



Effective Date of Updated Guidelines:  
August 10, 2024

Final Version adopted at Trustee's meeting of July 10, 2024  
in accordance with Article VII, Section 1 of the LECVHOA Bylaws.

## **LECVHOA Architectural Guidelines**

### **I. BEFORE YOU BEGIN PLANNING**

Read these guidelines thoroughly, and have your architect do the same. You should read the LECVHOA Protective Covenants ("Covenants") (available at [www.littleelkcreekvillage.org](http://www.littleelkcreekvillage.org)) for further specifications regarding Architectural Control (see especially Items # 18-29). These Guidelines are a supplement to implement the requirements outlined in the Covenants.

It is recommended that you seek the assistance of a licensed surveyor before you continue planning. You should also have a general idea of the Pitkin County Planning, Zoning, and Building code requirements. Some requirements of Little Elk Creek may be more exacting than the similar Pitkin County rules or regulations.

The term "you," when used in these Guidelines, means the homeowner applicant for architectural review. The term "Structure" as used herein is defined in Item #20 of the Covenants. The Architectural Control Authority is herein referred to as the ACA.

The ACA Submission/Approval process can sometimes be time-consuming, and the ACA's letter of approval must be obtained before application for a building permit is made to Pitkin County. The ACA meets as part of the monthly LECVHOA meetings, the dates of which are listed on the LECVHOA website (although changes may occur due to unusual circumstances). Documents must be submitted at least one week prior to any meeting to be placed on the agenda. The process will very likely require more than one submission to the ACA, and applicants should plan accordingly. The required elements of ACA review include the submissions outlined below.

### **II. IN CASE OF IMMEDIATE NEED**

Occasionally issues will arise that require immediate attention, such as replacement of a water line or septic tank, roof damage, or damage from fire or another disaster. These architectural guidelines are not waived under such circumstances, but the process described below may be varied to address the exigent situation. In case of immediate need, you should contact the HOA Manager, Keith Edquist, using the address information on the LECVHOA website ([www.littleelkcreekvillage.org](http://www.littleelkcreekvillage.org)). You should coordinate with the Manager to ensure that appropriate Pitkin County building permits are obtained before any reconstruction activity is undertaken. You should also obtain appropriate drawings and surveys to protect your property and HOA property (e.g. roads, utility setbacks, ditches) and submit those document to the Manager as soon as they are available. As noted below, the Manager may



approve certain actions, such as demolition activities, without ACA Board approval. Further, the ACA Board can act quickly if necessary to approve plans by written consent.

### III. SUBMISSION OF PLANS TO THE ACA

Before any construction, excavation, or any other site disturbance, you must adhere to the "Submission to the ACA" requirements as outlined below, in addition to any requirements of the Pitkin County Building Department. Upon satisfactory review of your final plans and receipt of the applicable Completion Deposit, the ACA will issue a written letter of approval. **No material changes to the built project can be made after issuance of the letter of approval without resubmitting the entire plan to the ACA. This includes changes required by Pitkin County or any other governmental authority. If the letter of approval contains any ACA exceptions or conditions, the applicant must acknowledge these exceptions and conditions by signature and return the approval letter to the Association Manager for the records of the ACA.**

Generally, the applicant will engage in at least two review meetings and a neighbor review process, as follows:

1. **Preliminary Review of Plans.** The applicant will submit the required documents to the ACA for preliminary review, questions, and comments. It is recommended that the architect or contractor attend this meeting. If the submitted plans meet the ACA guidelines, the goal is for the ACA to issue a conditional letter of approval, noting any required changes, additions or special construction plans. If substantial questions are raised concerning the submitted plans, the ACA may request more than one preliminary review meeting.

2. **Neighbor's Comments.** After preliminary review of the plans by the ACA, the comments of all adjacent, view plane and any other impacted neighbors must be obtained. The Association Manager will facilitate this process with the affected neighbors. Comments are generally obtained by email response, or by written comments provided by the neighbors to the manager. It is the applicant's responsibility to have conversations with the identified neighbors about the project in conjunction with the Manager obtaining these comments. If any neighbor takes exception to or has comments on any portion of the plans, the exception or comment must be sent by the neighbor by separate letter/email to the Association Manager and presented to the ACA for discussion at the time of the applicant's second ACA review. The neighbors' comments are advisory only for the ACA and it is the ACA's sole right to consider and approve or disapprove the applicant's proposals. Note: If a neighbor makes an email or written exception to the plans as described herein, the ACA will provide sufficient notice to the impacted neighbor(s) of the ACA's review process, to allow the neighbor(s) to express their view(s) in person or in writing prior to the final review of the plans.

