

**MT. HARVARD ESTATES OF
MT. HARVARD VALLEY DEVELOPMENT CORPORATION**

**ARCHITECTURAL CONTROL POLICY
2016**

INTRODUCTION

Mt. Harvard Estates is a special kind of subdivision to a growing number of residents who, like yourself, have discovered the unique living environment. The purpose of this policy statement is to set forth certain standards that will enhance the Mt. Harvard Estates owners' future enjoyment of their homes and their community. Maintaining certain reasonable standards will also contribute to the growing value of all owners' property.

The starting point is the Declaration of Covenants to which your property is subject. We urge you to review these regulations carefully, as they show appropriate respect for the special quality of our environment and also for each other as owners and neighbors.

The following policy statement is meant to supplement and further explain provisions of the Covenants, particularly as to the architectural planning and approval process. As required under the Declaration of Covenants, the plans for all proposed structures including **houses, garages, walls, fences, sheds, placement of renewable energy resources (solar panels/wind) or other structures of any kind and modifications to existing structures**, must be approved in writing by the Mt. Harvard Estates Architectural Committee before commencement of construction.

**APPROVAL PROCEDURE
FOR NEW CONSTRUCTION, STRUCTURAL ADDITIONS AND
EXTERIOR CHANGES**

1. **Advance Scheduling:** As soon as a homeowner starts planning new construction, structural additions or exterior changes, we request that the owner advise the Architectural committee. Although not required, we strongly encourage early consultation on project siting, massing, design concepts, and proposed finishes to avoid any conflict with this policy or your neighbors. We can also be helpful to owners in advance scheduling and planning of their utilities to avoid later delays.

2. **Application for Architectural Review:** Prior to any excavation, construction or exterior changes, the owner will submit to the Mt. Harvard Architectural Committee:
 - a) An Application for Architectural Review & Approval
 - b) A site plan drawn to scale giving all information regarding location and setbacks of the proposed building(s) or structures.

- c) Two sets of complete building plans and specifications. Also include the type, name of color and samples of outside exterior colors and materials. (Note: if samples are difficult to provide, please provide web links to the specific items)
- d) A statement of total living area, in square feet, not including porches or garages. This must be a minimum of 1500 sq. ft.

Note: If the property owner is only making exterior changes, the only documents required to be submitted to the Architectural Control Committee is the short application with relevant information included

3. Review and Approval Procedure – New Construction & Structural Additions: The Mt. Harvard Architectural Committee will review the application, including site plan and building plans. The review usually takes about four weeks to complete. During this time members of the Architectural Committee will visit the site to check the location of structures, driveways and the septic system, all of which should be staked in advance. During this process the owner will be advised of any questions or further requirements.

- a) After review of the plans, the Architectural Committee will notify the owner by letter or email of its decision.
- b) If approved, the committee will sign the application and stamp and sign the plans. The application and one set of signed plans will be returned to the owner indicating the approval. The second set of building plans will be retained by the P.O.A. of Mt. Harvard Estates. The owner may then take the approved plans to the Chaffee County Building Inspector to obtain a building permit.
- c) Once plans are approved, the property owner will need to submit a completed Bridge Usage Agreement to the Architectural Control Committee. If there is a Building Contractor, that individual is also required to sign the Bridge Usage Agreement.
- d) Prior to new construction (not remodel or additions), the property owner will submit the “Road and Bridge Maintenance Fee” to the treasurer or an Architectural Control Policy member. This fee is computed as 0.1% of the estimated cost of building construction and will be deposited into the P.O.A.’s accounts to support bridge and road maintenance.
- e) If the plans are not approved, the Committee will advise the property owner of needed corrections or changes.

Review and Approval Procedure – Exterior Changes: The Mt. Harvard Architectural Committee will review the requested exterior changes. The review can take up to four weeks to complete, but may take less time. Changes should not be started until approval is received.

- a) After review of the plans, the Architectural Committee will notify the owner by letter or email of its decision.
- b) If approved, the committee will sign and return the application.
- c)** If the plans are not approved, the Committee will advise the property owner about the needed corrections.

