

Wild View at Little Gaynor Lake Homeowners Association

RULES & REGULATIONS

(Board Approved 5/19/2021)

Introduction

The Wild View Design Review Committee (DRC) was established in Section 5 of the Declaration of Covenants of the Wild View Homeowners Association (HOA) and is charged with the responsibility of establishing reasonable architectural and landscaping standards to preserve the integrity, beauty, and value of the homes in our community.

The Design Review Committee exists to maintain the look and building standards of the Wild View community, and to ensure that all changes to the neighborhood meet the requirements set forth in these guidelines and to enforce these guidelines when necessary. In addition, under the Bylaws, the Board of Directors (BOD) is responsible to administer and enforce the covenants, conditions, restrictions, easements, uses, limitations, obligations, and all other provisions set forth in the Declaration.

Purpose

Some of the existing HOA documents are vague, incomplete or need specific procedures. Thus, to assure consistency of application and enforcement, the Board of Directors is establishing Rules and Regulations (R&R's). Under the Association By-Laws, Article IV, Section 4, Board of Directors Powers and Duties, the Wild View HOA Board of Directors may establish these guidelines for the purpose of advising the homeowners of standards and enforcement policies that have been established.

Because there are a considerable number of guidelines and new methods and materials are continually being developed, this list is not all encompassing. Thus, if the improvement/change is not listed, the homeowner must contact any member of the Design Review Committee or the Board of Directors. (See Appendix for a description of the Waiver Process for the Guidelines.)

Relationship of the Design Guidelines to Other Regulations

The BOD can change these Rules & Regulation's from time-to-time. In some cases, the criteria may be relaxed, existing regulations redefined or new restrictions added. Therefore, there may be cases of existing structures or other items on individual lots that were approved, but do not meet the current R&R's. It is not the intent that these regulations be applied retroactively to previously approved items unless there are safety or nuisance impacts of those previously approved items. **However, the existence of a previously approved item on some lots does not necessarily mean that a new request for a similar item will be approved if it does not meet the current regulations. See Section 11 of the Covenants.**

To simplify the process of approval, we have established a classification system.

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Classification Definitions:

Category 1 - Items exempt from review.

Category 2 - Improvements require homeowner to submit request to DRC/BOD. Once the homeowner's plan is approved, a letter will be given to the homeowner and the work can begin. This process could take up to 2 weeks depending on the extent of the improvement.

The DRC/BOD reserves the right to stop the work if it has been misrepresented and/or exceeds the original request.

Specifically prohibited items in Wild View:

As per The Wild View Covenants, the Design Guidelines shall govern the review process. If an item is not explicitly listed below as prohibited, it may still violate the intent of the Design Guidelines and thus be prohibited. For clarification, a homeowner should contact any member of the Board of Directors or Design Review Committee prior to starting any project. **The following items are specifically prohibited in Wild View in accordance with the Design Guidelines:**

- Artificial turf as ground, front porch, or front balcony coverings.
- Carports.
- Outdoor clotheslines and hangers.
- Concrete equipment cleaning or concrete dumping without proper cleanup & restoration.
- Dumping of any debris, such as grass clipping, trash, etc. into an irrigation ditch.
- Farm type livestock such as horses, cattle, sheep, goats, chickens, roosters, turkeys, etc. (Reptiles, birds, insects, etc., while not prohibited, must be kept indoors).
- Mailboxes on simple metal posts are not acceptable.
- Oil changing of vehicles and other equipment without proper removal procedure.
- Roof mounted or window mounted air conditioners or swamp coolers.
- Recreational vehicles (RVs), off-road sports & all-terrain vehicles, campers, boats, fifth-wheels, trailers, jet skis, and old cars, are not allowed to be parked on your property, unless in an enclosed garage area. They may only be placed outside temporarily for loading and unloading purposes for up to 72 hours.

In general, all equipment and vehicles, whether stationary or operable, whether registered or non-street legal, **other than family passenger vehicles**, must be kept in an enclosed garage area.

