

# **ASPEN, MOUNTAIN VIEW DESIGN REVIEW GUIDELINES**

## **Handbook of Procedures and Standards**

**December 7, 2023**

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## PREAMBLE

**ASPEN, MOUNTAIN VIEW DESIGN REVIEW GUIDELINES Handbook of Procedures and Standards** adopted by the Aspen, Mountain View Homeowner's Association as of August 1, 2017, Revised November 1, 2018, Revised December 11, 2019, Revised August 1, 2020, Revised September 9, 2021, Expanded and Revised December 07, 2023.

The standards and procedures in this Handbook apply to requests submitted with the applicable fee to the Aspen, Mountain View Design Review Board (via the Property Management Company) on or after December 07, 2023.

If you have questions about the information in this Handbook, please contact the Design Review Board. Names and contact information for all *DRB* members are available on the Aspen, Mountain View website accessible to all Aspen, Mountain Owners using their passcodes (<https://www.smprop.com/Aspen-Mtn-View-Owners>). If you are unable to access that contact information, please reach out to the Aspen, Mountain View Property Management Company. At the time this Handbook was adopted, this is:

**Silver Mountain Properties, Inc**

326 Highway 133, Suite 290

Carbondale, CO 81623

Phone: (970) 963-4900

[kari@smprop.com](mailto:kari@smprop.com)

<https://www.smprop.com/Silver-Mountain-Properties-Inc>

There is a **Glossary** of terms and acronyms at the end of this *Handbook*, as well as the numbered **Endnotes**. Italicized acronyms and terms are explained in the Glossary.

Projects proposals that were submitted to the DRB for Schematic Review before December 7, 2023, will be reviewed for Schematic Approval under the Design Review Guidelines and Procedures adopted on September 9, 2021, but will be reviewed for Final Review under the Guidelines and Procedures in this Handbook. The DRB will work with you to resolve any difficulties that may arise from substantive or procedural changes.

Projects that were submitted for Final Review prior to December 7, 2023, that have not yet been approved, will be reviewed for Final Approval under the Design Review Guidelines and Procedures adopted on September 9, 2021.

## I. INTRODUCTION

**Acronyms and abbreviations** (a more comprehensive list is available in **Glossary** at the end):

**AMV** – Aspen, Mountain View, A Rural Community, Eagle County, Colorado

**AC** – Design Review Board’s Architectural Consultant

**BOD** – Board of Directors (the Board of Directors of the Aspen, Mountain View Homeowners’ Association)

**Covenants** – Governing documents of the AMV subdivision comprised of:

- a) The Master Declaration of Protective Covenants for the Residential Areas of Aspen, Mountain View, A Rural Community, Eagle County, Colorado, and
- b) Depending on the location of the property at issue:
  - i. First Supplemental Declaration for Aspen, Mountain View, Oak Ridge I, Eagle County, Colorado
  - ii. First Supplemental Declaration for Aspen, Mountain View, Oak Ridge II, Eagle County, Colorado
  - iii. First Supplemental Declaration for Aspen, Mountain View, The Summit and Oak Ridge III, Filing No. 3, Eagle County, Colorado
  - iv. Declaration of Protective Covenants for Sopris Mesa Subdivision, Eagle County, Colorado, a Portion of Aspen, Mountain View

**DRB** – Design Review Board of the Aspen, Mountain View Homeowners’ Association

**Guidelines** – Design Review Guidelines

**HOA** – Homeowners’ Association (The Aspen, Mountain View Homeowners’ Association)

**PMC** – Property Management Company (currently: Silver Mountain Properties)

### A. What is the Design Review Board (DRB)?

#### 1. Purpose

The Design Review Board (“DRB”; a.k.a. Design Committee) is a committee mandated by the *Master Declaration of Protective Covenants* for Aspen, Mountain View (“AMV”),<sup>i</sup> a copy of which is available on the AMV Website using your passcodes:

<https://www.smprop.com/page.cfm?pageID=54026&CFID=940862&CFTOKEN=953f7b6fd783a5ae-EF6EA794-955A-F177-654CBCAC63F61303>. The DRB’s focus is on helping AMV property

owners, and their architects and contractors, achieve and maintain the standards and practices set forth in the *AMV Covenants and Supplements* (“Covenants”) and the *Design Review Guidelines* (“Guidelines”) (see Section IV of this Handbook). The *Covenants* require that AMV property owners obtain DRB approval for all changes or improvements to any properties<sup>ii</sup>, (e.g., changes to the exterior of any existing structures, additions, landscaping, upgrading finishes or fixtures, etc.).

## 2. Considerations

The *DRB* must consider:

- a. Making *AMV* a scenic residential area of the highest possible quality, desirability, and attractiveness.
- b. Preserving the natural beauty and unspoiled state of the property.
- c. Providing seclusion and a pleasant environment to *AMV* residents.
- d. Benefiting, and enhancing of the value of, all *AMV* properties.
- e. Determining whether the proposed changes and improvements harmonize, as much as possible, with the natural surroundings and other improvements in *AMV*<sup>iii</sup>

## 3. Composition

The *DRB* currently has five volunteer members, who are property owners in *AMV*, including a “chair” elected by the committee. The *DRB* may use the services of a licensed Architectural Consultant (“*AC*”) on an “as needed” basis. *DRB* members are appointed by the *AMV* Homeowners’ Association (“*HOA*”) Board of Directors (“*BOD*”). Formal approval by the *DRB* requires the vote of at least 3 members.<sup>iv</sup> *AMV* Owners who wish to serve on the *DRB* should contact the *AMV HOA BOD* to volunteer. Currently, the *DRB* generally meets on an as needed basis.

## 4. *AMV* Property Owner Communications with the *DRB*

The *chair* is the *DRB*’s main contact for communication with *AMV* property owners, the *PMC*, and the *AC* (when consulted). The *DRB chair* coordinates *DRB* activities regarding *AMV* owner inquiries, small changes, and most Minor Projects, although any of the volunteer *DRB* members may be a primary contact. Contact information for the *DRB* chair and members is available on the *AMV* website using your passcodes:

<https://www.smprop.com/page.cfm?pageID=54026&CFID=940862&CFTOKEN=953f7b6fd783a5ae-EF6EA794-955A-F177-654CBCAC63F61303>.

**For informal questions**, *AMV* homeowners can contact any *DRB members*.

**Formal requests for *DRB* review and approval of proposed changes to *AMV* properties (including Small Changes, Minor and Major Projects) must be submitted to *AMV*’s *PMC***, which will invoice the property owner when a fee is required and will forward the formal request to the *DRB* upon receipt of required fees. The *PMC* handles *DRB* recordkeeping and the transmission of formal communications between the *DRB* and *AMV* property owners. For Major Projects, and some Minor Projects, the *DRB*’s *AC* may communicate with the applicant-owner or their designee, on the *DRB*’s behalf.

## 5. Review Processes

The *DRB* has established **three levels of review procedures**, which depend on the nature, extent, and potential impact of the proposed change. The procedures range from a simple, no-cost review for small changes that comply with the *Covenants* and *Guidelines* and will have no negative impact on the community, to a comprehensive, two-step review process, with community notice and comment, for *Major Projects*, including new home construction. The three review processes are explained in Section I.B.

## 6. Variances

The *DRB* may grant reasonable *Variances* to any of the *Covenants*, or *DRB* policies, procedures, and *Guidelines*, when justified by hardship. When considering *Variance* requests for construction or changes outside the building envelope/setbacks, the *DRB* will be mindful that circumstances may have changed after the building envelope was originally designated.<sup>v</sup> *DRB* approval of a *Variance* does not set a precedent for other proposals or properties. A *Variance* cannot be granted in violation of any local, state, or federal laws.<sup>vi</sup> If your project requires *DRB* approval of a *Variance*, you must pay the fee for a *Variance*, as well as the fees for approval of your project. Check with Eagle County to determine if your *variance* request triggers an additional and separate County approval process.

## 7. Authority

The *DRB* has the authority to approve or disapprove proposed changes to the existing state of any *AMV* property, using its discretion guided by the purposes and requirements of the *Covenants* and *Guidelines*.

## 8. Non-Liability

Neither the *DRB*, nor any *DRB* member, will be liable to any owner or any other person for any damage, loss, or prejudice suffered or claimed for any reason whatsoever, including, but not limited to:

- a. Approving or disapproving any plans, specifications, or other materials, whether defective or not.
- b. Failing to approve or disapprove any plans, specifications, or other materials.
- c. Executing and recording a written approval, disapproval, or revocation of approval, regardless of whether or not the facts stated therein are correct.
- d. Performing any function pursuant to the provisions of the *Guidelines*, this Handbook, or the *Covenants*.
- e. Work or construction done on any property in *AMV*, whether or not pursuant to approved plans.
- f. The development or manner of development of any property in *AMV*.<sup>vii</sup>

## B. What Types of Changes Require *DRB* Approval?

The *Covenants* require that the *DRB* approve, in advance, any change in the existing state of property, including:

- a. Construction (buildings, structures, patios, fences, utilities, etc.),
- b. Excavation, filling, grading, clearing, planting, or removing vegetation, or other disturbance of the surface, grade, or drainage of the land,
- c. Alteration of the exterior color, texture, or appearance of an existing structure.<sup>viii</sup>

If your project is repair or maintenance that does not change the color, texture, or design of your structure, it is not considered a change and does not require *DRB* approval.

If your project is routine gardening, such as planting, removing, or pruning flowers or shrubs that have no visual impact on your neighbors and requires no additional irrigation, it is not considered a change or improvement requiring *DRB* approval.

The *AMV HOA* may assess a fine against a property owner who fails to obtain necessary *HOA DRB* approval. See section I.E. regarding fees and fines.

To reiterate, the *DRB's* approval process depends on the nature and extent of the project under consideration, and its potential impact on other *AMV* owners. The *DRB* has different procedures for *Small Changes*, *Minor Projects*, and *Major Projects*, which are outlined below:

**1. *Small Change*:**

A change or improvement that:

- a. Fully complies with the *Covenants* (no *Variance* needed) **and**
- b. Will have no negative impact on other *AMV* owners **and**
- c. Doesn't involve construction requiring an Eagle County permit. A project that requires a *Variance* cannot be approved as a *Small Change* and will have to be considered as a *Minor* or *Major Project*.

