

**2024 WILDERNEST ARCHITECTURAL GUIDELINES  
GENERAL INFORMATION**

AUTHORITY – Declaration of Protective Covenants for Wilderdest Subdivision, Filing Numbers 1 and 2, as recorded in the real property records of Summit County, CO at Reception Number 762834, wherein Grantor, hereafter called Buffalo Mountain Metropolitan District “BMMD”, makes and declares certain limitations, restrictions and uses upon and of such real property as restrictive and protective covenants running with the land.

COVENANTS RECORDED - Wilderdest Protective Covenants are recorded as follows:

<u>Document</u>	<u>Recorded</u>			
	<u>Book /</u>	<u>Page /</u>	<u>Receipt # /</u>	<u>Date</u>
Declaration of Protective Covenants for Wilderdest Subdivision, Filing No. 1, Blocks 1, 2, 3 & 4, Zoned R-25, 25 Units per Acre and Blocks 5, 6, 7, 8 & 9	198	114-117	114407	11/69
	198	118-120	114408	11/69
Change of Name of Buffalo Mountain Subdivision Filing 1 to Wilderdest Filing No. 1	206	621-623	120318	05/71
Declaration of Protective Covenants for Wilderdest Filing No. 2	206	782-784	120553	05/71

ARCHITECTURAL REVIEW REQUIRED - Protective Covenants for all lots in Wilderdest state that "No building or other structure shall be constructed, erected or maintained on any lot, nor shall any addition thereto or change or alteration therein be made until the complete plans and specifications (including, but not limited to, the floor, elevations, plot, grading and landscaping plans; provisions for off-street parking; the specifications of principal exterior materials, color schemes and the location, character and method of utilization of all utilities) have been submitted to BMMD and by it approved in writing."

PURPOSE - The architectural review approval process is designed to protect the value of the properties in Wilderdest, assuring a harmonious architectural style among the dwellings currently in place and any dwellings which will be constructed. To this end, all projects will be evaluated for approval upon the following general criteria:

- A. Relationship of proposed structure(s) to the lot on which it will be constructed;
- B. Relationship of proposed structure(s) to neighboring structures;
- C. Harmony of external design to other structures throughout Wilderdest, taking into account current color trends, and design compatibility;
- D. Fitness of proposed structure to climate of the area;
- E. Proposed structure(s) coincides with generally accepted bulk and height relationships.

REVISIONS TO GUIDELINES – BMMD reserves the right to revise these Architectural Guidelines from time to time as changing conditions dictate.

COUNTY APPROVAL SEPARATE - If required, all improvements or alterations to the property must be permitted by the Summit County Building Department. Contact Summit County for a current list of applicable building code regulations and fee requirements.

FORMS - Application for approval to begin construction shall be made on forms and according to checklists provided by BMMD. Applications which do not present complete information as required, which are drawn to incorrect scale, or are not professionally drawn, shall be returned to the applicant. The applicant may resubmit the application to the BMMD when completed.

REVIEW FEE - Along with the completed application, the owner proposing a new construction project on any lot in Wilderrest shall also pay an architectural review fee of \$500.00 for a project up to three units plus \$50.00 for each unit over three in any one project. Other projects, including exterior modifications, (i.e., re-painting, re-roofing, deck modification etc.) will not be charged a review fee. Checks are to be made payable to BMMD.

PLAN REQUIREMENTS - Plans are to be prepared by an architect, or person regularly engaged in the design and planning of dwellings, professionally drawn to scale. All completed applications items and checklist outlined below must be delivered to the BMMD office in one (1) set. Upon approval, the BMMD will keep the plan set for the BMMD files. Approval of plans by BMMD shall not be deemed to constitute compliance with the requirements of local zoning, health, safety or fire codes as determined by such governmental and/or regulatory agencies.

COMPLETION OF PROJECT – The project must be completed within eighteen (18) months, including landscaping and paved driveway. Construction at no time shall be abandoned for more than 120 days (except for a foundation, which may be left in its unfinished state for up to six months). An extension may be granted by the District upon written request for the exterior portion of the project building, however landscaping is excluded and must be completed within eighteen (18) months.