REQUIREMENTS AND GUIDELINES FOR NEW CONSTRUCTION, STRUCTURAL ADDITIONS AND EXTERIOR CHANGES

Requirements

1. **Site Approval:** As emphasized in the Covenants, the Architectural Committee, as an important part of the review process, must approve the proposed location of any structure on an owner's lot. The citing should take into consideration such factors as a natural relationship with the immediate neighborhood and the sight lines and privacy of nearby properties. In a case where the house plan is dependent on a particular location, the owner is urged to seek advance approval of the site location before the house is designed.
2. **Floor Area:** As stated in the Mt. Harvard Amended Covenants, the minimum areas of living space of any dwelling, exclusive of porches and garages, shall be not less than fifteen hundred (1500) square feet.
3. **Exterior Design, Materials and Colors:** Regarding home design, it is the intent of Mt. Harvard Estates that the exterior design and color scheme of any structure shall be in keeping with the rustic mountain character of the property. Accordingly, home designs should relate to the natural materials and colors in our mountain environment and should be in harmony with the natural features of the land.
4. **Foundations:** All major structures must be permanently attached to a concrete or block foundation or basement or a concrete slab.
5. **Wells:** All wells – new and existing – are required to have a functional meter to enable annual reporting of water usage, as mandated by state regulation.

Guidelines

SITE SELECTION

Preferred: Locate site on the lot so as to be respectful of neighbors' privacy, as described in "Site Approval" section (above). Follow the contours of the site, dig into hillsides, and minimize site disturbance.

Discouraged: "perched" or "stuck on" to the site, house set substantially above grade with a large amount of exposed basement wall.

Unacceptable: Location close to neighbor's boundaries, house set on platform or elevated, high profile on meadow or exposed site.

MASSING

Preferred: Unobtrusive profile, complex or varied house lines.

Discouraged: Boxy or simple rectangular shapes and flat or low pitched roofs.

Unacceptable: No more than two (2) stories above ground.

EXTERIOR SURFACES

COLORS

Preferred: Natural wood or subdued earth-tone colors, matte finishes, i.e. colors that blend in with natural landscape.

Discouraged: Pastels, light colors.

Unacceptable: Bright colors, glossy or reflective finishes.

SIDING

Preferred: Wood siding, true log construction, natural stone, true or high quality synthetic stucco, or rustic metal siding.

Discouraged: Plywood, pre-manufactured hardboard, unless of texture and thickness to closely simulate natural wood, synthetic stone, brick or concrete masonry.

Unacceptable: Vinyl, asphalt shingles or rolled roofing; smooth, low quality, or industrial metal sidings (except for accents).

SPECIAL NOTES

Because of our dry atmosphere and strong sun conditions, special attention should be given to use of adequate protective finishes and to providing for future siding maintenance as needed.

Roofs, Preferred: Grade A, B or C roofing recommended to prevent against fire.

Exterior Lighting: Exterior light will be permitted so long as it is subdued and not obtrusive to nearby homes. For example, path lighting is acceptable, though broad scope yard lighting is discouraged.

Preservation of Landscape: Owners and contractors should give careful attention to preserving the natural landscaping materials, trees, native plants, topsoil and rock. Driving on the construction site should be limited to approved driveways and areas of necessary construction activity. Tree branches and debris should be removed as soon as possible from the site.

Use of Bridge: All heavy loads and/or equipment must be transported across the bridge on a float that complies with State and County Bridge Laws and bridge weight limits as posted (30 tons). In addition the use of the bridge will be in compliance with the Bridge Usage Agreement form.

Compliance with Approved Plans: The Architectural Committee may inspect work in progress or upon completion. If it is determined that there has been a failure to comply with the approved building plan, it may be required that the owner remedy the noncompliance at the owner's expense.

POLICY REGARDING PREMANUFACTURED HOUSING

Houses consisting of prefabricated components assembled on-site and having appropriate foundation systems may be acceptable provided they have the appearance and qualities of traditional construction and have a distinct mountain, and not urban-style or box-like character.

All structures must conform to the current building codes in effect for Chaffee County.

In the event a pre-manufactured home is approved, the owner is responsible to pay for all damage to bridge, roadways, utilities, and boundary properties as a result of transport.

