

Design Review Manual

Design Review Committee of the
Trout Lake Owners Association

Revised 2024

Table of Contents

Introduction and Authority	Page 3
1.1 Objectives of Design Review	Page 3
2.1 General Design Guidelines	Page 4
3.1 Building Restrictions	Page 4
4.1 Approval Process	Page 5
5.1 Construction Regulations	Page 8
6.1 Site Impact Deposit, Final Sign-Off, Deposit Refund or Retention	Page 9
7.1 Minor Projects Requiring Only DRC Approval	Page 10
Appendix A DRC Application	Page 11
Appendix B Site Impact Deposit Agreement	Page 13

Introduction and Authority

Before any Trout Lake Land Company (TLLC) Stock Certificate Owner (Owner(s)) begins any activity or construction—new, remodel, structural change, and/or maintenance—which will change or effect the footprint or exterior appearance of their residence and/or have an impact on the land held in common by all Owners (the Common Elements), including but not limited to: septic systems, wells, driveways/parking/turnarounds, having a survey done somewhere other than their site, building trails, or diverting water, the Owner is required to go through the Design Review Committee (DRC) process (Amended Declaration (AD) 3.3.9). It is the sole responsibility of each Owner to read, understand, and comply with the Amended Declaration and this Design Review Manual, as well as understand and meet San Miguel County, State and Federal requirements as needed. (AD 3.1, 3.4.11)

The Trout Lake Owners Association (TLOA) Board of Trustees (Board) is given authority to review and approve or disapprove any and all improvements on TLLC land through the Amended Declaration of the Trout Lake Land Company adopted September 2023 (AD Recital D.) The DRC of the Board is given authority to review any and all proposed improvements and make recommendations for approval or disapproval to the Board by the same Amended Declaration (AD 3.4.1, 3.4.2.). This Design Review Manual is binding on all Owners, as is the Amended Declaration. All efforts have been made to avoid contradictions between this manual and the Amended Declaration, but if any exist the Amended Declaration takes precedent. This manual was adopted by the DRC and TLOA Board and may be amended from time to time by the same (AD 3.4.10.)

1.1 Objectives of Design Review

In keeping with the stated dedication to preserving the natural beauty of Trout Lake Land Company lands and promoting the personal enjoyment and well-being of Trout Lake Land Company Owners (AD Recital B), the objectives of the design review process include, but are not limited to the following:

- 1.1a Preserve and protect the natural environment and scenic beauty of Trout Lake Land Company land;
- 1.1b Ensure compliance with the Amended Declaration and this Design Review Manual whenever Owners undertake new construction, remodels and/or maintenance which impacts the exterior of their residences and/or the Common Elements;

- 1.1c Minimize environmental and visual impact on neighbors and the entire Trout Lake community through appropriate architectural design, site panning, and revegetation;
- 1.1d Encourage a cooperative community through neighbor involvement in the DRC process;
- 1.1e Promote privacy and protection of views.

2.1 General Design Guidelines

When plans are being developed the following design guidelines should be considered and incorporated (AD 3.4.10):

- 2.1a Architectural design should have an aesthetic appeal that is timeless and appropriate to our scenic mountain environment. This may be achieved through simple forms and style, using natural building materials, and by nestling cabins into their sites.
- 2.1b Sensitivity to the landscape will minimize the visual impact of cabins. Buildings should merge and blend rather than emerge from their surroundings. In gently sloping open meadow areas, the building mass should be low profile with horizontal forms dominant. On hillsides building into the hill is recommended, i.e., step the mass of the building parallel to the slope.
- 2.1c Siting of all improvements shall consider visual and aesthetic impact, views and privacy, and should be designed to cause the least impact to the site and the community at large. Existing trees should be preserved whenever possible. Design solutions will necessarily be specific to each site.
- 2.1d Roofs should be kept simple and make a visual connection with the building site. In keeping with traditional mountain architecture and to handle snow loads, gable roofs with pitches of 5:12 to 12:12 are recommended. Secondary roofs attached to the building may be shed roofs with pitches of not less than 4:12 preferred and advisable.
- 2.1e Elevated decks and their railings need to be designed and constructed to handle snow loads and snow shedding from roofs above. Roof designs that shed snow away from decks are advisable.

3.1 Building Restrictions

This is a summary of Article 3: Restrictions on Use in the Amended Declaration. It is imperative that Owners and their architects and contractors read, understand, and adhere to the full article. For information on variances please see AD 3.4.8.