Any of the vehicles etc. prohibited above that belong to guests or visitors are permitted for up to 2 weeks during any rolling six (6) month period.

- Satellite dishes greater than 1 meter (39 inches) in diameter.
- Signs other than approved construction, political or real estate signs.

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- Storage tanks of any size or type are not allowed.
- Permanent above ground swimming pools are not allowed. (See Category 1 for use of temporary above ground).
- Trash Receptacles in the driveway or street are prohibited. They should be hidden from the street by being placed in a garage or enclosure until 1 day prior to collection.
- Use of spring, surface, or irrigation water for any purpose.
- Dirt or gravel driveways. All driveways and parking pads must be asphalt or concrete.

Category 1:

This list is very specific and complete. If the requested item is not on the list, then the item falls into Category 2 and requires approval.

Process: No approval required.

Item Requested – No approval required

1. **Air Conditioning** - Replacement of existing unit to the same location (side or rear of house).
2. **Mulch** - Maintenance and replacement of mulching materials *i.e.* stone, bark, etc.
3. **Exterior Doors** - Replacement of doors or addition of storm doors.
4. **Plantings** –
 - Removing, moving, or replacing of shrubbery or perennials that will have a mature height of less than 10 feet.
 - Installation of edging or separations to beds.
 - Changing shape of beds or gardens.
5. **Decks** - Refinishing the Deck with the original color or finish.
6. **Satellite Dishes, DSS Receivers and Antenna Structure** - Satellite dishes of one (1) meter (39 Inches) or less in diameter are approved per the enactment of the Federal Communications Act of 1976. Please choose a location that is a suitable for reception, but is not obtrusive.
7. **Tree Removal** - The removal of trees on a homeowner's own property does not require approval. However, it should be noted that **replacing** trees requires approval.

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- 8. Flagpoles** - Flagpoles must be less than 20 feet high and must be located at least 50 feet from the street. The pole color should be silver, white, black or a wood finish. Flags should be no larger than 4 x 6. Residents are encouraged to fly the flag of the United States in accordance with the Federal Flag Code, including such things as illumination of the flag if it is flown at night.
- 9. Exterior Decorations** - Seasonal decorations of a home's exterior do not need DRC/BOD approval. Homeowners are required to remove exterior decorations within 30 days of the celebration.
- 10. Vegetable Gardens** - Vegetable gardens located in the backyard do not need DRC/BOD approval. They must be located at least 50 feet from the main neighborhood streets and no larger than 3000 sq feet. Appropriate maintenance is required. Welded wire mesh or other attractive fencing that is no higher than 24 inches may be used around the garden without approval. Chicken wire and plastic mesh fencing are not acceptable.
- 11. Interior Remodeling** -Interior remodeling does not require approval.
- 12. Mailboxes** - Plain, rural mailboxes on a cedar post do not require approval. All other mailboxes must be approved by the DRC/BOD. Note that simple steel posts are not allowed.
- 13. Basketball Backboards** – Free standing portable basketball backboards do not need approval. (see Category 2 for house or pole mounted backboards)
- 14. Dumpsters and Bulk Trash Containers** - Dumpsters and bulk trash containers may be placed on homeowner property during construction projects for no longer than 45 days. **Longer stays will require committee approval.**
- 15. Signage** – Real Estate signs are permitted. Signs of a temporary nature including, but not limited to, signs for companies that do landscaping, pool installation, home repairs, remodeling, fencing and political can remain on the property for no longer than 90 days. **Longer stays will require committee approval.**
- 16. Temporary Storage Facilities** - May be placed on homeowner's property for no more than 45 days during a construction project. **Longer stays will require committee approval.**
- 17. Small fountains or water features** - Freestanding or with a footprint of less than 10 square feet and/or 6' high. **Larger water features require approval.**
- 18. Port –a –potties** - May be placed on homeowner's property for no longer than 45 days during a construction project. **Longer stays will require committee approval.**
- 19. Exterior Lighting** - Site lighting should generally be subdued so as to eliminate glare to neighboring properties. Floodlights are discouraged in Wild View. However, for the purposes of assuring security around the property, up to 6 floodlight bulbs may be attached to dwelling towards the back of the property and aimed downwards so as not to disturb the neighbors. These lights should not be on past 11PM or should be on motion-activated sensors.

