



## 2019 Architectural and Landscaping Standards

### View Corridor Policy Review

Thank you to all the homeowners that returned surveys regarding the draft A&L Standards. The survey results were compiled by the Architectural Control Committee (ACC) for discussion at the February 27 board meeting and subsequently will post them on the website. While the survey included questions about fences, street monuments, and mountain view corridors, the view corridors section drew the most comments and greatest difference of opinion. In response to some of the comments, the purpose of this document is to clarify the view corridor section; particularly what is different from the historical standards that have been in place for Somerset Estates.

The idea of Protected View Corridors is not new. They have been part of every version of the Standards starting in 1992, with detail added around 2007. SEHOA has been using an interim version of the Standards that was updated for the combined Somerset communities in 2017 and is posted on the SEHOA website under ACC. How does the 2019 draft compare to this 2017 version?

Other than some minor language differences for clarity, the following is the **same** between the two versions:

- The definitions (width and elevation) of the three Protected View Corridors (Flat Irons, Indian Peaks, and Longs Peak).
- The reference points for an individual house with the exception that the 2019 version includes kitchens and their associated eating areas as a Family Gathering Area that can be included when considering view corridors.
- The process for establishing the view corridor lines.
- The requirement that even if a house blocks part of a view corridor, landscape material cannot extend beyond the house further blocking the corridors.
- The requirement that as landscaping matures, it must be trimmed so that it does not grow into another owner's view corridor.
- The notion that if an owner chooses to block one of his own corridors, that choice does not give an adjacent owner the right to also infringe upon that same view corridor.

So what is **different** between the two versions?

- The 2019 version provides more background information about how the subdivision was laid out to take advantage of mountain views. This background is informational only and does not define any new “rules”.
- Given the history of some disputes over views within Somerset Estates, a statement was added: “Collectively we decided not to take a heavy handed, patrimonial approach to views. Rather, it was preferred to adopt an approach that favors amicable resolution of view blockage and would also promote harmony and good will within the entire Community”. Through this statement, the ACC and Board encourage the maintenance and even restoration of selected views, and we encourage cooperation and open dialog between owners to find mutually acceptable solutions to view issues. However, we do not intend to forcibly require that homeowners cut down mature trees.
- Explanation was added about the maintenance of existing landscaping, a common theme throughout the draft Standards given the maturity of the community. These are not “new” rules.
- The 2017 version says that “as good neighbors, it is encouraged that all neighbors try and negotiate a reasonable action plan to reopening all views, if possible.” The 2019 version includes the addition of a “reasonable, non-contentious process by which neighbors can cooperate with each other for the mutual benefit of everyone in the Community” where “the ACC will help the parties come to an agreement to improve the affected view” and “the ACC will encourage the neighbors to negotiate a reasonable and mutually agreeable allocation of the costs”. A couple of the survey questions were designed to determine whether the community was interested in including such a process in the Standards.
- For more detail, the table below presents a direct comparison between the 2019 SEHOA ACC Standards, the 2017 Standards and the 1992 version. There are intermediate standards from the 1990s whose language is very similar to the 1992 version.

**Architectural Control Committee**  
**Somerset Estates Homeowners Association**

SEHOA 2019	SHOA 2017	1992
Section I: These Standards are established to... Optimize mountain views from all sites	Section I: These Standards are established to... Optimize mountain views from all sites	These Standards are established to... Optimize mountain views from all sites
<p>Section VI:</p> <p>If possible and practical, all three corridors, viewed from Owners' Lots, are protected from being blocked or infringed upon by new housing, housing additions and landscaping.</p> <p>...</p> <p>A view corridor is defined as having both height and width. The widths and lower limits (or bottoms) of each view corridors are defined in the figures above</p> <p>Flat Irons – view is from the bottom of the Flat Irons upward (see figure 1)</p> <p>Indian Peaks – view is from the top of the Front Ridge upward (see figure 2)</p> <p>Longs/Meeker Peak – view is from top of the Front Range upward (see figure 3)</p> <p>It is intended that these figures be referenced as the actual protected views and override any word descriptions of protected view corridors.</p>	<p>Section III and Appendix C:</p> <p>There are three protected Mountain View corridors for the Somerset housing development:</p> <p>(1) Indian Peaks from South Arapahoe Peak to Pawnee Peak (see figure 5)</p> <p>(2) Longs/Meeker Peak (see figure 6)</p> <p>(3) Flat Irons (see figure 4)</p> <p>All three view corridors viewed from Homeowner's Lots are protected if possible and practical from being blocked or infringed upon by new housing, housing additions and landscaping. It is not guaranteed that views will not be interrupted by the placing of new houses, but new houses should be placed as best possible to not interrupt the views of the three protected corridors. However, the protected corridors should not be interrupted by additions or landscaping if they still exist after placing new housing.</p>	
<p>Maintenance and Upkeep:</p> <p>the mature height of trees should not block the Protected View Corridors of neighbors.</p> <p>As noted elsewhere in these standards, maturing trees or screening hedges may not impede upon the Protected View Corridors of other Lots in Somerset</p>		