**Examples of Small Changes:**

Painting your buildings a different color that complies with the *Guidelines*.

Replacing exterior lighting fixtures, windows, or doors with items of a different texture, color, or design, in full compliance with the *Guidelines*.

Installing solar panels that do not change the angle or height of your existing rooflines.

**2. *Minor Project*:**

A change or improvement that:

- a. **either** requires a *Variance*,
- b. **or** will have an impact on other *AMV* owner(s) but doesn't fall into the definition of a *Major Project* (see below).

Among other things, *Minor Projects* may include small additions to existing structures and new construction (fences, sheds, greenhouses, barns, etc.) of less than 600 ft<sup>2</sup>.

**Examples of Minor Projects:**

Installing a new lawn area or berm.

Building a 200 ft<sup>2</sup> greenhouse.

Installing solar panels that change the roof line of an existing structure.

Removing trees that have screened a neighbor's view of your home or yard.

**3. *Major Project*:**

New construction of a home, barn, or other structure (including a stand-alone solar array), and any addition to, or major renovation of, the exterior of an existing structure, which exceeds 599 ft<sup>2</sup> in size.

### **C. Relationship between *DRB* Approval and Permits from Eagle County or Other Government Authorities**

If your project requires an Eagle County permit, you should obtain *DRB* approval before the necessary government permits. Plans for Sopris Mesa properties approved by the County, or other authority, should be the same as the plans approved by the *DRB* (penalties may apply).<sup>ix</sup> Note that Variances and Approvals by the *DRB* are separate and distinct from those required by Eagle County.



## D. Getting Started: What Should I Do Before I Request *DRB* Approval?

Before you begin the *DRB* approval process, **read this *Handbook* and the *Covenants* that apply to your property**. Gather the items you will need to describe and illustrate the nature, location, scope, and impact of your project.

The *DRB*'s goal is to make an appropriate, well-informed decision about your request for approval.<sup>x</sup> If you fail to provide sufficient information for them to determine how the project complies with the *Covenants* and *Guidelines*, the *DRB* may not be able to approve your project.<sup>xi</sup>

If you have questions about these procedures, how your project might be classified, or what you need to submit, you are encouraged to contact the *DRB* chair or other *DRB* members by phone or email.

The *DRB* strongly encourages you to discuss your project with any neighbors you think may be impacted by your project, bearing in mind that they may also have useful insights regarding your project's design and/or execution. **For *Minor* and *Major Projects***, AMV owners will be given notice of your proposed project and offered an opportunity to submit written comments.

**For all *Major Projects* (and some *Minor Projects*)**, you must retain licensed and credentialed professional consultants to prepare your plans and documents. Depending on the nature and scope of your project, the consultants required for *Minor projects* may vary. For *Major Projects*, these consultants will usually include:

1. **Architect:** Plans for construction of structures on the applicant's property must be prepared by a Colorado-licensed Architect.<sup>xii</sup> All architectural documents submitted for *Final Plan Review* must bear the wet stamp and signature of a Colorado-licensed Architect. Use of a professional with additional credentials, such as membership in the American Institute of Architects (AIA) or certification in Leadership in Energy and Environmental Design (LEED), is strongly encouraged.
2. **Landscape Architect:** Landscape design documentation must be prepared by a landscape architect or landscape contractor, or to their standards. Use of a professional with licensure or additional credentials, such as membership in the American Society of Landscape Architects (ASLA), is strongly encouraged.
3. **Engineers:** Structural plans, geotechnical (soils) reports, and septic field designs must be prepared by Colorado-licensed engineers. All documents submitted for *Final Plan Review* must bear the wet stamp and signatures of such individuals.
4. **Land Surveyor:** A site survey of existing structures and topography must be prepared by a Colorado-licensed land surveyor, who conducts and/or supervises required fieldwork. The site survey submitted for *Preliminary Design Review* must bear the wet stamp and signature of such individual, as does the *Final Plan Review* submission.

For *Major Projects* (and some *Minor Projects*) a Preliminary Review with community comment and *DRB* feedback is required before the Final Review process (see section II.C.1.).

## E. Costs

Do I have to pay for *DRB* review and approval? When and how much? Are there other fees/costs?

### 1. Fees

The *DRB* will not formally review your project for approval until the applicable fees have been paid. Checks are payable to “Aspen, Mountain View Homeowners’ Association”. To pay online, contact *AMV*’s *PMC*.

|   |           |
|---|-----------|
| <i>Small Change</i> - Review Fee  | No charge |
| <i>Minor Project</i> - Review Fee   | \$450     |
| <i>Major Project</i> - Preliminary Review Fee                             | \$1,000   |
| <i>Major Project</i> - Final Review Fee                                   | \$1,100   |
| <i>Variance</i> (Major or Minor Project)                                  | \$50      |
| <i>Change Review</i> - During Construction - no community notice required | None      |
| <i>Change Review</i> - During Construction - community notice required    | \$50      |

### 2. Deposits

For *Major Projects* and *Minor Projects*, you must also pay a Construction Damage deposit and a Construction Compliance deposit before the *DRB* will issue a written Certificate of Approval. *AMV* will refund the Construction Damage deposit in full if the subdivision does not incur any damages, and construction debris is cleaned up in a timely manner. *AMV* will refund the Compliance deposit when the project is fully and timely completed in strict accordance with the approved plans. Partial refunds may be approved by the *DRB*. If your minor project is very limited in scope, the *DRB* has the discretion to grant a request for waiver of one or both deposits.

|  |          |
|--|----------|
| <i>Major and Minor Project</i> Construction Damage Deposit (may be waived or reduced for <i>Minor Projects</i> ) | \$ 1,000 |
| Compliance Deposit (may be waived or reduced for <i>Minor Projects</i> )   | \$ 5,000 |

### 3. Fines and other costs

The *AMV HOA* may pursue costs and impose fines for:

- a. Failure to obtain *DRB* approval when required,
- b. Failing to comply with the *Guidelines, Covenants*, or conditions of *DRB* approval during construction of an approved project with no permanent physical damage, or
- c. Physical damage to property during approved or unapproved construction.

|   |   |
|---|---|
| Failure to Obtain Required <i>DRB</i> Approval  | Costs incurred by the <i>HOA</i> caused by noncompliance plus \$500                               |
| Noncompliance During Construction (including failure to timely complete construction, see section III.E.) | Costs incurred by the <i>HOA</i> caused by noncompliance plus \$500 per occurrence                |
| Noncompliance Resulting in Physical Damage  | The actual cost of mitigation plus fees and expenses incurred by the <i>DRB</i> or <i>AMV HOA</i> |

## II. DRB PROCEDURES: How Do I Get *DRB* Approval?

The procedure you must follow depends on what type of project you are considering. The *DRB* uses a more streamlined processes for smaller, less complex, low impact projects. To avoid having to amend your submission, the *DRB* recommends that you not apply for any Eagle County permits until after the *DRB* has issued a Certificate of Approval. The plans you submit and have approved by Eagle County should include all approvals required by the *DRB*. If Eagle County requires minor adjustments, you need to inform the *DRB* of these changes, and pay a change fee if required. If you have requested a *variance* (such as a change in your building envelope) and had it approved by the *DRB*, contact Eagle County to determine if the County requires an associated Amendment for your Plat or other permission.

Consider which of the three definitions in section I.B. (*Small Change*, *Minor Project*, or *Major Project*) best describes your project, and follow the procedures for that type of project. Contact a *DRB* member if you have questions, and it is usually useful to share your ideas with your neighbors, since they, along with the rest of the community, will be invited by the *DRB* to express their opinions for Minor and Major Projects.

**OVERVIEW: THREE DRB REVIEW PROCESSES****(Repair and Maintenance with NO CHANGE in color, texture, appearance does NOT require review)**

| <b><i>Small Change</i></b>  | <b><i>Minor Project</i></b>   | <b><i>Major Project</i></b>   |
|---|---|---|
| Assemble proposal description, talk to neighbors                        | Assemble proposal description, talk to neighbors                        | Assemble proposal description, talk to neighbors  |
| Email REQUEST FOR PROJECT APPROVAL to AMV PMC with supporting documents | Email REQUEST FOR PROJECT APPROVAL to AMV PMC with supporting documents | Email REQUEST FOR PRELIMINARY REVIEW to AMV PMC with supporting documents   |
| _____   | Pay REVIEW FEE  | Pay PRELIMINARY REVIEW FEE  |
| _____   | COMMUNITY NOTICE and Comments   | COMMUNITY NOTICE and Comments   |
| Site visit by DRB member  | Site visit by DRB member (& optional, AC)                               | Preliminary Site visit by DRB member (& optional, AC)   |
| DRB discussion (usually via email) and WRITTEN DECISION                 | DRB discussion (usually at next DRB meeting) and WRITTEN DECISION       | DRB discussion (usually at next DRB meeting) and WRITTEN FEEDBACK + phone call from DRB or AC if significant feedback |
|   |   | Email REQUEST FOR FINAL REVIEW to AMV PMC with supporting documents   |
|   |   | Pay FINAL REVIEW FEE  |
|   |   | Further COMMUNITY NOTICE if significant changes   |
|   |   | Final site visit DRB member (optional: & AC)  |
|   |   | DRB discussion (usually at next DRB meeting) and WRITTEN DECISION + phone call with architect if conditional approval |

## A. How to Get Approval for a Small Change?

### 1. Your Request for DRB Approval

Email a written *Request for DRB Approval* to AMV's PMC, including a short description of your proposed project and an explanation of why/how the project will not significantly impact the AMV community. Be sure to say that you are requesting SMALL CHANGE review.

Attach relevant images, drawings, or photographs (showing color, design, texture, materials, design, location on property, etc.). Provide sufficient information to show that:

(a) the proposed change or improvement complies with the *Covenants* and the *DRB Guidelines*, **and**

(b) the change or improvement will have no significant impact on other AMV homeowners.

