

**ELK SPRINGS**

**DESIGN REQUIREMENTS AND GUIDELINES**

**FOR SINGLE FAMILY RESIDENTIAL AREAS OF**  
**LOS AMIGOS RANCH PUD**  
**GARFIELD COUNTY, COLORADO**

Revised April 1, 2008

Architectural Review Committee  
(970) 945-6399

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# TABLE OF CONTENTS

	Page
I. THE ARCHITECTURAL REVIEW COMMITTEE .....	1
II. THE GOALS OF ARCHITECTURAL REVIEW .....	2
III. INITIAL CONSIDERATIONS.....	2
IV. DESIGN CONTROL GUIDELINES .....	3
V. SUBMITTAL REQUIREMENTS.....	11
VI. CONSTRUCTION.....	14
VII. PROCEDURE FOR VARIANCE REQUEST .....	17
VIII. ATTORNEYS FEES AND COSTS.....	18
IX. EFFECTIVE DATES.....	18

## EXHIBITS

- A. Primary Approval
- B. Certificate of Architectural Approval
- C. Notice of Change in Existing State of Property
- D. Certificate of Compliance
- E. Approval of Changes in Approved Documents
- F. Certificate of Approval of Modifications
- G. Utility Hook-up Information
- H. Fee Schedule
- I. Submittal Checklist to be completed and signed by applicants
- J. Elk Springs Construction Rules to be posted on the site.

## I. THE ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee (the "Committee") derives its legal existence and authority by virtue of the Elk Springs Homeowners Association, Inc. (the "Association") and the "Amended and Restated Declaration of Covenants, Conditions and Restrictions for Los Amigos Ranch Planned Unit Development" dated November 30, 1990 (the "Declaration"). No improvements, changes or modifications may be made to any lot or any structure on property subject to the Declaration without first securing the written approval of the Committee. Committee Members are appointed for three-year terms by the Association Board of Directors (the "Board") and can be removed only by a majority vote of the Board. Committee Members may be paid consultants. The Committee should encourage the participation of homeowners in the architectural review process and may appoint Advisory Members. Advisory Members shall have the same authority and powers as Committee Members except when a consensus cannot be reached. In this event, a formal vote by Committee Members only will be taken to resolve the issue.

The Committee is empowered by the Declaration and the Bylaws of the Association to promulgate these Design Requirements and Guidelines for certain single-family residential portions of the Los Amigos PUD, commonly known and hereafter referred to, as Elk Springs. These Design Requirements and Guidelines interpret and implement the provisions of the Declaration and set forth specific standards and procedures for review of all proposed improvements, changes or modifications to the existing state of property ("Changes"). These rules become effective upon approval by the Board.

The Committee shall meet twice a month, as necessary, to review plans submitted for Changes. Committee Members may meet by telephonic means. Any Committee Member may require owners or their agents to meet to discuss plans submitted. The Committee shall formally report to the Board regarding submittals for Changes and the decisions made by the Committee at each annual meeting of the Board or in whatever other manner the Board may require. The Committee should freely consult with the Board regarding implementation of these Design Requirements and Guidelines, however, the Committee has absolute and sole authority to interpret and implement these Design Requirements and Guidelines and determine when a violation hereof has occurred. The Committee may engage the services of architectural consultants or other consultants as it deems necessary. The Committee and/or the Board may take such legal or other action as is necessary to enforce the decisions of the Committee and implement these Design Requirements and Guidelines.

Owners and their architect must meet with the Committee on the site at the sketch plan phase of their design work in order to facilitate the formal submittals involved in Primary Review and Final Review, avoid substantial investment in plans and drawings that may not be acceptable, and allow the Committee to make basic comments on proposed plans. After the on-site sketch plan meeting, inquiries regarding the Design Requirements and Guidelines should be made by the owners' design/build professionals.

The Primary Review is the major aspect of architectural review. It requires complete architectural design documents and site marking detailed on a comprehensive site plan. Once the Committee grants Primary Approval, the Final Review addresses conditions of the Primary Approval plus exterior materials and lighting, landscaping, screening, construction fencing, and final engineering, architectural and construction details.

Each submittal will be considered at separate scheduled Committee Meetings. Complete submittals must be received 5 working days before a scheduled Committee Meeting to guarantee formal consideration. After Final Review, the Committee may, in its sole discretion, issue a written Certificate of Architectural Approval. The Certificate of Architectural Approval becomes valid only after owners acknowledge the conditions and exceptions on the Certificate and the general contractor meets with the Committee to obtain Contractor Excavation Approval.

## II. THE GOALS OF ARCHITECTURAL REVIEW

Elk Springs provides the opportunity for living in harmony with a uniquely natural environment. Preserving the natural amenities inherent in the pinion and juniper covered slopes; the rolling grasslands, the abundant wildlife and the remarkable vistas is the comprehensive goal for all development at Elk Springs. This requires unobtrusively introducing residences into the natural environment and disturbing the views and enjoyment of the natural surroundings by neighboring property owners as little as possible. To accomplish this goal and apply it to a given site within the constraints of function and budget is a formidable task requiring the cooperative efforts of everyone involved. It requires each residence to be sited in a manner that maximizes use of existing trees to screen the residence from neighboring homes and roadways. Where the siting of a residence unavoidably results in uninterrupted exposure of the residence to neighboring homes or roadways, the planting of coniferous trees varying in height from 8 to 14 feet will be required to interrupt the view of the residence.

Architects must be made aware that the goal is to *blend* beautiful homes into the beautiful natural setting. Every residence must attempt to contribute positively to the overall natural environment of Elk Springs. It is the intent of the Committee to encourage creativity in design and sensitivity to the natural setting and to protect all owners of Elk Springs property from any construction which might protrude or contrast from the existing vegetation, detract from the enjoyment of the natural surrounding, or otherwise denigrate the value of any Elk Springs property.

## III. INITIAL CONSIDERATIONS

In order to expedite the architectural review process and insure acceptable design, careful attention must be given to these items by owners and their architect.

1. Owners must read this document carefully and have their architect do the same. Licensed architects, licensed surveyors, professional engineers, and general contractors who are licensed in Colorado and insured are mandatory. All site surveys, site plans, building designs, foundation designs, structural designs and, if applicable, individual sewer system designs must list the appropriate professional's name, address and phone number. They must bear the professional's signed stamp for Final Approval. (See "V Submittal Requirements".)
2. Owners must read the Declaration and any supplemental declarations that apply to their property. These documents are referred to in the title insurance commitment issued to owners upon purchase and the title company should provide a copy. The information on the recorded plat of the subdivision is also necessary, including plat notes and building envelope maps where applicable.
3. Proper site design is a critical element of architectural approval. The architect must visit the lot and an accurate topographical site survey must be prepared by a licensed surveyor before sketch plan work begins. The site survey must show all lot corners,

reference points in the anticipated building location as staked on site, one or more permanent benchmarks as staked on site adjacent to the anticipated building location, existing utility locations, topographic contours of the entire lot and the adjoining access roadway, all trees over 8' tall within the building envelope, within ten feet of the building envelope and between the building envelope and the access roadway. This map must be prepared at a minimum scale of 1"=20 with a maximum contour interval of 2'. Topographic extrapolations from aerial surveys are not sufficiently accurate and will not be accepted. Additional surveying to accurately fix the final building site on the site survey will be necessary.

4. On-Site Sketch Plan Meeting Owners and their architect must meet with the Committee on the site at the sketch plan phase of design work. Five copies of the topographical site survey must be submitted showing the proposed driveway and building location. Site staking must be connected by tape showing the general outline of the driveway and building location to promote productive discussion of the proposed plans.

