**[Draft 5/18/2019]**

**SPOA Policy 2019-3 relating to the application of the phrase, “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 … by the Board of Directors of the Association, or by an Architectural Committee comprised of three (3) or more representatives appointed by the Board;” 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, fence, wall, swimming pool, or other structure shall be commenced, erected, or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made 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, the Board has previously adopted a policy to the effect that only plans actually submitted by the applicant to Routt County for approval will be reviewed and approved pursuant to the Covenants; and

WHEREAS, the ACC has established an informal procedure that allows review of plans before submission to Routt County, so as to minimize applicant costs in the event that changes to the plans are required, but this informal procedure has not, to date, been formally adopted by the Board; and

WHEREAS, Section a of Article V of the Covenants states that, “All Lots shall be … used only for Residences,” but also allows one “ancillary building”, and

WHEREAS, there is still often confusion about various aspects of the application process;

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

**[These policies purposely do not address all aspects of the application process and all issues that may arise. These policies are a work in progress. It is the intention of the Board to amend these policies in the future as experience dictates.]**

**I. AUTOMATIC DISAPPROVAL OF APPLICATIONS**

 A. Applications Made After A Structure Is Commenced.

1. Applications made after a structure has been commenced shall be disapproved. The term “commenced” includes grading, cutting and/or filling that is done primarily to prepare a Lot for the construction of a structure.

2. Commencement of a structure, prior to obtaining written approval, shall be treated as a violation of the Covenants.

 B. Applications For Structures On Lots Without A Residence.

1. With the exception of applications for fences, or as otherwise allowed by the Board on a case-by-case basis, applications for construction of a structure other than a Residence shall be disapproved unless the Lot has an existing Residence, or a Residence will be constructed contemporaneously with the structure.

 C. Applications For Formal Review Pursuant To Article V

1. For structures that require a permit from Routt County prior to construction, if an applicant has not submitted plans to the Routt County Building Department at the time the applicant requests formal review of plans pursuant to Article V of the Covenants, the application shall be disapproved.

2. If an applicant requesting formal review of plans pursuant to Article V of the Covenants fails to include with the application and plans pictures showing the materials (including sheet metal, corrugated metal, wood, manufactured wood, stucco, asphalt shingles, wood shingles, cement board, stone and manufactured stone) that the applicant proposes to use for the exterior of the structure, in the colors that the applicant proposes to use, the application shall be disapproved.

 D. Notification Of Automatic Disapproval

1. Upon receipt of an application subject to automatic disapproval, the Managing agent shall notify the applicant in writing of the disapproval pursuant to this policy.

**II. CLARIFICATION OF “EXTERIOR ADDITION OR CHANGE OR ALTERATION”**

In order to streamline the process and lessen the burden on Lot Owners, consistent with the stated purpose of the Covenants, the Board has determined that the phrase, “exterior addition or change or alteration should be interpreted to exclude certain repairs and minor alterations, which are listed below. Owners wishing to make a repair or minor alteration that is not on the list are advised to consult with the Managing Agent.

A. The following repairs and minor alterations shall not be treated as an “exterior addition or change or alteration,” for purposes of the application process only. The Board reserves the right to change this list from time to time, as experience dictates.

1. Repair and/or replacement of roofing or siding or trim materials and/or coatings, including paint, so long as the materials and coatings have approximately the same color as the original color of the materials and/or coatings replaced;

2. Repair and/or replacement of windows and/or doors and/or garage doors, so long as the replacement windows and doors and garage doors have approximately the same color as the original color of the windows or doors or garage doors replaced;

3. Construction of a roof over an existing doorway of a Residence, so long as the materials and colors are substantially the same as those of the Residence;

4. Construction of a roof over an existing deck attached to a Residence so long as the materials and colors are substantially the same as those of the Residence.

**III. CLARIFICATION OF THE TERM “ANCILLARY BUILDING”**

Except as otherwise provided in any amendment to the Covenants, or any other policy or guideline adopted by the Board, an “ancillary building” is, generally, a roofed structure that does not share a common wall with a Residence, provided, however, that:

A. A roofed structure that does not share a common wall with the Residence on the Lot but which is connected to the Residence by a walkway that allows passage from the structure into the house is not an “ancillary building” if: (1) the walkway is not longer than twenty (20) feet in length, and (2) the walkway has been enclosed with walls and/or windows, and a roof, so that the interior is protected from the elements. Any such structure and walkway will be treated as part of the Residence for purposes of computing minimum and maximum square footage requirements.

**IV. INFORMAL REVIEW OF APPLICATIONS**

 The Covenants provide that an application must be approved or disapproved within 30 days of submission or it is automatically approved. In the past, the ACC would approve applications prior to submission of the plans to Routt County. In some instances the applicant would change the plans after approval by the ACC but prior to submission to Routt County. SPOA would only discover the change after the structure had been constructed.

 In an attempt to reduce construction of structures that have not been approved, the SPOA Board has adopted a policy to the effect that only plans submitted to Routt County will be reviewed by SPOA; all others will be disapproved. However, this places Lot Owners in the position of incurring the expense of preparing submission copies of plans without knowing whether those plans will be approved by the ACC. So, the Board hereby establishes a procedure whereby an Owner can obtain the agreement of SPOA, prior to submission of plans to Routt County, to later approve those plans when they are submitted to the County. This “Informal Review” shall proceed as follows:

A. An Owner wishing to participate in an Informal Review shall initiate the process by signing a letter, which shall also be signed by the Managing Agent, pursuant to which the Owner agrees that the 30-day deadline for review of applications stated in Article V of the Covenants does not apply to the application which is being submitted contemporaneously with the letter. The letter shall also provide that the Owner can terminate the informal review at any time by requesting such a termination in a writing delivered to the Managing Agent.

B. The Owner shall then provide the Managing Agent with the following: documents:

1. For an application for a Residence or an ancillary building:

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.

 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.

C. Upon receipt of the materials submitted by the Owner, the ACC shall decide whether to approve or disapprove the plans as submitted. If the plans are approved as submitted, then the Managing Agent shall send a letter to the applicant notifying them that formal approval of the plans, under Article V of the Covenants, will be issued upon confirmation that the plans submitted to Routt County are substantially the same as the plans reviewed by the ACC.

D. If the plans submitted for Informal Review are initially disapproved by the ACC, the ACC shall attempt to reach agreement with the applicant on changes to the plans sufficient to result in approval.

E. If the ACC and the applicant are unable to agree, the applicant may appeal to the Board of Directors by requesting such an appeal in a writing delivered to the Managing Agent . In the event of such an appeal, the matter shall be scheduled for hearing by the Board at the next regularly scheduled meeting. If the Board approves the plans, then the Managing Agent shall send a letter to the applicant notifying them that formal approval of the plans, pursuant to Article V of the Covenants, will be issued upon confirmation that the plans submitted to Routt County are substantially the same as the plans approved by the Board.

**V. APPEAL FROM A DISAPPROVAL BY THE ACC UNDER FORMAL REVIEW**

If an applicant chooses to submit to the ACC plans that have previously been submitted to Routt County, and the ACC disapproves the plans, the applicant may appeal to the Board of Directors by requesting such an appeal in a writing delivered to the Managing Agent . In the event of such an appeal, the matter shall be scheduled for hearing by the Board at the next regularly scheduled meeting. If the Board approves the plans, then the Managing Agent shall send a letter to the applicant notifying them that the plans have been formally approved pursuant to Article V of the Covenants.