

CRYSTAL RIVER PARK HOMEOWNERS ASSOCIATION

A Planned Community in Pitkin County, Colorado

BYLAWS, PART 2:

Architectural Regulations and Design Guidelines

Adopted: August 11, 1987

Amended: September 30, 2013

Updated: October 27, 2017

Updated: September 8, 2022

Amended: June 12, 2024

Website: crphoa.com

1. Declaration of Covenants
2. Bylaws, Part 1: Amended Bylaws
3. **Bylaws, Part2: This Document**
4. Bylaws, Part 3: General Rules

This document is part of the Bylaws of the Crystal River Park Homeowners Association and does not stand by itself. To understand your rights and obligations as a property owner in Crystal River Park and as a member of the Homeowners Association, you need to have copies of Association documents 1-4 listed above.

JUNE 12, 2024

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COMMUNITY ORGANIZATION

Every resident of Crystal River Park is a member of the CRP Homeowners Association, the entity responsible for the oversight of the common areas and homeowner properties as well as administration of the business affairs of the community. The Association was created by the Articles of Incorporation on August 11, 1987, which establish procedures, rules and regulations including architectural guidelines that govern the community and are designed to be used harmoniously.

The Board of Directors is responsible for managing all community business affairs and overseeing the application and enforcement of our rules and regulations as defined in our “Enforcement Policy”. The Architectural Review Committee (ARC) was established by the First Amendment and Restatement of the Original Declarations (CC&R's) on September 30, 2013, to review all improvements within Crystal River Park including new construction and modifications to existing properties. The ARC has adopted the following regulations and design guidelines to evaluate new construction and proposed additions/changes to existing properties.

ARCHITECTURAL REVIEW COMMITTEE

The mission of the Committee is to maintain our community as a highly desirable, rural residential area by the consistent application of these design guidelines. Protecting the privacy of each home is important as are high quality design and construction. Preservation of the natural beauty and setting of our surroundings is essential as is preservation of the remarkable views in and around our community. These qualities require consideration of structures, setbacks, landscapes, topography and overall community design.

The ARC has the responsibility to consider the visual impact created by changes or improvements to a Lot upon other members as each person's home is part of another member's view. Members of the HOA share the common areas and the ARC will consider all plans carefully to ensure that they are preserved as they exist today both visually and functionally. Achievement of these goals will support community interests and protect homeowner values.

The ARC will be composed of three HOA members. The chair of the ARC shall be an elected member of the Board. The Board also shall appoint the remaining two members. Only one member per household may serve. The term of office for each committee member shall be two years. A vacancy on the Committee must be filled promptly by the Board after soliciting volunteers from the HOA membership.

1.0 Architectural Review Process

The ARC has the authority to exercise all the powers, duties and responsibilities assigned to it in the Bylaws. The ARC may, with Board approval, hire professionals at the owners expense to help with the review process. A majority vote of the Committee is required to approve or deny an owner's request or to make a recommendation to the Board.

The ARC shall acknowledge receipt of an application, which is available on the HOA's website, and respond to the owner within 30 days from the date the application was received. If additional information from the owner, architect or County is required, the ARC must respond within 30 days from the date following receipt of all requested information. If the ARC deems it necessary to forward the request to the Board for their review, an additional 15 days' time is granted following receipt by the Board of all requested information. If the ARC does not render a decision within 30 days or, in the case of Board review, within 45 days, the application will be considered approved. If the ARC or the Board requests additional time to complete the review process, the applicant shall grant said time extension. An applicant may request an expedited review and the ARC and/or Board shall attempt to meet the applicant's needs if justified. An applicant may appeal delays perceived to be unreasonable.

1.1 COMMITTEE APPROVAL. The ARC must approve all improvements, alterations, repairs, additions, or other changes to the condition of any property, including exterior painting or staining of any surface, prior to commencement of work with the exception of routine maintenance and repair. Routine maintenance and repair is limited to refinishing any exterior surface with the same color, minor clearing/removing of dead trees/bushes and planting/maintaining gardens. Replacing any type of roofing material must be approved. All committee approvals shall be in addition to, and not in lieu of, any approvals required by any federal, state or local statute, ordinance or regulation.