<p>Estates. They must be trimmed or pruned to prevent blocking views.</p>		
<p>Section VI: 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 requirement that landscapes not be detrimental to your adjoining, nearby neighbors' Principal View Corridors.</p>	<p>Appendix B: 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 requirement that landscapes not be detrimental to your adjoining, nearby neighbors' primary view corridors.</p>	
<p>Section VI: ...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 Protected View Corridors of any other Owner. The ACC may also subsequently require landscaping or plantings to be reduced in size or height in order to avoid impinging upon the Protected View Corridors of any other Owner.</p>	<p>Appendix B: ...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 principal mountain views of any other Lot Owner. The ACC may also subsequently require landscaping or plantings to be reduced in size or height in order to avoid impinging upon the principal mountain views of any other Lot Owner. Any failure of any Lot Owner to comply with any such requirements of the ACC after notice thereof shall authorize the ACC or the Association, or its agents or contractors, to enter upon the property of such Lot Owner for the purpose of enforcing such requirements through the trimming or removal of landscaping or plantings, and the expense thereof shall be promptly reimbursed by such Lot Owner.</p>	<p>Any approval of landscaping and plantings shall be conditioned upon the limitation of future growth thereof in order that they not impinge upon the principal mountain views of another Owner. Any failure of any Owner to comply with any such requirements of the ACC after notice thereof shall authorize the ACC or the Association, or its agents or contractors, to enter upon the property of such Owner for the purpose of enforcing such requirement through trimming or removal of landscaping or plantings, and the expense thereof shall be promptly reimbursed by such Owner. Such reimbursement obligation, together with interest thereon (at the rate of twelve percent (12%) per annum) and costs of collection thereof, if no paid within thirty days of billing shall constitute a charge and a lien against such Lot.</p>
<p>Section VI: During the development of Somerset Estates, when laying out the Lots and home sites, the developer recognized that although it was impossible to prevent some blockage due to Dwelling placement, the view impacts due to each house were carefully considered</p>	<p>Appendix B: View Corridor Requirements – As a result of both the slope terrain and the panoramic views available, views from each site are considered an extremely important element when placing each residence and the placement of landscape materials.</p>	<p>View Corridor Requirements - As a result of both the slope terrain and the panoramic views available from Somerset Estates, views from each site are considered extremely important elements of the placing of each residence and the placement of landscape</p>

<p>during the design phase. Building envelopes were originally established and new houses were placed as best as possible so as to not interrupt the views of the three Protected View Corridors (see below) from other houses. If the Protected View Corridors still existed after placing the buildings, the historical Architectural and Landscaping Standards specified that they should not be interrupted or blocked by subsequent additions/remodeling or by landscaping.</p> <p>As a result of both the slope terrain and the panoramic views available, views from each site are considered an extremely important element when considering the placement of landscape materials as well as maintenance of maturing vegetation.</p>	<p>Although it is impossible to prevent some view blockage, simply due to the proximity of other houses and their landscapes, the impact of each will be carefully weighted at the design phase.</p>	<p>materials. Although it is impossible to prevent some view blockage, simply due to the proximity of other houses and their landscapes, the impact of each will be carefully weighted at the design phase.</p>
<p>Section VI: A view corridor is defined as having both height and width. The widths and lower limits (or bottoms) of each view corridors are defined in the figures above Flat Irons – view is from the bottom of the Flat Irons upward (see figure 1) Indian Peaks – view is from the top of the Front Ridge upward (see figure 2) Longs/Meeker Peak – view is from top of the Front Range upward (see figure 3) It is intended that these figures be referenced as the actual protected views and override any word descriptions of protected view corridors.</p>	<p>Appendix C: 1. View Corridor Width and Elevation Definitions A view corridor is defined as having both height and width. The widths of the three view corridors are shown in figures 1 thru 3. The elevation definition of the specific view corridor is as follows: Flat Irons – view is from the bottom of the Flat Irons upward (see figure 1) Longs/Meeker Peak – view is from top of the Front Range upward (see figure 2) Indian Peaks – view is from the top of the Front Ridge upward (see figure 3) The actual lower limits or bottoms of the view corridors are pictured in Figures 4 thru 6. It is intended that figures 1 thru 3 be referenced as the actual protected views and override any word descriptions of protected view corridors.</p>	
<p>Section VI: A Protected View Corridor has both a destination and a reference point. The approximate view corridors for an individual house can be specified by using the Width and Elevation Definitions in the view corridor pictures</p>	<p>Appendix C: 2. Reference Points for View Corridors The approximate view corridors can be quantified for an individual house by using the Width and Elevation Definitions stated in the Architectural and Landscaping</p>	