WINTER MORATORIUM – EXTERIOR PROJECTS

The winter moratorium for all exterior projects begins November 1<sup>st</sup> and ends April 15<sup>th</sup>, weather dependent. The winter moratorium does not apply to an emergency or unknown damages during this time. Applicants may submit a project variance request to the District for all emergency related projects. All variance requests must submit sufficient evidence to substantiate purpose and need to conduct repairs during the moratorium period.

WATER/SEWER TAP FEES - Tap fees may be paid following review and approval of the plans by BMMD and must be paid in full prior to the issuance of any type of building permit by the County. A completed water/sewer tap fee application must accompany the fees. The current residential tap fees are based on the number of equivalent residential units (EQR's) required by each building as based on the current Silverthorne/Dillon Joint Sewer Authority EQR Schedule. Visit the BMMD website at <https://bmmmd.colorado.gov> for a current list of Tap Fees and application form or contact the BMMD office at 970-513-1300.

INSPECTION - Before a Certificate of Occupancy is issued by Summit County, the BMMD shall be notified and shall have ten (10) days to inspect the premises to ensure that all items covered by the Protective Covenants, the Architectural Guidelines, and the approved plans have been complied with.

This will include, but not be limited to, construction clean-up, landscaping, restoration of neighboring lots to the natural state, driveway grading, etc. If the BMMD fails to inspect or advise the owner of any noncompliance within ten (10) days, it shall be presumed that all applicable BMMD requirements have been satisfactorily complied with.

## **GUIDELINES AND REQUIREMENTS**

GUIDELINES - The following Wildernest Architectural Guidelines are guidelines for construction in Wildernest. Specific variations may be approved by BMMD in special instances where the proposed plans advance a design which would enhance the architectural quality of the Wildernest Subdivision. Approval of proposed plans is within the sole discretion of BMMD to grant variances from compliance with any of the provisions of the Wildernest Protective Covenants or the Wildernest Architectural Guidelines when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations may require.

IMPORTANT: It is essential that each landowner review these procedures and guidelines before and during the conceptual stage of their planning and before contacting the Building Department of Summit County.

### APPLICATION FOR REVIEW

All exterior modification projects (i.e., new construction, re-painting, re-staining, deck modifications, re-siding, re-roofing, landscape design, window replacement, exterior lighting, door replacement, fences, drainage, parking modification, bathroom/bedroom addition etc.) are subject to BMMD review and approval (*even if you are painting the same colors*). All such projects must be submitted to BMMD using the Architectural Review Application found on the BMMD website. The application requires certain documentation to accompany the submission to clearly define the scope of the project.

Any modification referenced above to a duplex/triplex/multi-family property must make exterior modifications at the same time. Except under limited circumstances, BMMD will not approve modifications to only one unit. See Duplex/Triplex/Multi-Family policy herein.

### PLAN SUBMITTAL

One physical set and one electronic set of the complete plans and specifications shall be submitted to BMMD in the same manner and format as required by the current Summit County Building and Planning Code. Such plans shall include but are not limited to site plan, building location, setbacks, grading, easements, driveways, height, parking, utilities, landscaping, drainage, interior floor plans, square footage, outbuildings, trash enclosures, fences, exterior materials and colors.

### COUNTY PERMITS

If Summit County requires a building permit, applicant will provide a copy to BMMD once issued and before work commences.

### EXTERIOR AND STRUCTURAL REQUIREMENTS

1. ROOF LINES – All roofing angles, slopes, and lines must conform to the Summit County Guidelines.
2. ROOF MATERIALS - BMMD strongly recommends all roofing materials to be made of Class A

fire resistant materials.