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20. Swimming Pools – Installation and use of above ground pools is only allowed in the backyard between the months of April and November.

Category 2:

Process: Homeowner needs to present a written request to any member of the DRC/BOD for any items in this category.

Approval: A letter will be sent to homeowner within 2 weeks after plan submission. The review process for more extensive projects may take longer.

Appeal: Homeowner may request to present plan to entire DRC/BOD.

Item Requested – Approval required

1. **Color** - Changing exterior color of house, trim or doors. Since Wild View is intended to be compatible with the environment, all building materials must generally be earth tones. While there is some latitude in specific choices, approval must be received from the Architectural Review Committee or Board of Directors before any color can be changed. Furthermore, to encourage variety, colors should not be similar to those of neighbors or next nearest neighbors.
2. **Decks** - Refinishing the Deck with any color or finish other than original.
3. **Basketball backboards** - Any permanent mounted backboards.
4. **Large fountains or water features** - Greater than limits identified in Category 1.
5. **Decks, Porches, Balconies** - Replacement or new installations.
6. **Accessory Buildings (Sheds, Gazebos etc.)** - Must be approved by the Architectural Review Committee or Board of Directors. Sheds are generally not allowed unless attached to the dwelling and of similar exterior construction.
7. **Additions/Expansions to Residence** - All additions and modifications to a residence must be approved by the Architectural Review Committee or Board of Directors and adhere to the original architectural guidelines. These include, but are not limited to the Exterior Materials, Roofing Materials, and Building Height. In addition, the following requirements must be satisfied:
 - A. No front facing garages.
 - B. Articulated sense of entry.
 - C. Flat, glazed skylights.
 - D. Sloped (not flat) roofs.

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- E. Preservation of view lanes and drainage patterns is required.
 - F. The owner must submit detailed plans and specifications.
 - G. All work is subject to the required permits for the County of Boulder.
- 8. Addition of skylights, patios, siding, roofing, awnings, sunrooms, etc.** - Must be approved by the architectural review committee and be constructed in such a way as to match the existing residence. Plans must show exterior elevation, designate materials and colors and include dimensions.
- 9. Air Conditioning Equipment** - New installation or relocation.
- 10. Drainage or Grading Changes** - Control of erosion is mandated and drainage should be away from buildings. Changes to grading must be reviewed and approved.
- 11. Exterior Building Materials** - The allowable Exterior Materials include natural stone, stucco, natural wood, and certain brick materials. Exposed concrete block is not allowed. Acceptable roofing materials include clay tiles, slate, colored concrete tile or 30-year dimensional asphalt shingles. Standard grade asphalt shingles and wood shingles are not allowed. All changes must be reviewed.
- 12. Fences** – Fencing is discouraged within Wild View, per the Design Guidelines. If fences are used, two types of fences are approved for Wild View. Installation or modification to any fence must be approved by the DRC prior to erection.
- A. Three-rail wood fence at perimeter of property, limited to beyond 75 feet front yard setback. Three-rail wood fence with welded wire mesh within Area “A” per Design Guidelines, behind 75-foot front yard setback.
 - B. Privacy fence - must be compliant with the established precedents; maximum 6 feet in height & materials limited to cedar or redwood.
 - 1) Placed at the boundary of any deck that is attached to the home.
 - 2) Surrounding a pool - compliant with Boulder County regulations. The fence must approach no closer to the street than the back corners of the dwelling. It may then go to the property line on the sides by the most direct route, and then extend toward the back of the property.
- 13. Landscape Modifications** - The DRC or BOD must approve all landscaping that involves more than 10% of the area of a property prior to implementation. This includes the installation of new sod-forming grasses or other non-native plantings.
- 14. Paving** - Modification to walkways, driveways, or other hardscape items require committee approval.

