

Pagosa Lakes Property Owners Association

IMPROVEMENT DESIGN STANDARDS & PROJECT PERMIT PROCESS

SECTION 1: OVERVIEW

- 1.1 **The Pagosa Lakes Environmental Control Committee**, (hereinafter referred to as the “Committee” or “ECC”), was established to ensure that all Structures and Improvements built on property at Pagosa Lakes comply with the Declaration of Restrictions for their respective subdivisions.
- 1.1.1 Written approval provided by the Committee using a Project Permit is used to accomplish this task.
- 1.1.2 Definitions, architectural standards, environmental standards, application requirements, application forms, project agreement forms, proposed improvement location certificates and other guidance are defined, established and otherwise developed, in this Project Permit Process document, to provide uniformity and consistency in interpreting the Declarations of Restrictions.
- 1.1.3 Preservation of property values and the character of the neighborhood are fundamental considerations in all applications for Improvements.
- 1.1.4 Approval of a project does not make the ECC liable or responsible to the owner or others with respect to the adequacy of design, construction methods and practices, other project execution details or field conditions. The approval merely indicates that the project complies with the provisions of the Project Permit Process.
- 1.2 **The Declaration of Restrictions Pagosa require a Project Application for:**

- 1.2.1 The construction, alteration, revision, change and/or Improvement of a Property:

IMPROVEMENT shall mean all Buildings or Structures, parking areas, loading areas, fences, walls, hedges, plantings, poles, driveways/parking pads, docks, walkways, recreational facilities, signs, decks, enclosures, change in exterior color or shape, excavation, and all other site work including without limitation grading, road construction, utility improvements, removal of trees, and any new exterior construction or exterior improvement constructed or completed on a Lot.

Buildings or Structures can include, but are not limited to, a residence, commercial/multi-occupancy building, garage, barn, stable, shed, greenhouse, carport, guesthouse, cabana, growing dome, fence, animal enclosure, patio, and solar panels.

- 1.2.2 The placing of modular home on a site and/or a Mobile/Manufactured Home on a MH 90 platted lot in Pagosa Vista subdivision.
- 1.2.3 Grade changes involving cutting and/or filling in excess of one foot.
- 1.2.4 Altering an existing drainage pattern.

1.3. Construction of any Building or Structure may not be started until a residence is Substantially Complete on the Property.

- 1.3.1 A “Building or Structure” is anything constructed, assembled, erected or built on any Lot which includes, but is not limited to, a residence, commercial building, garage, barn, stable, fence, swimming pool, cabana, guest house, storage building, greenhouse, boat dock, driveway/parking pad, retaining wall, growing dome, etc.
- 1.3.2 The exception is that the perimeter of vacant lots 2 ½ acres or larger may be fenced without a residence constructed.

1.4. Written requests for project approval without a fee are required for:

- 1.4.1 Exterior painting *or roofing* involving a change in color. (*Ref. section 3.1.15*)
- 1.4.2 A revision or change to an active approved project. (*Ref. section 1.10.1*)
- 1.4.3 Removal of Tree(s). (*Ref. section 3.2.3*)
- 1.4.4 Children’s play equipment greater than 65 square feet and/or permanently anchored *including tree house’s location*. (*Ref. section 3.1.30*)
- 1.4.5 Temporary structures (*Ref. section 3.1.31*)
- 1.4.6 Some Landscape Improvements within setbacks (*Ref. section 1.6 below*)
- 1.4.7 Seasonal structures: hoop house, green house, raised beds high than one (1) foot, garden fencing, deer fencing, etc. (*Ref. section 3.1.31.3*)
- 1.4.8 Poles, flag poles, bird houses, clothes line, umbrella, light, etc. located anywhere on the property. (*Ref. section 3.1.37*)

1.5 **Property/Structure Maintenance** renovation, repair and normal upkeep activities including replacement of components on any Structure with the same color, material, and location are considered to be Maintenance and do not require an application, written request or Project Permit.

1.6 **Landscape Improvements/Maintenance** on already Improved Lots generally do not require an application, written request or Project Approval if the Improvement(s) or maintenance is within the building envelope of a Lot and does not change the natural grade by more than one

(1) foot. Landscaping Improvements that are within setbacks or easements may be *subject further restrictions* or require an application and ECC approval. This is to include the use of nonvegetative turf grass. *Generally, landscaping at maturity that will exceed existing fence height limitations in respective Subdivisions may not be permitted within easements or setbacks. All landscaping in easements shall not interfere with the intended use of such easements.* Please check with the Department of Community Standards (DCS) before undertaking any projects within setbacks or easements. The DCS can advise Property Owners of the setback and easement restrictions that apply to your Lot.

1.7 **The Department of Community Standards, hereinafter referred to as the Department or DCS,** maintains application forms and receives, reviews and processes all completed applications and written requests. The Committee may approve plans for Buildings, Structures or Improvements. Applications for: tree removal, boat docks, and permit extensions have been delegated by the ECC to certain PLPOA staff personnel.

