

**Design Requirements and Guidelines
Elk Springs Subdivision
Los Amigos Ranch Planned Unit
Development**

Date of Adoption: 5.11.2022
(Section 6.10 amended 2.27.2023)
(Section 10.9 and Exhibit C amended 4.17.2023)
(Exhibit H amended 5.15.2023)
(Sections 4.1.4, 5.10, 6.5, 6.6, 6.10 and Exhibit H amended 6.26.2023)

This document supersedes all previous versions and is effective upon the date of adoption.

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PART I.
GENERAL INFORMATION

SECTION 1. Purpose of the Design Requirements and Guidelines

These *Design Requirements and Guidelines (DRGs)* interpret and implement the provisions of the *Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Elk Springs, Garfield County, Colorado* (the “*Declaration*”) dated April 10, 2017 and recorded in the records of the Garfield County Clerk and Recorder on April 19, 2017 as Reception No.891466 and establish criteria for site and building design for Improvements, Landscaping, and Modifications a Unit Owner desires to make to an existing Unit. In addition, these *DRGs* set forth specific standards and procedures for the review and approval of all proposed Improvements, Landscaping or Modifications. The *DRGs* become effective upon approval by the Board of Directors of the Elk Springs Homeowners Association, Inc. (the “*Board*”). Unless otherwise defined in these *DRGs*, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

The criteria included in the *DRGs* is designed to:

- Preserve the natural amenities inherent in the pinion/juniper forest, rolling grasslands, nightscape, and remarkable vistas.
- Minimize impact on the abundant wildlife.
- Disturb as little as possible the views and enjoyment of the natural surroundings for all Unit Owners.
- Locate residences in a manner that maximizes the use of existing trees to screen each residence from other Buildings and Units and roadways.
- Provide additional vegetation to improve privacy on Units lacking natural tree cover.
- Blend beautiful homes into the beautiful natural setting.
- Protect all Elk Springs Unit Owners from any construction which might protrude or contrast with the existing vegetation, detract from the enjoyment of the natural surrounds or otherwise denigrate the value of any Elk Springs Property.

To the extent possible, specific design guidelines have been incorporated. However, total specificity is neither possible nor desirable because of advances in design, materials and differences in Unit configurations within Elk Springs. The appropriateness and acceptability of certain Improvements, Landscaping or Modifications may depend on a number of circumstances and factors which must be documented and evaluated on a case-by-case basis. An Improvement to Property, Landscaping or Modification which is appropriate for one type of Building, Unit, and/or location may be inappropriate in another situation.

SECTION 2. Architectural Review Committee

2.1 Derived Authority.

The Architectural Review Committee (ARC) is created as a committee of the Board pursuant to Article 6.3 of the *Declaration*. The ARC has absolute and sole authority to interpret and implement the *DRGs*. A Unit Owner may, however, appeal a decision made by the ARC to the Board if the Unit Owner has an overriding and compelling reason for a variance or change request.

2.2 Purpose and Scope.

The purpose of the ARC is to review and approve all proposed Improvements to Property or Modifications as well as promulgate and enforce these *DRGs*. The approval of the ARC is required for the initial construction of any Improvement to Property (as defined below) on any Unit, except for those situations specifically exempted in Article 6.1 of the *Declaration*, as well as certain Modifications (as defined below). All decisions concerning the approval or denial of a Unit Owner's application shall be made in accordance with standards and procedures set forth in these *DRGs*. Such decisions shall not be made arbitrarily or capriciously.

Improvement to Property requiring approval of the ARC shall mean and include, without limitation, any of the following occurring within the Properties:

2.2.1 the initial construction, installation, or erection, of any and all Buildings, structures, parking areas and facilities, retaining walls, media reception or transmission dishes and antenna, energy efficiency installations, electric vehicle charging systems, water features, Landscaping, landscaping structures, fences, and other structures of every type and kind;

2.2.2 the demolition, destruction or removal, by voluntary action, of any Building, structure, Landscaping or other Improvement in connection with the initial construction; and

2.2.3 the initial grading, excavation, filling, or similar disturbance to the surface of the land including, without limitation, change of grade, change of ground level, change of drainage pattern, or change of stream bed.

Modifications requiring approval of the ARC include any alteration or change to the visual appearance of Improvements or Landscaping on any Unit subsequent to the initial construction and issuance of the *Certificate of Compliance* by the ARC.

2.3 Committee Structure.

The ARC shall consist of five (5) members or such other number not less than three (3) as determined by the Board, all of whom shall be appointed by the Board for three (3) year terms. As required in Article 6.3 of the Declaration, members of the ARC shall be Members of the Elk Springs Homeowners Association, Inc. (the “HOA”). ARC members can be removed at any time from the ARC by a majority vote of the Board. The ARC may request the Board engage the services of architectural, landscaping or other consultants as deemed necessary to fulfill the ARC’s obligations under the *Declaration*. The cost for such consultants shall be borne by the Unit Owner requesting approval (refer to Exhibit H). Consultants hired by the Board may be voting members of the ARC.

In addition, the Board may designate one of its members to serve as a liaison to the ARC in order to facilitate information and communication between the ARC and the Board regarding the implementation of these *DRGs*. However, the Board liaison may not be a voting member of the ARC.

2.4 Meeting Schedule.

The ARC will meet at least monthly (as long as there are active builds) and as necessary to conduct ARC business. All ARC meetings are open to attendance by Members of the HOA. The HOAs Property Manager (the “Property Manager”) is responsible for preparing notices of ARC meetings and providing notification to Members by posting on the HOA website, elkspringshoa.com, with notice provided by e-mail to all Members at least five (5) days before the meeting. Per Part V below, Unit Owner, contractor or architect must notify the ARC a minimum of seven (7) working days prior to a scheduled meeting in order to be placed on the agenda. All of the requirements set forth in Article 6 of the *Third Amended and Restated Bylaws of Elk Springs Homeowners Association, Inc.* (the “*Bylaws*”) which govern meetings, action without a meeting, maintenance of minutes of meetings, notice, waiver of notice, quorum and voting requirements apply to the ARC and its members. The ARC may require Unit Owners or their agents to attend meetings, in person or via telephonic means, to discuss issues with the ARC related to that Unit Owner’s project.

2.5 Majority Vote.

A majority (defined as more than fifty percent (50%)) vote of the ARC is required for the approval or denial of all proposals, variances and change requests (Section 4.1 and 4.2). A majority of ARC members shall constitute a quorum at all meetings and shall be necessary for the ARC to conduct any business. Reference is made to Part V, Sections 9, 10 and 11 regarding the Approval Process.

2.6 Decision Criteria.

The ARC shall base its approval or denial of the site and exterior building design of any Improvement to Property or Modification based on the compatibility of architectural style, quality of workmanship and materials, scale, harmony of exterior design and materials with existing Buildings or Improvements and the neighborhood setting, location with respect to topography and finished grade elevation, and impact on the natural environment.