3. SIDING – BMMD strongly recommends that all siding be made from Class A fire resistant materials. Exposed concrete; plywood; particle board; T1-11 siding, vinyl, steel and aluminum siding are strictly prohibited. Other siding products will be considered on a case-by-case basis and may be allowed at the discretion of the Board/BMMD. In exercising its reasonable discretion, the Board/BMMD will consider whether the siding product is suitable in composition and appearance; in harmony with surrounding structures; does not negatively affect the general development; and, furthers the community goals of sustainability, minimizing negative environmental impacts, and maintaining property values.
4. EXTERIOR COLOR - Exterior colors of the roof, siding, trim, window frames, skylights, doors, etc. shall be earthtones to blend with the natural environment. Additionally, any re- painting or re-staining must be approved by the BMMD.
5. GARAGE(S) - Each single, duplex, or triplex building shall have a minimum of one (1) attached, single-car garage per unit. White garage doors are prohibited.
6. DECK(S) - Each dwelling shall have at least one exterior deck or patio (walkways, porches, etc.) with an area totaling not less than 5% of the square footage of the interior living space.
7. HEATED DRIVEWAY(S) - Heated driveways are permitted but must comply with Summit County regulations. Components of the heating system must not infringe on the County right of way. Residents must submit an architectural review to the District and receive approval prior to beginning work.
8. WINDOWS, FRONT AND PATIO DOORS - Large windows and innovative window shapes are encouraged. The structure needs to meet the aesthetic standards of adequate fenestration on the street facing side. Mill finished aluminum windows are prohibited. White front doors are prohibited. Earthtone colors to blend with the exterior siding color scheme are encouraged for all windows, screens, and patio doors.
9. SOLAR - Passive solar applications using greenhouses, atrium, skylights, airlock entries, etc. are encouraged.
10. FACTORY COMPONENTS - The use of "manufactured", modular, or factory produced structures is generally prohibited in Wildernest. The BMMD may approve the use of these components if the exterior design meets the criteria set forth herein. Roof shapes, sidings, and trim shall be applied on site as necessary to prevent the "modular" appearance. Components must be placed on the foundation within 36 hours after arrival at the site.
  - a. Before the BMMD approves the use of any manufactured, modular, or factory components, they shall receive from the owner a construction schedule showing the projected date of the foundation inspection and the anticipated delivery date of the factory component(s).
  - b. Factory components may be stored only on the owner's lot, not on open space or streets within Wildernest.

- c. To ensure the prompt installation of a factory component, the owner will deposit the amount of \$10,000.00 with BMMD, which amount will be held in escrow. Upon timely installation of the factory components upon the foundation, the escrow amount will be returned to the owner.

In the event the owner violates any part of these requirements pertaining to the installation, BMMD will use the escrow amount to remove and store the factory components on a suitable off-site location and reimburse the BMMD for any costs and/or legal fees which result from said violation. Any such breach shall also result in the BMMD's architectural approval being revoked.

## 11. LANDSCAPING -

### STORAGE SHEDS

Temporary structures are not allowed in the Wilderdest subdivision.

### OUTBUILDINGS

Outbuildings are permissible within the District but must be pre-approved through the architectural review application process. Applications will be reviewed on a one-by-one basis, and must conform to the following regulations:

- Submittal and prior approval of an architectural review application
- Not to be placed on District easements or County setbacks
- Must be a permanent structure - placed on a concrete slab or have footings
- Be approved by the County, where applicable
- Must maintain similar materials and appearance to the main dwelling, i.e.: Painting to match the main dwelling, siding/ roofing to match the main dwelling. Future modifications to outbuilding or main dwelling must be performed at the same time.
- May not be used for professional purposes, i.e. no commercial businesses to be operated on premise
- Cannot be used or considered as an Additional Dwelling Unit (ADU) and cannot be utilized as a dwelling/living space.

## **PENALTY POLICY**

### **Enforcement of Wilderdest Protective Covenants and Wilderdest Architectural Guidelines**

It benefits all property owners in Wilderdest to adhere to the Wilderdest Protective Covenants and to establish the Wilderdest Architectural Guidelines to promote the common good and enjoyment of the property owners' investment, protect property values, and maintain a pleasant residential environment. Should a property owner be in violation of the Wilderdest Protective Covenants or the Wilderdest Architectural Guidelines, BMMD may, but is not obligated to, provide the following notices and impose the following penalties:

**1st Notice of Violation (Courtesy Notice)** – Phone call, email or written notice to the property owner giving nature of alleged violation and requesting that the property owner correct the alleged violation.

**2nd Notice of Violation (\$50.00 Penalty)** - Written notice is given to property owner that the alleged violation has not been corrected and a penalty of \$50.00 has been imposed, including notification that an additional \$100.00 penalty will be imposed if the alleged violation is not corrected within ten (10) days.