A DRB member will acknowledge your request and give you an approximate timeframe for DRB processing. Once all supporting information is received, the DRB generally aims to decide within a week or so.

**Small Change Review** is a streamlined process with no fee and no *Community Notice and Comment* period.

*Small Changes* typically can be approved in a week or so, once all supporting information is received. To request review, email to a DRB member:

- ✓ A short, detailed description of the project.
- ✓ An explanation of why the project will not negatively impact other AMV owners.
- ✓ All relevant images, drawings, etc., showing the nature and location of the change or improvement, and compliance with *DRB Guidelines*.

### 2. Possible DRB Request for Additional Information

The DRB will let you know if additional information is needed and confirm that request in writing. The DRB makes every effort to minimize the red tape. However, depending on the nature of your project, the DRB may request any of the items that are required for a *Major Project*, even if your project is "small".<sup>xiii</sup>

### 3. Site Visit

The *Covenants* require that a DRB member visit your property before a decision is made. They will contact you if they need to access portions of your property other than your driveway and entry walkway.

### 4. DRB Decision

The DRB will send you a written decision. If the DRB decides that your project cannot be approved as a *Small Change*, it will explain the reason(s).

## B. How to Get Approval for a Minor Project?

### 1. Your Request for DRB Approval

Email a written request for approval to AMV's PMC and pay the fee for review (see section I.E.). Be sure to say that you are requesting MINOR PROJECT review.

Your request for approval should include a short, but detailed, description of the project (usually a few sentences). Describe how the project will, or will not, impact other AMV owners. Attach relevant documents, images, plans, and supporting information showing the location, scope, and appearance of the project. Site plans must establish that any planned structures are within your building envelope or setbacks or be accompanied by a request for a *variance* to locate them outside the envelope/setback. The request, including attachments, must **either**:

**Minor Projects** require formal review and approval by the DRB, after *Community Notice* and *Comment*. You must submit:

- ✓ A short, detailed description of the project.
- ✓ A consultant list when relevant.
- ✓ The review fee.
- ✓ All relevant plans and images.

The location of new structures or additions must be staked, and story poles may be required.

- a. demonstrate that the project complies with all relevant *Covenants* and *DRB Guidelines*, including the requirement that all improvements (except driveways and, for some lots, approved landscaping) be within the building envelope, **or**
- b. include a specific request for a *Variance* and explain what hardship motivates a request for a *Variance*. While the DRB needs to approve building envelope or setback *variances* or height *variances*, this is separate from any Eagle County approvals which might be needed depending on your lot.

Where you have retained an architect, engineer, landscape designer, or similar consultants, your request for approval should contain a list of these professionals with their contact information.

You must stake the location of any new structures or additions, including fences, walkways, sheds, hot tubs, etc. The DRB may also request staking of building envelope corners and/or story poles indicating the heights of proposed structures.

### 2. Possible DRB Request for Additional Information or Action

A DRB member or the DRB's AC will let you know if additional information is needed and will confirm that request in writing.

The DRB reserves the right to request any of the items that must be submitted for a *Major Project*, even if your project is "*minor*".<sup>xiv</sup>

### 3. Community Notice and Comment

*Community Notice* is a process intended to collect information which the DRB will use in its deliberations. For a Minor Project, AMV's PMC will send notice to AMV property owners and allow them one week to transmit written comments about the proposed project (see section VI for a more complete definition of the *Community Notice* and *Comment* procedure). The property management company will forward all comments to the DRB. The DRB will ensure that written comments from AMV property owners will receive written responses.

If community members raise significant concerns during the comment process, the *DRB's* chair or *AC* will reach out to you (or your designee) to discuss those concerns.

Interested/concerned community members can request further notifications related to your proposal as it is processed by the *DRB* and during meetings at which the proposal is discussed, regardless of whether, or not, they submitted written comments.

#### 4. Site Visit

A *DRB* member or the *DRB's AC* will contact you (or your designee) to arrange a date and time for a final review site visit, which ordinarily takes place at the end of the Community Comment period.<sup>xv</sup> If community members have expressed concerns, the *DRB* may request that you allow them to attend the site visit to discuss concerns.

#### 5. DRB Decision

After the Community Comment period ends, the *DRB* typically will consider the proposed Minor Project at the next scheduled *DRB* meeting. Occasionally, such as when significant comments are received very close to the meeting date, or additional information is needed, consideration of the project may be postponed until a later meeting date.

You (and interested community members) are welcome to attend the *DRB* meeting at which your project will be considered, to address comments or *DRB* questions, or to provide additional information to the *DRB* about your project. Contact the *DRB's* chair to arrange for your attendance. (See *AMV* website using passcodes

<https://www.smprop.com/page.cfm?pageID=54026&CFID=940862&CFTOKEN=953f7b6fd783a5ae-EF6EA794-955A-F177-654CBCAC63F61303>).

If your project is approved, the *DRB* chair or *DRB's AC* will notify you and *AMV's PMC*, via email, that the *DRB* will issue a Certificate of *DRB* Approval on payment of Damage and Compliance Deposits (see section I.E.). Alternatively, if you have requested, and the *DRB* has granted, a waiver of the deposits, the *DRB* will issue the Certificate of *DRB* Approval once the decision has been made.

### C. How to Get Approval for a Major Project?

Major Projects involve two steps of review:

- 1) Preliminary Review for *DRB* feedback, and
- 2) Final Review for *DRB* approval.<sup>xvi</sup>

The items that must be included in your Preliminary Review Package and Final Review Package are set out in Section V, below. As with other projects, the *DRB* encourages you to contact a *DRB* member to discuss your project before submitting it for review.

**Major Projects** require both a **Preliminary Review** for initial *DRB* feedback and a **Final Review** and Approval by the *DRB*, after Community Notice and Comment.

At both steps (Preliminary and Final review), you must submit/provide:

- ✓ The specific lists, descriptions, plans and images set forth in Section V of the Handbook, including a short, detailed description of the project, its impact, and any variances required.
- ✓ A list of any professional consultants you have retained.
- ✓ The review fee.
- ✓ Site staking.
- ✓ Story poles (if requested).

## 1. Preliminary Review and Feedback

Preliminary Review is intended to allow for informal *DRB* and *Community* feedback, and to identify any immediate concerns regarding compliance with the *Covenants, Guidelines*, and community impact. Because Preliminary Review is based on preliminary plans, the *DRB* does not formally approve or disapprove your project at this point.<sup>xvii</sup>

### a. Your Request for Preliminary Review

To begin the review process, you need to develop your proposal sufficiently that you can accurately share it with your community and the *DRB*, while remaining open to feedback from both these parties.

Before sending your Preliminary Review package to the *DRB* you need to contact *AMV's PMC* (see section III.A.) and pay the fee for review (see section I.E.).

Your request for Preliminary Review should specifically identify any *Variances* that you would need in order to complete your project as planned. You need to include a specific request for a *Variance* and explain the hardship that would make a *Variance* appropriate and justified.

Before submitting your project for Preliminary Review, stake your property corners, building envelope, and proposed building corners. Depending on the nature and scope of your project, the *DRB* may also require story poles for Preliminary Review.

The *DRB* chair or the *DRB's AC* will contact you (or your designee) to let you know if the *DRB* needs additional information and will confirm any such request in writing.

### b. Community Notice and Comment

*Community Notice* is a process intended to collect information which the *DRB* will use in its deliberations. *AMV's PMC* will send notice to all *AMV* property owners and allow them two weeks to submit written comments about your proposed project (see section VI for a full definition of the *Community Notice and Comment* procedure). The *PMC* will forward all comments to the *DRB*. The *DRB* will ensure that written comments from *AMV* property owners will receive written responses.

If the *DRB* determines that community members have raised significant concerns during the comment process, the *DRB's AC* will reach out to you (or your designee) to discuss those concerns.

Interested/concerned community members can request further notifications related to your proposal as it is processed by the *DRB* and during meetings at which the proposal is discussed, regardless of whether, or not, they submitted written comments.

### c. Possible *DRB* Request for Additional Information

After you submit your Final Review Packet and fee, the *DRB's* chair or *AC* will contact you (or your designee) to let you know if the *DRB* needs additional information and will confirm any such request in writing.

### d. Site Visit

The *DRB's* chair or *AC* will contact you (or your designee) to arrange a date and time for a Final Review site visit, which ordinarily takes place at the end of the *Community Comment* period. At least one *DRB* member will attend the site visit.<sup>xviii</sup> If community members have raised concerns, the *DRB* may request that you allow them to participate in the site visit.



#### e. *DRB* Discussion and Feedback

Typically, the *DRB* will discuss your project at their next scheduled meeting. You are welcome to attend the *DRB* meeting at which your project will be reviewed (as are interested community members), to address *DRB* questions or to provide additional information to the *DRB* about your project. Contact the *DRB*'s chair or *AC* to arrange for your attendance.

After discussion, the *DRB* will provide written comments to you, or your designee. If issues or concerns are identified, the *DRB* encourages you and your architect or builder to discuss those concerns with the *DRB* chair or *AC*. Where possible, the *DRB* will formally approve any *variance* requested. (The project, in its entirety, will not be approved by the *DRB* until Final Review (see Section 2, immediately below).

You should not apply for Eagle County permitting until you have paid the refundable Compliance and Damage Deposits and the *DRB* has issued a Certificate of Approval, following Final Review.

### 2. *Final Review*

The purpose of Final Plan Review is to review the construction documents and site plan for conformance with the *Covenants* and *Guidelines*. During the Final Review, you must address any concerns identified by the *DRB* during the Preliminary Design review.

#### a. Your Request for *DRB* Approval

Email a written request for Final Review of your project to *AMV*'s *PMC* and pay the scheduled fee (see section I.E.), then forward your Final Review package to the *DRB* or provide a link to electronic files posted online. Hard copies may be requested. The specific requirements for your Final Review package are in section V.B.