1.2 RENOVATIONS. Renovations are defined as minor changes to a lot or to the exterior of the home that do not change the existing footprint of the home AND require ARC approval. Examples include but are not limited to:

- a) painting, staining or changes to the exterior siding or decking (color or material)
- b) minor earth moving, driveway changes or drainage modifications that do not impact other lots or the common elements
- c) replacement of windows, window frames, decks or deck railings
- d) major changes to gardens/landscape, removal of live trees
- e) replacing existing fences, installing/modifying retaining walls or berms, installing landscape lighting, signs and underground propane tanks

The approval process for renovations is as described above. For emergency repairs please contact either an ARC member or a Board member directly to discuss the issue and expedite approval. Please contact Pitkin County to determine if a permit is required prior to submitting an application for ARC approval.

1.3 REMODELS. Remodels that change the footprint of the home require the submission of architectural/construction plans for the ARC to consider, a County building permit and ARC approval. The approval process is the same as outlined above but the applicant must also submit architectural plans, including activity envelope and site development plans, containing sufficient detail including samples of all exterior materials and colors to facilitate a timely and informed decision by the ARC. The applicant(s) should have received County approval/permits prior to submitting their application to the ARC. In the case of remodels the ARC, at its discretion, can forward its recommendation to the Board for final approval.

The completed structure for a remodel to a home must be between 2,000 and 5,250 total square feet including, but not limited to, one garage and all decks, porches, patios and entrance ways.

1.4 NEW HOMES. Applications to construct new homes shall be submitted to the ARC but require approval by both the ARC and the Board, which is contingent, but not guaranteed, on approval by Pitkin County. The application must include, but is not limited to, the following:

- a) one complete set of American Institute of Architects (AIA) architectural plans to 1/4" or 1/8" scale
- b) a site plan and activity envelope plan showing 2-foot contour intervals
- c) a landscape plan
- d) samples of all exterior materials and colors

Electronic copies of a, b and c must be provided for posting on the HOA website.

Only one single-family dwelling with a maximum floor area between 2,000 and 5,250 total square feet, including, but not limited to, one garage and all decks, porches, patios, and entrance ways, is allowed per lot or combined lot. Detached garages are not allowed.

NOTE: Crystal River Park is zoned for single-family residential use. Construction of auxiliary dwelling units (ADUs), either attached or detached, on any lot or combined lot is not allowed unless otherwise permitted by Colorado law.

The ARC will work with the property owners, the architect and Pitkin County to obtain answers to questions and help with the approval process but the ARC will not issue a preliminary approval until the County has formally approved the site plan, activity envelope and any variances AND the owners have recorded said approvals with the County. Any matter requiring a variance from Pitkin County land use, building or zoning regulations must be identified in writing and also will require ARC approval.

The applicant is required to notify the ARC in writing of any changes made to the plans by Pitkin County. Construction cannot begin until the Board receives notification that Pitkin County has issued a building permit AND the Board gives final approval in writing within 15 days of receiving said building permit. Any changes to the construction plans during construction must receive ARC approval.

1.5 SPECIFIC ARCHITECTURAL REGULATIONS. The HOA has adopted the following specific rules which are restrictions that bind **all** lots within CRP.

- a) **NEW HOME CONSTRUCTION AND REMODELS.** Construction shall be completed within 12 months from the excavation/construction starting date. If additional time is needed, the owner shall apply to the ARC for an extension. The area around homes under construction or being remodeled must have trash maintained daily.

All reasonable efforts should be made to keep the area presentable and free from debris. For new homes a road impact fee (RIF) will be assessed as described on CRP's website under the heading "Current HOA Forms". In the case of remodels where a road impact fee is not assessed the property owner is responsible for repair of damages to road surfaces from highway 133 to the property due to construction traffic.