- 3.1a One residence per building site with no outbuildings nor detached garages (AD 3.3.1, 3.3.2).
- 3.1b Minimize disruption of flora and rock outcrops (AD 3.3.1a).
- 3.1c Revegetate all disturbed areas with native species (AD 3.3.1a).
- 3.1d Do not obstruct neighbors' views (AD 3.3.1a).
- 3.1e 3500 square foot maximum including all floors measured from exterior face of walls, excluding decks, porches, patios (AD 3.3.3).
- 3.1f 30-foot height limit measured from highest point of roof to lowest point of pre-existing or post-construction grade whichever is more restrictive (AD 3.3.3).
- 3.1g No mobile homes, campers, travel trailers as permanent residences (AD 3.3.1b).
- 3.1h No fencing (AD 3.3.5).
- 3.1i All exterior lighting must be directed downward (AD 3.3.7). Any lighting for walkways, driveways, etc., need to be low to the ground and on motion sensors. Any decorative or holiday lighting must be turned off at a reasonable hour and when the house is vacant. Follow Dark Sky guidelines per San Miguel County (see county website.)
- 3.1j Siding dark brown log or wood, native stone in its natural color, or dark, nonreflective metal (AD 3.3.8).
- 3.1k Roofing nonreflective black, dark brown, or pre-rusted metal (AD 3.3.8).
- 3.1l Propane tanks are to be underground. Existing above ground tanks, which are grandfathered in, are to be screened from view preferably with vegetation (AD 3.3.1a).
- 3.1m Buffering: No improvement of any kind may be placed within 100 feet of an existing residence without grandfathering or a variance (AD 3.3.6, 3.2.1, 3.4.8).
- 3.1n Extensions of driveways, parking areas, patios, or other improvements not indicated on submitted plans are not permitted.

4.1 Approval Process

The approval process is twofold—1) DRC review and recommendation to the TLOA Board of Trustees to approve or not approve the project and 2) official action by the Board to approve or not approve the project. The authority to grant approval rests solely with the Board except for items listed in section 7.1 of this manual, which the DRC can approve directly (AD 3.4.2).

4.1.1 Initial Application Package

Required items for submission as applicable to the proposed project (AD 3.4.3):

- a) DRC application (see Appendix A) and fee.
- b) 2 printed copies of drawings and specifications, one will be retained by DRC for its records.
- c) Photographs of the site (four directions) and/or residence (all four elevations) before any disturbance or changes.
- d) Survey of site pin location by licensed surveyor with contours at 2-foot intervals (for site pin moves see AD 3.4.9).
- e) Topographical site plan showing location of site pin and resulting site circle, existing and proposed contours at 2-foot intervals, building footprint, driveway/parking/turn around, adjacent roads, water well, septic system, propane tank, temporary site storage and/or permanent landscaping of excavated material, location of all trees >4-inch diameter with those proposed for removal indicated, streams/ponds or other features, distance to closest neighbors' site pins.
- f) Samples of roofing and siding materials, including all exterior trim, deck railing materials, and color of windows and doors. Photographs or manufacturer's color charts are acceptable, but DRC &/or Board may request actual samples.
- g) Drawings of septic system plan by state licensed civil engineer.
- h) Other items as requested by DRC &/or Board to explain or clarify plans.
- i) Neighbor comments from neighbors within 300 feet (site pin to site pin) &/or those required by DRC &/or Board. If comments not received, submit documentation of diligent efforts requesting comments.
- j) Site staking and DRC site visits: stake and label site pin, footprint of building and decks/porches/patios, driveway/parking/turn around, septic system, and any other improvements; flag trees proposed for removal. Staking and DRC site visits may be delayed due to snow.
- k) Any encroachment of non-TLLC land, i.e. Lizard Head Land Company or US Forest Service will need to be approved in writing by those entities.

4.1.2 Final Application Package

After the initial application package is received, the DRC may require additional information, make suggestions for changes, or otherwise conduct an ongoing conversation with an Owner to get to a Final Application Package. (AD 3.4.4)

4.1.3 Submittal Date

Once the Final Application Package is received by the DRC chair from the Owner, the date of receipt—the Submittal Date—will be documented by the DRC chair in writing to the Owner, which may be done electronically. (AD 3.4.4)

- a) The Submittal Date may be delayed due to snow cover preventing DRC member site visits.