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15. **Swimming Pools and hot tubs** - Hot tubs that are to be a permanent part of a deck or patio and all in-ground swimming pools require approval. Plot plan and fencing plan must be submitted at the time of review. Generally, these must be constructed and located in such a way to avoid being either a visual or noise nuisance.
16. **Trees - Because of the importance of view lanes to the Wild View environment, the DRC or BOD must approve all planting of trees, whether new or replacements for existing trees.**

There are two primary constraints on the placement of trees on a property:

- A. Trees should not be placed in such a way as to obstruct neighboring view lanes when mature. This implies that taller trees must be sited more carefully than trees that reach less than 30 feet at maturity.
- B. All easements and setbacks should be considered in the placement of trees and shrubs and appropriate guidelines followed. First 10 trees or shrubs per lot shall follow the guidelines below. Additional planting may be smaller:
 - 1) Deciduous trees—2” caliper or larger
 - 2) Conifer trees—5’ height or larger
 - 3) Ornamentals and multi-stemmed—10’ high or larger
 - 4) Specimen shrubs—5’ high or larger
 - 5) Hedge/screens—5-gallon containers

Wild View General Guidelines and Operating Policies

1. Landscaping, Architectural and Maintenance Guidelines -

- A. Advising of Neighbors - *It is suggested that owners advise neighbors prior to completing any work or submitting any proposed improvements. The BOD/DRC may request their input upon receiving the request.*
- B. Maintenance - Properties in Wild View must be maintained in such a way as to preserve the value of our setting. Generally, this means keeping all aspects of the property in good working order, including but not limited to:
 - 1) Exterior - the exterior of all homes in Wild View must be maintained such that there is no undue wear or damage. This specifically includes peeling paint, damaged wall materials, damaged roof materials, broken glass, and anything else that could be construed to reduce the value of a property.

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- 2) Colors and materials—Routine maintenance of the exterior of Wild View properties does not normally require review by the ARC. However, the ARC must approve changes in materials or color.

- 3) Landscape—the maintenance of a property’s landscape should include all procedures consistent with good practice, including:
 - a) Watering
 - b) Weeding
 - c) Pruning
 - d) Wound dressing
 - e) Fertilizing
 - f) Disease and insect control
 - g) Protective spraying
 - h) Replacement of dead material
 - i) Straightening newly planted trees
 - j) Any procedure consistent with good horticultural practice
 - k) Assure healthy, vigorous growth of all material planted.
 - l) Mowing

- 4) Mowing - All non-ornamental grasses should be maintained at an appropriate height as follows:
 - a) Turf grass - no more than 6 inches
 - b) Native grass - Board of Directors will continue discussion on this topic and inform all when a decision is made.

- 5) Weed control - Homeowners must make a reasonable effort to control noxious weeds as per Boulder County regulations. See the Boulder County web site for information:

<https://boulder.colorado.gov/ipm/removing-noxious-weeds-from-your-property>

Note that control of noxious weeds is a Boulder County issue. If you believe that noxious weeds are not being adequately controlled in some area of the community, you should follow the procedures described in the Boulder County Management Plan.

2. **Annual Meeting** - The Wild View HOA has traditionally had an Annual Meeting to deal with HOA business, as required under the Bylaws. This meeting is typically held in the second quarter of the year. If any homeowner has a personal issue that they wish to discuss with the board, please contact or request a meeting with them prior to annual meeting or as needed.