In addition, consideration will be given to the visual and functional impact to neighboring Buildings or Units. Visual impact refers to the aesthetic appearance of the Improvement to Property or Modification. Functional impact refers to such concerns as view, noise, sunlight, ventilation, and drainage. Examples of adverse functional impacts include a material loss of views, sunlight or ventilation to a neighboring Building or Unit, or an alteration in topography which would change natural drainage patterns to the detriment of a neighboring Unit.

Notwithstanding anything to the contrary in the criteria set forth above, approval of a proposed Improvement to Property or Modification by the ARC is not intended to address the safety or adequacy of any Unit alteration. In addition, approval of plans by the ARC does not constitute engineering approval, approval by the local building inspector or any other applicable authority. The ARC's review of any proposal is limited to an analysis of the aesthetic impact of the site and exterior Building design.

2.7 Reporting.

The ARC shall report to the Board all proposals, variances and change requests and the decisions made by the ARC as well as the status of all active projects. In addition, the ARC shall provide to the Board copies of all minutes of meetings of the ARC at each Board meeting.

2.8 Adherence to Final Approvals.

Final approval by the ARC of any proposal constitutes an agreement between the ARC and the Unit Owner to complete the project in all respects according to the plans given final approval (*Certificate of Architectural Approval* – Exhibit C). Any changes during the course of the project must be requested in writing to the ARC (see Exhibit F) before any work may proceed. The ARC will determine what information may be required from the Unit Owner before approving or denying the change request.

2.9 Legal Action.

The Board may take such legal action or other action, as detailed in Section 5, to enforce the decisions of the ARC and/or the Board.

2.10 Liability for Damages.

Neither the ARC or Board shall be liable for damage to any Person submitting requests for approval by reason of any action, failure to act, approval, denial, or failure to approve or deny with regard to such request. The decisions of the ARC and/or the Board shall be deemed conclusively binding upon all parties, subject to any proposal.

SECTION 3. General Requirements

This section sets forth the general requirements for submitting plans and requests to the ARC. Understanding this information will expedite the architectural review process and ensure acceptable design submittals. It is the goal of the ARC to enforce these *DRGs* to the greatest extent, and as uniformly, as possible. As a result, the ARC expects all submittals to adhere to these requirements. If a variance to any requirement is requested, it will expedite the review process if the request is included with the initial submission.

3.1 Compliance.

Unit Owners, contractors and subcontractors must comply with all applicable plat notes, local building codes and other regulations such as energy codes, Government statutes or ordinances, OSHA regulations, etc. The ARC may point out any obvious code violations of which it is aware but assumes no responsibility or liability to do so.

In addition, compliance with fire mitigation requirements contained in the *Declaration* shall be followed in any Improvement to Property or Modification. Unless otherwise allowed, all Units are designated to lie within the Spring Valley Sanitation District (the "District") and shall obtain central sewer service pursuant to an agreement with the District.

3.2 Responsibility.

It shall be the sole responsibility of Unit Owners, contractors or subcontractors to secure and pass any required inspections (e.g., electrical, plumbing, water and sewer taps, etc.). Unit Owners, contractors and subcontractors must arrange for utility locates prior to beginning any excavation and must re-locate as needed during the course of excavation. Any damage to existing utilities shall be repaired immediately, to the satisfaction of the utility owner, and the cost of such repairs will be the ultimate responsibility of the Unit Owner.

3.3 Proper Licenses and Permits.

All final submissions must carry the appropriate approvals from a professionally licensed, or otherwise legally approved to practice in Colorado, architect, surveyor, engineer, etc. This includes, but is not limited to, site plans, geo-tech surveys, site surveys, building designs, foundation designs, structural designs and, if applicable, individual sewer system designs. The name, address and phone number of the professional must appear on all plans and bear the professional's signed stamp before final approval will be given. All projects must have a general contractor of record, unless the ARC deems the project too small to require one.

General contractors and subcontractors must carry a current BEST card, a copy of which must be provided to the ARC no later than the Pre-construction Meeting (Section 11.1).

General contractors and/or Unit Owners as general contractors must carry general liability insurance in the amount of one million dollars (\$1,000,000.00) and name the Elk Springs Homeowners Association, Inc. as an additional insured. Proof of insurance must be provided no later than the Pre-construction Meeting (Section 11.1). Insurance must remain in place at all times general contractors and/or Unit Owners as general contractors are working on the approved project.

Building permits are required in Garfield County and a copy must be supplied to the ARC prior to beginning construction. Unit Owners and contractors must read the final approved plat notes for plans and reports the County requires prior to the issuance of a building permit. These include, but are not limited to, a soils and foundation report, a grading and drainage plan, and a geologically acceptable building site prepared and certified by a professional engineer.

Any other special required permits (e.g., a blasting permit – Section 12.16) must be secured from the proper authorities and presented to the ARC prior to the commencement of such activity.

3.4 Plan Requirements.

- Plans must be on 24" x 36" sheets, scaled to 1/4" = 1" or larger,
- The North direction must be indicated on each page, and elevations must be labeled for compass direction of view,
- The subdivision Unit number, owner's name, mailing address and phone number must be included on each page, and
- Topographical Site Survey must have a minimum scale of one-inch equals twenty feet (1" = 20') and have a maximum contour interval of two feet (2').

3.5 Copies.

The ARC requires three (3) sets of all plans and documents be submitted for review along with digital copies of all documents required.

3.6 Elk Springs Subdivision Plats, Declaration, By-Laws, Policies, Rules and Regulations and Sewer Agreements.

These documents are referred to in the title insurance commitment issued to Unit Owners upon purchase of their Unit and the title company should provide a copy of each. The information on the recorded plat of the subdivision is also necessary for design planning, including plat notes, building envelopes and easements, if any.

SECTION 4. Variances, Changes and Modifications

This section provides information for requesting a Variance, Change or Modification. Each of these terms has a specific meaning within the *DRGs*. All three are considered to be requests and ARC approval must be given to each individual request. No part of a project requiring a Variance, Change or Modification may begin before written approval has been granted by the ARC. Failure to obtain approval by the ARC will be cause for enforcement action as specified in Section 5.

REQUESTS MUST BE MADE IN WRITING USING EXHIBIT F OF THESE DRGs.

4.1 Definition of a Variance.

A Variance is defined as a request to alter criteria or requirements of these *DRGs* during the planning phase of a construction project.

4.1.1 Discretion to Grant.

Variances are generally discouraged by the ARC but may be granted when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental consideration may justify the requested Variance. A Unit Owner should have an overriding and compelling reason to request a Variance.

4.1.2 Required Information.

Complete information regarding the Variance request including survey plat, site plan, specific drawings, measurements, materials, documentation, etc. shall be submitted to the ARC. Submittals must conform to Section 3 of these *DRGs*.

4.1.3 Approval.

If the ARC determines that the Variance request is minor, envisioned by these *DRGs*, or will have minimal impact on the neighboring Buildings and/or Units, it may allow the variance. If the ARC determines that the Variance request is without merit, it may deny the variance. The ARC will document the Variance request and rationale for the approval or denial of the request. Such documentation will be provided to the Unit Owner and retained in the project file maintained by the ARC Lead.