#### IV. DESIGN CONTROL GUIDELINES

The following are the major criteria by which the Committee will review your design:

##### A. Site Design

1. General: The building sites in Elk Springs are generally sloping, ranging from moderate to reasonably steep. Residences must be designed to fit the site rather than grading the site to make a preconceived design work. Stock home and log home plans are expressly discouraged, and may be denied for the reason they have inherent design limitations in integrating the foundation into a sloping grade. Materials or packages must not be ordered until a Certificate of Architectural Approval is issued because significant changes in design are often necessary.
2. Building Location: You must comply with all conditions in the Final Plat. Building envelopes or setbacks have been designated as part of the Final Plat for your property (hereinafter "building envelopes"). The residence, including roof eaves and decks, must be sited within the designated building envelope. Removal of trees outside the building envelope for construction activity is prohibited. The specific building location chosen should maximize the available views while minimizing exposure of the residence to neighboring homes and roadways. Site specific subsurface geo technical analysis must be conducted prior to Primary Review to confirm the suitability of your building site and design a proper foundation.
3. Grading: All grading should blend with the existing contours. Grading not related to building access or drainage is discouraged. Disturbance of the natural landscape for the driveway, structure and drainage shall not exceed 25% of the lot area. Excessive filling and berming should not be necessary if adequate attention is paid to the site during the design process and will not be accepted without justification. Stepped foundations should always be used to minimize grading and address drainage issues. Retaining walls should not exceed 6' in height or 30' in length.
4. Driveways and Parking: Driveway grades should be kept to a maximum of 8% for satisfactory year-round use, however, steeper grades are not prohibited and may be necessary. Driveway entrances should be at least 50 feet from lot corners if possible. Driveways should enter the access road side of the building envelope as soon as possible and thereafter stay within the building envelope. Parking areas and

turnarounds should lie completely within the building envelope. All driveways, parking and turnaround areas must be surfaced with chip-seal, asphalt or concrete the year after initial occupancy.

A minimum of two enclosed garage parking spaces must be provided for each single-family residence and a minimum of one enclosed garage parking space must be provided for each two bedrooms. Garages must be physically attached and incorporated into the overall design of the residence. Garage entrances should not face roadways and where they are exposed to roadways must be screened by existing or planted trees.

5. Trees: Unwarranted tree removal will not be allowed. All dead trees and branches may be removed, however, all living trees to be trimmed or removed must be flagged on the site and approved by a Committee Member prior to removal. The design of the building site and driveway access must minimize the removal of vegetation and trees. Removal of trees outside the building envelope for construction activity is prohibited. Tree removal and trimming within 30 feet of homes to create a defensible space against fire whereby the crowns of trees are 10 feet apart will be allowed by the Committee after consultation, however, tree removal solely to improve views will be limited. Trimming limbs instead of removing trees to accomplish any allowable purpose is always preferred. Allowable tree removal or trimming for fire protection and/or views will be determined by the Committee after the structure is framed.

Tree removal or destruction by owners or their agents which is not authorized by the Committee will be fined at the rate of \$50.00 per vertical foot of tree removed or killed. Said fines shall not preclude any other remedies available to the Committee.

Fences: Generally, fences are discouraged but will be considered on an individual basis. Any fences not shown on the original site plan must be submitted to the Committee for approval prior to construction. Visible fences should be designed as an integral part of the structure design.

Both visible and invisible fences should enclose a **minimum area, be confined to areas within designated building envelopes and limited to the area around the residence where irrigated landscaping, pet confinement and parking is allowed.**

Children's play areas must be confined within the building envelope, enclose a minimum area, be screened from view using berms and landscaping and be limited to a fence height of 48". The location of this area rests with the committee.

Swimming pools may be enclosed with chain link fencing limited in height to building code, and screened from view using berms and landscaping. The location of this area rests with the committee.

No homeowner fence that defines a property line shall be allowed.

Dogs must be confined in escape-proof enclosures, or dog runs. Invisible fencing is a preferred method of dog confinement and must be located within the building envelope. Limited chain link or wire strand fencing may be used but must be vinyl coated or painted and screened with landscaping and berms from view of all other properties, common areas, roadways or public right-of-ways (hereinafter "screened from view"). All other fences must be constructed of wood or stone and left to weather naturally or stained a subdued earth color to blend with the natural terrain and house colors. Fences painted in non-earth tone colors are not allowed. Barbed wire fences are not allowed. Fences constructed for dog runs must be immediately adjacent to the house, cannot extend beyond 10' from the house, and cannot exceed 5' in height measured from finished grade. The final decision of the location of this fence will rest with the committee.

Any fences allowed outside the proximity of the building envelope must be designed at a maximum height of 42" and constructed to prevent the capture of deer.

6. Exterior Lighting: Exterior lighting fixtures with light sources that can be seen from off the lot shall not be allowed. This prohibition specifically includes carriage lights and low voltage solar lighting fixtures. Exterior lighting must be kept to the minimum amount necessary and should illuminate only the ground plane. Exterior lighting fixtures should be kept as low as their functional purpose allows and may not be located more than ten vertical feet above the plane being illuminated. Unshaded high mounted flood lighting and high intensity discharge lighting, such as used on farms and ranches, are prohibited. For further guidance on exterior lighting the Committee which is establishing a library of useable fixtures. Be aware that some fixtures may not work on uphill applications due to the upward angle at which the light fixture is viewed.
7. Trash and Meter Screening: Trash containers must be located within an approved structure or screened from view. Utility meters must be screened from view but accessible to utility company employees. They must not be placed along the roadway.
8. Landscaping: Irrigated landscape area is limited to 3,000 square feet by the Declaration and supplemental declarations. Landscaping must be carefully designed and implemented in order to maximize the benefit from irrigation. Large manicured lawns are not allowed but small lawns for outdoor activity are acceptable. Decks or patios can be used for outdoor living space in lieu of lawns. In general, the native vegetation should be retained and enhanced as much as possible and irrigated areas of new planting should be integrated with the native materials. Irrigated planting areas should be broken up into small areas and placed for greatest benefit. Landscaping which makes limited use of dark colored boulders from the site and native grasses is encouraged. All light colored rocks visible from off the property must be darkened or removed. Sharply-defined landscape areas and formal arrangements of major non-indigenous plant materials which do not outline buildings must be screened from view.

New trees and vegetation are encouraged to provide screening of the residence, a measure of natural air conditioning and protection from wind and sun. The planting of coniferous trees varying in height from 8 to 14 feet will likely be required by the Committee as additional screening of new residences. Where new construction is adjacent to an existing residence, the screening determined necessary by the Committee shall be the shared obligation of both owners. The Committee may limit the height of planted trees if they interfere with a neighbors primary view plane or exceed 20 feet in height. All areas disturbed during construction must be re-vegetated. All electric transformers and telephone pedestals on a lot must be screened with the aid of other owners utilizing said utilities.

9. Recreation Vehicle Storage: Campers, camper shells, snowmobiles, boats, motor homes, etc., must be stored in an area and manner which is screened from view. Screening can be accomplished with landscaping, fencing, earth berms, or a combination of these. Areas for R.V. storage must be shown on the site plan with the proposed method of screening.
10. Individual Sewage Disposal Systems: If applicable, site specific percolation tests and a profile hole are necessary to determine whether a standard septic system is acceptable or an engineered system is required or appropriate. Individual sewer systems must be designed and located to minimize tree removal and changes in the contour of the land.

11. Utilities: Location and placement of underground utility extensions must disturb as little ground and vegetation as possible. Consider running joint utility lines under or directly adjacent to driveways and walks. No above grade utility extensions are allowed. Utility locate and hook-up information is contained in Exhibit G.

B. Building Design:

1. General: The use of licensed architects and licensed engineers is required in order to protect all owners of Elk Springs property from ill-suited design. Building sites are generally sloping and building forms which follow the slope and maintain a low profile are encouraged. Designs which have floor levels and roof forms stepping with the slope fit well in this type of terrain. The use of stepped foundation walls will minimize grading and lessen earth removal costs. All homes must present an "entry way" aspect toward their roadway access. In essence, homes showing their obvious backside to the roadway will not be allowed.

Modular homes are strictly prohibited. Although strongly discouraged, the Committee will review plans based on various pre-designed package buildings which are on the market. The manner in which these pre-designed buildings conform to the specific landform on which they are to be placed is a paramount consideration. Your architect must be able to integrate the design into the site without excessive cutting or filling or the submittal will be denied. The Committee will also be concerned with the quality and design character of such buildings and whether they are consistent with the overall aesthetic fabric of Elk Springs. Plans for such structures must be submitted with the same documentation and detail as required for any other submittal.