3. **Final Review of Plans.** When the applicant has resolved the issues identified in the Preliminary Review, and responded to the ACA's actions on any neighbor comments, the applicant should submit updated versions of the previously submitted documents, and any other documents required after Preliminary Review, for the ACA to engage in additional review. The goal of this review is



for the ACA to issue the letter of approval for the applicant to submit to Pitkin County to obtain a building permit. Issuance of the letter of approval will not occur until the ACA has determined that the applicant's plans meet the terms of the Covenants as interpreted under these Guidelines as well as submission of the Completion Deposit identified by the ACA.

4. **Optional Advisory Review.** If time permits, applicants may wish to ask for an advisory review of conceptual plans prior to the Preliminary Review in order to gain efficiency in later plan review.

5. **Costs of ACA Review and Subsequent Review.** Applicants are not billed for ACA member time, but in the event that a submitted project will require substantial management time for the review of documentation such as permits, plans, letters, follow-ups, notices, etc., the ACA may appoint a manager to handle administrative duties related to the submission/construction process. The Association Manager will engage in regular on-site reviews of plan compliance during the Association Manager's regularly scheduled LECVHOA site visits. No charge will be made for Association Manager reviews during the Association Manager's regularly scheduled site visits. The applicant must arrange for an on-site review with the Association Manager and the applicant's contractor before foundation concrete is poured. Should any issues arise from such site reviews, the Association Manager may request further documentation or a further site review with the applicant and the general contractor. Any special reviews shall be scheduled at a mutually convenient time; if such time is outside the Association Manager's regular site visits, the Association Manager's standard hourly rate for LECVHOA non-standard work hours will be applied for the Association Manager's travel (from Glenwood Springs) and site review activities and included in the subsequent monthly Association dues and charges statement for the applicant.

#### IV. **DOCUMENTS TO BE SUBMITTED TO THE ACA**

1. The following items are required to be submitted for review by the ACA:
  - a. **Demolition Plans:** A demolition plan and Completion Deposit must be submitted prior to the demolition of any Structure located on a parcel. The form of the demolition plan may vary to be consistent with the scope of the project, but all such plans must identify the landfill or resource recovery location of all materials removed during the demolition process. The demolition plan must identify any toxic materials currently contained within the Structure, and (if known) that have been contained in the structure prior to the current time. If toxic materials are or have been present, they must be addressed during demolition. If such toxic materials are to be addressed, or if there are any materials that will not be accepted by the Pitkin County landfill, a qualified demolition company must be utilized for demolition, removal and disposal, and a copy of the demolition company contract/bid must be submitted to the ACA, with the LECVHOA listed as an additional insured. No destruction materials may be kept on any parcel in violation of Item 12 of the Covenants.



- b. The Association Manager may approve a submitted demolition plan for landscape Structures (such as fences, arbors, driveways or porches) that do not contain toxic materials, without ACA formal action.
- c. **Construction Plans:**
  - i. **Lot Plan.** The submitted Lot Plan must show all setback lines, building locations, location of the adjoining lots and existing irrigation ditches. The Lot Plan must also show the location of all proposed utility lines, driveways, parking areas, septic systems, fences, proposed solar or alternative energy improvements and any other proposed structures or improvements, including landscaping and irrigation plans. In many cases a plan based upon an Improvement Location Certificate may meet this need.
  - ii. **Exterior Elevations.** Elevation views of any proposed structure from all sides are required. Show existing and finished grades. Show all exterior features including location of utility meters, trash enclosures, etc. All exterior materials must be called out on the drawings. The maximum height of the roof above grade must be shown.
  - iii. **Additional Requirements.** In addition to the above minimum requirements, the ACA reserves the right to require a complete set of Construction Plans, including but not limited to a complete set of Design Documents, a Construction Management Plan and a view plane impact study for any neighboring parcels. The ACA may require story poles to be placed on-site for view plane impact review.
  - iv. **Irrigation, Landscaping and Fencing Note:** ACA approvals may be given for Pitkin County building permit submission without inclusion of irrigation, fencing, or landscaping plans if the applicant agrees to submit for approval these missing items BEFORE planting or installing any irrigation or fencing structure. These exceptions will be noted on the LECVHOA approval letter provided for Pitkin County building permit approval and MUST be signed and returned to the ACA to acknowledge this agreement.
- d. **Exterior Samples:** Per Item #24 of the Covenants, digital samples of all materials and colors specified in the submission and representative of the actual exterior materials to be used shall be submitted to the ACA for review and approval. This shall include, but not be limited to siding, trim, fascia, roofing, window cladding, stone sample, layup style, and masonry materials. Proposed paint or stain color must be clearly shown on submitted plans. Sample layouts should be clearly labeled with Lot # and owner name.
- e. **Completion Deposit:** A Completion Deposit is required prior to ACA approval. See attachment A for the Completion Deposit criteria and amounts. **The ACA will not give written approval for plan submittals until the Completion Deposit has been paid.** Subject to the forfeiture and inspection as described in this policy, this Completion Deposit is refundable within three months of the issuance of the Pitkin County Certificate of Occupancy, subject to final ACA approval of the completed demolition or



