

Guidelines for Building in Lost Park Ranch

(Revised July 2021)

The following guidelines are informed by the Lost Park Ranch Owner Association (“LPROA”) declaration of protective covenants, bylaws and policies, and relevant Park County building/zoning regulations, and are intended to assist lot owners in the planning and construction or improvement of dwellings and other structures in Lost Park Ranch (“LPR”). Notwithstanding any permit or other authorization as may be issued by Park County, it is critical to remember that **no structure may be constructed or placed, or repaired or altered with respect to its exterior appearance within Lost Park Ranch without it having first been approved in writing by the Architectural Control Committee (“ACC”).** It must also be noted that some LPR building requirements are more stringent than Park County standards and that in the event of a conflict, the more stringent LPR requirement shall prevail. It is the lot owner’s responsibility to confirm compliance with all LPR building requirements and owners should not rely exclusively on a contractor to ensure that all requirements have been fully and timely met.

Governing principles

It is the intent of the covenants and building guidelines to protect and enhance the value, desirability and attractiveness of the property within LPR, and to ensure that the natural environment be disturbed as little as possible. External structural design is to harmonize with existing structures and topography, while colors are to be compatible and blend with the natural environment of the subdivision.

Terminology

Accessory structure is a subordinate structure or building normally associated with a lawful pre-existing principal structure/building located on the same lot. Examples include sheds, garages, permanent fences and walls, decks, gazebos, storage containers, tanks, solar arrays and greenhouses.

Principal structure/building is the primary and predominant structure/building on a lot. In LPR, dwellings are the only allowed principal structure/building on a lot. All other structures/buildings on a lot are accessory structures.

Setback is the direct line distance between a lot line and the nearest point of an exterior wall/surface of a structure on the lot.

Structure is anything constructed, erected or placed upon the ground including, without limitation, dwellings, buildings, tanks, sheds, walls, permanent fences and permanent signs, but exempting flag, utility and similar freestanding poles, temporary seasonal fences (e.g., snow and garden fences), temporary signs, freestanding bird feeders/birdbaths, planters and landscaping ornamentation/art, raised gardens, barbecues/cooking pits, permanent benches, driveway entry monuments, dog runs and similar non-habitable structures as may be determined by the ACC.

Variance is a departure from a required setback set forth in the LPR declaration of protective covenants authorized by the ACC upon application to relieve non-self-created hardship imposed by a strict adherence to the setback requirement. The ACC is not empowered to grant variances from Park County building or zoning regulations.

Architectural Control Committee--approval process

Purpose: The purpose and function of the ACC is to assure that Lost Park Ranch shall become and remain an attractive community through the intelligent architectural control of design, placement, materials and construction of buildings, and to uphold and enhance property values.

Membership: The ACC is composed of three (3) volunteer persons who are elected by the owners of complete dwelling units within LPR. The ACC chairperson shall be responsible for any on-site lot inspections necessary to determine that lots and structures thereon are in compliance with LPROA covenants, and shall keep accurate records of new permits and structures. If any ACC member, or the LPROA board, receives a complaint concerning a particular lot, the ACC chairperson, after board approval, shall be responsible for the filing of the complaint with the Park County.

Authority: **No structure shall be erected, converted, placed, added to or altered on any lot until the construction plans and specifications, which shall include materials and colors to be used, and a plan showing the location of all structures, have been approved in writing by the ACC.** The quality of workmanship and materials, the harmony of external design with existing structures and locations with respect to other structures, and to topography, will be taken into consideration.

Procedure: A request for ACC approval shall be made on the official application form that can be found on the LPR web site. A hardcopy of the form may also be obtained from any member of the ACC. The approval or disapproval of any application shall be IN WRITING. In the event the ACC fails to approve or disapprove an application within thirty (30) days after full and complete plans and specifications have been submitted to it, approval will not be required and the LPR covenants requiring approval by the ACC shall be deemed to have been fully complied with, provided that all other covenants have been properly observed. **This procedure must be followed for both all new construction and for modifications, repairs or additions to the exterior of any existing structure, including roof repairs and re-painting/re-staining (even if applying the same existing color).**

Construction particulars

Dwellings: Notwithstanding any Park County zoning or building regulation that may authorize lesser dimensions, and as specified in the LPR declaration of protective covenants, the minimum size of a main dwelling in LPR shall not be less than 400 square feet and the width shall not be less than one-third of the length. Timber will be thinned and deadfall will be removed within a 50-foot radius of each dwelling site.