If the plans for your project, or the consultants you are using, have changed since your Preliminary Review submission, be sure to update the detailed description of your project and your consultant list when you submit them for final review. Remember to specifically identify and request any *Variances* that you need (that have not already been approved) to complete your project as planned.

Before you submit your project for Final Review, your site staking should be updated if necessary, and story poles should be erected. Any trees to be removed and/or protected must be properly tagged on site at this time.

#### b. Possible *DRB* Request for Additional Information

After you submit the Final Review packet and fee, the *DRB*'s chair or *AC* will contact you (or your designee) to let you know if the *DRB* needs additional information and will confirm any such request in writing.

#### c. Community Notice and Comment

*AMV*'s property management company will send notice to the *AMV* property owners who have expressed an interest in being notified and give them two weeks to submit additional written comments about the final proposed project (see section VI for a full definition of the *Community Notice and Comment* procedure). The *PMC* will forward all comments to the *DRB*.

If the *DRB* determines that community members have raised significant concerns during the comment process, the *DRB's* chair or *AC* will reach out to you (or your designee) to discuss those concerns.

Interested/concerned community members can attend meetings at which the proposal is discussed, regardless of whether, or not, they submitted written comments.

#### d. Site Visit

The *DRB* or their *AC* will contact you (or your designee) to arrange a date and time for a Final Review site visit, which ordinarily takes place at the end of the Community Comment period.<sup>xix</sup> If community member's concerns are raised, the *DRB* may request that you allow them to participate in the site visit.

#### e. *DRB* Decision

The *DRB* typically will consider the proposed Major Project at the next scheduled *DRB* meeting. Occasionally, such as when significant comments are received very close to the meeting date, consideration of the project may be postponed until a future meeting. The *DRB* chair or *AC* will let you know the meeting date when your project will be reviewed.

You are encouraged to attend the *DRB* meeting at which your project will be considered, to address community comments or *DRB* questions, or to provide additional information to the *DRB* about your project. Contact the *DRB's* chair or *AC* to arrange for your attendance. Interested community members may also be in attendance.

After discussion, if the *DRB* determines that significant issues of compliance with the *Covenants* or the *Guidelines* remain, the *DRB* chair or *AC* will contact you/your designee to discuss those issues. Otherwise, the *DRB* may approve or reject the project with or without conditions.

If your project is approved, the *DRB's* chair or *AC* will notify you and *AMV's* *PMC*, via email, that the *DRB* will issue a Certificate of *DRB* Approval once you pay the Damage and Compliance Deposits (see section I.E.).

## **D. What Happens after the *DRB* Approves My Project?**

### *1. Payment of Deposit and *DRB* Certificate of Approval*

If your project is approved, the *DRB's* chair or *AC* will notify you and *AMV's* *PMC*. The *DRB* will issue a Certificate of *DRB* Approval after you pay the Damage and Compliance Deposits (see section I.E.). If the *DRB* includes Conditions of Approval on the Certificate of Approval, you must sign and return a copy of the certificate to the *AMV* property management company before proceeding with any work on your project.

### *2. Pre-Construction Conference*

Your general contractor must meet with the *DRB's* chair, *DRB* member or *AC* to review the approved Final Plans and Construction Management Plan.

### *3. Compliance with Construction Management Plan*

All construction activity must take place within the areas designated for disturbance under the Construction Management Site Plan approved by the *DRB* during Final Review of your project, and

fencing must be installed as indicated in the approved plan, prior to start of site grubbing and excavation.

#### *4. Delivery of Materials and Staging*

Building materials may be delivered directly to the construction site via existing roads and approved driveways and driveway easements. Construction staging, storage of building materials, and all construction vehicle parking shall take place only within the approved extent of lot's area to be disturbed during construction. Debris/trash must also be confined to the fenced construction area and must be cleaned up at the end of each day and completely removed at the end of the construction period.

#### *5. Completing Your Project after Approval*

After your project is approved, you must complete it as promptly as possible, in conformity with the approved description and plans.

If you fail to complete your project within one year from the date of the *DRB's* written approval, you need to request an extension explaining the reasons for the delay and the circumstances that justify an extension for completing the work. If approved, the *DRB* will issue a Notice of Additional Time to Complete. If you fail to complete your project within one year from the date of written approval, and fail to obtain an extension, the *DRB* Certificate of Approval is automatically revoked, and the *DRB* can demand that you return the property to the state it was in before approval of the project.

Your compliance deposit may be withheld if construction is not fully completed (in compliance with the *DRB*-approved plans).

#### *6. Construction Inspections*

The *DRB*, or its *AC*, may check your construction at any time to ensure compliance with the approved final plan documents.<sup>xx</sup> The following stages of building must be reviewed and approved in writing by a *DRB* member or the *DRB's AC*:

- a. Connection to the *AMV* water system.
- b. Poured foundation (for compliance with approved design and plans).
- c. Building has achieved dry-in (for compliance with approved design and plans).
- d. The final *DRB* Certificate of Compliance must be requested and received **before** you request a Certificate of Occupancy from Eagle County.

The *DRB* may report any noncompliance with the approved plans or construction management plan to the *AMV BOD* for possible fines and enforcement action.

Following the final inspection (before you request the Eagle County Certificate of Occupancy), the *DRB* will determine whether the Damage and Compliance deposits will be returned or withheld and notify you in writing of any conditions for return of deposits. Depending on the nature of any noncompliance, the *DRB* may issue a Temporary Certificate of Compliance, noting the steps that you must take to obtain an unconditional Certificate of Compliance. The *PMC* will issue your Certificate of Compliance and return your deposit when all conditions for return of the Compliance deposit have been met.

### 7. *Changes to Approved Design during Construction*

Before implementing any changes, you or your designee must send an email to the AMV property management company, along with the required fee (see section I.E.) notifying the *DRB* in writing of any proposed changes to the approved final plans and requesting *DRB* approval. Submit a detailed description and updated plans with your *Request for DRB Approval*.

Allow sufficient time for *DRB* review and consultation when making significant changes. If significant proposed changes may have an adverse impact on the community, the *DRB* will require *Community Notice and Comment* for affected community members.

When the proposed changes are significant, the *DRB* may impose a change review fee (see section I.E.).

When the proposed changes are minor, the *DRB* will make every effort to review and approve or deny minor proposed changes via email as quickly as possible. The *PMC* will send you a Certificate of Approval if the *DRB* approves the change.

The AMV *DRB* and *BOD* may impose fines if changes are made without *DRB* approval, and you may be required to correct the situation to comply with approved plans, at your expense.

## III. **SUMMARY of DOCUMENTS REQUIRED by the *DRB***

What Do I Have to Submit to the *DRB* When Requesting Approval?

Your submission to the *DRB* generally will include:

- a. The submission checklist, including certification that staking has been completed -- for *Minor Projects* and *Major Projects*.
- b. Documentation of any approved *variance*, such as building envelope or setback or building heights, or a formal request for a *variance*.
- c. A short, detailed description of your project.
- d. A professional consultants list – for *Major Projects* and, where applicable, *Minor Projects*.
- e. Plans for the project. For *Small Changes* and *Minor Projects*, the types of plans required to be submitted will depend on the nature and scope of the project. For *Major Projects*, the required plans are specified below and the Checklists section V. Images of exterior fixtures, colors, samples of materials, etc.
- f. Plans for your project should be provided electronically via PDF files indicating the content of the file(s), the date the submitted materials were finalized, the property address, and the lot number and subdivision of the property. The *DRB* will review the electronic submission for thoroughness and will notify you of any missing information or request revisions prior to requesting the printed and wet stamped submission.
- g. The specific documents that must be submitted for *Major Project* Preliminary Review and Final Review are set forth in section III, below, and summarized on the Checklists included with this *Handbook*. If you are proposing a *Minor Project*, you should review the checklist for *Major Project* Final Review to see which documents are relevant to your project and, thus, are likely to be required by the *DRB*.

## A. Preliminary Review Submission Requirements

The *DRB* will review Preliminary Review submissions that contain enough information to provide well-informed feedback. Submissions should be sent electronically as PDF files indicating the content of the file(s), the date the submitted materials were finalized, the property address, and the lot number and subdivision of the property. To ensure that our feedback is well-informed, we recommend that your submission include the following items:

- a. Completed Preliminary **Review Checklist** (section V.A.):
- b. **Signed acknowledgement**, via Cover Letter/email, that you have read the *Design Guidelines Handbook*.
- c. **Site survey**: This wet stamped survey of existing topography and structures (if any) must be at a scale of 1" = 20' or larger. It should locate all property lines and easements. It should also show topographic contours at intervals of 2' or less and encompass an area including the building envelope or setbacks and 50' beyond the building envelope or setbacks, plus 20' on either side of the proposed driveway centerline. It should show all trees 4" caliper or larger within the surveyed area. It should also show any existing structures and indicate their finish floor elevations.
- d. **Proposed site plan sketch**: This sketch must be at a scale of 1" = 20' or larger. It should show building envelope/setbacks, all existing and proposed structures with proposed finish floor elevations, existing and proposed grading, driveway alignment, guest parking & turnaround areas, patios/outdoor spaces, and it should indicate any existing trees to be removed and any proposed planting areas. It should also show the area proposed for the septic field.
- e. **Floor plan sketches**: Indicate applicable building envelope or setbacks.
- f. **Exterior elevation sketches**: Indicate all proposed exterior materials. Indicate maximum allowable height above existing grade with a dashed line.

Site staking should be installed before you submit for Preliminary Review to allow for *DRB's* and community members' evaluation of the proposed design within the context of the surrounding vicinity. Stake property corners, building envelope, and major proposed building corners. Story poles may be requested by *DRB* during this phase.

## B. Final Review Submission Requirements

The purpose of Final Review is to review the construction documents and site plan for conformity with these *Guidelines* and the *Covenants* that apply to your property. Any Preliminary Review feedback must be addressed prior to, or during, the Final Review.

