

**LOMA LINDA SUBDIVISION HOMEOWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE
Adopted Rule, Regulation or Standard**

Structures Allowed on Any Lot

SUBJECT: Adoption of a Rule, Regulation or Standard defining Structure Limitation on Lots in the Loma Linda Subdivision.

PURPOSES: Define Structures that are limited to Three on Lots.

AUTHORITY: The Declaration, Articles of Incorporation, and Bylaws of the Association and Colorado law.

EFFECTIVE DATE: September 14, 2020

RESOLUTION: Governing Document Statement: Article IX, Section 3, (iii)

The number of structures located on any Lot shall be limited to one residential dwelling and a maximum of two non-residential dwelling buildings which are not attached to the residential dwelling.

Reasoning for this Rule, Regulation or Standard: The language in this clause is ambiguous. Structures according to Archuleta County, are anything constructed, assembled, erected or built on a lot. Structures would include but not limited to fences, free standing decks, gates at lot entrances, solar panels, propane tank screens, etc. The limitation in this clause of the covenants, however, is for three "buildings". Literally interpreted, this covenant would only allow the three defined "buildings", no fences, no propane tank screens, no freestanding decks.

The language in the covenant also discounts buildings that are "attached" to the residential dwelling. It does not establish policy for two non-residential buildings that are attached to each other. This covenant does not define "attached".

RULE, REGULATION OR STANDARD:

This Rule, Regulation or Standard will define buildings that are applicable to the three building limitation of this covenant and will define attached.

Rule, Regulation or Standard: The LLHOA ACC adopts the following Rule, Regulation or Standard regarding the definition of "buildings" subject to the three building limitation and the

definition of "attached."

1. **DWELLING:** In keeping with the definition of Archuleta County, a dwelling is a building used exclusively for residential occupancy, with complete living facilities including kitchen, bathroom and sufficient living area to meet the minimum requirements of the adopted residential building code.

For the purposes of this Rule, Regulation or Standard, a dwelling is a "single residence building as defined in Article IX, Section 3 (a) and (b)".

2. **TWO NON-RESIDENTIAL DWELLING BUILDINGS:**

For the purposes of this Rule, Regulation or Standard, a "non-residential dwelling building" is defined as a "building that is not the main residential building".

3. **BUILDINGS:** Archuleta County defines a building as a structure with more than one wall and a roof, designed to be used as a place of occupancy, storage or shelter.

4. **ATTACHED:** Archuleta County definition for attached building included "attached by common wall or breezeway".

For the purposes of this Rule, Regulation or Standard, two buildings will be considered attached when they are connected by a common wall or a breezeway that is of permanent construction with a design that is consistent with the two buildings being connected.

For the purposes of this Rule, Regulation or Standard, two buildings that meet the required definition of "attached" are considered as one building.

5. Examples of Structures that meet the definition of "one residential dwelling and a maximum of two non-residential dwelling buildings which are not attached to the residential dwelling" and are therefore limited to three per lot.

Main House, plus any of the following (2) structures: detached enclosed garage, detached partially enclosed shed for animals or storage, (two or three walls), enclosed storage shed, any enclosed structure for housing animals or the storage of items, enclosed greenhouses, geodesic or rectangular, guesthouse, an accessory building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main building, and containing no kitchen facilities.

Any permanent or reasonably permanent substantially enclosed structure with a roof and walls would qualify.

6. Examples of Structures that are not limited by the three building maximum of this covenant:

Fences, Propane screens, property gate ways, free standing decks, free standing bridges, carports and covers (without walls) over decks, wood piles, gardens, tree houses, detached solar panels.

Any structure that does not meet the definitions set forth in paragraph 3 is not limited by the three building rule.

The Policy may be amended from time to time by the ACC pursuant to the Policy for ACC Adopting of Rules, Regulations and Standards.

HOA BOARD CERTIFICATION: The undersigned, being the President of Loma Linda Subdivision Homeowners Association certifies that the foregoing Rule, Regulation or Standard was adopted by the ACC at a duly called and held meeting of the ACC on July 6, 2020 and in witness thereof, the undersigned has subscribed his/her name.

Loma Linda Subdivision Homeowners Association, a
Colorado nonprofit corporation

By: William Trimarco President

09/22/2020

ACC CERTIFICATION: The undersigned, being the Chairman of Loma Linda Subdivision Homeowners Association Architectural Control Committee certifies that the foregoing Rule, Regulation or Standard was adopted by the ACC at a duly called and held meeting of the ACC on July 6, 2020 and in witness thereof, the undersigned has subscribed his/her name.

Loma Linda Subdivision Homeowners
Association Architectural Control Committee,

By: Josephine Myatt
Chair