- b) **CONNECTION TO MUNICIPAL WATER SYSTEM.** All lots must connect to the Redstone Municipal water system. A monthly fee must be paid to the Redstone Water and Sanitation District for all LOTS, with or without a dwelling, that have paid a tap fee.
- c) **DRAINAGE AND EROSION CONTROL.** No owner(s) shall make any changes to the topography of a LOT that will impair or adversely alter the natural drainage on the lot, divert drainage or irrigation water onto another lot, deprive any other lot of its natural drainage or, in the ARC's judgment, adversely affect any other property in CRP including all common areas. Each owner is responsible for the installation AND maintenance of culverts where driveway access crosses road ditches or other drainage ways as needed and of a size and location specified by the ARC.
- d) **ROOFS.** Roof pitches must be between 6/12 and 12/12; flat roofs are not permitted. Samples of a complete roofing segment must be submitted with the ARC application. New and replacement roofing material must be at least class A fire resistant or noncombustible and non-glare. A class A fire resistant roof does not meet the same standard as a noncombustible roof. For a roof to be noncombustible, both the roofing material AND the underlying material must be noncombustible. Refer to Pitkin County building regulations.
- e) **EXTERIOR SIDING.** Exterior siding materials including natural wood, engineered wood products, fiber-cement composites, stone or engineered stone products and stucco are allowed. Fire resistant materials are encouraged.
- f) **PARKING AND STORAGE OF OFF-SEASON RECREATIONAL VEHICLES.** No more than three vehicles including recreational vehicles may be parked outside a residence at any time for more than two weeks. Recreational vehicles stored outside during the off-season must be covered with a protective material designed to fit the vehicle in question. Motor vehicles include, but are not limited to, cars, vans, SUVs, pick-up trucks, utility vehicles, motorcycles, all-terrain vehicles and Class B motor homes (elevated minivans). Trailers used to transport recreational vehicles must be 30 feet or less in length. Class A (29-45 ft.) and Class C (30-43ft.) motor homes may be parked at a homeowner's residence for a period not to exceed two weeks but only with prior BOARD APPROVAL.
- g) **COLORS.** The colors used on all exterior surfaces including roofs, siding, fascia, trim, decks and railings and garage doors must be compatible with existing structures in CRP and blend with our environment and must be approved by the ARC. Bright, garish or loud colors are not allowed. Color samples must be submitted to the ARC and, if requested, the owner shall provide a larger sample of the substrate material with the color applied. ARC approval is required before painting begins.

- h) FIREPLACES. Wood** burning fireplaces must have a chimney spark arresting device installed. Chimneys/flues must be cleaned regularly to prevent fires. Installation of permanent outdoor gas fireplaces, gas barbecue or gas fire pits, etc. must be approved by the Committee. Outdoor wood burning fireplaces, etc. are not allowed.
- i) LANDSCAPING.** A landscaping plan shall be submitted to the ARC as part of the review and approval process both for new homes and for substantial landscape changes to existing homes including the location of new or replacement trees. Homeowners are encouraged to create defensible spaces and to minimize the fire risk to their homes. Refer to Pitkin County's recommendations for defensible space.
- j) EXTERIOR LIGHTING.** All exterior lighting must be approved by the Committee. Lighting shall be directed downward to prevent light from exiting the property and disturbing neighbors. Motion sensors are encouraged. All landscape and walkway lighting shall be standard low voltage and must meet Pitkin County regulations regarding exterior lighting.
- k) FENCES.** Enclosed fences are not allowed. Open end fences along the cliff overlooking Highway 133 are allowed for safety reasons. A temporary enclosed fence for the safety of small children may be allowed with ARC approval but must be removed once the children reach a responsible age or when the property is sold. Any temporary fence must be a split rail fence not exceeding two rails in height and backed with Elk fencing or a material with similar structural integrity. The use of chicken wire or ANY type of plastic fencing material is not allowed. Garden areas may be covered with protective netting supported with hoops not exceeding 3 feet in height. Dog owners are encouraged to install invisible fences.
- l) DETACHED STRUCTURES.** Only one detached structure per lot is allowed and must be approved by the ARC prior to construction/installation subject to the following guidelines:

Use. The intended use is the storage of household, yard and general maintenance items.

Location. To minimize the visual impact to our community these structures should be located as close to the home as practical and/or in the most unobtrusive or easily screened location compatible with its purpose.

Size. Height shall not exceed 8 feet at its highest point and the floor area shall not exceed 80 square feet. It must have a wood or concrete floor, a wood sub-roof capable of withstanding snow loads and a minimum of three wooden sides.

Exterior Finishes. Materials and colors must blend with the natural environment and be visually consistent with existing structures.

Screening. These structures must be screened from view both from the road and from the neighbors. Screening shall consist of non-deciduous trees and/or bushes. New plantings need to be of adequate size to effectively screen the structure within 2 to 3 years.

Utilities. No mechanical or plumbing equipment is allowed inside or outside the structure. Electrical equipment is allowed but must be installed according to the Pitkin County electrical code.

Roof. Roofing materials shall be anti-reflecting and be a color that blends with the environment.