Colors: All color schemes must be compatible and blend with the *natural environment of the subdivision*. Natural or earth colors similar to those found within LPR (e.g., shades of brown or green, charcoal, or natural wood) are required. Not all earth tones or colors will qualify since they may not be compatible or blend with the natural environment of the subdivision. **All exterior colors must be approved in advance by the ACC.**

Setbacks--exceptions: Notwithstanding any Park County zoning or building regulation that may authorize a lesser distance, and as specified in the LPR declaration of protective covenants, dwellings shall be set back a minimum of fifty (50) feet from front and rear lot lines, and thirty (30) feet from side lot lines. Accessory structures, excluding permanent fences and walls authorized by the ACC, shall comply with the setback requirements set forth in the Park County Land Use Regulations, Table 5-304a, as may

be amended from time to time. If placed on supports or blocks, and if otherwise permitted by Park County, dwellings must be skirted within thirty (30) days of installation. The exterior of each dwelling or other structure located on any lot shall be maintained in good repair and painted condition. The minimum setback requirements established in the LPR declaration of restrictive covenants may be reduced by the ACC upon application for a variance in cases of topographic limitations or where excessive destruction of trees or foliage would be necessary for compliance. Lot owners may, in appropriate cases, be additionally required to seek and obtain a variance to a county-mandated setback from Park County.

Driveways: No driveway connected to a county road may be cut/installed on any lot without first having obtained a driveway permit from the Park County Environmental Health Department. All roads in LPR are county roads. Cross culverts of a size and length as specified by Park County are required where drainage ditches/ways are present. A permanent street address for the lot is required to obtain a driveway permit.

Sewage: Sewage disposal systems shall comply with the requirements of the State of Colorado and Park County Environmental Health Department. Privies and outhouses, whether chemical or dug, are prohibited on any lot. Absent a variance duly applied for and obtained, no septic tank or field system shall be nearer than fifty (50) feet to any lot line. There shall not be less than two-hundred (200) feet between any water well and any sanitary system leach field/sand bed.

Water: Each lot owner shall supply water to their lot by drilling their own well. No well may be drilled absent a well permit issued by the Colorado Division of Water Resources, Denver, Colorado. “Domestic” well permits and “household use only” well permits are the only types of permits granted for construction of wells on any LPR lot. Lot owners obtaining a domestic well permit will be limited to not more than 2,000 square feet of lawn and/or garden area to be irrigated from such well, along with the normal household use. Those lot owners obtaining household use only well permits are not allowed any outside use of water such as irrigation of lawns or gardens, nor are they allowed outside hydrants for watering of domestic animals.

Wildfire Mitigation Considerations and Pointers

LPR is located within the Jefferson Como Fire Protection District (“JCFPD”), a fire department charged with protecting a service area of 525 square miles. Given the threat of wildfire within LPR’s semi-arid environment, the Park County Building Department requires on-site fire mitigation measures to be reviewed and approved by the JCFPD prior to issuance of a certificate of occupancy for any new dwelling. This requires both a site inspection and the payment of an inspection fee. Because the mitigation measures reviewed by JCFPD focus mostly on the nature of the building/lot site (*see* Wildfire Hazard Standards Requirement, www.jcfd.org/blank, Resources, Mitigation Information Packet) and not necessarily the materials used to construct the dwelling, the following suggestions are provided for those contemplating building in LPR.

Utilizing ignition-resistant building materials is key to protecting a structure from wildfire. There are plenty of non-combustible and/or fire-resistant materials on the market that can be employed in building a new dwelling or repairing/renovating an existing one. Building codes generally designate building materials in three classes (Class I, II, III or A, B, C). Class A materials have the slowest flame spread index (think of metals, stone and cement), while Class C materials have the fastest spread index (untreated lumber, vinyl, plastics). LPR being in an at-risk wildfire area, Class B and Class C materials should be avoided when possible.

Roofing: Common non-combustible roof coverings include cement, clay, or metal shingles or sheets. On the other hand, wood roof shakes are almost like kindling and are banned in Park County. Asphalt shingles are common. However, conventional mineral asphalt shingles usually have only a Class C rating while fiberglass-reinforced asphalt shingles have a Class A rating. Metal panel roofing is ~~growing in popularity as it~~ generally non-combustible, requires little to no maintenance, and over the long term can cost about the same or less than installing asphalt roof shingles. Further protection can be achieved by installing a gypsum underlayment to fully achieve the Class A rating.