Submissions should be sent electronically via email with PDF files attached. The file names should indicate the content of the file(s), the date the submitted materials were finalized, the property address, and the lot number and subdivision of the property. For properties in the Sopris Mesa subdivision, three sets of printed drawings must also be submitted, as required by the *Covenants*.<sup>xxi</sup> For all other *AMV* properties, two sets of the printed drawings must be submitted.<sup>xxii</sup> The *DRB* will review the electronic submission for thoroughness and will notify you of any missing information or request revisions prior to requesting the printed and wet stamped submission.

- a. Completed **Final Plan Review Checklist** (section V.B.).
- b. **3D Model:** Three-dimensional representation shall be provided to the DRB. This may take the form of a physical massing model at a scale of 1" = 10' or larger, **or** a computer model rendered in SketchUp or similar computer program. Models should include representations of adjacent grades but need not be detailed in terms of finish materials or colors. If possible, provide access to computer model with "fly around" capability so that the DRB may view the structure(s) from any angle.
- c. **Site Plan:** This plan must be at a scale of 1" = 20' or larger. It must show the building envelop/setbacks, topographic contours at intervals of 2' or less, all existing and proposed structures with finish floor elevations, existing and finished grades, driveway alignment, parking/turnaround areas, patios and outdoor spaces, spas, water features, barbecues, fireplaces/firepits, fences, recreational vehicle storage, children's play structures, and entry gates/monuments. It should show any exterior mechanical equipment, including air conditioning condensers and/or solar panels. Drainage must be clearly indicated, including spot elevations, swales, flow paths, and area drains. It should indicate all finish patterns and materials of all hard surfaces. It must show the area where the septic field will be located, as well as all utility lines and meters including for water, gas, and electrical service. Reference elevation information must be indicated (see B.13. below).
- d. **Landscape Plan:** This plan must be at a scale of 1" = 20' or larger. It may be combined with the site plan. It should show all planting areas and identify all plant species. It should also show areas of re-vegetation and describe re-vegetation methods. It should provide irrigation the total square footage of irrigation. Temporary irrigation should be indicated where required to re-vegetate or establish new planting. It should indicate location of landscape lighting fixtures. The landscape plan should include plans for screening recreational vehicle storage, children's play equipment, trash containers, etc. (see section IV.A.).
- e. **Geotechnical Report:** This report will inform the design of the structural foundation system and septic design.
- f. **Engineered Septic Field Design:** Must meet Eagle County requirements, which are based on soil characteristics, number of bedrooms, etc.
- g. **Floor Plans and Roof Plan:** Plans must be at a scale of ¼" = 1' or larger. The floor plans must indicate finish floor elevations, locate utility meters not shown on site plan, and indicate locations of building-mounted exterior lighting fixtures. The roof plan must indicate all finish materials, chimney sizes and locations, drainage patterns, slope rates, and gutter/downspout/roof drain locations.
- h. **Exterior Elevations:** Elevation drawings must be at a scale of ¼" = 1' or larger. They must indicate all finish materials and finish floor elevations. Indicate maximum allowable roof height above proposed roofing.
- i. **Building Sections:** Building sections must be at a scale of ¼" = 1' or larger and should show finish floor elevations.
- j. **Exterior Door and Window Schedules:** This schedule must be clearly referenced to the floor plans and exterior elevations.

- k. **Architectural Details:** This consists of a full description, in terms of materials/sizes/methods of construction and at an enlarged scale, the architectural elements having significant visual and aesthetic impact on the exterior of the structure. Examples include door/window head/jamb/sill details, chimney cap details, timber details, eave/gutter details, assembly of specialized finish components, etc. All details must be clearly referenced to the floor/roof plans, elevations, and building sections. The *DRB* may require additional architectural details at its discretion.
- l. **Exterior Lighting:** Indicate fixture locations on lighting drawings, on site plan, on floor plans, and/or exterior elevations. Provide manufacturer's specification sheets or other proof that fixtures provide a full cut off (no glare) design and will only orient light downwards to ensure a dark sky environment.
- m. **Structural Plans:** These consist of structural plans prepared by a licensed structural engineer, including foundation plan, framing plans, and structural details. Reference elevation information should be indicated on foundation and framing plans and reference elevation must match that shown in the architectural plans.
- n. **Exterior Color and Material Samples:** Applicant must provide samples or representative images of all proposed exterior finish materials, including wall finishes (siding, stone, exterior plaster, specialized finish systems, etc.), roof finish materials, door/window trim materials, eave/soffit materials, gutter/downspout materials/configuration, beam/timber materials, and window/door cladding. All samples should be shown in the color/texture proposed. Stone samples or images must clearly illustrate the proposed pattern/lay-up as well as the stone type and. Where specialized and/or proprietary finish materials are to be used, applicant should provide the appropriate manufacturer's information.
- o. **Energy Efficiency:** Indicate Resource Conservation Strategies and passive solar design principles employed. Proposed solar thermal and/or solar photovoltaic or geothermal systems must be harmoniously integrated with the building and/or site. If panels are proposed, mounting angles and quantities must be properly represented on elevation drawings.
- p. **Construction Management Site Plan:** Indicate fencing to be installed around extent of site work to protect lot from unintended construction impacts. Indicate silt fencing as needed to prevent erosion runoff from site. Indicate locations for delivery and staging of materials, worker's vehicle parking, and construction trail office.
- q. **General Contractor's Letter:** Provide indication of proposed schedule of construction activities and major milestones.
- r. **Site Staking, Story Poles & Tree Tagging:** The corners of proposed primary structures must be staked for on-site review by the *DRB* prior to final approval. Story poles may be requested by *DRB* during this phase. Any trees to be removed and/or protected must be properly tagged on site at this time.

#### IV. DESIGN REVIEW GUIDELINES and STANDARDS

Design Guidelines address residential development at two levels:

**(A) Site Planning Guidelines** – apply to overall changes in the Building Envelope or Setbacks, and the driveway access corridor.

**(B) Architectural Guidelines** - apply to structures in the Building Envelope/Setbacks.

## **A. Site Planning Guidelines and Standards**

Every Lot at AMV has its own unique topography, features, and character. Whenever possible, these features should be preserved and reinforced by any level of construction or modification. The main objective is to integrate the proposed improvements to the site in a way that respects the natural features of the land. The following key elements of site development for each lot shall be addressed:

### *1. Building Envelopes, Setbacks, and Easements*

On each AMV lot, each home site has a defined building envelope or setbacks. The building envelopes and setbacks are defined on the maps for each subdivision within AMV and are, in most cases, provided in shapes and sizes that respect the terrain, view corridors, and adjacent lots. Some building envelopes and setbacks are recorded with the County, others are not. Easements are also recorded on the plat maps and may not be obstructed. The *DRB* will consider reasonable *Variance* proposals for alternate building locations only when required by circumstances or hardship (see section I.A.6.). An Applicant-Owner must show that the proposed location does not create a greater impact on community and roadways, and that there is a compelling reason which justifies an adjustment to the Building Envelope/ Setback configuration or location. If the building envelop/setback is recorded with Eagle County, an amended plat may be required prior to obtaining building permits (beware, this process may take many months).

### *2. Driveways/Access Roads*

Access driveways can have substantial impact on the site. Consequently, great care should be given to their planning and design. Alignment must be approved by the *DRB*. During Final Plan Review submission, each access road should address the following:

- a. Entirety of driveway alignment to be indicated on proposed site plan(s).
- b. Maximum grade of the driveway is recommended to be 8%, but shall not exceed 10%, per Eagle County requirement. Eagle County now also requires a gradient <3% for the first 30 ft from the roadway. Driveway grade cuts and fills shall not exceed 2:1.
- c. Cuts and fills are to be top soiled and revegetated with native plants. The maximum total vertical exposure of cuts and fills shall not exceed 6 ft.
- d. Driveway width **shall be** 12 ft of driving surface. This width is intended to provide for adequate snow storage and a passable driving lane in heavy snow winters, while not being excessively large. **Depending on driveway length, greater widths may be required by Eagle County and the Roaring Fork Fire Rescue for firetruck access. Only under such circumstances shall driveways exceed 12 ft width.**
- e. All efforts shall be made to minimize total impact of driveway construction.
- f. All surfacing materials are subject to approval by the *DRB*.



- g. Applicant shall demonstrate how drainage is to be managed so as not to negatively impact adjacent lots or common areas.
- h. Driveways shall have adequate road base (rock/gravel) prior to house construction to avoid “drag out” - tracking mud and debris onto paved county roads. Noncompliance may result in fines.
- i. In some cases, driveways have been cut to provide access to the building site. Where possible, such access should be utilized for the final driveway. Driveways jointly serving several lots are encouraged.
- j. Any driveway crossing a bar ditch shall have culverts a minimum of 18” to meet Eagle County standard.
- k. At least two off-street parking spaces are required for each single-family lot.

### 3. Grading

The intent and goal of *AMV Guidelines* is to preserve the natural existing topography and maintain the system of natural drainages, washes, irrigation ditches, and road structures. Any proposed changes should be carefully planned to minimize disruption to the existing ecosystem or alteration of the topography. The prescribed building envelopes/setbacks have generally been located to minimize grading and avoid impacting significant natural drainage networks. New improvements should conform to the following:

- a. Final Review Site Plan must indicate proper drainage design.
- b. No grading shall occur outside the building envelope/setbacks except for erosion repair, natural landscape repair, driveway construction, or other reasons unless approved by the *DRB*.
- c. Cuts and fills shall be no steeper than 2:1, and no more than 6 ft in total. Exceptions may be approved when utilizing properly designed site walls.
- d. All disturbed areas which are not graveled, shall be revegetated with appropriate, native plants.
- e. Major natural drainages that traverse lots shall be maintained in their original configuration. Eroding areas must be stabilized and revegetated. Existing irrigation ditches that traverse lots shall not be disturbed in any manner, except as approved by the *DRB*.
- f. No drainage improvements outside the building envelope/setbacks shall be constructed without prior *DRB* approval.

### 4. Utilities

Each owner shall be responsible for bringing utilities from existing connections to such owner's structure:

- a. All utilities shall be underground. All water lines shall be below frost line (buried at least six ft, or at four ft with insulation).
- b. All above ground appurtenances shall be as approved by the *DRB* and shall be appropriately screened from view. Satellite dishes shall be non-reflective.
- c. All septic systems shall be site-specific and meet all applicable Eagle County and State of Colorado standards.

