[DRAFT – 5/18/2019]

SPOA Policy 2019-2 relating to the application of the phrase, “harmony of external design and location in relation to surrounding structures and topography,” found in Article V of the Stagecoach Declaration of Covenants, Conditions and Restrictions

WHEREAS, Article V of the Stagecoach Declaration of Covenants, Conditions and Restrictions [“Covenants”] provides that, “No building… 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, Section a of Article V of the Covenants provides that one “ancillary building” per Lot will be permitted so long as the Architectural Control Committee [referred to below as the “Committee”] determines that the ancillary building is, “in keeping with the overall architecture or scheme of the dwelling;” and

WHEREAS, the goal of the Covenants, as stated in the preamble, is to, “secure to each individual owner the full benefit and enjoyment of his home and/or property with no greater restriction upon the free and undistributed use of his property than is necessary to insure the same advantage to other similar owners; and to insure the lasting beauty and investment value of the property…”; and

WHEREAS, the Board finds that the investment value of the Lots and the ability of Lot owners to enjoy their property is directly linked to the preservation of the natural beauty of Stagecoach; and

WHEREAS, the Board finds that the adoption of a policy concerning the location of, design of and materials used for buildings and other structures constructed at Stagecoach will help to insure the lasting beauty and investment value of the property of all Lot owners; and

WHEREAS, Article V Section h. of the Covenants provides that, “Approval shall be obtained from the Committee to cut down, clear or kill any trees on any lot;

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

**[This policy purposely does not address all possible design elements and all possible materials. This policy is a work in progress. It is the intention of the Board to amend this policy in the future as experience dictates.]**

**I. SCOPE AND GENERAL STANDARD OF REVIEW**. Both the design of the proposed structural components [roofs, walls, foundation, etc.] and the proposed site of the structure will be reviewed. The materials that the Lot owner proposes to use in the construction will also be reviewed, to the extent that those materials will be visible from outside the structure. The purpose of this review is, first, to determine whether the proposed structure will harmonize with the surrounding structures [even though the surrounding structures may be located hundreds of yards away from the proposed structure]. In the case of an “ancillary building” the review will consider not only whether the ancillary building harmonizes with structures on other Lots, but also whether the ancillary building harmonizes with the dwelling on the Lot. If the proposed design of a structure is determined to be so different from the design of surrounding structures that it creates a feeling of disharmony, then the application may be disapproved. Similarly, if the location of the proposed structure is determined to adversely affect the surrounding structures, then the application may be disapproved.

The second purpose of the review is to determine whether the proposed construction will preserve, to a reasonable extent, the natural beauty of the Lot. In this regard, the Committee will look at how well the proposed structure fits the existing topography of the building site. The Committee will also look at whether the construction will result in the destruction of trees on the Lot and/or prominent natural features, such as large rock outcrops. And, the Committee will look at the materials used for the exterior of the structure. If the proposed location or the proposed materials are determined to create a feeling of disharmony with respect to the surrounding natural environment, then the application may be disapproved. Generally, the objective is to select a site and use a design and materials that will allow the structure to blend in with the surrounding environment in a visually pleasing manner. To the extent that the Lot owner proposes to use a design or material that does not blend well with surrounding structures and/or the surrounding environment, the Lot owner may propose to create a better visual effect by agreeing to plant trees and other vegetation on the Lot.

**II. SPECIFIC STANDARDS**

**A. Prohibited, Disfavored and Favored.** If an applicant proposes a location, design or material that is listed below as “Prohibited”, the application will be disapproved. If an applicant proposes a location, design element or material that is listed below as “Favored”, that particular location, design element and/or material will be approved, although there may be other aspects of the proposed structure that will cause the application to be disapproved. If an applicant proposes a location, design element or material that is listed below as “Disfavored,” the burden will be on the applicant to convince the Committee that there is some aspect of the Lot or the existing structures on the Lot that justifies the use of the proposed location, design element and/or material. So, for instance, if all of the structures existing on the Lot already have “lean-to” style roofs, then it would make sense that the proposed new structure would also have a “lean-to” style of roof, even though lean-to roofs are disfavored.

For locations, design elements and/or materials that are not listed below, the Committee will review the application under the general standard of review stated above.

**B. Structure Site.**

1. Prohibited.

a. Any site that encroaches on the front, rear and side utility and drainage easements.

2. Disfavored

a. Structure sites that significantly block the established view from surrounding Residences, to the extent that the size and the topography of the Lot reasonably allow other, less obstructive, structure sites.

b. Structure sites that will require a significant alteration of the existing topography of the Lot, to the extent that the size and the topography of the Lot reasonably allow structure sites that will require less alteration of the existing topography.

3. Favored. [Reserved]

**C. Architectural Design.**

**1. Design as it relates to the Lot topography.**

a. Prohibited [Reserved]

b. Disfavored [Reserved]

c. Favored:

i. When the owner proposes to build on an existing slope, structures that are built into the slope, such as a house with a “walk-out” basement.

ii. Designs that preserve prominent natural features, such as

rock formations.

**2. Roofs**

a. Prohibited Design Elements:

i. Primary or main roof planes that have a pitch of less than 5 inches vertical for each 12 inches of horizontal. [When a proposed roof has several roof planes, the largest roof plane will be deemed to be the primary roof plane.]

ii. Carports.

b. Disfavored Design Elements:

i. Roofs with a single plane, such as the roof of a lean-to.

ii. Roof planes where the lowest edge of the roof is less than 8 feet above ground level, except in the case of structures partially buried into extreme slopes.

ii. In the case of an “ancillary building,” roofs with a design different from the design of the residence on the Lot.

c. Favored Design Elements:

i. Roofs with two or more planes, where the roof planes are at an angle to each other, including roofs in which the various roof planes share a common edge [such as a gabled roof], and roofs in which the various roof planes do not share a common edge [for instance, where the back-side roof plane and the front-side roof plane are separated by a vertical section of wall].

**D. Materials**

**1. Roofs**

a. Prohibited Materials:

i. Wood shake shingles.

b. Disfavored Materials [Reserved]

c. Favored Materials

i. Standing seam metal;

ii. Asphalt shingles, including “dimensional” asphalt shingles

**2. Siding.**

a. Prohibited Materials:

i. Standing seam metal siding that covers more than 50% of the walls of the structure.

ii. Corrugated metal siding that covers more than 50% of the walls of the structure.

b. Disfavored Materials:

i. In the case of an “ancillary building”, siding that is different from the siding of the Residence on the Lot.

ii. Vinyl

c. Favored Materials:

i. Wood, including logs and partial logs;

ii. Manufactured wood siding;

iii. Fiber cement siding;

iv. Stucco;

v. Stone and faux stone.

**3. Trim.**

a. Prohibited Materials: [Reserved]

b. Disfavored Materials:

i. In the case of an ancillary building, trim that is different from the trim of the Residence on the Lot.

c. Favored Materials:

i. Wood, including logs and partial logs;

ii. Manufactured wood;

iii. Fiber cement;

iv. Stucco;

**III**. **Rejection of Applications Proposing Prohibited Locations or Design Elements**. If the Association managing agent receives an application to construct a house or other structure in a prohibited location and/or using a prohibited design element and/or material and if the chairman of the Architectural Control Committee concurs that the proposed location and/or design element and/or material are prohibited, then the application shall be disapproved.