For purposes of evaluating requests, the term “merit” shall be defined as how closely the request adheres to the overall intent of the stated goals, requirements and guidelines of these *DRGs*. For example, requests for dog enclosures that are larger than specified in these *DRGs* will be denied because the ARC can envision no compelling reason for granting the request that is greater than the stated goal of minimizing impact on the natural environment of Elk Springs.

4.1.4 Adjacent Property Owner Notification.

If the ARC determines that the Variance request has merit but is a substantial deviation from these *DRGs* or may have a substantial impact on neighboring Building and/or Units, the Unit Owner must contact, (1) by certified mail and by email if an email address has been provided to the HOA, all Unit Owners within 500 feet of the lot lines of petitioner’s Unit and (2) all members of the Board by email only with an attachment of the mailing. The mailing must be approved by the ARC and include complete information regarding the Variance requested and inform the neighboring Unit Owners of their right to object in writing within ten (10) days of the date of the mailing. The ARC may require the petitioner to contact additional Unit Owners and may seek the input of any other Unit Owners at its discretion. Upon request by the Unit Owner and agreement of the Property Manager, the Property Manager may send the notice required by this section on behalf of the Unit Owner and charge the cost of such notice (time and mailing expenses) to the Unit Owner.

4.1.5 Establishing Precedence.

The granting of a Variance in a particular instance shall in no event imply or require that such a Variance be granted again in the future in a similar situation, and the ARC shall have complete discretion, consistent with the standards and criteria contained in these *DRGs*, to grant or deny a Variance in each instance on the merits of the particular application and considering the circumstances surrounding the same.

4.2 Definition of a Change.

The ARC recognizes that situations can occur during the construction process that will necessitate changes in the approved plans. For purposes of these *DRGs*, these are deemed Changes. All Changes must be approved by the ARC prior to beginning any work.

4.2.1 Changes.

Requests for Changes must include sufficient information for the ARC to make an informed decision, which may require new drawings.

4.3 Definition of a Modification.

A Modification is defined as any alteration or change to the visual appearance of Improvements to Property or Landscaping on any Unit subsequent to the initial construction and issuance of the *Certificate of Compliance* by the ARC.

It is the specific and underlying intent of the HOA to preserve and protect the visual appearance and natural attractiveness of the Properties. No Improvement or Landscaping upon the Properties shall be removed, changed, replaced or modified whether by repair, maintenance or restoration, in such a manner so as to alter such Improvement or Landscaping's visual appearance as originally approved by the ARC without first obtaining approval of the ARC. Approval of the ARC is not required for the following:

- Re-staining or re-painting as long as the stain or paint is the same color as originally approved by the ARC.
- Planting of flowers, shrubs, trees, grasses or other vegetation within a Unit's designated building envelope, lawn within three feet (3') of the driveway or ten feet (10') of the Building, or in connection with the removal or trimming of a dead or diseased tree or shrub or in order to comply with a written fire mitigation plan. The Unit Owner shall provide the ARC Lead with the written fire mitigation plan prior to commencement of work.

4.3.1 Documentation for minor Modifications.

Review of minor Modifications may be conducted on an informal basis, in the sole discretion of the ARC, and any or all fees may be waived. Although the specific documentation required will vary depending on the nature of the proposed Modification, it must provide sufficient information so the ARC can make an informed decision on the proposal.

4.3.2 Documentation for major Modifications.

In addition to submitting Exhibit F, three (3) sets of documents must be submitted along with the required fees for review of additions or remodels impacting the visual appearance of the Improvement. For other proposed Modifications such as Landscaping, porches, decks, walkways, etc., three (3) sets of documents may be required along with the required fee at the sole discretion of the ARC.

SECTION 5. Enforcement Rights and Remedies

In the event that the ARC believes a violation of the *DRGs* has occurred, and the ARC is not able to achieve a consensual resolution under the provisions of the *DRGs* or through the issuance and resolution of a Stop Work Order (Section 5.8.4), the ARC shall submit a Complaint to the Property Manager stating the alleged violation. Upon receipt of such Complaint, the Property Manager shall issue a Notice of Violation Hearing and the procedures outlined in the HOA's *Policy for Enforcement of Rules and Regulations, Hearing Procedures and Schedule of Fines ("Covenant Enforcement Rules")* adopted February 12, 2018, as may be amended, and posted on the HOAs website, elkspringshoa.com shall be followed. All Unit Owners, contractors and subcontractors should read and understand the *Covenant Enforcement Rules*.

5.1 Enforcement Rights.

Every Unit Owner or Occupant of a Unit shall fully and faithfully observe, abide by, comply with and perform all of the provisions set forth in the *Declaration* and *DRGs* as the same or any of them may be amended from time to time. The HOA, acting by and through its Board shall have the right to enforce, at any proceeding at law or in equity, any of the covenants, conditions, restrictions, assessments, charges, liens, servitudes, easements, and other provisions now or hereafter imposed by the *Declaration*, the *DRGs* and approvals granted by the ARC.

Such enforcement rights shall include without limitation, the right to bring an injunctive action in any form for injunctive relief available under Colorado Law (including specific performance), or an action for damages or both. Injunctive relief may include, without limitation, orders to stop work, orders to remove improvements constructed in violation hereof, orders to compel performance, and other orders appropriate under the circumstances.

5.2 Authority of the Property Manager.

The Property Manager, acting on behalf of the Board, has the right to conduct a fair and impartial fact-finding investigation of any alleged violation of these *DRGs*, to make an initial determination concerning the imposition of fines or other enforcement actions and

make recommendations thereon to the Board. The Fine Schedule for violations of these *DRGs* is set forth in Section 5.9.

5.3 Right to Collect Deposits.

The ARC is empowered to require deposits, bonds and/or reserves of the Unit Owner to assure construction is completed in compliance with the given approvals and to insure against damage to HOA roads, infrastructure, rights-of-way, easements, disturbed land or Common Areas. The ARC may, in addition to other remedies available to it, deduct costs related to compliance or damages from the construction deposit. The ARC may also charge any cost deficiency to the Unit Owner.

5.4 Recovery of Costs.

In any action brought under this Section, the prevailing party shall be entitled to an award of its reasonable attorney's fees and costs incurred in connection therewith.

If the Board takes any affirmative action to remedy a violation of the *DRGs*, it may recover all associated costs from the party determined to be in violation thereof. The Unit Owner shall reimburse the HOA, upon demand, for all expenses, including interest on monies expended and attorneys' fees, incurred in connection with remedying any non-compliance. If such expenses are not paid within thirty (30) days following delivery of a written demand for payment to the Unit Owner, the Board may levy a Reimbursement Assessment against such Unit Owner and Unit for all such costs and expenses. The right of the HOA to remedy or remove any non-compliance shall be in addition to all other rights and remedies which the HOA may have at law, in equity, or under the *Declaration*, and the Unit Owner shall have no claim for damages or otherwise on account of the entry upon the property and remedying or removing the non-complying work.