- d. All connections to the water system must be approved, observed, and inspected by a representative of the *DRB*. Prior to connecting to the *AMV* water system, you must coordinate with the *HOA's* water administrator.
- e. *AMV* Water System is a gravity-based system using higher elevation water storage tanks fed by water wells to deliver a reticulated water service to the subdivision's homeowners. Due to the significant elevation change over the subdivision, the water system utilizes three pressure reduction valve installations, however, the water system pressures can still exceed 80 psi with working pressures of up to 150 psi. Homeowners should follow the Uniform Plumbing Code that requires the installation of a homeowner owned pressure reduction valve inside their home. Homes on Milburn Court and Green Meadow Drive are encouraged to install a second pressure reduction valve where their water line connects to the *AMV* water system or at their curb-stop water meter location.
- f. All owners must install exterior water meters upstream of any yard hydrants or other water using devices to ensure that all community water used on the property is metered. Water meter for new construction must be a curb-stop meter placed when the property is connected to the water system. The meter must be accessible for reading. The meter must be a physical displacement (PD) type meter. Either an oscillating piston or a rotating disk type of the PD meter is acceptable. The readout must be readable without special knowledge and must record usage in gallons. Regular monitoring by owners/residents is recommended to avoid over-use and associated charges resulting from leaking water systems.
- g. Meters must be installed when the water line is tapped. Water use will be metered during construction.
- h. A testable back-flow preventer is required for any connection to the water system, in addition to any backflow prevention device installed inside the home as required by the Uniform Plumbing Code. The back flow preventer must be installed at the point of connection to the *AMV* water system. A Reduced Pressure Principle Assembly (RP) type backflow preventer is preferred. Qualified assemblies can be found at the USC foundation for Cross-Connection control list of approved backflow assemblies. **Back Flow prevention device testing is required annually, at the homeowner's expense, and the homeowner is required to share the test results with the *HOA*.**
- i. Solar and geothermal systems are encouraged but must be integrated into the design of the house and the surrounding landscape. Non-reflective components are required.

### 5. *Planting*

Indigenous vegetation is one of *AMV's* amenities and an integral part of the natural ecosystem. The intent of the following *Guidelines* is to protect and enhance the existing landscape and vegetation. Preservation is paramount and improvements must respect existing vegetation types. More specifically:

- a. Xeriscape landscaping is strongly encouraged.
- b. *DRB* approval is required for removal of any vegetation outside the building envelope/setbacks, or access corridor and only for reasons of wildfire management,

landscape restoration, septic construction, wildlife enhancement, agricultural improvement, viewshed enhancement, utility construction, or the enhancement of trails.

- c. All disturbed areas resulting from septic systems or leach fields must be revegetated. Plans for revegetation must be submitted to the *DRB* for approval.
- d. Proposed landscape design shall be developed so that new vegetation is integral with the natural landscape and local plant communities. New planting shall complement existing plant communities and be located to extend existing vegetation edges or planted in natural looking groups.
- e. Owners are encouraged to utilize plants that require little water other than temporary irrigation for establishment.
- f. Planting in areas immediately adjacent to the house which are not visible from neighboring homes shall be relatively unrestricted and may include ornamental plants.
- g. Each Lot is limited to 4,000 ft<sup>2</sup> of irrigated area and each ranchette is limited to 10,000 ft<sup>2</sup> of irrigated area<sup>xxiii</sup>, except for the purpose of establishing vegetation. A much smaller irrigated area is strongly encouraged. A site plan indicating area to be irrigated must be presented to the *DRB*.

#### 6. *Lighting*

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from bright light sources so that all *AMV* residents can enjoy the night sky. All exterior lighting fixtures and locations must be approved by the *DRB* prior to installation.

- a. Lighting outside of the building envelope/setbacks, visible light sources, and exterior up lighting are prohibited. One low level light with a hidden source is allowed at each entry drive for the sole purpose of locating the entry and address identification.
- b. To retain a dark sky environment, all exterior lighting must be oriented inward and downward. Fixtures with bare light sources that can be seen from adjoining properties are not allowed. High intensity discharge lighting fixtures are prohibited.

#### 7. *Fencing*

To maintain the greatest level of preservation of the natural character, the *DRB* only permits the use of fences in accordance with the *Covenants*. If fencing is used, it must adhere to the following:

##### **For Lots:**

- a. Fencing should be limited to the enclosure of landscaped areas in the immediate vicinity of a residence and should be contained within the lot's approved building envelope/setbacks.
- b. Indicate on the site plan the extent of all fencing, as well as fence height and type of construction.
- c. No "Wildlife-proof" fences (any fence over 42" in height) shall be constructed that enclose an area greater than ½ acre.
- d. Dogs must be restricted to the lot. Fencing containment for dogs must be approved by the *DRB*. Dog-run-specific fencing is not to enclose more than 1000 ft<sup>2</sup>. The use of an invisible

fencing system is encouraged to comply with the *Covenants – 6.13 Restrictions on Animals*.

- e. Recreation Vehicle (RV) Storage: Campers, snowmobiles, boats, motor homes, etc., should be screened with landscape planting, fencing, earth berms, or a combination of these. Show areas for RV storage on proposed site plan and indicate method of screening.

**For Ranchettes:**

- a. Fencing for dogs or privacy should be limited to the enclosure of landscaped areas in the immediate vicinity of a residence and should be contained within the lot's approved building envelope/setbacks.
- b. Indicate on the site plan the extent of all fencing, as well as fence height and type of construction.
- c. No "Wildlife-proof" fences (any fence over 42" in height) shall be constructed that enclose an area greater than 1/2 acre.
- d. Fencing for horses shall occur on the property line unless otherwise approved by the DRB. Fencing shall be 42", 4 strands or less, with a 12" kick space between the top 2-strands. Any rail fencing to contain horses must be the split or round rail type, 48" 3-rail or fewer, with at least 18" between 2 of the rails.
- e. Horse fencing gates must be left open when horses are not present for ease of wildlife movement.
- f. Dogs must be restricted to the lot. Fencing containment for dogs must be approved by the DRB. Dog-run-specific fencing is not to enclose more than 1000 ft<sup>2</sup>. The use of an invisible fencing system is encouraged to comply with the *Covenants – 6.13 Restrictions on Animals*.
- g. Recreation Vehicle (RV) Storage: Campers, snowmobiles, boats, motor homes, etc., must not be visible from the adjacent road. R.V.s should be screened with landscape planting, fencing, earth berms, or a combination of these. Show areas for RV storage on proposed site plan and indicate method of screening.

**8. Signage**

To minimize visual impacts within AMV, large permanent signage "statements" are prohibited.

- a. Signage is typically only permitted for the address at the driveway/road intersection and shall be subject to approval by the DRB. Maximum allowable text area shall be 2 ft<sup>2</sup>.
- b. Temporary signage to direct construction traffic to construction sites is recommended.
- c. Advertising houses or lots for sale or rent is restricted to one sign, at the lot.

**9. Wildfire Management.**

The following guidelines are intended to minimize any increase in potential wildfire occurrences:

- a. Roofs must be made from fire resistant/retarding materials.
- b. Parking areas must be kept free of tall grasses and other combustible materials. Within 30 ft of all structures, existing trees, shrubs and brush should be thinned to minimize fuel.
- c. Branches of trees within 10 ft of the defensible space shall be pruned, and ladder fuels removed beneath large trees.

- d. Branches that extend over roof eaves shall be pruned and removed within 15 ft of all chimneys.
- e. All slash and debris from thinning must be removed from the property.
- f. Dead limbs and ground litter shall be removed from the defensible area.
- g. Firewood shall be stacked 15 ft uphill from the home.
- h. Roofs and gutters shall be maintained free of combustible debris.

#### *10. Air Quality Management.*

The following guidelines are intended to minimize air pollution:

- a. No interior open-hearth solid fuel burning devices/fireplaces are allowed.
- b. Exterior fires are limited to barbecues and outside fireplaces contained within facilities or receptacles to be approved by the *DRB*.
- c. Natural gas or propane burning fireplaces/appliances are allowed, but owing to greenhouse gas emissions, all electric is encouraged.
- d. Dwelling unit may have no more than one wood-burning stove as defined by Colorado Revised Statutes Section 25-7-401 and related regulations.

#### *11. Repair of Damage to Common Area or Utilities*

AMV property owners share many common resources, including, but not limited to, Common Areas, Common Facilities, Common Drives and Common Utilities. If construction causes damage to any common area or facility, and the owner fails to repair such damage in a timely manner, or does so in an unsatisfactory manner, the *HOA* may repair it and bill the owner for the cost of the repairs.

#### *12. Water Features*

Proposed water features must utilize a recirculating system and be approved by the *DRB*.

#### *13. Ornamentation and Outdoor Sculpture*

Lawn ornaments and sculptures are permitted within the building envelope/setbacks shown on the final plat. All such lawn ornaments and sculptures must be tastefully done and limited in nature. Shiny objects are prohibited. Landscape lighting associated of such objects require permitting by special review. All proposed lawn ornaments and sculptures must be identified in plan, detailed in photos or drawings, and submitted for *DRB* review.

#### *14. Flagpoles*

Flags and flagpoles are regulated by the Colorado Common Interest Ownership Act (CCIOA) and require *DRB* approval. Free standing flag poles and roof mounting are discouraged.

#### *15. Play Structures*

Playground equipment is permitted, but must be approved by the *DRB*, sited in the least visible location, within the building envelope/setbacks, and screened from view of other homes in the subdivision. The equipment should be made of either wood left to weather naturally or stained a subdued earth color to blend with the natural terrain. Basketball backboards shall be located either on the building or on a separate support minimizing visual impact. Play structures and backboards to be approved by the *DRB* prior to installation.