**3rd Notice of Violation (\$100.00 Penalty)** - Written notice is given to property owner that the alleged violation has not been corrected and a penalty of \$100.00 has been imposed including notification that an additional \$100.00 penalty will be imposed every ten (10) days that the alleged violation remains uncorrected.

In accordance with the Wildernest Protective Covenants, BMMD may institute proceedings at law or in equity to enforce the Wildernest Protective Covenants, and to recover damages, reasonable attorney's fees, as applicable. In addition, the penalties set forth above shall constitute penalties of the District in accordance with Section 32-1-1001(1)(j), C.R.S., and until paid shall constitute a perpetual lien on and against the property which is the subject of the enforcement action.

**Right to Appear at Board Meeting**

Any party notified of a violation pursuant to this section shall be permitted to appear at the next regularly scheduled BMMD Board meeting following such notice of violation to present evidence and testimony regarding the violation. The BMMD Board shall then determine, based on the evidence presented, whether the party committed a violation, whether the party should be subject to any fine, whether any circumstances should mitigate the fine, and whether any other circumstances justify a delay or deferral in the imposition of the fine.

## DUPLEX/TRIPLEX/MULTI-FAMILY UNITS

- A. Duplex/Triplex/Multi-Family Units are conjoined residential structures constructed with a common exterior and having individual interior living spaces separated by one or more party walls. All duplexes/triplexes/multi-family units are subject to this Policy.
- B. The standard policy and practice of BMMD when presented with an application to make exterior repairs or improvements to a duplex/triplex or multi-family unit, is to require that all owners in the structure make matching repairs or improvements (e.g. stain, paint or siding) or to deny the application if all of the owners will not participate in the repairs or improvements. This approach continues to be the standard policy of the BMMD, subject to consideration of variances in limited circumstances.
- C. In limited circumstances where a variance is requested by a non-applicant owner, the Board of Directors may grant a variance in its sole discretion. The non-applicant owner(s) will be required to present their claim of hardship in writing with supportive evidence to the Board of Directors for consideration, will be required to consent to the proposed plans, and will be required to complete matching repairs or improvements within a limited time period not to exceed three (3) years.
- D. In the event a variance is granted by the Board of Directors, the following will apply:
- i. The application of the applicant owner will be considered by the Board of Directors.
  - ii. Upon approval of the proposed repairs or improvements by the Board of Directors, the applicant may proceed with its plans. The non-applicant will be asked to consent to the approved plan.
  - iii. The non-applicant owner(s) will be advised that the plans have been approved and that the non-applicant owners will be required to complete matching repairs or improvements within a three (3) year period from the date the project commences.
  - iv. Upon approval of the plans and the grant of variance (whichever occurs last), BMMD will record an advisory notice with the Summit County Clerk & Records office against the property receiving the variance to cause the three (3) year deadline for compliance to be part of the public record.
  - v. Within fifteen (15) days of receiving notice and confirmation that the repairs or improvements have been completed by the non-applicant owners, the advisory notice will be released by BMMD.
  - vi. Should the non-applicant owners fail or refuse to make the required repairs or improvements by the noticed deadline, BMMD shall send notice of the violation and shall add the violation to the agenda for the next regularly scheduled Board of Directors meeting for the Board of Directors to consider the violation and the imposition of fines against the property. The non-applicant owner may appear before, and be heard by, the Board of Directors on the issue of whether fines as set forth below should be imposed:

- a. violation remaining 30 days after expiration of three-year period – penalty of \$500.00
- b. violation remaining 45 days after expiration of three-year period – penalty of \$750.00
- c. violation remaining 60 days after expiration of three-year period – penalty of \$1,000.00 per every ten (10) day period thereafter until the repairs or improvements are confirmed to have been satisfactorily completed.
- d. a fine cap of \$10,000 will be applied.
- e. a portion of such fines when paid to BMMD may be used to help the non-applicant owners make the necessary repairs or improvements pursuant to the approved plan.