2. Height Limits: The maximum building height may not exceed 24 feet as measured vertically from the existing grade to the roofline at that point above the existing grade. Chimneys, flues, vents, antennas or similar structures must be minimized and must extend no higher than required by applicable building codes.

The 24-foot height limitation was determined by balancing the desirability of two story homes against the typical height of trees in Elk Springs, which serve to screen or provide a backdrop to rooflines. This height limitation is essential in fulfilling the stated goal of "introducing structures as unobtrusively as possible into the natural surroundings". However, to promote creativity in home designs and to allow some flexibility on the sloping landform of Elk Springs, variances in roof height may be allowed. The committee will consider the following criteria in determining whether and to what degree a variance will be granted:

- a) The extent to which the requested variance will visibly impact other lots or roadways, including without limitation:
  - 1) length of the roof ridgeline exceeding 24 feet in height.
  - 2) The extent the roofline parallels the view plane from roadways or other lots.
  - 3) The extent the roof ridge line exceeds the backdrop and screening of surrounding trees.
- b) Whether the subject property has an exceptional topography or other site condition which is atypical of other lots and would cause the applicant exceptional practical hardship without a variance.
- c) Whether the design has attempted to ameliorate the variance requested by building orientation, hipping roofs, hanging floor joists, lowering the foundation, etc. or has in fact magnified the impact of the variance by building orientation, straight rooflines, excessive interior ceiling or wall heights, site location, etc.

3. Floor Plans: The floor plan, elevations and foundation wall heights, should relate to the topography of the land rather than trying to fit a preconceived floor plan to a given site. Projects that require extensive grading, filling, berming and/or construction of retaining walls are discouraged and may be denied. The minimum footprint of the foundation, excluding garages, patios and porches, must exceed 1200 sq. ft. in Filings 1 through 5, 1600 sq. ft. in Filings 6 and 7 and 2000 sq. ft. in Filings 8 and 9.
4. Exterior Materials: Exterior materials should be few in number and sensitively used. Exterior cladding or veneers must be primarily natural wood materials colored to relate to the surrounding area or rock or stone. Painted aluminum, metal, pressboard, plywood or vinyl siding will not be allowed. Stucco and concrete masonry may be used sparingly. Exposed concrete or concrete masonry foundations and basement walls must be clad with the same materials used elsewhere on the house. Concrete retaining walls must be clad or colored.

Window fenestration should be carefully considered and appropriate to the climate and available views. Double-glazing of windows is required. Wood, dark anodized or painted frames are permitted. No reflective, shiny or white window fenestration will be allowed. Mill finish aluminum, storm or screen doors will not be allowed. Design character and detailing should be compatible with the natural surroundings and harmonious with the neighborhood.

5. Roofs/Solar Panels: Roof design is very important because the sloping terrain of Elk Springs creates the potential of roofline overlook by neighboring residences and roofline protrusions above the forested backdrop. Roofs must blend with the main structure, the natural surroundings and be as unobtrusive as possible.

Composition shingles and weathered steel are acceptable materials. Flammable shake/shingle roofs and non-weathering metal roofs are prohibited. Black or shiny roofs are not allowed. Shiny roof protrusions are not allowed. Roofs must have a minimum slope of 4 inches per foot and a greater slope is encouraged.

Elk Springs encourages and supports the use of solar energy systems. We also encourage the use of architectural and design language and elements that consider the site and natural landscape. We have thus developed, in concert with other HOA's, RVR, Ironbridge, Sterling Ranch, Aspen Mesa, Aspen Equestrian and input from the design community, a set of requirements for solar power systems that minimize impacts and maximize the integration of the system into structures and our local landscape. We also have developed our guidelines while considering Colorado's Solar Access Law, 38-32.5-100.3, and ask only for approaches that could impact cost moderately. These guidelines have been established with current technology available, but revisions will be added and changed as new solar technology evolves.

#### Mounting Location and Approach

The overall system capacity/size and orientation shall not be larger than that which is necessary to provide 100% of the structure or estates use - we do not intend to limit size or suggest orientations that are not technically productive, however, we do not allow systems that are sized to provide excessive power for sale beyond the home or estates own use.

When site conditions would allow without excessive shading and cost, solar collectors should be mounted on the site, not the structures, and placed in such a

way as to minimize visibility by neighbors and passersby by using existing vegetation and trees as well as site contours. The planting of a reasonable number of trees may be suggested as a way to further minimize visibility.

- Ground mounted solar collectors should use mounting methods and unitization that holds the collectors as close as reasonable to grade.
- Ground mounted solar collectors shall use pole mounts painted to match the surrounding context and use conduit(s) internally routed and buried up to the pole(s) per code.
- Switchboxes and other appurtenances shall be mounted high on the poles out of reach of children and minimizing visibility.
- The requirements for the panels themselves are the same as for other locations, per below
- The requirements to "racking" and mounting shall not be the same as for other locations below, given the nature of ground mount racking systems they will generally be mill finish aluminum which is acceptable given the less visible nature of said mounting systems
- In no case shall ground mounted solar arrays impact the view planes of any other proposed or existing building site in the community. See approvals process below - accurate story poles shall be required in all cases prior to approval whether the home is existing, or new construction.
- Generally, "trackers" will not be allowed, not arbitrarily, but due to the substantially increased height of these systems. An exception shall be made in cases where trackers are used that do not substantially increase height and would otherwise meet the guidelines in all aspects.

When site conditions or cost do not make ground mounted systems reasonable, roof mounts become the viable option and are acceptable in such cases. In these cases, the following requirements exist:

- Panels shall be parallel to the roof plane on which they sit - no tilt-up legs or panels are allowed. An exception will be made if the panels are not visible from any possible passersby or neighbors from any aspect. Instead, roofs should be designed at pitches that consider solar, panels ground mounted, or additional shed roofs added that provide positive mounting appearance planes and add shading below.
- Racking/mounting systems and all visible hardware shall be black anodized aluminum - mill finish aluminum is not acceptable.
- Panels/arrays shall be at right angle to roof peak and other borders.
- Panels/arrays shall be visually flush to as many roof borders as possible, not centered.
- When possible, the array should be designed to cover 100% of a roof plane, resulting in the appearance of a different roofing materials rather than a solar array.
- Panels/arrays and related racking shall not mount or protrude more the 6" (six inches) beyond the roof surface in any direction - roof to panel face, array edge to roof surface, etc
- Panels/arrays shall be designed to minimize the total number of separate arrays, and maximize complete treatment - panels missing out of the array for vents and such should be avoided when possible up to and including relocating or rerouting vents and other roof appurtenances to prevent such breaking up of the array or arrays. For ground mounts, this is not required, as splitting into multiple smaller arrays, is generally preferable there.

- For thermal arrays, all plumbing shall be routed so as to minimize visibility - when possible, internally route or hide plumbing, or place flush to panel edges, parallel to the panel.
- For thermal arrays, all plumbing shall be (whether insulated or not) covered with black or dark grey sheet metal wrapping as is standard for professional insulators, but using dark rather than clear anodized sheet metal wrappings. For ground mounts this is not required.
- For thermal arrays, if the panels use have complex extruded or otherwise not flat, non-planer sides/edges, the edges should have a clean cover applied made of dark material to be approved by the HOA. For ground mounts this is not required.
- Panels shall be installed such that the faces are all parallel to one another and all arrays shall use the same racking/mounting system.

For all systems:

- Panels shall use black anodized frames - clear anodized frames are not allowed.
- Panels shall be used with the least geometric, most monochromatic appearance reasonable available - We have seen positive results with panels from Day4, Sanyo, Sunpower and Suntech Black, for example. For thermal, flat panels from Conergy are preferable to Heliodyne, and evacuated tubes preferable to both generally.
- For thermal panels, evacuated tubes result in a less obtrusive overall appearance than flat plates, due to their translucency, and are thus encouraged but not required if a pleasing flat panel can be found. Note than on evacuated tubes, black, not clear anodized headers, will need to be used on roof mounts per above.
- Panels shall be as near to flush to one another as possible in all applications.
- Any and all wiring, junction and combiner boxes and other such related assemblies shall, in all cases be hidden from view by passersby and neighbors.
- Installation shall be by a NABCEP or COSEIA certified firm/installer

#### Requirements for the Approvals Process

Unlike other mechanical systems and finishes, solar power system can be quite large and visually significant. As such, our submission and approvals process is fairly detailed. These requirements are all met as part of a standard quote from firms and are not generally onerous nor should they require as a result any additional fees on the homeowner or builder's part to comply.