improvements and mitigation of any damages to common property, roads, water lines, buried utility lines, and resolution of any Covenants violations. **The Completion Deposit will be forfeited if the required mitigations and Covenants resolutions are not completed within one year of the date of issuance of the Certificate of Occupancy by Pitkin County.** Extensions may be granted at the discretion of the ACA. The Completion Deposit is required prior to demolishing all or part of an existing Structure; it may be carried forward towards the Completion Deposit required for the new Structure upon ACA approval.

2. **Water Tap Procedures.** The Association's water system is subject to a court-ordered Augmentation Plan from 1986, and all construction plans, activities and improvements must comply with the terms of such Augmentation Plan (which is available upon request). No domestic water may be used for irrigation or other non-domestic use. The Water Tap Procedures Agreement must be signed and submitted to the ACA, together with a \$1,500 water tap fee (or such greater fee as may be required due to unusual plan elements, or such fee as may be set by ACA resolution to capture increased costs after the Effective Date of this Policy), before ACA approval will be granted for any construction requiring a new or updated water main tap. Note: The ACA requires the saddle, curb stop, and water meter be installed by an ACA approved contractor. This list will be supplied by the Association Manager upon applicant request.

#### V. **PLANNING AND CONSTRUCTION SITE CONSIDERATIONS**

1. **Grading:** Excessive grading or filling is discouraged when it can be avoided and will not be accepted without adequate justification.
2. **Off street parking:** A minimum of one off street parking space is required for each two bedrooms.
3. **View plane impact:** All buildings and landscape plantings at mature heights must be situated to minimize the loss of view of the adjoining or impacted property owners.
4. **Fencing:** Fences will be considered on an individual basis. To maintain the historic ranching ambience of LECVHOA, fences should be planned so that they do not delineate lot line in any complete sense. Split rail, post & rail or dimensioned lumber fence constructions are acceptable. Fences should be left natural or stained in earth tones. Wire fences, such as chain link, chicken wire, barbed and strand wire will not generally be accepted. Per Item # 23 of the Covenants, "All fences shall be subject to the approval of the Architectural Control Authority as to location, size, design, material and color." The ACA may require screening fencing on some or all of the property to minimize view plane impacts and to contain debris during construction.
5. **Irrigation Ditches and Domestic Water:** The existing surface irrigation ditch system is the adjudicated property of the LECVHOA and may not be modified or utilized for landscape or other purposes without specific written approval of the ACA. The domestic water wells operated by the LECVHOA are subject to state law oversight and are not approved for lawn and outdoor vegetation watering use; their stated purpose is for the provision of domestic water (cooking,



bathing, etc.). **The ACA therefore requires the use of the existing flowing surface water, provided by the water rights owned by the LECVHOA, for lawn, garden and other vegetation watering. The plan for utilization of these surface rights should be provided for in the planning process, with consideration for the location of ditches, flow patterns, etc., being completed while the planning process is underway. The Association Manager can provide information about ditch locations and water access options. ACA approval will not be granted for construction which disrupts or impedes the existing or potential surface irrigation system on any lot. LECVHOA retains the sole right to manage surface and groundwater water resources within the LECV to ensure proper management of the LECVHOA water rights within the applicable legal requirements.**