5.5 Failure to Request Approval.

The failure by any Unit Owner, Occupant, contractor or other agent acting on behalf of such Unit Owner, to request approval for any Improvement to Property, Variance, Change or Modification, as defined and required by the *Declaration* and these *DRGs*, is a violation of said documents.

5.6 Non-compliance.

The final approval of any request represents an agreement between the HOA, through the ARC, and the Unit Owner to complete a project in strict adherence with the given approvals. Any deviation from that approval, at the sole determination of the ARC and/or the Board, constitutes non-compliance.

5.7 Violations of Construction Management Practices.

Construction Management Practices and requirements for Water and Sewer Hookups are set forth in Section 12 and 13 of these *DRGs*. Violations of any such Construction Management Practices are violations of these *DRGs*.

5.8 Enforcement Process.

The ARC has adopted the procedures in this section to address the violations set forth in Sections 5.5, 5.6 and 5.7.

5.8.1 Right to Inspect.

During reasonable hours and upon reasonable advanced written notice delivered to and acknowledged verbally or in writing by the Unit Owner or Occupant (except in case of emergency, when no notice or permission shall be required), a member of the ARC, any member of the Board, the Property Manager or any authorized representative of either of them, shall have the right to enter upon and inspect the exterior of any Improvements to Property or Modification thereon, for the purpose of ascertaining whether or not the provisions of these *DRGs* have been or are being complied with, or for the purpose of exercising any rights or performing any responsibilities provided for in these *DRGs* and such individuals shall not be deemed guilty of trespass by reason of such entry. For purposes of this section “emergency” shall mean circumstances posing an imminent threat of injury to persons or property.

5.8.2 Scheduled Inspections.

The following inspections will be conducted by the ARC, as needed, during the construction process and no notice, as described at Section 5.8.1, to the Unit Owner or Occupant is required:

- Pre-excavation – to ensure flagging is still in place, boundary fencing has been erected and benchmarks are present (Section 12.22),
- Post-excavation – to inspect for disturbed ground and vegetation in and outside the designated construction area,
- Foundation Inspection – to ensure the foundation is located within the building envelope according to approved plans,
- 1st Truss Installation – to ensure overall height of the structure does not exceed approved limit,
- Colors and materials – to ensure exterior and roof materials and colors match those submitted on the Story Board (Section 10.9),
- Final Inspection – to ensure completion of the project prior to issuance of a *Certificate of Compliance*.

5.8.3 Inspection Reports.

The ARC representative will prepare a memorandum on all scheduled or unscheduled inspections conducted, noting either compliance and/or any discrepancies found. Such memorandum will be forwarded to the Unit Owner and the ARC Lead who is responsible for maintaining all documentation for each project.

5.8.4 Stop Work Order.

If after any inspection or receipt of a complaint the ARC determines that a violation of these *DRGs* may have occurred it may issue a Stop Work Order (the “Order”). The Order shall be posted on the job site and sent via certified, U.S. Mail to the Unit Owner and contractor of record at the last known addresses provided to the Association and ARC. The Order will state in detail the violation that has occurred and notify the Unit Owner that such owner must submit a plan to bring the subject of the Order into compliance with the *DRGs* within fifteen (15) days of the date of the acknowledgement of the Order.

5.8.5 Remedy Action.

Upon receipt of a timely plan to remedy the subject of an Order, the ARC will schedule a meeting to determine the adequacy of the Unit Owner’s plan. If the plan is deemed adequate and the Unit Owner implements the plan to the satisfaction of the ARC, the non-compliant matter will be deemed to be remedied and no further action will be taken.

5.8.6 Failure to Comply.

In the event that a Unit Owner does not comply with an Order, does not obtain an approved remedy, or does not properly implement the approved remedy, the ARC shall refer the matter to the Property Manager. Upon receipt of such Complaint, the Property Manager shall issue a Notice of Violation Hearing and the procedures outlined in the HOA’s *Covenant Enforcement Rules* adopted February 12, 2018, as may be amended, will be followed.

5.8.7 Curative Work.

If the Unit Owner or contractor refuses to submit a proposed revision or refuses to make changes per the request of the Board, the Board may exercise its authority as specified in Section 5.8.1 to enter the Unit and cure the non-approved or non-compliant Improvements to Property or Modification. Any cost associated with such curative action shall be the responsibility of the Unit Owner as authorized by Article 4.14(B) of the *Declaration*.

5.9 Fine Schedule.

The HOA has adopted the following fine schedule for violations of these *DRGs*:

5.9.1 Stop Work Order Violations.

Upon issuance of an Order as set forth in Section 5.8.4 the ARC shall recommend fines as set forth below:

- Compliance – If the unapproved activity ceases immediately and correction action is taken in compliance with Section 5.8.5, no fines will be levied.
- Failure to Submit a Remedy – If the unapproved activity ceases, but no plan to remedy the violation is submitted within the time period specified in Section 5.8.4, a \$500.00 fine will be levied for failure to submit a plan and an additional \$100.00 fine per day will be levied for each day until a plan is submitted. Such fine shall be levied from the date the Order was acknowledged.
- Continued Activity – If an activity continues after an Order has been issued, a \$1,000.00 fine will be levied for the violation and an additional \$500.00 fine per day will be levied for each day the violation continues, with such fine to be retroactive to the date the Order was acknowledged.

5.9.2 Tree Removal Fines.

Tree removal, destruction or alteration during construction by Unit Owners or their agents which is not authorized according to the site plan will be fined at the rate of \$500.00 for each tree removed or destroyed, and \$50.00 per vertical foot of each tree altered (e.g. trimming ten feet of a tree to improve a Unit Owner's view will result in a total fine of \$500.00). In addition, the Unit Owner shall be required to replant a tree to replace the one removed or destroyed, of the same size and in essentially the same location. This section pertains only to removal, damage or alteration during construction, and is not intended to limit removal of dead or diseased trees or for fire mitigation.

5.9.3 Construction Management Practices Fines and Fines for Failure to Comply with Timely Completion Requirement.

As indicated in Section 5.7, these are fines to be levied for violations of construction practices as listed on the *Pre-construction Meeting Checklist* (Exhibit D). The ARC and/or Property Manager will first issue a warning to the contractor regarding the violation. Any subsequent violation will be fined at a progressive rate beginning at \$250.00 for the first occurrence and increasing \$250.00 for each subsequent violation (i.e. \$500, \$750, \$1000, etc.).

In the event a Unit Owner, or successor in interest, does not complete a project and obtain a Certificate of Compliance (Exhibit E) within the two (2) year timeframe required by Section 14.3 below, then fines shall be levied as follows until such Unit Owner obtains a Certificate of Compliance: \$100.00/day for the first month, \$200/day for the second month, then \$300/day for the third month and every month thereafter until such Certificate of Compliance is obtained.

