

**BONNER PEAK LANDOWNERS' ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE
RULES AND GUIDELINES**

INTRODUCTION

The Architectural Control Committee (ACC) is responsible for implementing Article IX of the Bonner Peak Landowners' Association Covenants. The Article addresses the restrictions placed on construction and placement of buildings, fences, storage tanks, etc.; disposal of refuse; the use of temporary residences; and alterations to the natural landscape and terrain. However, the covenants do not and cannot anticipate every possible issue that will arise as more people move to Bonner Peak. Issues that are not specifically covered by the covenants, but which clearly are in the domain of the ACC's responsibilities, will inevitably require subjective decisions by ACC members.

The following rules and guidelines should facilitate approval of landowner requests and minimize misunderstandings. They may also help landowners anticipate ACC decisions. These guidelines are not an attempt to list all future issues; instead, they are meant to capture the spirit with which the ACC addresses these issues. From time to time, the guidelines may be revised by the Bonner Peak Landowners' Association Board or the ACC.

RULES

The rules highlighted below are taken directly from the Covenants and are summarized here for a quick reference. Landowners should refer to the Covenants for the full text.

1. The ACC must approve all buildings and structures including, but not limited to, dwellings; sheds; garages; outbuildings; fences, including temporary fences like snow fences; telephone and electric lines; all corrals, riding and roping arenas; and tennis courts. (Article IX, Sections 2.1, 3.1, 3.3)
2. Landowner house and/or improvement plans should be submitted in duplicate to the ACC and must include the following information:
 - plans;
 - specifications;
 - plot plan showing location of proposed improvement and all improvements currently on lot, including roads. (Article IX, Section 3.3)
3. The plans must include the following:
 - size and height (elevations) of improvement;
 - exterior materials and finish (i.e., sample of color and type) of roofing and siding. (Article IX, Section 3.3)

4. The ACC must approve the location of all septic systems. (Article IX, Section 3.3)
5. The ACC must approve all satellite dishes/communication towers. (Article IX, Section 3.3)
6. All above-ground storage tanks, including but not limited to propane and gasoline tanks, must be screened by fencing or landscaping. (Article IX, Section 2.)
7. Construction of items approved by the ACC must begin within 6 months of approval and the exterior must be completed within 12 months. The ACC may grant extensions upon written request of the Owner for good cause. Otherwise, the Owner must go through the ACC approval process again. (Article IX, Section 3.6)
8. Houses must be at least 1200 square feet if they are single story. The ACC will review multiple story home plans to ensure they contain enough floor space on a case-by-case basis. (Article IX, Section 2.1)
9. Nothing which may be or may become annoying or a nuisance to other Owners shall be permitted on any lot. No obnoxious or offensive activity; and no obnoxious or offensive commercial business or trade shall be conducted on any lot. (Article IX, Section 1)
10. No ungaraged, inoperative automobiles, machines, or other equipment can remain on a lot for more than 30 days. (Article IX, Section 1)
11. Refuse and other wastes must be kept in sealed containers and must not be allowed to accumulate on the Property. No trash, litter or junk can remain exposed on the property. Burning of trash is not allowed. (Article IX, Section 2.5)
12. Temporary residences are not allowed. (Article IX, Section 2.3)
13. Clearing of trees is not permitted without approval of the ACC (Article IX, Section 2.7)
14. If Association roads are damaged during construction, the owner is responsible for their repair (Article IV)
15. No water storage facilities (e.g., dams, lakes irrigation ditches) can be constructed or installed without prior approval of the ACC (Article IX, Section 2.8)
16. No quarrying or extraction of any gravel or minerals shall be conducted on a property (Article IX, Section 2.11)

APPLICATION PROCEDURES

1. Landowners are required to submit all plans for projects to the Committee *prior* to actually initiating the project. The covenants outline an “approval” process rather than a “notification” process.

2. Application is made by submission of the “Bonner Peak Architectural Control Committee Application Submittal Form,” which can be downloaded from the BPLA Website or obtained from members of the ACC.
3. The Application Form further details other materials that are required, depending upon the project in question. The Form also asks that the Landowner specify the Anticipated Project Start and Completion Dates.
4. A hard copy, or a signed copy sent by email, of the Application Form and materials should be delivered to the Chair of the ACC, or another member of the ACC if that is more convenient.
5. The ACC has 10 days after submittal of requests to determine whether the documents are adequate for review and to specify the additional information required if the documents are deemed inadequate. The ACC has thirty (30) days to approve or disapprove proposals after all documents and materials have been submitted. (See ARTICLE IX Section 3.4 of BPLA Covenants.)