<p>above. When setting boundaries for the Principal View Corridors, the reference point(s) should be from any mountain facing main 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 provided that reasonable people considering the house design would agree that the intent was to take advantage of the view. Non-gathering areas such as bedrooms, bathrooms and home offices are not considered Family Gathering Areas from the perspective of Protected View Corridors. The boundary lines and elevations will be set by physically <b>sitting</b> in each view location of the 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. The left boundary of a corridor should be set from the left most side of the Family Gathering Area, and the right boundary should be set by sitting in the right most side of the Family Gathering Area. Since it is difficult to precisely define this process and results, the ACC will have the final say on the corridor lines for any particular house, adhering precisely to the information in this document to stay consistent. Once defined by the ACC, the Protected View Corridors should be documented for future reference.</p>	<p>Guidelines and the view corridor pictures referenced above. When setting boundaries for the view corridors, the reference point should be from any main family sitting/entertaining area, such as the main view deck, living room, and family/great room in the house. Bedrooms, kitchens, eating nook, dining rooms and bathrooms are not considered main family sitting/entertainment areas. The boundary lines will be set by physically <b>sitting</b> in each view location of the house and looking at the corridor and its defined boundaries. The left boundary of a corridor should be set from the left most side of the sitting/entertainment area, and the right boundary should be set by sitting in the right most side of the sitting/entertainment area. The left and right boundaries should be documented onto the plot map and landscaping plans. Since it is difficult to precisely define this process and results, the ACC will have the final say on the corridor lines for any particular house, adhering precisely to the information in this document to stay consistent.</p> <p>The elevation of the lower boundary of the corridor should be established using the same process for setting the side boundaries and the elevation definitions stated above. The bottom of the view corridor should then be quantified into a contour plane in feet in which landscaping cannot infringe. This contour plane should be documented onto the plot map and landscaping plans.</p> <p>Where a house on another lot is in a defined corridor, blocking part of one or more of the view corridors, landscape material cannot extend beyond the said house into any view corridor defined above, further blocking the corridors.</p> <p>If an individual chooses to block one of his own corridors, this does not give the ACC or an adjacent lot owner the right to also infringe upon such view corridor.</p> <p>As landscaping matures, if any lot owner has</p>	
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	<p>landscaping starting to grow into another owner’s view corridor, whether the landscaping was approved or not by the ACC, the offending owner must continue to trim the landscaping so it does not infringe on the said view corridor. For landscaping that has interrupted a view corridor for some time, it is encouraged by all homeowners to trim such landscaping that is infringing on the view corridors of their neighbors, when requested by their neighbor, no matter when the landscaping was planted or whether it was approved or not by the ACC. However, if a view corridor is blocked by landscaping on an adjacent lot or lots at the time the homeowner purchased his property, the corridor is not required to be opened, because it is assumed that this blockage was factored into the price of the homeowner’s property. However, as good neighbors, it is encouraged that all neighbors try and negotiate a reasonable action plan to reopening all views, if possible.</p>	
<p>Section VI:  I. New applications for Landscaping, Dwelling additions, or other structures  In considering applications for proposed Improvements, the ACC will use the definitions of Protected View Corridors and the reference points described above to determine if the Improvements are consistent with protecting the views of near neighbors. Approvals will be contingent upon an agreement by the applicant to maintain the vegetation such that it does not grow to impinge upon the Protected View Corridors of neighbors.  If placement of a house on one Lot results in blocking the Protected View Corridors of another Lot, landscape material cannot extend beyond the house to further block the Protected View Corridors of the second Lot. If an Owner chooses to block one of his own corridors, this does not give an adjacent Lot Owner the right to also infringe upon such view corridor.</p>		

<p>Section VI: II. Maintenance of existing Landscaping  Owners must maintain their landscaping as described in Section V. Maintenance includes trimming of vegetation that has become overgrown. With regard to views, this includes vegetation that is impinging on the Protected View Corridors of near neighbors. Plantings are permitted to screen non-Western adjacent Lots (e.g. block views 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 plant to block their own views and remediate them at any time even if the blockage was created by a previous Owner.</p>		
<p>Section VI: III. Recovery...  Even though protecting the three Protected View Corridors has been part of ACC practice since the inception of Somerset Estates, over the past 25+ years some 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; 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 Protected View Corridors of neighbors. As views are a direct contributor to home values, the loss to one home's value adversely affects that of neighboring homes, including the home with vegetation causing the blockage. In the spirit of fostering an accommodating culture within Somerset Estates and to reduce the collective loss to the Community, the ACC developed a reasonable, non-contentious process by which neighbors can cooperate with each other for the mutual benefit of everyone in the Community. Using this process, neighbors are encouraged to work together towards creating positive</p>		



<p>solutions for all parties.</p> <ul style="list-style-type: none"> <li>• The neighboring Owner whose view is fully or partially blocked may contact the ACC and ask it to inspect the properties, 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.</li> <li>• The ACC will encourage the neighbors to negotiate a reasonable and mutually agreeable allocation of the costs.</li> <li>• All agreements will be documented for future reference.</li> </ul>		
<p>Appendix B:  Due to concerns about preserving mountain views, shorter evergreens and deciduous (less than fifteen (15) feet tall) are encouraged. Larger trees will be permitted if, at maximum height at maturity, the tree does not block Protected View Corridors for uphill Lots.</p>		