5.9.4 Traffic Fines.

These are fines for contractors, subcontractors, manufacturers and suppliers a Unit Owner or its contractor or agent invites to deliver goods, or construction workers entering Elk Springs prior to posted working hours, or still within the subdivision after posted working hours, on the day the violation occurs. The ARC and/or Property Manager will first issue a warning to the contractor or other third party regarding the violation and the Unit Owner will be assessed a fine for any subsequent violation at \$100.00 per vehicle per occurrence.

Furthermore, if the ARC and/or Property Manager determines that the Unit Owner provided a gate access code or access device to the construction workers thereby enabling the construction workers entry to the subdivision outside of the posted working hours, a one-time fine of \$1,000.00 will be levied upon the Unit Owner. Traffic fines are in addition to, and separate from, any fines levied for construction activity prior to, or occurring after, posted working hours.

5.10 Construction Road Use Fee, Spring Restriction and Fines.

Elk Springs charges a non-refundable road use fee on all applicable construction projects (Improvements to Property, major Modifications, etc.) of \$4,500.00. The purpose of this fee is to partially cover costs for the inevitable damage to the roads caused by construction activity and construction vehicles.

The excavation/foundation phase of construction is prohibited from February 15 to May 1 of each year ("Spring Restriction"). Fines for violation of this restriction shall be assessed at a rate of \$5,000.00 per occurrence (i.e., per heavy construction delivery in excess of 26,000 pounds gross vehicle weight), plus costs for damages incurred.

Construction activity may occur as long as the excavation/foundation is complete by February 15. Heavy construction deliveries (e.g., drywall, roofing materials, landscaping, lumber, etc.) in excess of 26,000 pounds gross vehicle weight during the Spring Restriction will be permitted as long as the delivery is approved by the ARC, an ARC member or Property Manager is present at the delivery and the Unit Owner pays an

additional, non-refundable road use fee of \$750.00 plus costs and expenses incurred by the ARC/Property Manager per delivery.

The ARC may designate the use of certain roads within the subdivision for construction traffic. The ARC will review the road condition prior to commencement of construction and at the end of construction. The road in front of the construction site shall be left in the same or better condition at the conclusion of construction as at the beginning of the project.

5.11 Damage from Construction Activity.

In addition to any fines assessed in Sections 5.9 and 5.10, the ARC, in its sole discretion, can cause the restoration or repair for any damage or litter to HOA roads or other Units, Common Areas, clean-up of the construction site, dust control measures and/or other site maintenance measures caused by Unit Owners or by contractors they utilize, or manufacturers and suppliers they invite to deliver goods. Damage includes, but is not limited to, 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. The ARC, at its discretion, can direct the Property Manager to invoice the Unit Owner or deduct the costs for said work from the applicable deposit.

5.12 Payment.

Invoices for damages or fines shall be payable within ten (10) days of the invoice date and will be assessed a 10% fee for late payment. If the invoice remains unpaid after thirty (30) days, the Board may request the ARC initiate a Stop Work Order or initiate collection proceedings and recover all costs associated therewith from the Unit Owner or deduct the outstanding amount, including the late payment fee, from the applicable deposit.

PART II SITE CRITERIA

SECTION 6. Site Design Criteria

6.1 Site Profile.

Building sites in Elk Springs are generally sloping to reasonably steep. Structures must be designed to conform to the site, rather than imposed upon the site through extensive grading. For this reason, stock home plans and log home packages are discouraged, although not disallowed, due to integrating the structure into the site.

6.2 Building Location.

The Final Plat for each Unit includes required conditions including a building envelope and/or set-backs. The entire structure, including roof eaves, decks, parking area, and fences must be entirely within the building envelope. The specific Building location chosen should maximize the available views while minimizing exposure of the residence to neighboring Buildings and HOA roadways.

6.3 Grading.

All grading should blend with existing land contours. Grading not related to building access or drainage is discouraged. Disturbance of the natural landscape for the construction of the driveway, Building and drainage shall not exceed twenty-five percent (25%) of the Unit. Stepped foundations should be used to minimize grading and drainage issues. Retaining walls can be utilized but may not exceed six feet (6') in height or thirty feet (30') in length. Retaining walls greater than four feet (4') in height should be stepped and include areas for planting vegetation.

6.4 Berms.

Berms may be constructed in order to "screen from view" those structures, facilities, equipment, objects and conditions as outlined in Article 3.7 of the *Declaration*.

Berms must:

- Not exceed sixty (60) inches in height.
- Not exceed thirty (30) feet in length without a break between berms, breaks should be a minimum of twenty (20) feet in length.
- Not impede drainage.
- Blend into the surrounding landscape.
- Be re-vegetated to match the surrounding landscape.

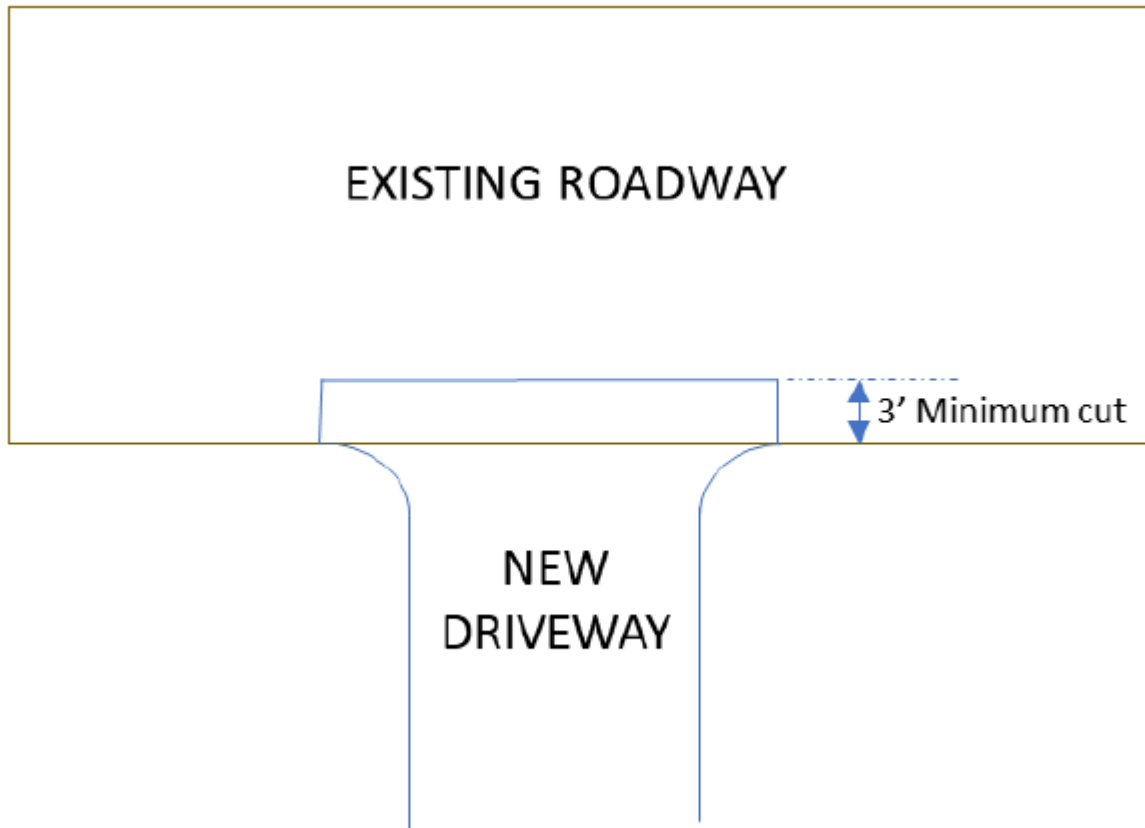
6.5 Driveways and Parking.