GUIDELINES

These guidelines are meant to communicate the spirit with which the ACC will address requests. The ACC hopes the guidelines clarify what should be submitted and the landowners' responsibilities.

GUIDELINE ONE

What makes Bonner Peak special relative to most other communities is its natural beauty and association to the native flora, fauna, and terrain of northern Colorado. The ACC believes that this look and feel of "naturalness" is important to preserve for its own sake and for maintaining property values. Accordingly, landowner requests for property alterations will be evaluated for their impact on the natural look and feel of Bonner Peak. Following are some of the items ACC members will assess when approving house and/or improvement plans:

Guideline One Examples

1. **House and roof color and materials must blend with natural environment.** The ACC approves house siding, trim, and roof colors. The covenants address siding and roofing material, but they do not specifically refer to specific colors. A shocking pink or bright white house or a building with reflective metal or vinyl siding, to use extreme examples, would not be in keeping with the natural beauty of the area and would be rejected by the ACC. Other examples include, but are not limited to, types of fences, landscaping, animal enclosures, architecture of house and vehicular storage.
2. **Siding and roofing colors of outbuildings should match the main dwelling.**
3. **Excavated or disturbed sites, including home sites and leach fields, must be reclaimed.** See *Landscaping Considerations* for more information.

4. While landscaping does not require approval of the ACC, additional information is included in a separate section, *Landscaping Considerations*, to help owners understand and protect the Bonner Peak Ranch environment.

GUIDELINE TWO

The ACC will seek to protect those characteristics enjoyed by current residents with respect to their privacy, scenic views, solar access, safety, property values and other matters that protect their wellbeing. Accordingly, landowner requests for property alterations will be evaluated for their impact on surrounding landowners.

Guideline Two Examples

1. **Any other building, structure, or improvement must also be approved by the ACC.** The covenants do not exhaustively list the kinds of dwellings or improvements that the ACC is responsible for approving. Solar panels and green houses are examples of structures that landowners may consider adding as improvements; the ACC must approve all solar panel and green house locations.

Guideline Two would apply if a Landowner submitted plans to place a solar panel such that it detracts from the scenic view of a neighbor. Those plans would be rejected. Other alterations would include, but are not limited to, fences, placement of utilities, propane tanks, signs, and tree

removal. The ACC asks that all Landowners consider neighbors' views when planning a home or improvement site.

2. **The use and placement of bright lights that are left on all night (e.g., sodium vapor) should be carefully considered by the landowner.** Although such lights can be useful, they can easily detract from neighbors' evening and nighttime enjoyment at Bonner Peak Ranch. Many landowners appreciate their view of the night sky which is beautiful because the ranch is outside Ft. Collins' city glow.

GUIDELINE THREE

The Covenants specify that **trailers, campers, and other vehicles** can be kept at an occupied residence as long as they are **stored in a garage or otherwise screened by fencing or landscaping** (Article IX, Section 2.3). Similarly, horse trailers, utility trailers, tractors, or other equipment should be stored away from the ranch road and **out of sight** to the extent feasible.

GUIDELINE FOUR

The ACC seeks to ensure that Bonner Peak **easements are not obstructed**. Accordingly, landowner requests for property alterations will be evaluated for their possible impact on these procedures and easements.

"Every Owner shall have non-exclusive right and easement of enjoyment in and to the roads and all other property owned by the Association ... " (Article II, Section 1)

Guideline Four Example

1. **The ACC approves the location of new cattle guards and culverts** because inappropriate placement or installation of a private road, fence, cattle guard, etc., might impede routine road maintenance.

GUIDELINE FIVE

The ACC seeks to ensure that trash does not accumulate on any properties. This is especially important during the construction phase of any project/improvement, particularly new homes.

Guideline Five Examples

1. **The ACC recommends that the general contractors for new construction projects have a large dumpster on site for all construction trash** and that the area surrounding the new home is regularly patrolled for trash that has blown away.
2. **The Association dumpsters are NOT to be used for construction trash.** A concise "*Rules and Guidelines for Construction*" has been prepared by the ACC and should be provided to contractors and builders. A copy is attached.
3. **Smaller projects** often generate less trash than a new home. The ACC recommends that landowners take that **trash to the county landfill or a transfer station** (e.g., the Owl Canyon station near 1-25) if a dumpster on location is not economically feasible. The ACC asks that Owners not fill Association dumpsters with construction trash out of common courtesy to neighbors.