STRUCTURAL ADDITIONS AND EXTERIOR CHANGES

The plan for any substantial addition or alteration to an existing structure must be submitted to the Architectural Committee for approval prior to its' commencement. This includes **any changes to existing color schemes or building materials (roof, siding, trim) caused by repainting, remodeling, or replacing, garages, walls, fences, sheds, placement of renewable energy resources (solar panels/wind) or other structures of any kind.**

OTHER REQUIREMENTS

1. Maintenance: Each lot, its structures, their siding, and roofing shall be kept in good repair and condition by the owner. Each owner will maintain the trees on his property, keeping fire mitigation in mind.
2. Fire Protection: From time to time, in consultation with the Colorado Forest Service and local fire protection organizations, Mt. Harvard Estates may request each owner's cooperation in fire protection practices and programs for the benefit of all property owners.

Our lots are all privately owned so please **respect the property boundaries** of your neighbors. Please advise your guests that wandering about on other's occupied properties is neither respectful nor acceptable.

Your compliance with these guidelines and procedures is requested as a measure of our mutual respect for each other and for this unique environment in which we are privileged to live and as a means of enhancing the property values of all owners.

Thank you for your cooperation.

Application for New Construction, Structural Additions and Exterior Changes

Mt. Harvard Estates Architectural Control Committee

Lot No.: _____

Owner(s): _____ **Phone:** _____

Address: _____

Email: _____

We request Mt. Harvard Estates Architectural Committee (herein the "Committee") review and approve the site and building plans or exterior changes as provided for in the Declaration of Restrictive and Protective Covenants.

Note: To expedite your review, please provide all relevant information requested. The Committee will provide a response within four weeks of receipt of the fully completed application and receipt of all requested information.

No excavation should be undertaken until site location is approved by the Committee.

For Committee Use Only

Date completed application and requested information received: _____

Date additional information requested: _____

Date approved: _____

Date denied: _____

Date Bridge Usage Agreement Received: _____

Date Road and Bridge Maintenance Fee Received: _____

Committee Members (3): _____

Summary of Proposed Building Plans or Exterior Changes

Note: For non-structural changes, you only need to fill in the applicable sections

- 1. Plot Plan.** Enclosed are two copies of the plot plan of the building lot, drawn to scale indicated thereon, showing all lot boundaries and adjoining roads, easements, restricted areas, distances of setbacks to boundaries, grading, the location of all structures, driveways, well, septic system, leach field, propane tanks, utility trenches and all other exterior features and equipment. Included is a directional arrow showing north. We affirm that the location of structures, driveways, and septic system have now been staked on the building lot for viewing by the Committee.
- 2. Building Plans.** Enclosed are two sets of building plans showing complete specifications, and all four exterior elevations, including both the original and finished grade of the land in relation to the structure and its foundation.

Square footage: First floor: _____ Garage: _____
Second floor: _____ Other: _____

3. Exterior Materials and Colors

- A. **Materials.** The specific material will be:

Exterior siding: _____

Trim: _____

Windows: _____

Roof: _____

- B. **Colors**

Exterior siding: _____

Trim: _____

Garage Doors: _____

Window Frames: _____

Roof: _____

Enclose color samples or brochure for EACH of the five materials listed above.

- 4. Walls and Fences.** Enclosed are diagrams and dimensions of any proposed walls, fences, or enclosures.
- 5. Estimated Time Schedule.** We estimate that the date construction will begin is _____ and that it will conclude on _____.

We acknowledge that in accordance with the Mt. Harvard Valley Development Architectural Policy, the Committee will notify the neighboring lot owners of this pending application and of their opportunity to inspect the application and give their comments of the Committee.

We affirm that upon approval by the Committee of this building plan, construction and execution will be following in every material respect as to the plan. Should we find that any changes in the plan are needed, we will obtain the Committee's prior written approval. We understand that in the event of our failure to follow the approved plan, the Committee may require us to remedy the non-compliance at our expense.

As the owner(s) of the lot identified above, we affirm that we have received copies of the Declaration of Restrictive and Protective Covenants and the Mt. Harvard Valley Development Architectural Control Policy. We have read these documents and agree to comply with their requirements.