Driveway grades should be kept to a maximum of eight percent (8%) for satisfactory year-round use; however, steeper grades are allowed, if necessary. Driveway entrances should be at least fifty feet (50') from the Unit corners, if possible. Driveways should enter the subdivision roadway side of the building envelope as soon as possible and thereafter stay within the building envelope. Parking areas and turnarounds must lie completely within the building envelope. Driveways should not be placed opposite an existing driveway at the road.

Driveways should be no less than ten feet (10') wide, in order to accommodate emergency vehicles, and no more than fourteen feet (14') wide. Driveways should maintain a

minimum seventeen (17) feet radius on all curves. Driveways that slope up from subdivision roads must be designed to prevent water flow onto the roads.

All driveways sloping towards a HOA road shall either have a 3% crown or 3% cross slope grade for 40' up the driveway from the edge of the HOA road. Asphalt driveways shall be installed with a minimum 3' cut into the roadway (see diagram).



6.6 Culverts.

Where necessary, a culvert must be installed in the bar ditch at the beginning of the driveway. Culverts must be installed on all sloping lots, where a ditch exists, at the time excavation begins. Culverts must be a minimum of 15" in diameter, unless a larger size is called for by the geo-technical survey and must be constructed of corrugated metal/plastic that is approved for roadway use. Culverts and ditches must remain clear (with at least 12" of clearance from the existing roadside) at all times during the construction process.

6.7 Paving.

All driveways, parking, and turnaround areas must be surfaced with chip/seal, asphalt or concrete and completed as part of the construction process or date specified in the

Certificate of Compliance by the ARC (Section 14.9). Dull, non-reflective surfaces are required and tinting concrete earth-tones is encouraged. The edge of driveway paving must blend seamlessly with existing subdivision roadways. The estimated square footage of paved surface must be included on the Site Plan.

6.8 Tree Removal.

The design of the Building site and driveway access must follow the recommendations of a professional fire mitigation expert along with providing a full survey of the property. For purpose of these *DRGs*, a “professional fire mitigation expert” is an individual or entity who understands fire mitigation standards as per the State of Colorado Forestry Department, i.e., local or regional fire dept, fire mitigation company licensed to provide such a service and/or perform the fire mitigation work, State of Colorado Forest Service or similar. Unwarranted tree removal (e.g., to improve sight lines) will not be allowed and removal of trees outside the building envelope, driveway or utility trench for construction activity is strictly prohibited. This section pertains only to removal, damage or alteration during construction, and is not intended to limit removal of dead or diseased trees or for fire mitigation. Prior to the site meeting, all proposed tree removal within the building envelope, driveway location and utility trench must be flagged and indicated on the topographical survey plan (see Section 9.3).

6.9 Fences.

Construction that encloses part of the Building such as a patio or deck (e.g., a courtyard) is not considered a fence and will be deemed part of the Building.

Fences are discouraged but will be considered by the ARC on a case-by-case basis. However, fences on a Unit shall be confined to the building envelope and shall not define boundary lines. Any fencing not shown on the original Site Plan or any fence proposed in connection with a Modification must be submitted to the ARC for written approval before construction can begin and final location of all fences is at the sole discretion of the ARC. The request to the ARC should include information on design, proposed location placement, material description, samples and/or photos.

Where metal fencing is permitted it must be vinyl clad or painted. No galvanized metal will be allowed, except for 14-gauge wire mesh used for temporary, seasonal fencing in order to protect plantings from wildlife. Barbwire fences are strictly prohibited (except for subdivision boundary fences).

Fences fall into the following categories:

6.9.1 Decorative.

Decorative fences may be constructed of wood, stone, vegetation or other similar natural materials and should enclose a minimal area and remain within the building envelope. Height is limited to forty-two inches (42”) in order not to impede wildlife movement. Wood may be left to weather naturally or stained a subdued earth color to blend with the natural terrain and Building colors. White or light-colored stones which are visible to other Building Occupants and/or Units, Common Areas, HOA roadways or public rights-of-way are not permitted and must be painted a dark color or removed from the Unit.

6.9.2 Child Enclosures.

Child enclosures should enclose a minimal area and must remain within the building envelope. Height is limited to forty-eight inches (48”) above the existing grade. Chain link or wire strand fencing may be used but must be vinyl coated or painted. Fence should be screened with landscaping and/or berms from view of other Building Occupants and/or Units, Common Areas, HOA roadways or public rights-of-way.

6.9.3 Dog Enclosures.

Fencing can be either visible or invisible but enclosures must be escape-proof. Invisible fencing is preferred. A visible fence must be within the building envelope, enclose a minimal area, height limited to forty-two inches (42”), be adjacent to the Building and may not extend further than twenty feet (20’) from the closest plane of the Building. Chain link or wire strand fencing may be used but must be vinyl coated or painted. Fence should be screened with landscaping and/or berms from view of other Building Occupants and/or Units, Common Areas, HOA roadways or public rights-of-way.

6.9.4 Safety Enclosures.

Safety enclosures include areas such as uncovered hot tubs and must comply with all local codes. Chain link or wire strand fencing may be used but must be vinyl coated or painted. Fence should be screened with landscaping and/or berms from view of other Building Occupants and/or Units, Common Areas, HOA roadways or public rights-of-way.

6.10 Recreational Vehicle and Work-Related Storage Areas.

Trucks (other than pickups), heavy equipment, boats, tractors, campers, campers not on a truck, unlicensed cars or trucks, snow cats, snowmobiles, motor homes, recreational vans (excluding vans registered as other than an RV), utility trailers, skidoos, snow

removal equipment, garden or maintenance equipment, etc. shall be kept at all times, except when in actual use, in an approved structure or a designated storage area.

Designated storage areas must be entirely within the building envelope and meet the following criteria:

- Gravel or paved surface area is allowed.
- Screened, i.e. hidden, from the view of other Building Occupants and/or Units, Common Areas, HOA roadways or public rights-of-way with landscaping, fencing, earth berms, or a combination of these.

Storage outside the designated storage area is not permitted at any time. The designated storage area must be shown on the site plan with the proposed method of screening.

6.11 Central Sewer System.

With the exception of Units within Filing 8, Phase 2, and on any other Unit which is not within the boundaries of the District, or which are not physically served by central sewage collection, as shown on the Plat maps, all Elk Springs Units must be tied into the central sewer system. Specifications for this system can be obtained from the Property Manager or the District. Additional information is contained in Section 13, Water and Sewer Hookups.