GUIDELINE SIX

All signs posted on Bonner Peak Ranch must be approved by the Architectural Control Committee. Signs should be submitted to the ACC for consideration and they should blend in with the environment.

Guideline Six Examples

1. **Address signs: All homes should have a clearly visible (especially at night), easy-to-read address sign on a main road.** This will ensure that visitors and emergency responders can more easily find your home should the need arise.
2. **Special event signs** (parties, open house, etc.) may be placed 24 hours prior to the event and should be removed within 24 hours after the event.
3. **Real Estate signs** must be of professional standards no more than 8 square feet in size, no higher than 6 feet, and must not be lit. These signs may only be located on the parcel that is for sale with no

more than one sign per road frontage.. Signs should be removed upon date of closing or expiration of listing.

4. **Construction signs:** One sign may be permitted on a building site. Construction signs must be removed upon completion or certification of occupancy.
5. No signs may be attached to trees or structures within the road easements.
6. “No Hunting” signs (not to exceed 9x12 inches) will be permitted during deer and elk season (rifle) season only. These signs may be placed 7 days before the season and must be removed within 7 days after the season.

GUIDELINE SEVEN

Regulations pertaining to the installation of cattle guards on the common roads at Bonner Peak Ranch:

1. The structure must be to the specifications of the Colorado State Department of Highways Standard M611-1 as currently revised or certified equivalent design. If not to the exact specification, then the structural integrity of the design must be attested to in writing by a qualified currently registered professional engineer.
2. Written approval of both the design and its placement must be obtained from all landowners beyond the cattle guard who use that area of the road for access.
3. The entire design including placement, width, effect on common area access, etc., must be approved by the Board of Directors.
4. The entire design must be approved by the Architectural Control Committee.
5. An unlocked gate for horse traffic must be provided adjacent to the cattle guard.

LANDSCAPING CONSIDERATIONS

In light of the fact that Bonner Peak Ranch is a semi-arid area, the ACC has included the following information and guidelines to consider when planning landscaping and new plantings. Landscaping includes such necessary items as finish grading (the last grading work done during the construction phase) as well as the addition of trees, gardens, etc. The following background information helps explain why reclamation and careful soil management is important on the Ranch.

Climate

Bonner Peak Ranch lies in a semi-arid region with average annual precipitation ranging from 12 to 16 inches. Most precipitation falls between March and June; heavy snow can occur in any month except June, July, and August. Strong winds (greater than 20 mph), predominantly from the southwest, west and northwest, are frequent. Extreme temperatures range from highs of 100 degrees in the summer to lows of 35 degrees below zero in the winter.

Soils

Soils that have developed on weathered granite (the western portion of the ranch) are generally thin (6 to 12 inches), gravely and sandy. These soils are susceptible to erosion when vegetative cover is removed, particularly on steep slopes. Rain penetrates these soils quickly, and the soil surface dries out quickly.

Soils that have developed over sandstone, shale, and fine material transported from nearby foothill and hogback slopes (eastern portion of the ranch) are generally deeper with fewer rocks and cobbles. These soils have a relatively high clay and silt content; they become sticky when wet.

Granite subsoils are coarse and nutrient poor, and are difficult to revegetate without the addition of the pre-existing topsoil or finer-textured replacement soil.

Water

Availability of water is the primary limiting factor confronting a Bonner Peak Ranch homeowner. You should assume that planted shrubs and trees and newly sown areas will need applications of 1 to 2 inches of moisture per week during the growing season. Please consider alternatives to using domestic well water for landscaping purposes.

Wildlife

Mule deer will eat (or at least taste) just about anything you plant. Deer especially like to browse succulent new growth on herbaceous plants and shrubs, and browse twigs from shrubs during the fall and winter. Pocket gophers are common, and grasshoppers often move into lawns and planted areas from nearby grasslands in the late summer.

The following are recommendations to consider while planning the construction of a new house or making changes to existing houses, outbuildings and access roads.

Grading

The ACC strongly recommends that topsoil be salvaged from all areas that are excavated or graded during construction. Salvageable topsoil consists of the dark organic layer that contains the roots of the prairie grasses, herbs, and shrubs. Native topsoil contains thousands of dormant seeds, as well as root systems that can resprout. The topsoil should

be placed in a temporary pile protected from wind and rain erosion. The topsoil should be replaced over the disturbed area as soon as possible-- generally not later than the same year the soil was excavated.