4.1.4 DRC Review and Recommendation

Within 45 days of the Submittal Date, the DRC members will review the Final Application Package, hold an open meeting, which may be virtual, to vote on its recommendation to the Board, make its recommendation to the Board for approval or disapproval of the project, and forward the Final Application Package to the Board. (AD 3.4.4)

- a) If the DRC does not vote within 45 days of the Submittal Date, the Owner may submit the Final Application Package directly to the Board. (AD 3.4.4)

4.1.5 Board Receipt, Review and Vote

When the Board receives a DRC recommendation (or a Final Application Package directly from an Owner) the Board President will document the Date of Board Receipt in writing to the Owner, which may be electronic, and within 45 days the Board will review the project and hold an open meeting, which may be virtual, to vote to approve or disapprove the project. (AD 3.4.4)

- a) If approved, the Board President will notify the Owner in writing, which may be electronic, San Miguel County Planning and Building Departments via email, by stamping the plans, or by other methods required by the County.
- b) The Owner will then acquire any required permits from the county, state, and/or federal government and/or any other entities as required (AD 3.4.11).

- c) After Board approval but before the project begins, the Owner will sign a Site Impact Deposit Agreement and place in escrow the Site Impact Deposit with the TLOA Treasurer. (See section 6.1)
- d) If any changes to the dimensions and/or exterior appearance of the approved Final Application Package are made, even after construction has begun, the Owner must inform the DRC in writing (may be electronic) and may be required to go through the approval process again. (AD 3.4.11) Owner must obtain written approval of changes from the DRC &/or Board prior to execution.
- e) If the Board does not vote within 45 days, the project will be considered not approved. (AD 3.4.4) The Owner may resubmit the project to the DRC/Board.
- f) Project approval will expire after 2 years if a building permit has not been obtained and construction has not begun. The Owner may resubmit the project to the DRC/Board.

5.1 Construction Regulations

- 5.1a. Location: All construction activity shall be contained to the site for which the DRC and Board gave approval. Only established roads, driveways and parking areas or approved new ones may be used by construction vehicles. Any use of other areas for any reason must have DRC and/or Board approval.
- 5.1b. Noise: Excessive construction noise shall be kept to a minimum and may not start before 7am and must cease by 7pm. (AD 3.3.9d)
- 5.1c. Trash: Owners are responsible for maintaining a clean construction site and for disposing of all construction waste and left over supplies. For new construction or major remodels an onsite trash container, i.e., a dumpster, or daily hauling is required.
- 5.1d. Sanitation: Adequate sanitation in strict compliance with existing sanitation regulations is required with no disposal of waste on the land or in any waterway. (AD 3.3.9c)
- 5.1e. Time limit: Once started, construction to at least finished exterior walls and roof must be completed within 2 years (AD 3.3.9a.)
- 5.1f. Project Monitoring: The DRC may monitor the project from time to time to ensure compliance with the approved plans.
- 5.1g. Indemnification: Any Owner undertaking construction will indemnify and hold harmless TLOA and TLLC, TLOA Board of Trustees, TLLC Board of Directors, and the DRC from any claims, losses, or injuries to themselves or their contractors or sub-contractors arising out of the construction activities (AD 3.4.11.)

5.1h. It's the Owner's responsibility to confirm insurance coverage of their contractors and sub-contractors and to require that the Owner, the TLOA, and the TLLC are listed as additional insured (AD 6.4).

6.1 Site Impact Deposit, Final Inspection, and Deposit Refund or Retention

After the Board has approved the project and before the project begins, the Owner will sign a Site Impact Deposit Agreement form (see appendix B) and place in escrow the Site Impact Deposit (SID) with the TLOA Treasurer.

6.1.1 Calculation of SID: total square footage of the project including building, decks, driveway/parking/turnaround, and septic system multiplied by \$2.00 per square foot plus the total linear feet of underground utilities multiplied by \$2.00 per linear foot.

- a) The SID will be calculated and recommended by the DRC to the Board.
- b) A minimum deposit of \$500 is required.
- c) If the project does not have clear measurements but will entail disturbance to the Common Elements, the DRC &/or Board may impose a higher minimum.
- d) For projects that will impact South Trout Lake Road, the Owner will pay a separate fee equal to 15% of their SID to the South Trout Lake Road Fund.
- e) An SID may be waived for minor requests listed in section 7.1 at the discretion of the DRC.