6.12 Individual Sewage (ISDS).

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. Approved location must be shown on the final Site Plan.

6.13 Exterior Lighting.

Elk Springs strives at all times to preserve the natural ambiance of its rural setting, including nightscapes. Therefore, exterior lighting must follow Dark Sky, down lighting principles, be kept to the minimum amount necessary and must illuminate only the ground plane.

Exterior lighting fixtures should be kept as low as their functional purpose allows. The following guidelines apply:

- Light sources which can be seen from off the Unit are not allowed. This prohibition specifically includes carriage lights and low-voltage solar

lighting fixtures. All exterior lighting, except driveway/walkway lighting, must be attached to the Building. No other landscape-type lighting is permitted.

- No fixture may be located more than ten (10) vertical feet above the plane being illuminated and must have no more than a sixty (60) watt equivalent bulb.
- Un-shaded, high mounted flood lighting and high intensity discharge lighting, such as used on farms and ranches, are prohibited.
- Some otherwise acceptable features may not work in uphill applications due to the upward angle at which the light fixture is viewed.

6.14 Driveway and Walkway Lighting.

Driveway and walkway lights are the only exterior lighting that do not have to be attached to the Building. For all installations, the following criteria apply:

- Fixtures must be a minimum of thirty (30) feet apart,
- Fixtures may be no more than twenty-four (24) inches tall, or mounted no more than twenty-four (24) inches above the plane they illuminate,
- The light source (bulb) may not be more than fifteen (15) watts equivalent,
- The light source (bulb) may not be visible from off the Unit,
- Fixtures must be down-facing, no sideways illumination is permitted.

The location of each fixture must be shown on the site plan and a sample or photo of the proposed fixture must be supplied to the ARC for approval.

Fixtures may be solar powered or hard-wired. If solar powered, power must be fed from individual collectors attached to each fixture and not a central collector. If hard-wired, the location of each fixture must be shown on the Electrical Plan.

6.15 Landscaping.

The overall goal of landscaping is to create a harmonious interaction with the existing natural environment. Requirements and guidelines include:

- Elk Springs is in a high desert region with annual rainfall of about 12 inches in a normal year. The warming climate is causing longer, more severe and frequent droughts which stresses the aquifer, making water conservation of paramount importance.
- A complete outdoor water usage plan must be submitted to the ARC for approval during residence construction. The ARC will evaluate this plan based on overall water usage. Full or partial xeriscapes are encouraged. Drip irrigation is preferred over spray irrigation heads. Drought tolerant trees, shrubs, and grasses are strongly encouraged.

- Irrigated landscape area is limited to three thousand (3,000) square feet according to the Elk Springs Declaration.
- Landscaping must be designed and implemented in order to maximize the benefit from irrigation.
- The native vegetation should be retained and enhanced as much as possible and irrigated areas of new plantings should be integrated with the native materials. A landscape planting list is attached as Exhibit J. Use of plants and trees on this list is highly encouraged, as these species require low water and are generally hardy in the Elk Springs environment.
- Irrigated planting areas should be broken up into small areas and placed for greatest benefit.
- Use of dark colored boulders from the site is encouraged.
- Sharply-defined landscape areas and formal arrangements of major non-indigenous plant materials which do not outline Buildings must be screened from view.
- Water features and large hot tubs are highly discouraged. Pools and hot tubs holding more than 2500 gallons of water are prohibited.
- All increases to outdoor water usage beyond the initial construction related approval requires ARC approval as a Modification per Section 4.3 above.

6.15.1 Existing Trees.

Unit owners are encouraged to preserve existing, healthy trees. Trees provide screening of the residence, a measure of natural air conditioning and protection from wind and sun. Dead/diseased trees shall be removed during the initial construction phase, prior to or during excavation. Definitions and guidelines regarding dead/diseased trees have been developed by the Fire Mitigation Committee and are available at www.elkspringshoa.com. In the event of a dispute as to whether a tree is dead or diseased, the ARC can request a licensed arborist to provide a decision to the Unit Owner as to whether the tree(s) is dead/diseased, with the cost of such opinion to be paid by the Unit Owner. Stacked wood must be removed from the Property within thirty (30) days.

With the exception of the removal of approved trees in connection with the initial construction process, removal of a dead or diseased tree or in order to comply with a written fire mitigation plan (“Plan”) or creation of a defensible space, no Unit Owner, including Occupants, shall remove, alter, injure or interfere in any way whatsoever with any tree, whether occurring naturally or placed upon the Properties, except upon approval of the ARC.

Written Fire Mitigation Plans. As provided in C.R.S. § 38-33.3-106.5(1)(e), a provision of the Colorado Common Interest Ownership Act, the written Plan must be created for the Unit by the Colorado state forest service, an individual or company

certified by a local governmental entity to create such a plan or the fire chief, fire marshal, or fire protection district within whose jurisdiction the Unit is located. Carbondale & Rural Fire Protection District is a local agency that creates fire plans in compliance with this section, but a Unit owner may obtain a plan from any provider in compliance with the above referenced statute. The Lot area that shall be included in the Plan shall be 100 feet from the proposed residence or to the property line, whichever occurs first. The Plan must be provided to the ARC at the plan review stage. Tree removal must be no more extensive than necessary to comply with the Plan. The ARC may require changes to the Plan if it obtains the consent of the person, official or agency that originally created the Plan.

6.15.2 New Trees.

Regardless of any other plantings, all Unit Owners have a requirement to plant up to twenty-eight (28) coniferous trees as part of new construction, in order to provide screening from HOA roadways, between adjacent Buildings and/or Units and to improve view planes for other Occupants.

The exact number and location of these trees will be determined during a meeting between the Unit Owner and ARC once construction is substantially finished. Special consideration will be given to adjacent Buildings and/or Units and the ARC will ensure applicable Unit Owners plant trees that form an adequate screen.

Requirements include:

- Coniferous trees - limited to Pinion Pine, Juniper, dwarf Blue Spruce and any other species with a mature height of no more than thirty (30) feet and require low – medium soil moisture (refer to Colorado State University Extension Fact Sheet 7.403 – Evergreen Trees). The ARC strongly recommends Juniper because Juniper are drought and insect resistant.
- Planting of deciduous trees does not count toward the planting requirement,
- Varying heights of trees will be required to be planted. These heights will range from six (6) to ten (10) feet. A certain number of six (6) foot trees will be allowed only if they are Pinon or Juniper trees. The remaining coniferous trees required must be varying heights from eight (8) to ten (10) feet. The specific number and heights of the remaining trees will be determined by the ARC after consultation with the Unit Owner.
- The Unit Owner must replace any tree which dies within five years of planting.

6.15.3 Landscape Restoration.

All areas disturbed during any construction project must be re-vegetated, with the goal being to return the land as nearly as possible to its pre-construction state. This includes utility trenches, driveway grading and areas adjacent to foundations that will not be part of irrigated lawns and berms.

Bar ditches disturbed during construction must be re-graded and re-vegetated prior to the issuance of a *Certificate of Compliance*.