6. **Water meters and curb stops:** The LECVHOA requires the installation of water meters for all connections to the domestic water system. The applicant's architect/plumber should make provisions to facilitate installation of the water meter and should ensure that the water meter will be the first connection to the water service line after it branches from the water main. Curb stops for the water system must be located and marked during the course of construction for ease of access should the LECVHOA require easement access for water system purposes at any time. Note: **The ACA requires the saddle, curb stop, and water meter be installed by an ACA approved contractor. This list will be supplied by the Association Manager upon applicant request.**
7. **Screening:** Trash containers should be located inside a Structure. Utility meters shall be placed in the most inconspicuous location possible and shall be screened from view. Propane tanks should be screened from view or buried.
8. **Structures:** Per Item #21 of the Covenants, Primary Structures are any enclosed structure which occupies more than eighty square feet in area, or more than six hundred cubic feet in volume. The Primary Structure permitted on any single parcel shall consist of no more than one single family dwelling with an interior floor area of at least 1,000 square feet, exclusive of any accessory buildings, garage, deck, porch, or patio, etc., together with no more than two enclosed non-dwelling Structures such as swimming or tennis cabanas, stables, garages, or greenhouses. No Structure shall be erected or installed prior to the construction of the single-family dwelling house. Any accessory building(s) shall be erected or installed concurrently with the single family dwelling, or after the single family dwelling has been completed. All Structures shall be generally consistent in appearance with the single family dwelling house. Non-dwelling accessory structures shall not be sufficient to render them suitable for permanent residential occupation.
9. **Setbacks, height limits and lighting:** The exterior portions of all buildings shall be natural, painted or stained wood, stucco, natural rock, brick, or such other material as may be approved by the ACA. All above ground improvements on any lot shall be set back **at least thirty feet** from the boundaries of the lot. No Structure shall rise, at its highest point, more than two stories, exclusive of chimneys, customary residential antennas or vents, and shall comply in height with applicable Pitkin County Land Use Codes. Exterior lighting shall comply with Pitkin County



lighting regulations and shall utilize motion sensors and avoidance of light trespass as identified in such regulations.

10. **Construction start and completion:** Construction of any Structure shall proceed promptly after approval by the ACA. Failure to start the Structure within one year after the date of issuance of the LECVHOA approval letter shall constitute an automatic revocation of the approval. Please reference the Covenants item #26 regarding the "Prompt Completion of Structures."

**Homeowners must provide a written progress report on the projections for issuance of a certificate of occupancy every 6 months after the ACA letter of approval is issued.** Absent unusual circumstances, construction of the project should be completed within twelve months of the initiation of construction. Failure to complete the project in a timely manner may constitute grounds for forfeiture of the Completion Deposit.

11. **Renewable Energy Generation Devices ("REG Devices") (formerly known as alternative energy installations):** Installation of energy conservation devices such as solar panels is acceptable. Alternative energy installations are considered exterior construction requiring an approval process and Completion Deposit the same as any exterior construction. The Association's Policy Regarding Renewable Energy Generation Devices and Energy Efficient Measures (the "REG Policy") is used to define REG Device terms and to guide the approval process in accordance with applicable law as defined in the REG Policy. For renewable or sustainable energy devices that are not defined as REG Devices or EE Measures in the REG Policy, but have an external structural component as defined in section 20 of the Covenants, the terms of these Architectural Guidelines and the Covenants shall control.

In addition to the Submission to the ACA requirements outlined in this document, for any type of REG Device the applicant must provide a brief description of the system prior to securing neighbors' comments, with the following information and any other information deemed appropriate by the ACA in its first review:

- a. Location of system. If considering a pole mounted system, supply pole locations on the lot plot plan. You may be required to install story poles and supply a photographic rendering showing what the proposed array(s) would look like on the site.
- b. If considering a roof mounted system, supply exterior elevation drawings or a photographic rendering showing what the proposed installation(s) would look like on the home or structures.
- c. Describe the system size in number of panels and dimensions.
- d. Supply supporting materials demonstrating that the applicant meets all county building code requirements and permits.

## VI. VARIANCES

The ACA may allow variances (See Item # 29 of the Covenants). Any variance allowed shall be evidenced in writing/email duly executed by the ACA.