Submission Requirements - please submit 5 paper copies of each of the following to the Architectural Review Committee for approval of your solar power system:

1. If an existing home, or a ground mount - A photographic rendering showing what the proposed array(s) would look like on the home or site from the most visible portion of the nearest road, sidewalk or other part of the community where others might see it. Generally, the solar supplier takes a photo and performs this work in PhotoShop or similar applications. Quality need not be high, print on 8.5x11 paper.
2. Accurate architectural drawings of the array in plan and elevation on 18x24" Architectural C sized paper. Drawings should be fully dimensioned specifically with respect to the array(s) and mounts. For ground mount, roughly represent vegetation and trees in the immediate vicinity when possible and relevant. Again, generally the solar power contractor will provide this. The drawings should also show the # of individual panels in the arrays and their respective sizes and mounting arrangements.
3. +/- 10% accuracy to finished product - The finished, installed arrays shall not vary in size more than 10% from that show in the drawings or renderings. Should

such a case exist, the owner will likely be asked to correct the variation and fined for periods beyond the correction time suggested. Should you determine that a variance of more than 10% +/- from the submitted plans is required, you should resubmit a new plan and rendering with the revised system size(s) for approval prior to executing on such changes.

4. A brief description, on a cover letter or in the email body with the submission, containing a general description of the systems with the following information:  
System size in # and size of panels if thermal, or in kW if electric  
The manufacturer, make and model as well as a photo or cut sheet with photo of the panels proposed  
The name and contact information for the solar contractor  
The goal of the system - provide X% of your power, etc

Approvals Process - the approvals process follows that of the Elk Springs architectural review process with the following above submission exceptions and the below process for ground mounts:

Ground Mounts - for ground mounts on proposed or existing structures, solar contractor or owner shall install story poles at the extreme outside corners of EACH proposed array such that the top of each pole sits at the top of the proposed corners of each array, and a piece of string or tape run between them representing the top of the array for each separate array or pole mount. When these are installed, notify the Architectural Review Committee and we will visit site to view them. The owner or solar contractor should be present during the Architectural Review Committee visit. Changes may be suggested and revised drawings and story poles locations requested. The arrays are not approved until the specific drawings and/or story pole locations are specifically approved in writing.

6. Color: Exterior finish and trim colors must be darker earth tone hues relating to the natural environment. White trim is prohibited. Paint or solid body stain on siding is strongly discouraged and will probably be denied due to the resulting monochromatic appearance which contrasts with existing vegetation. Dark semi-transparent stains which highlight the texture of wood siding are encouraged. Light wood colors which contrast with existing vegetation are not allowed. Future re-staining samples must be submitted for approval if not identical to the originally approved colors.
7. Construction Detail and Method: Submittal of a cross-section drawing of the building is necessary for the Committee to ascertain the proposed quality of construction and adherence to the single family dwelling restriction.
8. Building Codes and Other Regulations: Owners must comply with all applicable plat notes, local building codes and other regulations such as energy codes, county regulations, etc. The Committee may advise and point out any obvious code violations of which it is aware but assumes no responsibility or liability to do so. Approval of plans by the Committee does not constitute engineering approval, approval by the local building inspector or any other applicable authority. Before construction begins, a building permit must be secured from the building inspector and any other required special permits must be obtained. Committee Members may make inspections at any time to insure compliance with approved plans or required permits. Construction may be halted in the sole discretion of the Committee, if it finds construction or materials being used inconsistent with the approved plans. Refusal to halt construction upon demand by the Committee will result in a \$500 per day fine.

### C. Miscellaneous Considerations

1. Drainage: Specific drainage plans must be included in site plans depicting natural drainage courses and revised drainage contours. Roof drains, perimeter drains or surface drains must not be connected to sanitary sewers. These drains should be connected to a subsurface gravel dry well where they can percolate into the ground or daylight at a natural drainage course capable of handling the runoff.
2. Signs: No signs will be allowed other than address and name signs or signs "for lease" or "for sale". Signs are limited to natural materials and cannot be illuminated. Freestanding signs cannot be over 36 inches in height and 4-square feet in area per side. No sign may be placed within 20 feet of a right-of-way unless approved by the Committee. Signs in windows are prohibited. All unapproved signs can be removed without notice.
3. Accessory Buildings: All structures for use with single-family dwellings should be incorporated into the design of the main structure. Tree houses are prohibited.
4. Antennas: TV antennas must be placed as inconspicuously as possible and in no case more than four feet above the roof. Tall mast antennas for CB, short-wave radio, TV, etc., will not be allowed except by special review of the Committee and, if allowed, filters capable of eliminating interference may be required.
5. Satellite Dishes: Satellite dishes are allowed if they are screened from view. The Committee must specifically approve the location and method of screening of a proposed dish prior to its installation. Natural colors should be used to blend the dish into the surroundings and thereby aid the screening process.

### V. SUBMITTAL REQUIREMENTS FOR INITIAL CONSTRUCTION

The documents required for each of the Primary Review and Final Review are enumerated below. The required review fees are listed in Exhibit H. All site surveys must list the licensed surveyor's name, address and phone number. All building plans must list the licensed architect's name, address and phone number. The building location, foundation design and individual sewer system design, if applicable, must list the professional engineer's name, address and phone number. Failure to completely submit any of the required documents or fees can result in substantial delay in review and/or denial of approval.

Five complete sets of documents must be submitted along with the required fee for each of the Primary Review and Final Review. All site plans and design drawings must be properly scaled on 24"x36" sheets. One set of documents will be filed for reference by the Committee and four sets will be returned to the architect or owner. One copy of the returned set of final approved documents must be available at the building site during construction for use by Committee Members.

The Committee will not consider any submittal as being received for review until all required documents and the required fee as set forth in Exhibit H are received. Incorrect, incomplete and/or rejected submittals may result in additional review fee assessments at the discretion of the Committee. A copy of the Submittal Requirements Checklist is attached hereto as Exhibit I. It must be filed with each submittal and certified by the architect or owners as being complete. It is used by the Committee to verify that submittals are complete.

A. Primary Review

After your architect addresses issues raised during the on-site sketch plan meeting with the Committee, Primary Review should take place at the end of the “design development phase” of planning. Your architect is encouraged to contact the Committee’s consulting architect to discuss any questions.

1. Site Staking and Tree Flagging: All site staking and tree flagging must be shown on the site plan and all building corner stakes must be indexed with similar notations on the site plan. The following items must be marked on site:
  - 1) Trees to be removed must be flagged.
  - 2) Building location stakes must be indexed to site plan and connected by tape to illustrate the outline of the building.
  - 3) Driveway boundary stakes must be labeled as such and connected by tape
  - 4) Proposed utility cuts must be staked.
  - 5) Elevation benchmark(s) adjacent to building location must be established.The proposed location of ISDS, if applicable, must be staked.
2. Site Plan: The site plan must include all the information required on the topographical site survey as set forth in III, 3, above, and shall indicate any and all proposed improvements and changes to the lot. It must show existing and revised contours, the roof plan with elevations of all roof ridgelines corresponding to the topographical measure, walks, drives, parking and turnaround areas, fences, drainage, all trees over 8 feet tall in the building envelope, within ten feet of the building envelope, within 25 feet of the proposed structure between the building envelope and the access roadway, and within 10 feet of driveway and utility cuts (those to be removed dashed and noted as such on the site plan and marked with ribbon on site), and any auxiliary construction such as swimming pools, etc. The site plan must indicate the outline of the building as it meets the adjoining grade and show building and driveway boundary location stakes as placed on the site. The site plan must also show any recorded building envelope, setbacks, easements of record, the location of existing and proposed drainage, utilities, utility meters, and trash enclosures. If applicable, the proposed location and revised contours of the individual sewage disposal system must be shown. Flexibility as to exact configuration of the ISDS may be allowed with Committee approval. The ISDS should be kept entirely inside the building envelope if practicable. The Committee, in its sole discretion, may allow the ISDS to extend beyond the building envelope, however, under no circumstances will an ISDS be allowed within 20 feet of a property line.
3. Floor Plans: They must be dimensioned and show the use of each area, the topographical elevation and square footage of each floor, and any adjoining decks or patios.
4. Exterior Elevations: A minimum of four complete and undivided elevation views which sufficiently portray the structure from all aspects are required. The elevation views must show existing and finish grades and the topographical height of roof ridgelines. All proposed exterior materials must be noted on drawings, including siding material, roof finish, type of windows, etc.
5. Foundation Design: A site-specific subsurface geo technical analysis must recommend the foundation design.