**NOTE:** Whenever the terms “screen”, “screening” or “screening from view” is required under these *Guidelines* or by the Association’s *Master Declaration of Protective Covenants*, the owner is responsible to ensure that the object(s) being screened are out of view of the adjacent streets within *AMV*. The *DRB* may approve the form of screening (e.g., fence or landscape), but it is the owner’s obligation to ensure that the form of screening approved will always be adequate to meet the above-referenced standard of the screened object(s) not being visible from adjacent streets within *AMV*.

## **B. Architectural Guidelines and Standards**

Aspen, Mountain View seeks to develop a residential community that is aesthetically varied and unique while retaining the inherent beauty and rural character of the area. Within that context, the *DRB* recognizes the value of providing an environment where an applicant may reside in a home that best suits their individual needs and taste. Therefore, the *DRB* does not promote or discourage a particular architectural style. The standards set forth below are intended to allow maximum flexibility in design while minimizing each home’s visual and environmental impact on its site and on neighboring homes.

### *1. Building Form and Massing*

The residence structure shall have a minimum living floor area of 1,600 ft<sup>2</sup> for Oak Ridge I and Sopris Mesa lots and 1,800 ft<sup>2</sup> for Oak Ridge II, Oak Ridge III and The Summit lots, exclusive of garages, porches, patios, and accessory structures. A two-car garage is the minimum required for each single-family lot.

Building massing should follow the natural contours of the site, with care given to minimizing impact on neighboring homes. Large, unarticulated masses, or masses that appear to “float” above the land, are discouraged.

Maximum building height may not exceed 27 ft (less if specified on the recorded Plat). This height limit is measured vertically from any point of the existing natural grade adjacent to the structure, up to the highest point of the roof. This is more restrictive than Eagle County regulations.

Detached buildings such as garages, studios, sheds, and other outbuildings shall be placed close to the main structure, within the building envelope/setbacks, have the same architectural materials and treatment as the main structure, and must be wood framed construction on a permanent foundation, or equivalent.

Ranchettes are allowed a barn or similar improvement structure as customarily incident to the keeping of horses, including hay storage site, fencing to protect the hay from poaching by wildlife, and other improvements, such as corals. Any detached structures are to have a material relationship to the main home. Barns are encouraged in the building envelope/setbacks, but due to the nature of their function, the *DRB* will review barn construction outside the building envelope/setbacks on a case-by-case basis.

Trash/recycling containers must be stored inside a building or enclosed by screened fencing. Utility meters must be screened, but readily accessible to utility company employees.

Playground equipment shall be installed within the building envelope/setbacks in the least visible location.

## *2. Roof Design*

Variation in roof configuration is encouraged. Sloping, gabled, flat, and curving roofs are all permitted, provided they harmonize with the rest of the design. Roof configurations capable of supporting solar installations are encouraged.

## *3. Doors, Windows, and Other Openings*

These should be arranged to provide visual interest, integrate well with other elements of the home, and minimize large expanses of unbroken walls.

## *4. Finish Materials and Colors*

Finishes must harmonize with the surrounding environment and building design in terms of arrangement, texture, and color. A minimum of two primary finish materials is encouraged. All roofing materials and assemblies shall be Class A for wildfire, and may include high-profile composition shingles, membrane and ballasted flat roofing, and copper or other metal roofing. Bright or vivid colors, and reflective materials are not permitted. Materials such as copper or other metals that require “weathering” or other treatment to become non-reflective must be pre-treated to be non-reflective when installed. Chimney terminations, vents, grilles, roof jacks and other external evidence of internal mechanical systems must be treated to integrate with the design. Mechanical equipment must be screened or located out of the view of adjacent streets and homes.

## *5. Resource Conservation*

All homes in AMV are encouraged to be designed and constructed in accordance with the latest green building and energy conservation standards. Use of solar systems is strongly encouraged, ideally integrated into the design of roofs and/or walls. Proposed design drawings should accurately reflect the proposed angles of solar thermal and photovoltaic panel installations. Solar panels must be located within the building envelope/setbacks. Consideration should be given to minimizing north-facing glazing and to earth berming along the north side of structures, as well as other energy conserving techniques. On-demand recirculating hot water systems are recommended to avoid wasting water.

# **V. DESIGN REVIEW SUBMISSION Checklists**

(Please note: the Submission Checklists are to assist you in filing complete applications for DRB review. Please refer to full *Handbook* throughout your design process.)

**A. PRELIMINARY REVIEW CHECKLIST FOR MAJOR PROJECTS****AMV DRB Application #:** \_\_\_\_\_**SUBDIVISION:** \_\_\_\_\_ **LOT #** \_\_\_\_\_**STREET ADDRESS:** \_\_\_\_\_**OWNER(S):** \_\_\_\_\_

**The DRB will review Preliminary Review submissions that contain enough information for the DRB to provide well-informed feedback. This checklist should be completed by the Applicant-Owner or their representative. To ensure that our feedback is well-informed, we recommend that your submission include the following items:**

1. ☐ Electronic file of the submission: PDF format, files appropriately named, submitted via email or via link online.
2. ☐ Preliminary Design Review Fee.
3. ☐ Completed Checklist. Please clearly mark as N/A any items that you believe are not applicable.
4. ☐ Signed acknowledgement via email/cover letter of having read the *Handbook*, including the *Design Guidelines*.
5. ☐ Consultant List to date.
6. ☐ Topographic site survey.
7. ☐ Site Plan sketch including:
  - ☐ Driveway, proposed grading, outdoor spaces, tree removal, finished floor elevations.
  - ☐ Confirm buildings are within Building Envelope or setbacks.
  - ☐ Driveway - maximum 10% grade (Eagle County may have different standards).
  - ☐ Driveway –12’0” width driving surface (more allowed if required by Eagle County).
  - ☐ Driveway - cut/fill - 2:1 maximum slope.
  - ☐ Driveway - cut/fill - maximum 6’0” change from existing grade.
  - ☐ Driveway - proposed surfacing material.



☐ Driveway - confirm visual impact is minimized for adjacent owners and common areas.

☐ Grading - preserve natural topography & drainage, all grading is within building envelope.

☐ Revegetation planned at all disturbed areas per drawing notation.

☐ Indication of trees to be removed and proposed planting areas.

☐ Location of Septic System.

8. ☐ Floor Plan sketches.

9. ☐ Exterior Elevation sketches, including:

☐ Line of Maximum Allowable Height from existing grade.

☐ Indicate likely Exterior Materials.

10. ☐ Site Staking installed on site. Story Poles may be optionally requested.

**B. FINAL REVIEW CHECKLIST FOR MINOR AND MAJOR PROJECTS:****AMV DRB Application #:**\_\_\_\_\_**SUBDIVISION:**\_\_\_\_\_ **LOT #**\_\_\_\_\_**STREET ADDRESS:**\_\_\_\_\_**OWNER(S):**\_\_\_\_\_

This checklist should be completed by the Applicant-Owner or their representative. For Minor Projects, clearly mark as N/A any items you believe are not applicable to your project.

1. ☐ Electronic file of the submission: PDF format emailed or posted online with link. Submit electronically prior to printing hard paper copies so DRB can review for thoroughness and notify applicant of any missing requirements or requested revisions.

2. ☐ Final Plan Review Fee.

3. ☐ Completed Checklist (all below items).

4. ☐ Two (2) sets 24"x36" paper copy of all below submissions. (Three (3) sets for Sopris Mesa properties.)

☐ Architect's wet stamp and signature on 24"x36" sets.

☐ Landscape Architect's wet stamp and signature on 24"x36" sets, or equivalent.

☐ Structural Engineer's wet stamp and signature on 24"x36" sets.

5. ☐ Site Plan.

☐ Topographic site survey.

☐ Contour intervals at 2'0" or less.

☐ Existing and Proposed grading is indicated within building envelope.

☐ Indicate reference elevations.

☐ Driveway <10%, 12 ft wide, shoulders not more than 2:1, max 6 ft cut/fill; impact is minimized.

☐ Min. 2 guest car parking spots & turnaround areas provided.

☐ Patios and Outdoor Spaces – size and materials.

- ☐ BBQ & Fire Pit structures indicated.
  - ☐ Entry gates or monuments indicated.
  - ☐ Exterior Mechanical Equipment screened/shielded.
  - ☐ Utility Line locations indicated.
  - ☐ Utilities are underground and within easement unless approved.
  - ☐ Exterior water meter location indicated.
  - ☐ If fencing is compliant with Guidelines.
  - ☐ Address marker signage text area is less than 2 ft<sup>2</sup>.
  - ☐ Location of any Ornamentation, Water Feature, Outdoor Sculpture, Flags, or Play Structures.
6. ☐ Landscape Plan. (May be combined with the Site Plan drawing.)
- ☐ Disturbed areas will be revegetated, per provided notation.
  - ☐ Plant Species appropriate to the site are proposed.
  - ☐ Area of temporary, establishment irrigation and maximum 4,000 ft<sup>2</sup> permanent irrigation.
  - ☐ Any water features is recirculating and doesn't use central water system.
  - ☐ Landscape Design accounts for required wildfire management as per guidelines.
7. ☐ Geotechnical report.
8. ☐ Engineered Septic Design.
9. ☐ Floor Plans.
- ☐ Livable floor area is >1,600 ft<sup>2</sup> for Oak Ridge I and Sopris Mesa lots, and 1,800 ft<sup>2</sup> for Oak Ridge II, Oak Ridge III and The Summit lots.
  - ☐ Minimum 2-car garage is provided.
  - ☐ Maximum 1 compliant, wood-burning stove.

☐ Roof Plan indicates Materials, Chimney size, and drainage system.

☐ Roofing material is Class A for fire mitigation.

10. ☐ Exterior Elevations.

☐ Elevations are varied and articulated.

☐ Roof has variations and harmonizes with surroundings.

☐ Building Form and Massing follows natural contours, minimizes impact to surroundings.

☐ Doors & Windows integrate with home, minimize unbroken walls, and provide visual interest.

☐ Reference elevation information on plans, elevations, sections.

11. ☐ Building Sections.

12. ☐ Exterior door and window schedules.

13. ☐ Architectural details.