## VIII. DURING CONSTRUCTION AND AFTER COMPLETION

- 1. Site Maintenance:** The owner and contractor are responsible for keeping a clean and safe building site. All wastes, building material, debris and equipment must be removed promptly from the construction site after use during construction, and in any case, within thirty days of issuance of the Certificate of Occupancy; failure to remove such materials promptly may cause forfeiture of the Completion Deposit. No signs or advertising device of any nature shall be placed on the property except a small sign 18" x 36" or less showing the owner's name and address. Industry standard real estate and general contractor signs may be erected one per lot. As much as feasible, lot irrigation and vegetative control (e.g. mowing) shall be maintained during the construction process to minimize dust and maintain a clean appearance for the site. The applicant must have sanitary facilities, e.g. Port-a-Potty, available for the use of contractors during all periods that the applicant's Pitkin County building permit is effective. The applicant may be required to obtain an alternate construction materials manager if a contractor fails to meet these requirements; failure to meet this requirement may result in LECVHOA engagement of a materials manager and forfeiture of the Completion Deposit.
- 2. Inspection:** The Association Manager, and/or any other person appointed by the ACA to apply special expertise, may enter the applicant's property at reasonable times to obtain information, and may otherwise request information from the applicant at any time after the submission of the preliminary plans (unless the applicant has reported to the ACA in writing that the applicant has decided not to seek Pitkin County approval and has abandoned the construction project), throughout the construction process, and until the Completion Deposit has been returned. The information that may be requested of the applicant may relate to compliance with the ACA approved plans, completion schedules, safety issues, any matter that may affect the Association's insurable interests, irrigation or drainage impacts, and any other reasonable matter.
- 3. Return of Completion Deposit:** After construction is completed, the applicant must request in writing for the Completion Deposit to be returned. The Association Manager, and/or any other person appointed by the ACA to apply special expertise, will inspect the improvements and certify to the ACA that the improvements are in compliance with the plans submitted. The Association Manager's inspection is intended solely to assure compliance with all Association Covenants, policies and guidelines, and does not signify compliance with building regulations, safety conditions, or the requirements of any body other than the Association. If all Association conditions have been met regarding the approved construction, and after application of any forfeiture obligations described in this Policy, the Completion Deposit may then be returned. If no request for return of the Completion Deposit is received within one year after the Certificate of Occupancy is issued by Pitkin County, the Completion Deposit may be forfeited.



**IX. NEIGHBORHOOD CONSIDERATIONS**

The posted speed limit in the subdivision is 15 MPH. The applicant is responsible for notifying contractors, their employees and construction delivery drivers and other tradesmen of the speed limit.

Dogs are not to be allowed to run at large, pursuant to the Animal Control Ordinances of Pitkin County.

The hours of construction allowed under the Pitkin County Code are 7am to 7pm Monday through Saturday. To be considerate of your neighbors, the applicant's construction plan should contain provisions to notify contractors to refrain from using loud equipment, or to use equipment with backup or other alarm or warning sounds, prior to 8 am and after 5:30 pm.



### **Attachment A: Completion Deposit Guidelines**

For all project proposals brought to the Architectural Control Authority on or after the Effective Date of these updated Architectural Guidelines, the following Completion Deposit Guidelines are effective:

1. There is no Completion Deposit requirement for landscape demolition projects that are approved by the HOA manager pursuant to the manager's authority under Section II. 1. b of the Architectural Guidelines.
2. For proposals that must be submitted to the ACA due to landscape structures, removal of landscaping materials, removal of toxic materials, or material changes in lot elevations or drainage patterns, without development of additional structures, the Completion Deposit requirement is One Thousand Five Hundred Dollars (\$1,500).
3. For proposals for which Pitkin County will require a building permit, the Completion Deposit Requirement is Three Thousand Dollars (\$3,000).
4. For proposals for which Pitkin County will require a building permit and that encompass the 'new build' or 'rebuild' of a Structure, the Completion Deposit Requirement may be set by the ACA, its sole discretion, from Three Thousand and up to Ten Thousand Dollars.

These Completion Deposit guidelines are subject to adjustment for individual projects. In each case, the ACA has the authority to set the specific Completion Deposit Requirement based upon all of the facts and circumstances.

Further, the ACA retains the authority to require a reduced Completion Deposit to encourage energy efficiency projects such as improved insulation, window replacements, and alternative energy resources.

The undersigned hereby certifies that the foregoing resolution was adopted and made a part of the minutes of the meeting of the Board of Trustees of the Association conducted on July 10, 2024.

**Little Elk Creek Village Home Owners Association**

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Secretary