6. Individual Sewage Disposal System Design: If applicable, an engineer's report must recommend an appropriate system based on site specific percolation tests and a profile hole. System design and layout considerations should be addressed.
7. Rendering or Model: In exceptional cases an accurate rendering may be required if, in the opinion of the Committee, the design under consideration is of such complexity that it is necessary for adequate review. A three-dimensional model may be provided in lieu of the required rendering, and may be encouraged, as it is a more realistic representation and a better design tool.

B. Final Review

The Final Review should take place during the "construction document phase" of your planning and must address any conditions of Primary Approval. Plans and specifications must be sufficiently complete to provide the Committee with final detail, color and material selection information. Provide five sets of plans upon submittal.

Building plan drawings must identify their scale, the north direction, the subdivision lot number, owner's name, mailing address and phone number. All building designs must bear the architect's signed stamp. The final building foundation design and structural design must bear the professional engineer's signed stamp.

In addition to the requirements of Preliminary Approval, a Final Submittal must indicate the following:

1. Site Plan: The final site plan must indicate building corners as located by a licensed surveyor along with the surveyor's stamp and signature. The final site plan must show all attached and detached exterior lighting, finish paving and walk materials, the construction of retaining walls and site construction details including delineated staging and parking areas that must be enclosed by green fencing prior to Contractor Excavation Approval.
2. Floor Plan: The final floor plan must be completely dimensioned.
3. Exterior Elevations: The final elevation views must show all roof penetrations, chimneys, skylights, etc. and indicate materials. All shiny roof protrusions must be painted or otherwise clad in dark colors. The final elevation views must also show the location of utility meters, exterior lighting, trash enclosures, fencing, etc.
4. Foundation Design: The final foundation design must bear a signed stamp by a professional engineer. The top of foundation walls and the bottom of footings must be clearly delineated.
5. Color Samples: Exterior color samples must show the exact color intended to be used on the actual material on which color is to be applied. Pre-finished material color must be shown via an actual manufacturer's sample. Paper chips or catalog photos are not acceptable.
6. Exterior Lighting: The location of exterior lighting must be shown on both the site plan and the exterior elevations. Lighting catalog sheets must show the type and size of fixtures at each location. The type of lighting and maximum wattage of each fixture

must be specified. If delay in this specification is desired, it must be requested along with a discussion of intended fixture styles and wattages.

7. Landscape Plan: The final landscape plan must show all areas to receive irrigated landscaping, the method of re-vegetating disturbed areas and the outline of native materials to remain undisturbed. The size, type and number of proposed tree plantings to screen exposed areas of the residence should be shown.
8. Cross-section: At least one building cross-section must be drawn at a scale sufficient to show construction details.
9. Structural Drawings: The final structural drawings must show the structural system, including sizes and design criteria used, with an engineer's stamp and signature.
10. Individual Sewage Disposal System Design: If applicable, the final ISDS design must show horizontal and vertical dimensions and bear the signed stamp of a professional engineer. It must be accurately located on the site plan. If flexibility in the final layout is desired, the general parameters must be outlined.
11. Rendering or Model: If the design has changed from the Primary Review at which the Committee determined a rendering or model was necessary, the Committee may require that the rendering or model presented at the Primary Review be upgraded and revised to reflect the final design and show its relationship to the existing grade of the property.

Upon approval, a Certificate of Architectural Approval will be issued by the Committee (Exhibit B) and one set of approved drawings will be filed for inspection reference. A second set of approved drawings must be available on the site during construction for Committee Member inspection. Any changes from the approved documents must be submitted for review and the change approved in writing (Exhibit F).

## VI. CONSTRUCTION

### A. Construction Prerequisites

Before construction, excavation or any vegetation is disturbed, the following conditions must be satisfied in addition to securing the necessary permits from local authorities:

1. Certificate of Architectural Approval: Upon satisfactory review and Final Approval of plans, the Committee will issue a signed Certificate of Architectural Approval (Exhibit B). Owners must acknowledge the conditions and exceptions on the Certificate by signing and returning the original to the Committee.
2. Contractor Excavation Approval: Before any excavation can commence, the general contractor must schedule a 30+ minute meeting with the Committee for the purposes of filing proof of a general contractors license in Colorado and liability insurance, posting the refundable Contractor Deposit as set forth in the section VI A.3. below, and discussing construction management and required site marking. The required site marking includes staking the corners of the building and the boundary of necessary excavation, red-flagging all trees to be removed and the erection of green fencing to confine staging, lay down and parking areas and protect sensitive areas. Upon final review of the required site marking a Committee Member will sign the Contractor Excavation Approval and thereby validate the Certificate of Architectural Approval. A notice to this effect will be recorded on the lot (Exhibit C).

3. Deposits Required: Owners and the general contractor must each post a refundable construction deposit with the Committee as set forth in Exhibit H. The Owner Deposit, the Contractor Deposit and any Additional Construction Deposit, (hereinafter "Deposits") are for the express purpose of assuring against damage to common or private roads or property, adherence to site maintenance and clean-up procedures, enforcement of construction management rules, and compliance with the Certificate of Architectural Approval. The Committee, in its sole discretion, can cause the restoration or repair of roads, open space or private property, clean-up of the construction site, dust control measures and/or other site maintenance measures, and at its discretion either bill the general contractor and/or the owners directly or deduct the costs for said work from the Deposits. The Committee will impose fines for violations of construction management rules (see Section VI.,B below) and bill the general contractor and/or owners. If a bill for damages or fines is issued by the Committee it shall be payable within 10 days with a 10% fee for late payment. If the bill remains unpaid after 30 days the Committee may initiate work stoppage or collection proceedings and recover all costs associated therewith from the owner or deduct the outstanding sum from the applicable Deposit. If the owners or contractor fail to comply with the construction details approved by the "Certificate of Architectural Approval" or "Approval of Changes in Approved Documents", the Committee may initiate work stoppage and require forfeiture of all or part of the Deposits in addition to any other remedies provided herein or by law. If the Committee imposes two fines or determines, in its sole discretion, that damages exceed the total of Deposits, it may require an Additional Construction Deposit from the general contractor and/or owners of up to \$5000 or the cost of repairs as reasonably determined by the Committee, whichever is greater. Upon issuance of a Certificate of Compliance (Exhibit D), the entire or unused portion of the Deposits will be returned except \$1000 of the Owner Deposit which will be retained to assure completion of any Exceptions listed in the Certificate of Compliance. In the event damage or clean-up costs exceed the Deposits, the Committee and the Association will pass on the cost deficiency to the owners.
4. Construction Road Use Fee: Owners must pay the non-refundable Construction Road Use Fee as set forth in Exhibit H. This fee is for the express purpose of compensating for the unavoidable wear and tear on roadways resulting from construction traffic. It shall not be used to offset any ascertainable road damage which will result in specific billing or forfeiture of the Deposits.

An additional non-refundable Spring Construction Road Fee, as set forth in Exhibit H, is imposed from February 15 through April 15 for any mobilization or demobilization of heavy equipment or the use of cranes, dump trucks, cement trucks or landscaping trucks.

