trees, maximum mature height of 15' unless adjacent to house or out of any view path; new paragraph on site grading; clarification on street monument landscaping; discouragement of climbing vegetation and vines on houses; addition of home offices as a reference point for view corridor consideration.</li> <li>• Appendix A - Approval needed for fences interior to the yard and for large structures such as skateboard ramps and play sets.</li> <li>• Appendix B - Replacement of lists of recommended ground covers, grasses, and trees with general guidelines; update on tree and shrub quantities.</li> <li>• Appendix C - Application of Architectural Review Procedures to major landscaping revisions in addition to new construction and major remodels.</li> <li>• Appendix D - Addition of working hours from 8 AM to 6 PM M-F and 9 AM to 6 PM on Saturdays.</li> <li>• Appendix E - New section that provides relevant citations from the SEHOA Declaration for easy reference.</li> <li>• Appendix F - New section that provides street monument definitions.</li> </ul>	February 9, 2021

# Somerset Estates HOA Architectural and Landscaping Standards

	<ul style="list-style-type: none"> <li>• Appendix G - New section that identifies Block/Lot designations from street addresses.</li> </ul>	
3.0	<p><b>Section II – General Information and Procedures</b></p> <ul style="list-style-type: none"> <li>• Definition of “Construction Site” replaced with “Lot”.</li> <li>• Definition of “Protected View Corridor” deleted (defined in Section V).</li> </ul> <p><b>Section III – ACC Request Submittal Process</b></p> <ul style="list-style-type: none"> <li>• Removal of requirement for submission of two physical copies of plans.</li> <li>• Additional details on Reviews and Appeals process.</li> </ul> <p><b>Section IV – Architectural Standards</b></p> <ul style="list-style-type: none"> <li>• Re-ordering of paragraphs to improve logic; e.g., Style and Quality moved to the beginning of the section. Editing throughout to improve readability.</li> <li>• Roofs: Allowance of copper or other metal roofing as a limited accent if approved by the ACC. Cedar shakes only allowed for replacement for a partially damaged roof amounting to approximately 25% or less of the total area.</li> <li>• Building Projections: Option to paint downspouts to match window or roof trim. Option for copper downspouts and gutters if allowed to patina.</li> <li>• Fences: Requirement that all new wooden fencing be stained to match the common area fences. If a fence is partially replaced, the entire continuous length containing the new portion must be stained.</li> <li>• Drainage and Grading: This paragraph combines separate paragraphs in v2.0 (one in this section and one included in Landscaping Standards: Site Grading) so all related information is in the same paragraph.</li> <li>• Site Entrance: This paragraph is in the Landscaping Standards section of v2.0 but involves hardscape, so was moved to the Architectural Standards section.</li> <li>• Tennis and Sport Courts, Play Sets: Added information about fencing and screening. Addition of pickleball courts.</li> <li>• Signs: Update on allowed content of signs to comply with 2022 requirements in CCIOA.</li> <li>• Sewer Manholes: Clarification on access requirements.</li> <li>• Flagpoles: Allowance for displaying non-commercial flags as required by CCIOA.</li> </ul> <p><b>Section V – Landscaping Standards</b></p>	March 19, 2024

# Somerset Estates HOA Architectural and Landscaping Standards

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	<p>Section V is now the Landscaping Standards, with Maintenance and Upkeep moved to Section VI. The information in the section is also re-ordered for better flow and to reduce redundancies. Hardscape-related standards moved to Section IV. Editing throughout to improve readability.</p> <ul style="list-style-type: none"><li>• General approval is not required for the addition or replacement of plants and shrubs whose mature height is under 10 feet tall instead of 6 feet tall.</li><li>• Irrigation: Option for nonvegetative turf grass to reduce irrigation requirements in rear yards to comply with 2022 requirements in CCIOA.</li><li>• Standards relating to Landscape Plant Materials collected in one section. Replacement of maximum tree height of 15 ft with new paragraph on trees that covers 1) trees in Protected View Corridors; 2) recommendation of 25 ft maximum height elsewhere; and 3) criteria for consideration of taller trees.</li><li>• Removal of home offices as a reference point for view corridor consideration</li></ul> <p><b>Section VI – Maintenance and Upkeep</b></p> <ul style="list-style-type: none"><li>• Parking on Lawns or Street: New paragraph that generally prohibits parking on lawns. Discourages street parking for extended periods.</li><li>• Vegetation: This paragraph now collects all the information on vegetation maintenance that is in multiple places in v2.0.</li><li>• Fences: In keeping with the 2022 SEHOA Lot Easement Policy, assigns to the Owner the responsibility for all fences on his or her Lot, with the exception that the Association maintains the fences on both sides of Somerset Drive and Longview Drive. This includes perimeter fencing along the border of Owner property and public areas such as pathways, open space and common properties. Includes maintenance information about vegetation, repair, and staining of fences.</li><li>• Pest Trees: Adds Black Locust to pest trees.</li><li>• Other Items in Front Yards: This is a new section dealing with cords and other items that have appeared in front yards.</li><li>• Rock and Stone Walls: In keeping with the 2022 SEHOA Lot Easement Policy, assigns to the Owner the responsibility for rock and stone walls on his or her Lot.</li></ul>	
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# Somerset Estates HOA Architectural and Landscaping Standards

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	<ul style="list-style-type: none"><li>• Ponds: In keeping with the 2022 SEHOA Lot Easement Policy, clarifies the ownership and maintenance responsibilities for ponds that are on private property, as compared to on common property. Adds a prohibition on the recreational use of any pond in Somerset Estates.</li></ul> <p><b>Appendix A: Fencing Standards</b></p> <p>Last paragraph in v2.0 about other large structures moved to Section IV: Tennis and Sport Courts, Play Sets.</p> <p><b>Appendix B: Landscaping Requirements, Suggestions and Details</b></p> <ul style="list-style-type: none"><li>• Reorganization of sub-sections for clarity.</li><li>• Tree Quantities: Reduced from one to four trees for 3,630 sq ft to one to two trees.</li><li>• Lawn Areas: Additional information on use of native grasses and nonvegetative turf grass.</li><li>• Planting Beds: Additional information on use of native and ornamental grasses.</li><li>• Tree Species: Replacement of paragraph in v2.0 with same language as in Section V. Additional information on pest trees.</li></ul> <p><b>Appendix C: Architectural Review Procedures for New Construction, Exterior Remodels, or Major Landscaping Revisions</b></p> <p>Clarification that the Standards apply to exterior remodels, but not major interior remodels. The timing requirements for ACC review and Owner response are also clarified.</p> <p><b>Appendix D: Construction Regulations</b></p> <p>Replacement of “Construction Site” with “Lot” throughout.</p>	
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