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3. **Association Dues** - Currently is \$200. Association fee due by end of February.
4. **Wild View Design Review Process** - The complete Wild View Design Review Process is listed on page 33 of the HOA Design Guidelines document. Please review this prior to submitting your plans to the BOD/DRC.
5. **Wild View HOA Documentation** - All Wild View HOA documentation is now available in electronic form and can be provided to any resident in PDF format. If you would like a copy of this package, please let a member of the Board know, or download from our website at: <http://www.wildview.net>

There is no charge for this material.

6. **Non-Compliance** - Non-compliance includes (but is not limited to):
 - A. Failure to submit proper plans for approval.
 - B. Beginning work prior to receiving approved plans
 - C. Proceeding with activities that have been specifically not approved.
 - D. Misrepresenting the scope of work in a proposal
 - E. Activities that are explicitly prohibited

If a homeowner does not comply with the Covenants, Bylaws, Design Guidelines or these Operating Guidelines, the Wild View HOA Bylaws provide for the issuance of fines of up to \$1000 per year per incident. In addition, failure to pay a fine or the annual dues may result in issuance of a lien against the property of the offender or other suitable remedies.

7. **Appeal Rights** - If a homeowner does not wish to accept a decision of the DRC/BOD as a result of the normal review process, the homeowner may request to present the proposal to the entire BOD for further review. This additional review may be requested one time only for each proposal, and the resulting decision of the BOD will be final. The BOD may consult other resources such as other members of the Wild View HOA or outside experts in arriving at the decision.
8. **HOA Common Areas** - The Wild View HOA does not own any common areas in our community. However, the HOA is required to maintain the entrances at Oxford Road and Majestic as well as the berm on the corner of 95th and Oxford. A contractor hired for this purpose, augmented by a neighborhood cleanup day at some time during the year, has usually provided the maintenance.

The property along Oxford Road, 95th and Outlot E, while having been maintained by the HOA, is NOT OWNED by the HOA. The maintenance responsibility resides with the homeowners.

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9. **Sale of Home** - The sale of your home does not remove your obligation for your dues for the year of the sale. Because dues are collected in arrears, there should be a prorated amount that is paid at closing, either to the HOA or, to the buyer who will then be obligated for the entire year in which the house is sold.

In the process of selling your home, it is likely that you will get asked for a copy of the Bylaws and Covenants that pertain to Wild View. The simplest method that can be used to do this is to refer the inquirer to the Wild View web site, which is: <http://www.wildview.net>

10. **View Corridors** - Any activity or installation that impacts a view corridor of neighboring properties requires approval of the DRC/BOD including tree planting. It should be noted however, that Wild View resident should not expect a 360°, unimpeded view of our surroundings.

The review process will be used to attempt to maintain at least one *primary view corridor* (view from a main living area) toward the predominant feature that can be seen from that particular dwelling. The extent of the primary view corridor will depend on the specific property but may not be completely unimpeded. It is the intention of the Design Guidelines and these procedures to minimize the impact on neighborhood views by restricting the height and placement of items used on neighboring properties. The DRC/BOD has the responsibility for final approval in all cases, after consultation with neighbors and possible on-site inspections.

11. **Social** - The Wild View HOA has traditionally had two neighborhood parties during the year. A summertime picnic typically includes all residents including children, and the Holiday Party is for adults only. There is always an opportunity to host one of these events if you wish to do so.

In addition, the Wild View BOD will consider providing some funding support for any other activity that includes a substantial number of Wild View residents. Any request for funding must come at least 2 weeks in advance of the event and must be open to ALL Wild View homeowners. Decisions regarding funding will be made on a case-by-case basis.

12. **Speed Limit** - The posted Speed Limit in Wild View is 25 MPH.
13. **Memorials, Recognition, etc.** - It has been the policy of the Wild View HOA to make a small contribution in memory of Wild View residents who have passed away while a resident. These memorials are strictly limited to any current residents of Wild View. All donations made by the HOA must receive prior approval from the BOD.
14. **New Owners** - Under the HOA Bylaws, all owners are required to provide proof of ownership when they take possession of a Wild View property (see Article 7 Section 1). This can be

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done most easily if the buyer immediately supplies “a photocopy or a certified copy of the recorded instrument vesting in that person such ownership”. Most times, the title company can take care of this.