B. Construction Management

Construction sites must be kept as clean and orderly as possible and materials stored in a manner that minimizes destruction or damage to the vegetation on the site. Staging areas for equipment and material must be fenced and approved by the Committee prior to excavation. Common roadways may not be used for equipment or material storage or vehicular parking without prior Committee approval. Owners and the general contractor should provide parking on the site, if possible, and prevent parking in or over ditches by placing stakes and boundary tape just off the chip-sealed surface of the roadway. A fire extinguisher must be maintained in a visible location near the construction activity. Adequate trash containers and toilet facilities must be provided on the site. Construction debris must be removed as necessary to prevent unsightly appearance and trash

dispersion. Dust control measures must be taken as necessary to minimize dust. No burn piles are allowed on the construction site. No temporary residences are allowed on the construction site. No loud music is allowed on the construction site. All dogs on the construction site must be leashed. The Committee may impose fines for violation of these construction management rules at a rate of up to \$1,000.00 per day of occurrence. Committee members may make periodic inspections to review compliance with approved plans and construction procedures. Construction may be halted at the discretion of the Committee if construction or materials being used are inconsistent with approved plans or an Additional Construction Deposit remains unpaid 48 hours after the general contractor and/or owners were notified of the Additional Construction Deposit by the Committee either verbally or in writing.

Construction activity and construction traffic is strictly limited to the hours between 7:00 AM and 7:00 PM on weekdays (8:00 AM to 6:00 PM is preferable) and between 9:00 AM and 5:00 PM on Saturdays. No construction activity is allowed on New Years Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas.

Lot owners who are their own General Contractors or are helping with the building process, i.e.: cleanup, staining or painting, etc. can still go to their job sites on Sundays between the hours of 9 a.m. and 5 p.m. The use of any heavy-duty equipment on Sunday is prohibited. No other contractor or subcontractors will be allowed on Elk Springs or on job sites on Sundays.

Construction traffic includes construction workers driving private or company vehicles and drop-offs. Construction traffic will be fined \$100.00 per vehicle per occurrence. Construction activity on-site shall be additionally fined at a progressive rate beginning at \$250.00 for the first occurrence and increasing \$250 for each subsequent violation (i.e. \$500, \$750, \$1000, etc.)

It is the joint and several responsibilities of the general contractor and the owners to ensure compliance with construction management rules and post and maintain a legible and readily visible sign on the site similar in context to Exhibit J. The initial sign will be provided by the Committee and must be posted prior to any construction activity. Replacement signs are available for a fee.

C. Construction Damage

Owners and the general contractor are jointly and severably responsible for any damage or litter to public or private roads or property by sub-contractors they utilize, or manufacturers and suppliers they invite to deliver goods. Damage includes that caused by utility cuts in roadways, driveway entrances, vehicles driving off roadways, and washout or runoff damage caused by construction or failure to properly manage site runoff. Tracked vehicles are not permitted on roads. Utility stubs must be utilized where provided to avoid unnecessary road cuts.

D. Time Limit of Approval

The Certificate of Architectural Approval is automatically revoked one year after the date of issuance if construction of the approved improvements has not commenced. Therefore, if delays are encountered that will extend the time of commencement beyond one year; owners must request an extension of time from the Committee at least 30 days before expiration of the Certificate of Architectural Approval. The request must be made in writing and accompanied by a processing fee of \$50.00. No extension of time shall allow commencement of construction more than two years from the date of the Certificate of Architectural Approval.

E. Timely Completion

Once the Certificate of Architectural Approval is validated with Contractor Excavation Approval, construction must be diligently prosecuted until both a Certificate of Compliance and a Certificate of Occupancy are obtained within 18 months. Failure to do so may result in revocation of the Certificate and/or forfeiture of the Deposits. In the event the Certificate is revoked, owners will be required to either resubmit for architectural approval or remove all improvements and restore the lot to its original condition at the sole discretion of the Committee.

F. Certificate of Compliance

When all the improvements have been completed upon the lot, owners must seek a Certificate of Compliance (Exhibit D) from the Committee. The Committee will inspect the improvements upon completion and, if appropriate, execute a Certificate of Compliance and record it in the Garfield County property records.

VII. PROCEDURE FOR VARIANCE REQUEST

Variances may be granted in the sole discretion of the Committee. A variance petitioner should have an overriding and compelling reason to request a variance and must use the following procedure:

1. Complete information regarding the variance request including site plan, specific drawings, measurements, materials, documentation, etc, shall be submitted to the Committee.
2. If the Committee, in its sole discretion determines that the variance request is minor, envisioned by these Design Requirements and Guidelines, or will have minimal impact on neighboring properties, it may allow the variance.
3. If the Committee, in its sole discretion determines that the variance request is without merit, it may deny the variance.
4. If the Committee, in its sole discretion, determines that the variance request has merit but is a substantial deviation from these Design Requirements and Guidelines or may have a substantial impact on neighboring properties, the petitioner must contact, by certified mail, all owners within 300 feet of petitioner's lot. The mailing must be approved by the Committee and include complete information regarding the variance requested and inform the neighboring owners of their right to object in writing within 10 days of the date of the mailing. The Committee may require the petitioner to contact additional owners and is free to seek the input of any other owners at its discretion.
  - a) If after 10 days no written objections have been received and sufficient information and proof of mailing has been provided, approval of the variance petition may be granted or denied by the Committee or consideration of the petition may be scheduled for a Committee meeting.
  - b) If any written objection is received, all parties concerned will be notified of the Committee meeting at which the variance petition will be considered.
5. Under no circumstances will any phase of variance construction commence without prior written approval from the Committee. Failure to obtain variance approval by the Committee will be cause for legal action.

#### VIII. REVIEW OF PROPOSED MODIFICATIONS

After initial construction, many owners will desire further improvements such as additions, porches, walkways, fencing, satellite dishes, planting, tree trimming, tree removal, re-staining, repainting or other modification of their residence or lot (hereinafter "Modification"). Any proposed Modification must be submitted to the Committee for review and written approval before construction or implementation of the Modification.

For additions and remodels, five sets of documents must be submitted along with the required fees for review (see Fee Schedule, Exhibit H). For other proposed Modifications such as landscaping, porches, walkways, etc, five sets of documents may be required along with the required fee at the sole discretion of the Committee for review. The Committee will endeavor to require a level of documentation appropriate to the Modification proposed. Review of minor modifications may be conducted on an informal basis, in the sole discretion of the Committee, and any or all fees may be waived. Although the specific documentation required will vary depending on the nature of the Modification proposed, it must sufficiently portray and document the Modification to the satisfaction of the Committee in its sole discretion.

Failure to obtain written approval for a Modification will result in a \$100 fine each day the unapproved construction or implementation occurs. The Committee may require the removal of an unapproved Modification in its sole discretion.

#### IX. ATTORNEYS FEES AND COSTS

In any legal dispute between the Committee and/or the Association on the one hand, and owners and/or their general contractor on the other hand, regarding the interpretation, implementation or enforcement of these Design Requirements and Guidelines, the prevailing party shall be entitled to recover reasonable costs and attorneys fees. Further, if the Committee and/or the Association takes any affirmative action to remedy a violation of these Design Requirements and Guidelines, it may recover all associated costs from the owners determined by the Committee to be in violation hereof.

#### X. EFFECTIVE DATES

Most of the design requirement modifications in this document either clarify ambiguities in, or state existing policy under, the Design Requirements and Guidelines dated September 2000. Any substantive modifications will apply to new architectural review submittals beginning January 1, 2004.

These Design Requirements and Guidelines have been reviewed, approved and adopted by the Board of Directors of the Elk Springs Homeowners Association, Inc.

Chairman, Board of Directors

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PRIMARY APPROVAL  
ELK SPRINGS HOMEOWNERS ASSOCIATION  
LOS AMIGOS RANCH PUD  
GARFIELD COUNTY, COLORADO  
(970) 945-6399

DATE: \_\_\_\_\_

Primary Approval of plans submitted by: \_\_\_\_\_

Dated: \_\_\_\_\_ Titled: \_\_\_\_\_

To be constructed on: Lot \_\_\_\_\_ Filing \_\_\_\_\_ Los Amigos Ranch PUD, Garfield County, Colorado is hereby given by the Architectural Review Committee (ARC) with the following conditions and exceptions:

1. The light source of exterior lighting must not be visible from off the property. Light fixtures must be no more than 10' above the plane illuminated and no more than 60 watts.
2. All disturbed areas must be re-vegetated. Permanently irrigated areas must not exceed 3000 square feet.
3. The planting of 8' to 14' coniferous trees of varying height will be required for screening. The specific number, locations and heights will be determined by the ARC after construction and consultation with the owners.