We acknowledge that our application and plans will be reviewed only as to those matters described in the Declaration of Restrictive and Protective Covenants and Architectural Control Policy, including the suitability of the improvements and materials to the lot or parcel of land. We acknowledge that the Committee does not have authority to approval or disapprove any improvements or use of our property which may be specifically prohibited or restricted by the Declaration of Restrictive and Protective Covenants. Further, the Committee does not have the authority to waive any restriction described in the Declaration and the Committee does not have the authority to waive or vary any applicable zoning regulation, building code, or other authority which may apply to our property. It is solely our responsibility to comply with all such applicable regulations.

Further, we affirm that Mt. Harvard Valley Development Architectural Committee shall not be liable in damages to any person submitting any architectural plans for approval, or to any owner or owners of parcels within the property, by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove, with regard to such architectural plans. Any person submitting plans to the Committee for approval, by so doing agrees and covenants that he will not bring any action or suit to recover damages against the Committee, its members as individuals, or its advisors, employees, or agents. We acknowledge that Mt. Harvard Valley Development Architectural Committee is a committee of Mt. Harvard Valley Development Property Owners, Inc., a Colorado nonprofit corporation.

Owner: _____ Date: _____

Owner: _____ Date: _____

**MT. HARVARD ESTATES OF MT. HARVARD VALLEY DEVELOPMENT CORP.
Bridge Usage Agreement**

The Mt. Harvard Estates of Mt. Harvard Valley Development Corp, more commonly known as Mt. Harvard Estates Homeowner's Association, as representatives of all individual homeowners and landowners within the boundaries of what is more commonly known as the Mt. Harvard Estates Community, does hereby fully grant limited usage of the current bridge allowing access to the above referenced community across the Arkansas River.

This usage agreement is granted exclusively to _____, as the general contractor, employed by owners of Lot # _____ in Mt. Harvard Estates for a home/building construction project. The above mentioned contractor _____ will hereby be referred to as 'the contractor' for the purposes of this agreement.

The contractor hereby shall have all privileges associated with the usage of the bridge with the following stipulations.

- 1) The contractor shall be fully responsible for the actions of all employees, subcontractors, and agents associated with the contractor during this construction project on the above mentioned lot.
- 2) The contractor shall only be granted this 'limited specific' usage of said bridge until the completion of the proposed construction project, which will immediately terminate in whole upon the completion of this construction project.
- 3) The contractor agrees to fully inform all it's employees, subcontractors, and agents of all weight, height, width, and load restrictions associated with said bridge. The contractor, and all its employees, subcontractors, and agents agree to fully abide by these restrictions. Any violation of these restrictions will completely and immediately terminate this bridge usage agreement. These restrictions are as follows:
 - a. The weight of any vehicle or equipment, or any combination thereof shall not exceed 30 tons, (60,000 lbs). Also, the maximum wheel base of any vehicle is 14 feet.
 - b. All tracked vehicles must be brought across the bridge on floats or trailers.
 - c. All vehicles must drive exclusively on the bridge planking where it is reinforced, and at no time drive on the sides of the bridge planking or any area that is not reinforced.
Note: the bridge area to the side of the planking IS NOT structurally reinforced!
- 4) In the event of any damage caused to the bridge by the contractor or any of its employees, subcontractors or agents, the contractor shall assume full responsibility of the damage. The contractor agrees to compensate Mt. Harvard Estates Homeowners Association fully with all reasonable costs of repair and labor costs bring the bridge back to the pre-damage and acceptable condition, as approved by the representatives of the Mt. Harvard Homeowners Association.
- 5) THE CONTRACTOR, acting as the representative for all it's employees and subcontractors and agents, AGREE TO RELEASE AND HOLD HARMLESS, the Mt. Harvard Estates Homeowners Association, and all individual homeowners and landowners and their successors and agents, from any and all liability for injury, death, property loss and damage with results from the usage of said bridge, including all liability which results from negligence, weather conditions, or any other person or cause.
- 6) If requested by Mt. Harvard Homeowner's Association, the contractor shall provide proof of insurance allowing the contractor to operate as General Contractor and proof of coverage for liability for the construction project on the above mentioned lot in Mt. Harvard Estates.

I THE UNDERSIGNED, AM AN AUTHORIZED REPRESENTATIVE FOR THE CONTRACTOR, HAVE READ AND UNDERSTAND THIS USAGE AGREEMENT AND AGREE TO BE BOUND BY ALL THE TERMS AND CONDITIONS OF THIS AGREEMENT.

Date: _____