The Department of Community Standards may be reached at:
Pagosa Lakes Property Owners Association
Attn: Department of Community Standards
230 Port Avenue
Pagosa Springs, CO 81147
Phone – 970-731-5635
Email – plpoa@plpoa.com
Web site at www.plpoa.com

Completed and approved applications shall be issued a Project Permit by the Committee. However, with the approval of the general manager, staff may approve and issue a Project Permit when urgent circumstances exist which threaten persons or Property.

1.7.1 Completed applications and written requests that contain items of non-compliance, shall be discussed with the applicant by the DCS to effect revisions that will eliminate the non-complying items. Unresolved issues are then placed on the Committee’s meeting agenda as outlined on the ECC meeting schedule. Agendas are distributed to each ECC member, DCS staff, PLPOA Board Liaison, general manager, and available in the DCS office.

1.7.2 At the discretion of the DCS, in a spirit of collaborative effort, a proposed project preliminary review may be scheduled with an applicant or their agent and the Committee during its work session.

1.7.2.1 Issues that make the review advantageous include but are not limited to:

1.7.2.1.1 Professionalism or degree of detail desired on required drawings.

1.7.2.1.2 Early decision to prevent time and money expenditure on a design that has a small probability of approval.

1.7.2.1.3 Assistance on a decision to purchase a property if the purchase is contingent on the ability to obtain a variance.

1.8 Reasons for Disapproval may include, but not be limited to, any of the following:

- 1.8.1 Non-conformity with items in the Declaration of Restrictions and Project Permit Process.
- 1.8.2 The design or color scheme of the proposed project is not in harmony with the adjacent Buildings or Properties.
- 1.8.3 The plans and specifications are incomplete.
- 1.8.4 The plans, specifications, or details, or any part thereof are contrary to the interests, welfare or rights of adjacent Property Owners.

1.9 Project Monitoring:

1.9.1 When applications or written requests are approved by the Committee, the DCS shall issue a Project Permit and send an approval letter.

1.9.2 Compliance with the Project Permit shall be monitored by the DCS through the activities shown below and other actions deemed appropriate by the DCS.

1.9.2.1 Prior to commencement of construction, the DCS staff shall confirm that:

1.9.2.1.1 A Colorado-registered professional land surveyor has marked the Property corners with identifiable stakes, flagged and clearly marked as to what each stake represents. Stakes shall remain in position until construction is Substantially Complete.

1.9.2.1.2 A Colorado registered professional land surveyor has also marked the corner of all major Structures with clearly identifiable stakes clearly marked as to what each stake represents i.e., NW corner of house, etc.

1.9.3 During construction, the DCS staff will check approved plans for adherence to:

1.9.3.1 Grade changes – cut and fill.

1.9.3.2 Drainage plan.

1.9.3.3 Septic system location.

1.9.3.4 Exterior materials and colors.

1.9.3.5 Driveway and other Improvement locations.

1.9.3.6 Project plans and specifications.

1.9.3.6 Project agreement (e.g. portable toilets, trash containers, encroachment into setbacks/neighborly lots, property line delineation, permit is posted, tree protection, Silt fences along lake fronts, etc.)

1.9.3.7 Tree removal.

1.9.3.8 For **All new structures** a forms inspection on the foundation must be requested before concrete is poured or a stop work order will be issued and fines may apply. (see section 4.8 for details)

1.9.3.9 Other items deemed to be appropriate.

1.10 **After a permit is issued and at the discretion of the DCS:**

1.10.1 A revision change or deviation may be handled by red-lining plans and submitting a written request for review and approval by the ECC. Depending on the complexity of the revision, change or deviation, expedited approvals may be generated by the ECC through email in accordance with Colorado law.

1.10.2 Significant or major revisions, changes or deviations may require submittal of a new project application and plans.

1.10.3 Any unapproved revisions, changes or deviations of the approved plans discovered during an on-site inspection may result in a Stop Work Order. If a violation is alleged by the DCS to exist, following the opportunity for a Hearing, a fine and the potential removal of any unapproved Improvement may be required.

1.11 **Project permits are valid for six (6) months** from the date of approval and expire at that time.

1.11.1 If construction is started and work is progressing in a workmanlike manner, and the owner is a Member in Good Standing, written permit extensions may be requested and obtained from the ECC. Written extension requests must specify the rationale for non-completion, items to complete, and time needed to complete the project.

1.11.2 Extension permit fees are based on the data submitted with the extension request. The fee applies in all cases and will be charged for each request (refer to fee schedule – Section 9).

1.11.3 Any project not completed within twenty-four (24) months from the original approval date will be referred to the ECC for review.

1.12 Change of Ownership While Project is Incomplete

1.12.1 The owner must notify PLPOA in writing in advance if the property is to be conveyed before construction is complete and the permit closed. If the owner fails to do so, this does not relieve the new owner of the obligation to continue the project as described in the permit. If a change to the project/permit is desired, the new owner may follow established PPP processes. The new owner is subject to the same permit renewal fee schedule and fine schedules as were in effect for the prior owner at the time of conveyance. The change in ownership will not be deemed to restart the permit or extension process. The new owner must complete and sign a permit application form for the project in order for the permit to be transferred. A Permit Transfer Fee in the amount of \$500 will be applied for transferring a permit for a noncomplete project to a new owner.