Maximum number of trees required: \_\_\_\_\_ General location(s) \_\_\_\_\_

4. The highest roof ridgeline must not exceed: \_\_\_\_\_ All other ridgelines must be within 4" of stated height.
5. All chimneys and vents must be the minimum height allowed by applicable building codes.
6. All shiny roof materials or protrusions must be painted or clad a non-reflective dark color.
7. Any light rocks used for landscaping or retaining walls which are visible from off site must be darkened.
8. Driveways must be surfaced with chip-seal, asphalt or concrete within one year from date of occupancy.
9. Driveway lights must be 30' off the road and 20' apart, and no more than 24" high and no more than 25 watts.

ELK SPRINGS ARC

By \_\_\_\_\_

Member, ARC

NOTE: THIS PRIMARY APPROVAL DOES NOT CONSTITUTE FINAL ARCHITECTURAL APPROVAL AND DOES NOT AUTHORIZE ANY CONSTRUCTION ACTIVITY.

The Primary Approval is not valid until it is acknowledged by one of the owners by signing the original and returning it to ELK SPRINGS ARCHITECTURAL REVIEW COMMITTEE.

I hereby agree to the conditions and exceptions above:

By \_\_\_\_\_

Owner's Signature

CERTIFICATE OF ARCHITECTURAL APPROVAL  
ELK SPRINGS HOMEOWNERS ASSOCIATION  
LOS AMIGOS RANCH PUD  
GARFIELD COUNTY, COLORADO  
(970) 945-6399

DATE OF ISSUE: \_\_\_\_\_

Approval of plans submitted by: \_\_\_\_\_

Dated: \_\_\_\_\_ Titled: \_\_\_\_\_

To be constructed on: Lot \_\_\_\_\_ Filing \_\_\_\_\_ Los Amigos Ranch PUD, Garfield County, Colorado, is hereby given by the Elk Springs Architectural Review Committee (ARC) with the following conditions and exceptions:

1. The general contractor must meet with the Committee to obtain Contractor Excavation Approval.
2. The light source of exterior lighting must not be visible from off the property. Light fixtures must be no more than 10' above the plane illuminated and no more than 60 watts.
3. All disturbed areas must be re-vegetated. Permanently irrigated areas must not exceed 3000 square feet.
4. The planting of 8' to 14' coniferous trees of varying height will be required for screening. The specific number, locations and heights will be determined by the ARC after construction and consultation with the owners.

Maximum number of trees required: \_\_\_\_\_ General location(s) \_\_\_\_\_

5. The highest roof ridgeline must not exceed: \_\_\_\_\_ All other ridgelines must be within 4" of stated height.
6. All chimneys and vents must be the minimum height allowed by applicable building codes.
7. All shiny roof materials or protrusions must be painted or clad a non-reflective dark color.
8. Any light rocks used for landscaping or retaining walls which are visible from off site must be darkened.
9. Driveways must be surfaced with chip-seal, asphalt or concrete within one year from date of occupancy.
10. Driveway lights must be 30' off the road and 20' apart, and no more than 24" high and no more than 25 watts.

ELK SPRINGS ARC

By \_\_\_\_\_  
Member, ARC

NOTE: This certificate of Architectural Approval is automatically revoked one year from the date of issue if construction has not commenced. Extension must be sought 30 days prior to the expiration date. The review of plans by the ARC does not cover compliance with local building codes or other authorities. Approval for conformance with building codes must be sought directly from the local authorities.

This Certificate of Architectural Approval is not effective until: 1) all conditions and exceptions are acknowledged by the owner's signature; 2) the executed original is returned to the ARC and 3) Contractor Excavation Approval is granted. A Certificate of Occupancy and a Certificate of Compliance must be obtained within 18 month of the Effective Date written below.

I hereby agree to the exceptions and conditions above: By \_\_\_\_\_  
Owner Signature

**CONTRACTOR EXCAVATION APPROVAL: Required to begin clearing and excavation:**

The general contractor must meet with the Committee to provide proof of a general contractor license, post the Contractor Deposit, and discuss construction management and final site review of staking, flagging and fencing.

Staking, flagging and fencing reviewed and approval given to begin clearing and excavation.

EFFECTIVE DATE: \_\_\_\_\_

ELK SPRINGS ARC

By \_\_\_\_\_

NOTICE OF CHANGE  
IN EXISTING STATE OF PROPERTY  
ELK SPRINGS HOMEOWNERS ASSOCIATION  
LOS AMIGOS RANCH PUD  
GARFIELD COUNTY, COLORADO  
(970) 945-6399

Owner: \_\_\_\_\_

Lot \_\_\_\_\_ Filing \_\_\_\_\_, Los Amigos Ranch PUD, Garfield County, Colorado.

The owners of the above referenced property have received a Certificate of Architectural Approval to commence a "Change in the Existing State of Property" from the Elk Springs Architectural Review Committee as provided in the declarations and covenants applicable to the property. The effective date of such Certificate of Architectural Approval is \_\_\_\_\_, 20

Notice is hereby given that, as provided in the Elk Springs Design Requirements and Guidelines, failure to obtain both a Certificate of Compliance and a Certificate of Occupancy within 18 months of the effective date of the approval or failure to complete the proposed Change strictly in accordance with the plans and specifications approved by the Committee may result in revocation of the approval of the change and the owners may be required to remove all improvements and restore the property as nearly as possible to its state existing prior to any work in connection with the change.

All persons with an interest in the property are cautioned to review the remedies available under the Elk Springs Design Requirements and Guidelines, and applicable declarations and covenants of record, in the event of any violation of the provisions, covenants, conditions and restrictions contained therein.

If the change in the existing state of Property is completed in compliance with the provisions, covenants, conditions and restrictions contained in the Elk Springs Design Requirements and Guidelines and applicable declarations and covenants, a Certificate of Compliance shall be issued by Elk Springs Architectural Review Committee.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ELK SPRINGS ARC

By \_\_\_\_\_

CERTIFICATE OF COMPLIANCE  
ELK SPRINGS HOMEOWNERS ASSOCIATION  
LOS AMIGOS RANCH PUD  
GARFIELD COUNTY, COLORADO  
(970) 945-6399

Date: \_\_\_\_\_

Owner: \_\_\_\_\_

Lot \_\_\_\_\_ Filing \_\_\_\_\_, Los Amigos Ranch PUD, Garfield County, Colorado

Exceptions:

It is hereby declared that the improvements on the above described property have been completed in accordance with the Certificate of Architectural Approval issued by the Elk Springs Architectural Review Committee and pursuant to the requirements set forth in the Elk Springs Design Requirements and Guidelines. The "Notice of Change in the Existing State of Property", recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_ in the records of the Clerk & Recorder, Garfield County, Colorado, is superseded by this "Certificate of Compliance."

Issued this \_\_\_\_\_ day of \_\_\_\_\_ 20

ELK SPRINGS ARC

By \_\_\_\_\_

Elk Springs HOA  
2929 County Road 114  
Glenwood Springs, CO 81601

CERTIFICATE OF APPROVAL OF CHANGES IN APPROVED DOCUMENTS  
ELK SPRINGS HOMEOWNERS ASSOCIATION  
LOS AMIGOS RANCH PUD  
GARFIELD COUNTY, COLORADO  
(970) 945-6399

DATE: \_\_\_\_\_

Approval of changes in documents approved pursuant to the Certificate of Architectural Approval

Dated: \_\_\_\_\_, as submitted by: \_\_\_\_\_

Dated: \_\_\_\_\_ Titled: \_\_\_\_\_

Lot \_\_\_\_\_ Filing \_\_\_\_\_, Los Amigos Ranch PUD, Garfield County, Colorado, is hereby given by the Architectural Review Committee, with the following conditions and exceptions:

ELK SPRINGS ARC

By \_\_\_\_\_

NOTE: The Certificate of Architectural approval is automatically revoked one year from the date of issue if construction has not commenced. Extension must be sought 30 days prior to expiration date. This Certificate of Approval of Changes in Approved Documents does not extend the expiration date. Review of plans by the Elk Springs Architectural Review Committee does not cover compliance with local building codes or other authorities. Approval for conformance with building codes must be sought directly from the local authorities.