6.1.2 Final Inspection: Upon substantial completion of the approved project, including clean up and revegetation, and not later than 2 years after the project was begun, the Owner will notify the DRC to conduct a final on-site inspection. The DRC members will then inspect the site of the project and report their findings and assessment to the DRC chair.

6.1.3 SID Refund: If the DRC finds that the project conforms to the approved plans and clean-up and revegetation is complete the DRC chair shall recommend to the Board President to sign-off on the SID Agreement Form and refund the SID. If the Board President agrees, they will sign-off on the SID Agreement Form and notify the Treasurer to refund the SID.

6.1.4 SID Retention/Forfeiture:

- a) If the DRC or Board President finds the final inspection to be unsatisfactory or incomplete, the DRC Chair will inform the owner in writing, which may be electronic, of what needs to be fixed or completed for the SID to be returned. The full SID may be retained if the deficiencies are extensive or only a portion of the SID may be retained appropriate to what needs to be done, i.e., completion of revegetation the next growing season.
- b) If the Owner does not complete the required actions within 90 days of the written notice, the SID will be forfeited, and the Board may use those funds to complete the required actions.
- c) There can be latitude in the 90-day limit for revegetation if the final inspection occurs at the end of the growing season, but the expectation will be that revegetation will be accomplished the next spring/early summer and, if not, the retained SID or portion thereof will be forfeited, and the funds may be used by the Board to complete the revegetation.

7.1 Minor Projects Requiring Only DRC Approval

The following is a list of minor projects that can be approved by the DRC without Board approval. This list is not to be considered exhaustive and additional projects can be deemed minor at the discretion of the DRC. Similarly, if a project is presented to the DRC as minor by an Owner and the DRC determines it is not a minor project for whatever reason, the DRC chair will inform the Owner that the complete approval process must be completed. A DRC Application and fee will be required, but the fee can be waived at the discretion of the DRC. An SID will be required at the DRC's discretion if the project will cause disturbance of the Common Elements.

- a) Repainting or re-staining—approval of color choice
- b) Re-siding—approval of color and materials
- c) Re-roofing—approval of color and materials
- d) Replacement windows and/or doors—approval of trim color
- e) Solar array on a roof
- f) Replacement or maintenance of septic system, well, or propane tank components without changes to size or location
- g) Maintenance of existing roads, driveways, parking areas or turn arounds without change to size or location
- h) Repair or replacement of deck and/or railings

Appendix A

TROUT LAKE OWNERS ASSOCIATION Design Review Committee Application

By applying for design review, the Owner and the project designer acknowledge that they have read and understand the requirements and restrictions of the Amended Declaration and the Design Review Manual and agree to abide by the same. Owner's signature attesting to this: _____ Date: _____

Submit all items of the Initial Application Package at one time and on paper. Mail to Danny Desantis, DRC Chair PO Box 673 Ophir, CO 81426. After initial review by the DRC more items may be requested.

SITE# _____ OWNER(S): _____
SITE ADDRESS: _____
MAILING ADDRESS: _____
TELEPHONE: _____ EMAIL: _____

CONTACT PERSON (if other than Owner): _____

INITIAL SUBMITTAL DATE: _____

SUMMARY OF PROJECT: _____

CHECK OFF ITEMS APPLICABLE TO PROJECT:

_____ **DESIGN REVIEW FEE.** \$100 payable to TLOA mailed to PO Box 3154 Montrose, CO 81402 or paid online at troutlake.co

_____ **NEIGHBOR COMMENTS.** Written approval or comments from all neighbors within 300' or as directed by the DRC and/or Board.

_____ **BEFORE PHOTOGRAPHS.** Photos of the site—4 directions—and/or the residence—all 4 elevations—before any disturbance or changes.

_____ **SITE PLAN.** (two copies; scale 1/10"=1') Topographical site plan showing location of site pin and resulting site circle, existing and proposed contours at 2-foot intervals, building footprint, driveway/parking/turn around, adjacent roads, water well, septic system, propane tank, temporary site storage and/or permanent landscaping of excavated material, location of all trees >4 inch diameter with those proposed for removal indicated, streams/ponds or other features, distance to closest neighbors' site pins.