Exterior and Walls: Exterior walls face the largest threat to fire if a good defensible space has not been created and maintained around a dwelling. Although wood panels and boards are common siding materials, they pose an increased threat of ignition since they are readily combustible. Adding a layer of 5/8" Type X gypsum sheathing (red label) behind the sheathing can provide a better fire rating. Fiber-cement board/plank-type lap siding, e.g., HardiePlank or GAF Weatherside, is a readily available and non-combustible material alternative to wood, looks like wood but requires less maintenance, and can be painted. Stone provides a Class A rating. Log wall construction utilizing 6-inch or greater diameter logs, although combustible, burn very slow, and can be used with 5/8" Type X gypsum sheathing behind the siding for increased fire protection.

Windows and Doors: Wildfire energy can cause a window sash and glass to expand and contract, potentially causing the window to break. Tempered glass and dual pane windows are more resistant to high heat. Window sashes 2-feet or less on one side are light enough that if they crack, they can remain in place. Windows with sides exceeding 2-feet can have a weight ratio too large and can break allowing embers and heat into the building. Metal and solid-core doors provide variable increased fire ratings.

Eaves and Soffits: The extension beyond the roof, or eave, is important to keeping rain and snow off a structure's exterior. However, hot gases during a wildfire get trapped in the eaves and can get sucked into the structure's interior through the soffits. Uncovered soffits exposing structural members can ignite very quickly, so enclosing soffits with an approved ventilation method is recommended. Most dwellings vent within the bottom of the soffit; however, venting along the side of the soffit and fascia is preferable as trapped gases and embers will have less chance of being pulled into the house through convection. Some siding manufactures make a perforated soffit material with tinier holes to better restrict sucking in hot embers and gas. Another option is to install a close-mesh wire grate (max. opening of 1/8") over larger holes.

Decks: Most decks are constructed with conventional lumber that are easily combustible. Ignited decks can spread fire quickly to the dwelling structure. Enclosing the underside of decks with fiber cement sheathing may provide increased protection from embers and flames. There are also certain composite deck materials that are less combustible than wood. Additionally, a fire-retardant clear coat can be added to new and existing decks to resist ignition.

Residential Propane Tanks: Pursuant to industry standards, it is recommended that residential propane tanks be located not less than ten feet (10') from all structures and/or potential sources of ignition, e.g., utility appliances/switching devices, lines and poles, and vegetation. Ideally, it is suggested that tanks be buried or located at least 30' from all buildings. It is also a good idea that flagstone or a concrete pad be placed underneath and 5' around a tank to provide extra fire protection. As accessory structures, the placement of tanks must comply with lot line setback requirements. The location of an above-ground tank may render a structure indefensible in cases of wildfire.

Lot owners are encouraged to consult with their building architects, contractors and suppliers about the fire-resistant materials and construction techniques discussed above.

Enforcement

A failure to comply with the provisions of the LPR protective covenants regarding building within Lost Park Ranch can result in the imposition of monetary fines, including daily fines for continuing violations, and the suspension of LPROA member privileges (see LPROA Enforcement Policy at lproa.org). Additionally, enforcement may be obtained through legal action, including the removal of any unauthorized structure through mandatory injunction. All costs of enforcement are to be borne by the offending lot owner. Monetary fines and other penalties may be levied only after written notice to the offending lot owner and an opportunity to be heard thereon before the LPROA board of directors. Fines may be imposed for violations as follows:

<u>Number of violations in a 12-month period</u>	<u>Fine Amount</u>
First violation:	Up to \$100
Second violation:	\$101 up to \$250
Third violation:	\$251 up to \$500

A lot owner who accumulates more than three (3) violations within a twelve-month period will be deemed a habitual offender. Habitual offenders, continuing violations, or violations which have an indefinite commencement or termination date shall all be subject to such additional fines as deemed appropriate by the board until the violation is corrected. In the event that a violation is the result of a willful, wanton or flagrant disregard of the provisions of the protective covenants, or based on the severity of the violation, the board may impose such additional fines as are deemed reasonable without regard to the schedule set forth above.