This Certificate of Approval of Changes in Approved Documents is not valid until all conditions and exceptions are acknowledged by the owner's signature, the original is returned to the Architectural Review Committee.

I hereby agree to the exceptions and conditions above: \_\_\_\_\_  
Owner's Signature

Elk Springs HOA  
2929 County Road 114  
Glenwood Springs, CO 81601

CERTIFICATE OF APPROVAL OF MODIFICATIONS  
ELK SPRINGS HOMEOWNERS ASSOCIATION  
LOS AMIGOS RANCH PUD  
GARFIELD COUNTY, COLORADO  
(970) 945-6399

DATE: \_\_\_\_\_

Approval of proposed Modifications submitted by: \_\_\_\_\_

Dated: \_\_\_\_\_ Titled: \_\_\_\_\_

Lot \_\_\_\_\_ Filing \_\_\_\_\_, Los Amigos Ranch PUD, Garfield County, Colorado,  
hereby given by the Architectural Review Committee, with the following conditions and exceptions:

ELK SPRINGS ARC

By \_\_\_\_\_

**NOTE:** This Certificate of Approval of Modifications is automatically revoked 90 days from date of issue if construction has not commenced. Construction of the Modification must be completed within 6 months of the date of issue. If extension of time is necessary to either commence or complete construction, it must be sought from the Committee 10 days prior to the applicable expiration. Individuals making submittals for Modifications are advised that review of plans by the Architectural Review Committee does not cover compliance with local building codes or other authorities. Approval for conformance with building codes must be sought directly from the local authorities.

This Certificate of Approval of Modifications is not valid until all conditions and exceptions are agreed to by the Homeowner, applicable fees and deposits are paid and the signed original is returned to the Architectural Review Committee.

I hereby agree to the exceptions and conditions above: \_\_\_\_\_  
Homeowner's Signature

Elk Springs HOA  
2929 County Road 114  
Glenwood Springs, CO 81601

UTILITY HOOK-UP INFORMATION

Before excavation begins, contact the following companies for utility locations:

Gas	
KN Energy	(800) 563-0012
Electricity	
Holy Cross Electric Association	(970) 945-5491
Telephone	
US West Communications	(800) 244-1111
Sewer	
Spring Valley Sanitation District	(970) 618-5147
Water	
Red Canyon Water Co.	(970) 945-6399

**EXHIBIT H**

**FEE SCHEDULE**  
February 2007

**INITIAL CONSTRUCTION**  
(Includes Initial Landscaping, Screening and Fencing)

Preliminary Review	\$ <u>      350</u>
Final Review	\$ <u>      150</u>
Changes to approved documents	\$ <u>  50 - 200</u>
Compliance verification	\$ <u>      100</u>
Construction Road Use Fee	\$ <u>      600</u>
Additional Spring Construction Road Fee	\$ <u>     1000</u>
* Owner Deposit	\$ <u>     2000</u>
* Contractor Deposit	\$ <u>     2000</u>

**ADDITIONS OR REMODELS**

Preliminary Review	\$ <u>      150</u>
Final Review	\$ <u>      50</u>
Compliance verification	\$ <u>      50</u>
* Owner Deposit	\$ <u>      500</u>

**LANDSCAPING, SCREENING AND FENCING**  
(When not included in an addition, remodel or initial construction)

Preliminary Review	\$ <u>      75</u>
Final Review	\$ <u>      25</u>
Compliance verification	\$ <u>      25</u>
*Owner Deposit	\$ <u>     250</u>

\* Construction deposits are refundable upon completion of project and satisfactory inspection by ARC.

NOTE: ***For Initial Construction, the Primary and Final Review fees include a total of 5 hours of the Committee's consulting architects time. Additional use of the consulting architects time will be billed to the owner at the Committee's cost + 10% and must be paid before a Certificate of Architectural Approval is issued. Incorrect, incomplete and/or rejected submittals may result in additional review fee assessments at the discretion of the Committee. The Committee may waive all or part of the landscaping, screening and fencing fees at it's sole discretion.***

**EXHIBIT J**

Elk Springs HOA  
2929 County Road 114  
Glenwood Springs, CO 81601

## ELK SPRINGS SUBMITTAL REQUIREMENTS

**PRIMARY REVIEW**

All applicable elements listed below must be addressed and checked off by applicant for a submittal to be deemed complete:

**SITE MARKING**

- Trees to be removed flagged
- Building location stakes indexed to site plan
- Driveway boundary stakes
- ISDS locations
- Utility cuts shown under driveway
- Elevation benchmarks adjacent to building site

**SITE PLAN**

- Building location control stakes and elevation benchmarks as located on site by a licensed surveyor
- Building location and driveway boundary stakes as located on site
- Building outline as it meets grade
- Revised contours
- Drainage patterns
- Roof Plan with all roof ridgeline elevations in topographical numbers
- Walks, drives, parking and turn around areas
- Location of utility extensions and meters
- Trash enclosures
- Fences
- Recorded building envelope/setbacks
- Easements of record
- Location and revised contours of ISDS, if applicable
- Any other proposed improvements or auxiliary construction
- Existing trees -those to be removed shown dashed

**FLOOR PLANS**

- Use of each room labeled
- Topographical elevation of each floor
- Square footage of each floor
- Decks, patios
- Benchmark location(s)

**EXTERIOR ELEVATIONS**

- Four exterior views
- Existing grade where it meets the building
- Proposed finish grade where it meets the building
- All exterior materials noted

**FOUNDATION DESIGN**

- Subsurface geo-technical report

**INDIVIDUAL SEWER SYSTEM DESIGN**

- Percolation test(s)

**RENDERING OR MODEL**

- If required

Certification that all the above applicable items have been addressed in the submittal.

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Owner or Architect

**FINAL REVIEW**

In addition to those elements required at Primary Review, the following elements must be addressed and checked off by applicant for a submittal to be deemed complete.

**GENERAL**

- Architect's signed seal on all applicable documents

**SITE PLAN**

- Exterior lighting attached to structure
- Exterior lighting detached from structure
- Finished paving and walk materials
- Retaining walls, if any
- Site construction details (storage, staging & parking)
- Landscaping/Re-vegetation

**FLOOR PLANS**

- Complete dimensions

**EXTERIOR ELEVATIONS**

- Location of utility meters
- Roof penetrations, chimneys, skylights, etc.
- Locations of all exterior lighting
- Attached trash enclosures and fencing, etc.
- Materials and colors

**FOUNDATION DESIGN**

- Final dimensioned and detailed design
- Professional Engineer's signed seal

**INDIVIDUAL SEWER SYSTEM DESIGN**

- Final system design
- Professional Engineer's signed seal or approval

**COLOR SAMPLES**

- Siding, trim, fascia, etc.
- Roofing
- Window frame/sash
- Stone, masonry units
- Other

**EXTERIOR LIGHTING**

- Catalog sheets

**BUILDING CROSS-SECTION**

- 1/2" = 1'-0" min. scale

**STRUCTURAL DRAWINGS**

- Member sizes and design criteria
- Professional Engineer's signed seal

**RENDERING MODEL**

- If required, revised/upgraded per final design

Certification that all the above applicable items have been addressed in the submittal.

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Owner or Architect

# **ELK SPRINGS CONSTRUCTION RULES**

## **CONSTRUCTION HOURS:**

**WEEKDAYS – 7:00 AM – 7:00 PM**

**SATURDAY – 9:00 AM – 5:00 PM**

**NO ENTRY INTO SUBDIVISION BEFORE:**

**7:00 AM WEEKDAYS**

**9:00 AM SATURDAY**

**EXIT SUBDIVISION BY:**

**7:00 PM WEEKDAYS**

**5:00 PM SATURDAY**

**NO** loud music

**NO** dogs off leash

**NO** temporary residences

**NO** burning trash or materials

**NO** parking in or over ditches

**NO** construction on Sunday

- All violations are subject to fines -