- m) **GREENHOUSES.** Free standing greenhouses are not allowed (see **Detached Structures** above). Greenhouses attached to the residence, up to a maximum of 150 sq. ft., are allowed with ARC approval. The length of the greenhouse must be attached to the existing home by a common wall and its height at the highest point must not exceed 10 ft. The greenhouse must be designed to withstand snow loads for our area, be constructed of anti-reflecting/low glare materials and not contain any mechanical equipment. Exhaust fans are prohibited to avoid noise pollution for neighbors and no light shall emanate from the interior of the greenhouse such that it is visible from its exterior from dusk until dawn.
- n) **PROPANE TANKS.** Propane tanks for new homes and replacement tanks for existing homes must be buried. Any existing above ground tank must be screened from view using a scheme approved by the ARC and materials approved by the Carbondale Rural Fire Department.
- o) **SOLAR PANELS.** Only stationary solar panels installed flush with the roof are allowed. Ground mounted solar panels are not allowed unless roof mounted solar panels would either increase the cost of solar panels by more than ten percent (10%) or decrease the performance or efficiency of the solar panels by more than ten percent (10%). In the event the increase in cost or the decrease in the performance or efficiency of the solar panels requires the Association to permit the installation of ground mounted solar panels, the ARC shall have the authority to specify where such ground mounted solar panels must be installed on a Lot.
- p) **ROAD IMPACT FEE.** Depending on the nature of the application and before construction begins, the Board will determine if a road impact fee is to be paid to cover the cost to remediate wear and tear on HOA roads caused by construction traffic. The road impact fee (RIF) shall be calculated as described on the HOA's website under the heading "Current HOA Forms".

1.6 INSPECTIONS AND COMPLIANCE. The ARC has the authority to conduct reasonable inspections of all construction activities. When work is completed on any project for which approved plans and specifications are required, the Owner shall notify the ARC in writing and shall provide the ARC with a copy of Pitkin County's final inspection report. The ARC shall then conduct a final inspection on behalf of the HOA to verify compliance with all approvals.

1.7 HOA RECORDS. The Secretary of the Board shall keep the following written records for a minimum of 5 years or as required by Colorado State Law: (1) all approved applications including one set of final, approved architectural and site development plans, (2) all written decisions, approved or denied and (3) written actions rendered by the Committee under the provisions of Association documents.

1.8 LIABILITY. Neither the ARC, the Board, the HOA or any of its members shall be liable for damages to any person submitting plans for approval or to any Owner, by reason of an action, failure to act, approval, denial or failure to act to approve or deny with regard to such plans. The ARC shall have no liability or responsibility for any representations made to any Owner or Prospective Owner by any third party. Further, ARC or Board approval of plans and specifications does not provide any warranty or guarantee to any individual submitting plans and specifications for approval that such plans and specifications are structurally sound, meet applicable building codes or ordinances or that the ultimate construction has been conducted in a workmanlike manner and is free from construction or design defects.

2.0 RENTAL OF HOMES

2.1 TENANCIES. Rentals of less than 30 consecutive days are not allowed. Rentals of 30 consecutive days or longer require that a lease be signed, and a copy be sent to the Board. The Lot Owner shall provide tenants with a copy of the General Rules of the Bylaws of the HOA and shall be held responsible for any violations thereof by a tenant and for any fines, fees or loss incurred as a result thereof.

2.2 RENTAL OF LOTS. The owner who rents a property is responsible for providing the HOA with the following information:

- name(s) of each renter
- the telephone number of the property being rented
- the make, model, color and license plate number of each vehicle that will be parked on the property

3.0 APPEALS

3.1 Right to Appeal. Any Owner may appeal a decision made by the ARC or the Board regarding an architectural matter.

3.2 Appeals to the ARC. An Owner who elects to appeal a decision made by the ARC shall first request in writing, within 30 days of the date of the ARC's decision, that the ARC reconsider their decision. If the ARC does not change its decision within 15 days of receipt of the request, the Owner may then appeal to the Board as set forth below.

3.3 Appeals to the Board. Any Owner who elects to do so shall submit an appeal to the Board in writing within 45 days of the date of the ARC's original decision. The Board shall then conduct a hearing on the appeal and issue a written decision within 30 days either affirming or reversing, in whole or in part, the ARC's decision. If the Board denies all or any part of an appeal, the Owner may appeal to the HOA members-at-large at a regular or special meeting at which a quorum is present. Notice to the Board must be made sufficiently in advance of the membership meeting in order that information regarding the appeal can be made available to the membership and proper notice of the meeting can be given as required by the Bylaws. The decision by majority vote of the HOA members both present and by proxy at a regular or special meeting shall be final. No further appeal may be made.