_____ **BUILDING DRAWINGS.** (two sets; scale 1/4"=1') A. FLOOR PLANS: to include lofts, decks, exterior dimensions, and square footage of each floor measured from exterior wall faces, height of building from pre-existing and/or post-construction grade to highest point of roof. B. EXTERIOR ELEVATIONS: all four to include decks, exterior lighting, height, roof pitch, and list exterior materials and colors.

_____ **EXTERIOR MATERIALS & COLORS.** Samples of roofing and siding materials, including all exterior trim, deck railing materials, and color of windows and doors. Photographs or manufacturer's color charts are acceptable, but DRC &/or Board may request actual samples.

_____ **ON-SITE STAKING.** On-site staking shall show the location of the site pin, proposed building footprint, proposed driveway/parking area/turn around, septic system, water well and

lines, utilities, propane tank, etc., and flagging of any trees > 4inch diameter proposed to be removed.

____ **SITE PIN LOCATION SURVEY.** If the site pin location is not known—no survey, not clear on plat, or a site point move is requested or needed, or if it is an un-built site, or as required by the DRC and/or Board, a survey by a licensed surveyor will be required.

____ **OTHER:** _____

DRC REVIEW:

____ Applicant is owner of site stock certificate.
____ FINAL APPLICATION PACKAGE SUBMITTAL DATE: _____
____ DRC MEETING TO DISCUSS AND VOTE DATE: _____
____ RECOMMENDATION TO BOARD: ___ To Approve ___ To not approve DATE: _____

TLOA BOARD:

____ BOARD RECEIPT OF FINAL APPLICATION PACKAGE DATE: _____
____ BOARD MEETING ___ APPROVED ___ NOT APPROVED DATE: _____
____ Site Impact Deposit received: \$ _____ DATE: _____
____ Fee to South Trout Lake Road Fund (south-side projects only) \$ _____
____ Approval recorded in minutes of TLOA board meeting.

TLLC BOARD: (IF APPLICABLE)

____ APPROVAL OF SITE PIN MOVE DATE: _____
____ RECEIPT OF SURVEY FOR APPROVED SITE PIN MOVE FROM OWNER
____ SITE PIN MOVE RECORDED WITH THE COUNTY DATE: _____

DRC FINAL INSPECTION & SIGN-OFF:

____ Passed final inspection. DATE: _____
____ Site Impact Deposit refunded: \$ _____ DATE: _____
____ If final inspection not passed: NOTICE TO OWNER DATE: _____
____ RE-INSPECTION DATE: _____ RESULTS AND ACTION: _____

APPENDIX B

TROUT LAKE OWNERS ASSOCIATION SITE IMPACT DEPOSIT AGREEMENT

SITE # _____

I, _____, hereby enter into this Site Impact Deposit (SID) Agreement and pay to the Trout Lake Owners Association a cash deposit to be held in escrow in accordance with the following terms:

1. Amount of Deposit. The amount of the SID shall be calculated using the formula in the Design Review Manual or determined by the DRC and/or Board if the formula is deemed as not applicable. Owners whose project will impact South Trout Lake Road shall also pay a separate fee to the South Trout Lake Road Fund equal to 15% of the SID.
2. Refund of Deposit. If, after final inspection, the DRC finds that the project conforms to the approved plans and that construction clean-up and site restoration are satisfactory, the Board shall fully refund the deposit.
3. Forfeiture of Deposit. If the DRC finds the final inspection to be unsatisfactory and if ninety (90) days after having been given written notice of the deficiencies, the Member fails to initiate action that would result in a satisfactory final inspection, the Member shall forfeit the deposit. Time frame flexible for revegetation—see section 6.1.4c.

Mail check for SID to TLOA PO Box 3154 Montrose, CO 81402 or pay online at troutlake.co

AMOUNT of SID: \$ _____ Date mailed or paid online _____
FEE PAID TO SOUTH TROUT LAKE ROAD FUND: \$ _____

SIGNED: _____, Owner DATE: _____
Name: _____ Mailing address: _____
Phone: _____ Email: _____

SID AMOUNT: \$ _____ RECEIVED DATE: _____
Trout Lake Owners Association Board of Trustees
_____, TLOA President or Treasurer

DRC FINAL INSPECTION ___ Passed ___ Not Passed DATE: _____
DEPOSIT REFUNDED DATE: _____ AMOUNT: \$ _____
DEPOSIT FORFEITED Owner informed DATE: _____
_____, TLOA President or Treasurer