If a fence line is needed across shrub lands, avoid bulldozing the line. It is preferable to prune shrubs to the ground along the right of way, and then use rubber-tired vehicles while installing the fence. Pruned shrubs will resprout; the limited soil disturbance will prevent increased soil erosion.

If topsoil is brought in to cover a disturbed area, inquire where the soil was excavated. Many topsoil suppliers excavate soil from or near the Poudre River. The area along the Poudre River is badly infested with noxious weeds, most notably leafy spurge and Canadian thistle.

Plant Materials

Grasses. In keeping with the existing character of the native landscape, the ACC recommends reseeding with native grass species in areas that will not be further irrigated after they are revegetated. The following grasses, which are among the dominant native grasses on Bonner Peak Ranch are commercially available from range seed growers and farm and ranch cooperatives: western wheatgrass (*Agropyron smithii*), needle and thread grass (*Stipa comata*), slender wheatgrass (*Agropyron trachycaulum*), blue grama (*Bouteloua gracilis*) and sideoats grama (*Bouteloua curtipendula*).

For small (less than 1 acre) areas to be reseeded, the ACC recommends that seed be broadcast from a fan seeder, and then a thin soil cover raked over the seed. The reseeded area will blend in quickly with surrounding grasslands. For larger areas (greater than 1 acre), it is likely to be more time and cost effective to drill the seed into the soil with a tractor-drawn seed drill. Local commercial revegetation specialists are available who can prepare the seedbed, provide the required seed and apply seed and mulch.

Shrubs and Trees. There are several excellent nurseries in Fort Collins that can provide advice on appropriate trees, shrubs and grasses. The Colorado State University extension service provides advice and the Colorado State Forest Nursery on West Laporte Street provides seedling trees, shrubs and advice. In general, consider buying from a nursery that grows its own stock, or obtains its stock from local growers; locally grown plants are already adapted to this climate. Also, buy from a nursery that provides a replacement guarantee - the nursery has an incentive to sell nursery stock that succeeds. The following native trees and shrubs are part of the existing Bonner Peak Ranch landscape and are commercially available from various nurseries along the Front Range:

ponderosa pine · (*Pinus ponderosa*), pinyon pine (*Pinus edulis*), western juniper (*Juniperus scopulorum* or adapted varieties}, plains cottonwood (*Populus sergeanti*), and.

narrow-leaf cottonwood (*Populus angustifolia*). Other hardy trees commonly used for windbreaks include green ash (*Fraxinus pennsylvanica*) and hackberry (*Celtis occidentalis*). While everyone loves aspens, they do poorly out in the open prairie. (You might notice small aspen patches on the ranch in spring-fed ravines and in rock fissures.)

Some exotic trees and shrubs have escaped from cultivation and have become weedy and invasive. The following species are not recommended for planting at Bonner Peak Ranch: Russian olive (*Eleagnus angustifolia*), Siberian or Chinese elm, and salt cedar (*Tamarix*).

PLEASE PROVIDE A COPY OF THIS TO CONTRACTORS.

**ARCHITECTURAL CONTROL COMMITTEE
BONNER PEAK LANDOWNERS ASSOCIATION**

Rules and Guidelines for Construction

1. In the event any maintenance, repair or renovation of the roads is necessitated by damage caused by a particular landowner or his invitees, including damage to the roads caused by trucks or other heavy equipment of any contractor or employee of a landowner during the construction of a residential dwelling or any other improvement on such landowner's lot, then the Association shall make the necessary repairs or renovations, but the costs shall be assessed as a special assessment against the landowner who caused such damage or whose agents and employees caused such damage.

Any special assessment made in connection with the repair or renovation of the roads pursuant to the terms of this paragraph shall be due and payable 30 days after notice of the special assessment is given to the landowner subject to the assessment, and in the event of the nonpayment of any special assessment, the Association shall have a lien upon the Owner's lot, pursuant to the terms and provisions of Article VII (Article IV).

2. The natural environment of Bonner Peak is delicate because of the low annual rainfall and the small amount of topsoil. The Architectural Control Committee is charged with ensuring that the natural environment is affected as little as possible during construction of any improvement on the properties. Owners can help the landscape return to its natural state as quickly as possible by:
 - a. saving the topsoil from any excavated site in a separate pile from the rest of the excavated materials (excavation takes place for houses or other dwellings, leach fields, electric and water lines, etc.);
 - b. returning the topsoil to its proper place when finishing grading;
 - c. driving on as little of the property as necessary to complete construction;
 - d. doing as little work as possible when the ground is water-logged.
3. Do **NOT** use the dumpsters, at any time, for disposing of construction materials.