

[PROPOSED] SPOA Policy 2023-1 relating to applications for ACC approval of construction.

WHEREAS, Article V of the Stagecoach Declaration of Covenants, Conditions and Restrictions ("Stagecoach Covenants") provides that, "No building, fence, wall, swimming pool, or other structure, shall be commenced, erected, or maintained ... until the plans and specifications showing the nature, kind, shape, height, material and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an Architectural Committee comprised of three (3) or more representatives appointed by the Board;" and

WHEREAS, Article V also provides that, "In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with;" and

WHEREAS, there has been confusion as to what constitutes submission of plans and specifications sufficient to trigger the start of the thirty-day review deadline specified in Article V; and

WHEREAS, the Association has previously adopted Policy 2019-3, which provides a procedure for Informal Review of plans and specifications; and

WHEREAS, Policy 2019-3 does not specify who must sign an application for Informal Review; and

WHEREAS, there are a number of "Lots" subject to the Stagecoach Covenants that are also subject to a separate set of covenants and restrictions running in favor of a neighborhood association that require approval from the neighborhood association before construction of any structure; and

WHEREAS, SPOA Policy 2019-1 provides that the ACC shall defer to the neighborhood association with respect to the color of a structure, thereby effectively requiring the ACC to wait until the neighborhood association has granted approval before commencing its review; and

WHEREAS, Article V, Section a of the Stagecoach Covenants states that, "All Lots shall be known and described as residential tracts and shall be used only for Residences. No building shall be allowed or erected on any tract in said subdivision **except a Residence** provided that no such building shall exceed two and one-half (2-1/2) stories in height. All porches, storage areas, garden houses, etc., must be attached **to said dwelling house and be constructed so as to constitute one building only** except that one ancillary building in keeping with the overall architecture or scheme of the

dwelling will be permitted provided that it is included both as to design and location on a plansubmitted to the Committee. and

WHEREAS, Article I, Section e of the Stagecoach Covenants states that, ""**Lots:** shall mean and refer to any plot of land on any recorded subdivision map of the Properties with the exception of the Common Areas. "

NOW, THEREFORE, the Board hereby adopts and promulgates the following policy:

I. DOCUMENTS WHICH MUST BE PROVIDED FOR FORMAL REVIEW OF AN APPLICATION

If the applicants elect not to proceed pursuant to the "Informal Review" process specified in Policy 2019-3, then the thirty (30) day review period specified in Article V shall commence only when applicants have delivered to the SPOA managing agent all of the following:

1. For an application for a new Residence or a new ancillary building, or for a change to an existing Residence or ancillary building that requires Routt County approval :

- a. A GIS print taken from the County website showing the location of the Lot in relation to the surrounding Lots; and
- b. A site plan, preferably showing topography lines, that shows the proposed location of the structure(s) on the Lot and the proposed location of any propane tank to be situated on the Lot; and
- c. To the extent not shown on the site map, a map of the Lot and the immediately surrounding Lots showing the approximate location of the proposed structure(s) and any Residences located on the surrounding Lots [this map may be roughly drawn by hand]; and
- d. Floor plans, with dimensions noted, for all proposed structures; and
- e. Elevations, with dimensions noted, for all proposed structures, which elevations shall also show the location on the exterior of the house of all materials (including sheet metal, corrugated metal, wood, manufactured wood, stucco, asphalt shingles, wood shingles, cement board, stone and manufactured stone) that the Owner plans to use for the exterior [location of materials may be shown by hand-written notes]; and
- f. Pictures showing the exterior materials (including sheet metal, corrugated metal, wood, manufactured wood, stucco, asphalt

shingles, wood shingles, cement board, stone and manufactured stone) in the colors that the Owner proposes to use; and

g. A signed application form; and

h. Written proof, such as a paper receipt from Routt County, or a screen shot of the Routt County Building Department online records, showing that the plans delivered to the managing agent have already been submitted to Routt County for approval; and

i. If the proposed Residence or ancillary building or change to the Residence or ancillary building requires neighborhood association approval, the applicants shall also deliver written proof that the neighborhood association has approved the construction.

2. For an application that is not for a Residence or an ancillary building:

a. A site plan showing the Lot, the location of the existing residence and any other structures on the Lot, and the location of the proposed structure [the proposed structure may be hand drawn on an existing site plan that shows the Residence and other structures]; and

b. Elevations, with dimensions noted, for all proposed structures [The elevations may be drawn by hand]; and

c. Pictures showing the materials composing the exterior of the proposed structure, in the colors that the Owner plans to use.

d. A signed application form; and

e. If the proposed structure requires Routt County approval, the applicants shall also deliver written proof, such as a paper receipt from Routt County, or a screen shot of the Routt County Building Department online records, showing that the plans delivered to the managing agent have already been submitted to Routt County for approval; and

f. If the proposed structure requires neighborhood association approval, the applicants shall also deliver written proof that the neighborhood association has approved the construction.

3. Managing agent discretion to waive the delivery of documents: If the managing agent, after conferring with the chairman or chairwoman of the ACC, determines that certain of the documents listed above are not necessary for the review, the managing agent may waive the delivery of

those documents and shall, in that event, notify the applicants of the waiver.

Upon receipt of all of the documents listed above, as modified pursuant to the discretion of the managing agent, the managing agent shall sign and date the application submitted by the applicants and return a copy of the fully signed application to the applicants.

II. PROCEDURE IN THE EVENT THAT ROUTT COUNTY REQUIRES CHANGES TO PLANS AFTER THOSE PLANS HAVE BEEN APPROVED PURSUANT TO EITHER FORMAL REVIEW OR INFORMAL REVIEW.

If Routt County requires changes to plans that have been either formally approved by SPOA or informally approved by SPOA pursuant to provisions of Policy

2019-3, the applicants shall inform the managing agent of the required changes. If the managing agent and the chairman or chairwoman of the ACC agree, or if, in the absence of such agreement, the Board determines that the required changes will result in a structure that is substantially different from the structure approved by SPOA the managing agent will notify the applicants that the previous SPOA approval is withdrawn and the plans, as changed pursuant to the requirements of Routt County, will be reviewed by the ACC pursuant to the formal review requirements of Article V and either approved or disapproved within 30 days from the date of notification.

III. WHO MUST SIGN AN APPLICATION FOR SPOA APPROVAL OF PROPOSED STRUCTURES.

Many of the “Lots” at Stagecoach are owned by multiple parties. Some of those Lots are divided by a County road with different parties owning portions of the Lot on either side of the road. County ordinances may allow construction of residences on each side of the road. But the Stagecoach Covenants allow for only one “Residence” on a “Lot”. So, if an owner built a residence on one side of the road, the owner on the other side of the road would be limited to the construction of an “ancillary building.” To insure that the rights of all owners are protected, the Board adopts the following policy:

In order for an application to be considered “signed” by the applicants, it must be signed by each and all of the owners of the “Lot” upon which the applicants propose to construct the structure.