BMMD shall have a perpetual lien against the subject property for all delinquent fees, rates, tolls, penalties, charges, or assessments arising out of BMMD’s covenant enforcement services, including attorney’s fees and costs incurred by the BMMD as part of its covenant enforcement services, pursuant to Colorado Revised Statutes § 32-1-1001, et seq.

Any party notified of a violation pursuant to this section shall be permitted to appear at the next regularly scheduled BMMD Board meeting following such notice of violation to present evidence and testimony regarding the violation. The BMMD Board shall then determine, based on the evidence presented, whether the party committed a violation, whether the party should be subject to any fine, whether any circumstances should mitigate the fine, and whether any other circumstances justify a delay or deferral in the imposition of the fine.

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**NEW CONSTRUCTION  
PRE-CONSTRUCTION  
PUNCH LIST**

- 1. Architectural approval and plans on file with BMMD.
- 2. Water/Sewer Tap Fees paid and applicable County permit.
- 3. Tap locations have been identified for water and sewer mains. Valve locations - valve boxes must be straight.
- 4. Water lines must be 9'; insulation may be required.
- 5. Sewer line depth identified, grade, bends, and cleanouts every 100.
- 6. French drains: may NOT daylight to sewer, owner responsible for water.

7. Obtain utility locations 72 hours before digging.
8. Five-day notice to BMMD required before taps will be made. NO tapping on weekends.
9. No trees are to be cut until taps fees are paid in full. Consult County Fire Mitigation Regulations.
10. Buffalo Mountain Metro District to get utility drawings with every project before C.O. will be issued.
11. Is excavator licensed and bonded? Submit evidence of insurance to BMMD.
12. On-site meeting with BMMD prior to groundbreaking. Owner or builder will sign an acknowledgment of the above at time of walk through prior to any work at the site.

### **WILDERNEST CONSTRUCTION SEQUENCE**

**RELATED MATERIALS** - The owner or builder may download the following materials from the District website at [www.colorado.gov/bmmd](http://www.colorado.gov/bmmd):

- Protective Covenants
- Request for Architectural Review
- Rules, Regulations and Design Criteria
- Current Water/Sewer Rates & Schedule
- Tap Fees
- Architectural Guidelines
- Application for Water and Sewer Service

**PLAN SUBMISSION** - One set of plans and the current application fee must be submitted with the Request for Architectural Review form for consideration by the District. Plans must be approved before any site clearing, excavation or construction may begin.

**TAP FEE PAYMENT** - Tap fees may not be paid until plans have been approved by the Wilderdest Architectural Review Committee, but must be paid in full before site clearing, excavation or construction may begin. Residential tap fees are based on the number of EQR's as determined by the current Silverthorne/Dillon Joint Sewer Authority EQR Schedule. The current fee is \$18,000 per EQR — fifty percent (50%) for the sewer tap and fifty percent (50%) for the water tap.

**ON-SITE BRIEFING** - After tap fees have been paid, the owner or builder must meet on site with a District representative prior to the start of any site clearing, excavation or construction to review tree removal, site protection measures and service line locations.

**BUILDING PERMIT SIGN-OFF** - Following plan approval, tap fee payment and on-site briefing, a District representative will sign off approval for Summit County to issue a building permit.

**WATER BILLING** - From the date taps are purchased, unmetered water for construction purposes will be billed at one-half the minimum charge for water only per unit, up to a maximum of \$150.00 per quarter per building. At the time any unit in the building receives a certificate of occupancy, or six months after tap purchase, whichever occurs first, all units in the building will be billed the full minimum charges for water and sewer.

**WATER METER PURCHASE** - Meters may be paid for at the District office and picked up at the District's Administration Office — 106 Adams Avenue, Silverthorne.

AS-BUILT DRAWINGS SUBMISSION - As-built drawings, showing the locations of service lines, curb stops, clean outs, manholes and hydrants must be submitted to the District upon completion of construction.

FINAL ON-SITE INSPECTION - Not less than five business days prior to certificate of occupancy sign-off, the owner or builder must set up an appointment to meet on site with a District representative for final inspection.

CERTIFICATE OF OCCUPANCY SIGN-OFF - Following final inspection, a District representative will sign off approval for Summit County to issue a certificate of occupancy.

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