15. **New Resident Services** - In an effort to welcome new residents to Wild View, the current Board has been providing a small welcoming gift as well as a package that includes all relevant documentation regarding the Wild View HOA.
16. **Play Equipment** - Due to occasional high winds it is strongly recommended that trampolines and other back yard equipment is anchored down. The owner of such equipment is liable for any damage caused by winds blowing it off their property.
17. **Animal Control** - Animals who are not kept under control as defined by Boulder County animal control, which is physical control (*e.g.* leash), electronic control (*e.g.* electronic collar) or by voice command. In addition, County Ordinance 97-1-6, regarding Dogs Running at Large, states that it is unlawful for the owner of any dog to fail to prevent the dog from running at large in the entire unincorporated area of Boulder County. Animal control number is 303-441-4444.

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APPENDIX

A Brief Description of the Waiver Process for the Wild View HOA Design Guidelines

Background: Generally speaking, the Wild View HOA is governed by its By-Laws and Covenants, and, by extension, the Design Guidelines. By having purchased a home in Wild View, all homeowners have agreed to abide by these conditions, according to Section 10 of the Covenants.

Occasionally, however, a homeowner wishes to include on their property some type of building, structure or plant material which does not conform to the Design Guidelines, either because of its placement or its type. In this case, Section 11 of the Covenants allow for the possibility of a Waiver to be granted by the Design Review Committee:

11. Waiver – A variance, waiver, or release of these conditions and/or restrictions granted by the DRC or any acquiescence or failure of the DRC to enforce any violation shall not be deemed to be a waiver of any of the conditions and restrictions in any other instance. The DRC may, by its signed written instrument, waive, release, or vary any provision of these Covenants as they pertain to any Lot, which waiver, release, or variance shall be effective to all parties otherwise entitled to enforce these Covenants. No member of the committee shall have any liability whatsoever to any Owner or other party aggrieved or injured on account of the grant of such release, waiver, or variance. In return for such waiver, release or variance, the Committee may impose on the Owner and the Lot involved such additional or altered covenants the Committee deems proper and appropriate in the circumstances. Each Owner agrees, by accepting title or any interest in any Lot, that Declarant, its employees or agents, and each member of the Committee, shall be immune from suit or liability in accordance with the foregoing.

Waiver process: The first step for receiving a Waiver is for the homeowner to present their plan to the Design Review Committee. If the Design Review Committee does not approve the plan, the homeowner may request a Waiver. Having received the request for a Waiver, the Design Review Committee may approve or disapprove the Waiver request. If the Waiver is not granted, the Committee may but is not required to also suggest alternative plans which would be acceptable.

Considerations for a Waiver: In determining whether or not to grant a waiver, several aspects of the proposal are considered by the Design Review Committee:

1. The extent of departure from the Design Guidelines must be considered, with the intent of minimizing departures.
2. The possibility of alternative solutions that would not require or would reduce the extent of departure from the design guidelines is considered.
3. Previous decisions (*i.e.* precedents) are reviewed to determine whether a solution similar to previously granted waivers would be satisfactory.
4. Any other critical aspect of the proposal, such as the impact of the proposed action upon neighborhood safety, may also be considered.

In these considerations, the overriding concern is to maintain the character of Wild View.

Waiver Grant: Once a mutually agreed upon alternative is developed, the Design Review Committee will provide a written Waiver to the homeowner for the specifically agreed upon plan. If the homeowner deviates significantly from the agreed upon plan, the Waiver is no longer applicable, and the implemented version would be in violation of the Design Guidelines.

This is a summary of the process for providing a Waiver to the Rules and Regulations that govern the Wild View HOA. The Bylaws, Covenants and Design Guidelines take precedence over anything in this document, should there appear to be an inconsistency.