14. ☐ Exterior lighting locations indicated on lighting drawings, on site plans, floor plans, and/or exterior elevations.

☐ Exterior building mounted & landscape lighting fixture specifications submitted to indicate wattage & design of fixture that provides a full cut off (no glare) design with inward and downward light orientation.

☐ No exterior lighting outside Building Envelope. (Exception: one concealed at entry drive / address marker.)

15. ☐ Structural plans and details.

16. ☐ 3 Model images of physical or computer model, preferably with fly around capability.

17. ☐ Exterior Color and Material Samples.

☐ Finish materials & colors harmonize with surroundings.

☐ Copper & other metals are non-reflective or treated prior to use.

☐ Chimneys, vents, grills, etc. will be finished to integrate with the design.

18. ☐ Resource Conservation strategies are part of this design. Passive solar design principles are utilized.

☐ Solar Thermal system is proposed to be harmoniously integrated with the building, with panel mount angles indicated.

☐ Solar Photovoltaic system is proposed to be harmoniously integrated with the building, with panel mount angles indicated.

19. ☐ Construction Management Site Plan is provided and indicates:

☐ Construction Management Fencing around extent of site work.

☐ Silt fencing as needed to prevent runoff from site.

☐ Locations for Delivery and Staging of construction materials, worker's vehicle parking, and construction trailer office.

20. ☐ General Contractor's letter indicates Construction Schedule and confirms that no pets or firearms are allowed on construction site. Letter to verify that Builder's Risk Insurance is secured by Contractor or Owner.

21. ☐ Site Staking installed on site. Trees tagged for removal. Story Poles may be optionally requested by DRB.

## VI. GLOSSARY OF TERMS AND ACRONYMS

**AMV** – Aspen, Mountain View, A Rural Community, Eagle County, Colorado.

**AC** – Design Review Board’s Architectural Consultant.

**BOD** – Board of Directors (the Board of Directors of the Aspen, Mountain View Homeowners’ Association).

**Covenants** – the Covenants include:

- a. the “Master Declaration of Protective Covenants” for the Residential Areas of Aspen, Mountain View, A Rural Community, Eagle County, Colorado  
[\[https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/aspen-mountain-view-declaration-of-protective-covenants.pdf\]](https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/aspen-mountain-view-declaration-of-protective-covenants.pdf), and
- b. depending on the location of the property at issue:
  - i. First Supplemental Declaration for Aspen, Mountain View, Oak Ridge I, Eagle County, Colorado, currently posted at  
[\[https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/oak-ridge1-supl-decls.pdf\]](https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/oak-ridge1-supl-decls.pdf),
  - ii. First Supplemental Declaration for Aspen, Mountain View, Oak Ridge II, Eagle County, Colorado, currently posted at  
[\[https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/oak-ridge2-supl-decls.pdf\]](https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/oak-ridge2-supl-decls.pdf),
  - iii. First Supplemental Declaration for Aspen, Mountain View, The Summit and Oak Ridge III, Filing No. 3, Eagle County, Colorado, currently posted at  
[\[https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/oak-ridge-3-supl-decls.pdf\]](https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/oak-ridge-3-supl-decls.pdf),
  - iv. Declaration of Protective Covenants for Sopris Mesa Subdivision, Eagle County, Colorado, a Portion of Aspen, Mountain View, currently posted at  
[\[https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/sopris-mesa-sub-div-decls.pdf\]](https://www.smprop.com/userfiles/files/Aspen%20Mtn%20View/Governing%20Docs/sopris-mesa-sub-div-decls.pdf).

**DRB** – Design Review Board of the Aspen, Mountain View Homeowners’ Association.

**Guidelines** – Design Review *Guidelines* - Written *Guidelines* promulgated by the *DRB* pursuant to the *Covenants*. The Design Review *Guidelines* and *Standards* are contained in Section IV of this *Handbook*.

**HOA** –The Aspen, Mountain View Homeowners’ Association.

**Major Project:** New construction of a home, barn, or other structure (including a stand-alone solar array), and any addition to, or major renovation of, the exterior of an existing structure, which exceeds 599 ft<sup>2</sup> in size.

**Minor Project:** A change or improvement that will require a *Variance* or will have an impact on other AMV owner(s) but doesn’t qualify as a *Major Project* (see below). Among other things, *Minor Projects* include new construction (fences, sheds, greenhouses, barns, etc.), additions of less than 600 ft<sup>2</sup>, and solar panel installations that change roof angles or height.

**Community Notice and Comment:** *Community Notice* is a process intended to gather information for the *DRB* to use in its deliberations. For *Minor* and *Major Projects*, the *AMV* property management company will send notice to all *AMV* property owners, describing a project and allowing them a specified period to submit written comments to the *DRB*. The comment period is 2 weeks. For *Major Projects*, notice and an opportunity to comment is provided at both Preliminary and Final Review for those who ask to be informed.

The *DRB* or its *AC* may contact you, or your designee, to discuss community member comments. The *DRB* may also request that you allow community members to participate in the *DRB* site visit to gain a better understanding of your project and to share their ideas or concerns, or that you meet with the *DRB's AC* and the community members who have concerns about your project.

The *DRB* will review and consider all comments submitted to them. Comments that relate to the requirements of the *Covenants* and the *Guidelines*, will be given particular attention in deciding whether to approve your project. However, the *DRB* alone will make all final decisions about how your project complies with the *Covenants* and *Guidelines* and, thus, can be approved.

**PMC** - Property Management Company (current: Silver Mountain Properties, Inc)

**Request for DRB Approval:** A specific, written request by the owner of a property located in Aspen, Mountain View, seeking the *DRB's* approval of a change to the existing state of the owner's property, submitted with the required fee and supporting items.

**Small Change:** A change or improvement that (a) fully complies with the *Covenants* (no *Variance* needed) and (b) will have no negative impact on other *AMV* owners and (c) does not involve construction requiring an Eagle County permit. A project that requires a *Variance* cannot be approved as a *Small Change* and will have to be considered as a *Minor* or *Major Project*.

**Variance:** Permission for noncompliance with (a) a *Covenant* applicable to the property or (b) a *Guideline* or Procedure established by the *DRB*. A *Variance* must be approved in writing by the *DRB* via the *PMC*. It may also trigger Eagle County oversight.

## VII. ENDNOTES

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<sup>i</sup> See Master Declaration 8.1.

<sup>ii</sup> See Master Declaration sections 7.1 and 7.2, Sopris Mesa Supplemental Declaration section 6.2. The *DRB* must apply and enforce the *Covenants* that apply to each property in Aspen, Mountain View, as well as the Design *Guidelines* that the *DRB* uses to carry out the purposes of the *Covenants*. (See Section VI for a definition of the *Covenants* that may apply to your property, all of which are available on the AMV website. [INSERT URL]). In the event of a conflict between the *Covenants* and the *Guidelines*, the *Covenants* control.

<sup>iii</sup> See Master Declaration section 2.1., Sopris Mesa Supplemental Declarations section 6.5.

<sup>iv</sup> See Sopris Mesa Supplemental Declarations section 6.2; Master Declaration section 8.2.

<sup>v</sup> In general, all changes to the existing state of the property must be contained within the building envelope for the lot or ranchette. See Master Declaration section 5.1. and Sopris Mesa Supplemental Declaration section 4.1. Oakridge I and II, landscaping, access drives and fencing of landscaped areas may be located outside the building envelope. See Master Declaration section 5.1. and 6.11. In Sopris Mesa, landscaping and fencing must be inside the building envelope. See Wildlife Mitigation Agreement for Sopris Mesa section 2.0, Attachment B to the Sopris Mesa Supplemental Declaration. Lots in Oakridge III and the Summit have building setbacks but do not have building envelopes.

<sup>vi</sup> See Master Declaration section 6.18, Sopris Mesa Supplemental Declarations section 6.4.

<sup>vii</sup> See Master Declaration section 8.4 and Sopris Mesa Supplemental Declaration section 6.10.

<sup>viii</sup> Under the Master Declaration of *Covenants* for AMV, section 7.1, *DRB* approval is required for any Change in the Existing State of the Property, which “shall mean and include, without limitation, the construction of any building, structure or other improvement, including, without limitation, fencing and utility facilities, the excavation, filling, or similar disturbance of the surface of land including, without limitation, the change of grade, stream bed, ground level or drainage pattern, the clearing, marring, defacing or damaging of trees, plants, shrubs, or other growing things, the landscaping or planting of trees, shrubs, lawns, or plants, or any change or alteration, including without limitation, any use or change of color, texture or exterior appearance, of any previously approved Change in the Existing State of Property.” In addition, the Declaration of Protective *Covenants* for Sopris Mesa, section 6.2., specifies that *DRB* approval is required all “improvements of any kind, including but not limited to, dwelling units, greenhouses, garages. Tool sheds. Work areas, fences, driveways, towers, antennae, satellite dishes, kennels, exterior lighting, corrals, flagpoles, curbs and walks ...[and]the finished exterior material and color of [any]...roof”.

<sup>ix</sup> See Sopris Mesa Supplemental Declaration section 6.3.

<sup>x</sup> See Master Declaration section 7.4 and Sopris Mesa Supplemental Declaration section 6.9.

<sup>xi</sup> See Sopris Mesa Supplemental Declaration section 6.8. and 6.9.



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- xii *See* Master Declaration section 7.4.
- xiii *See* Master Declaration section 7.4 and Sopris Mesa Supplemental Declaration section 6.9.
- xiv *See* Master Declaration section 7.4 and Sopris Mesa Supplemental Declaration section 6.9.
- xv *See* Master Declaration section 7.4.
- xvi *See* Master Declaration section 7.4.
- xvii *See* Sopris Mesa Supplemental Declaration section 6.8.
- xviii *See* Master Declaration section 7.4.
- xix *See* Master Declaration section 7.4.
- xx *See* Master Declaration section 7.5.
- xxi *See* Sopris Mesa Supplemental Declaration section 6.2.
- xxii *See* Master Declaration section 7.4.
- xxiii *See* Master Declaration section 6.19.