6.16 Utility Meters and Screening.

Gas meters should, in all cases, be attached to the Building and not freestanding. Location should also comply with utility company guidelines or requirements. Utility meters, gas meters and pedestals must be screened from view but still be accessible to utility company employees for service and meter reading. Screening is by means of shrubs, trees, rocks or sage. Some pedestals such as electric transformers and telephone pedestals serve several Units and all Unit Owners utilizing said pedestals are jointly responsible for the screening and should equally share any screening costs. Final location of all utility meters must be shown on the site plan and approved by the ARC.

6.17 Drainage.

Specific drainage patterns must be included on the site plan, depicting natural drainage courses and revised drainage contours. Roof drains, perimeter drains or surface drains may 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.

The use of rain barrels connected to rooftop gutter downspouts is encouraged. However, the rain barrels must be earth tone in color, screened from view by means of flowers, shrubs, trees, rocks or sage, covered and tightly sealed. In addition, the rain barrel must be secured to the ground so that it will not fall over. Also, a rain barrel must include an overflow pipe. This overflow pipe should move water from the barrel to a subsurface gravel dry well or daylight at a natural drainage course once the rain barrel reaches a certain depth (usually a few inches below the top of the barrel). Only two (2) rain barrels, or storage of 110 gallons in total, may be installed and must be maintained in a sanitary manner. The location of all rain barrels must be shown on the Site Plan.

6.18 Utilities.

All site utilities are to be located underground, along an alignment that disturbs as little ground and vegetation as possible. To the greatest extent possible all utility lines must

run under or adjacent to driveways and walks. No above grade utility extensions are allowed. Utility locate and hook-up information is contained in Exhibit G.

PART III BUILDING DESIGN

SECTION 7. Building Design

This section provides Unit Owners, architects and contractors with the building design requirements for the subdivision. 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 the subdivision roadway access. 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, berms and/or construction of retaining walls are discouraged and may be denied.

7.1 Building Definition.

The term Building shall refer to any permanent structure used for the shelter and enclosure of persons or personal property and shall refer to a structure erected in a conventional manner using individual assembled or unassembled building materials, which shall be less than the entire building or major portion thereof (stick construction).

7.2 Modular Homes are Strictly Prohibited.

For purpose of this section, “modular” will be defined as a factory-built dwelling that comprises “modules” with three or more walls and a floor, roof or ceiling, and comes equipped with plumbing, electrical and heating systems. Mobile homes, that are factory-built units having a chassis and are able to be relocated, are considered modular homes.

7.3 Packages and Log Homes.

Although strongly discouraged, the ARC will consider pre-fabricated component and kit homes. The determining factor will be the percentage of the structure that comes to the job site as completed sections. Generally speaking, if this percentage is above 50%, the project may be denied by the ARC. The manner in which these pre-designed buildings conform to the specific landform on which they are to be placed is a paramount consideration. The Unit Owner’s architect must be able to integrate the design into the site without excessive cutting or filling or the submittal will be denied. The ARC 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.

7.4 Foundation Footprint.

The Foundation Footprint, excluding patios, porches, and garages, as defined in Article 3.20(B) of the *Declaration* is as follows.

- Filings 1 through 5 – The Foundation Footprint shall exceed 1,200 square feet.
- Filings 6, 7 and 8 Phase 1 – The Foundation Footprint shall exceed 1,600 square feet.
- Filings 8, Phase 2 and 9 – The Foundation Footprint shall exceed 2,000 square feet.

7.5 Height Limit.

The maximum building height may not exceed twenty-four feet (24') as measured vertically from the existing grade to the ridgeline at any point above the existing grade. Chimneys, flues, vents, antennas or similar structures must be minimized and extend no higher than required by applicable building codes.

The twenty-four foot (24') height limitation was determined by balancing the desirability of two-story homes against the typical height of the forest canopy in Elk Springs, which serves to screen or provide a backdrop of rooflines. The 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, minor variances in roof height may be allowed. See Section 4.1 for the process of requesting a variance. The ARC will consider the following criteria in determining whether and to what degree a variance will be granted:

- The extent to which the requested variance will visibly impact other Units or roadways, including without limitation:
 - o Length of the roof ridgeline exceeding twenty-four feet (24') in height.
 - o The extent the roofline parallels the view plane from roadways or other lots.
 - o The extent the roof ridgeline exceeds the backdrop and screening of surrounding trees.

- Whether the Unit has an exceptional topography or other site condition which is atypical of other Units and would cause the Unit Owner exceptional practical hardship without a variance.
- 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.

7.6 Foundations.

On sloping sites, stepped foundations are recommended. If there is more than twelve inches (12") of exposed concrete or concrete masonry on foundations and basement walls, such must be painted or stained earth tones or clad in the same exterior material applied to the majority of the Building. Color must be included on the Story Board. Concrete retaining walls must be clad (i.e. covered with stone veneer or similar material) or painted. Veneer and/or color must be shown on the Story Board.

7.7 Exterior Walls.

Materials used on exterior walls should be primarily fire resistant, wood-looking materials, rock or stone, colored to relate to the surrounding area. Veneer stone, manufactured stone and fiber cement siding such as HardiePlank® lap siding is also permitted materials. Stucco is permitted but is limited to no more than twenty five percent (25%) of each elevation.

Materials not permitted include:

- Brick
- Painted aluminum
- Any metal exceeding 25% of the total exterior surface
- Pressboard
- Plywood, including exterior siding plywood panels
- Vinyl siding
- Plastic panels or sheeting
- Cinder block or other masonry block

7.8 Exterior Colors.

Exterior finish and trim colors must be darker earth tone hues relating to the natural environment. White trim is prohibited. Dark semi-transparent stains which highlight the

texture of wood siding are encouraged. Light wood colors which contrast with existing vegetation are not allowed. A Story Board (Section 10.9) with color samples is required for submission to the ARC.

7.9 Windows.

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 on storm or screen doors will not be allowed. Design character and detailing should be compatible with the natural surroundings and harmonious with the neighborhood.

Window glass may be tinted to control heat gain but a reflective, mirrored appearance is not permitted.

7.10 Fireplaces.

Fireplace requirements must comply with Colorado and Garfield County statutes and ordinances. Units in Filings 1, 2, 3 and 4 are permitted to install up to one interior open-hearth fireplace and one Colorado Certified woodstove. Units in Filings 5 (Phase 1 and 2), 6, 7, 8 (Phase 1 and 2) and 9 shall be permitted to install one interior Colorado Certified woodstove.

Installation must adhere to all codes and manufacturer's specifications.

- Open hearth fireplace - Exterior chimneys must be enclosed in a chase or painted black if exposed metal pipe is used. If a chase is used, it must meet all code requirements. Location of chase must be shown on all applicable plans and elevations submitted for consideration by the ARC. The permanent conversion of a wood burning fireplace to burn gas logs, is permitted. The damper must be removed and glass doors must be installed.
- Woodstove - Terminations can be horizontal (as allowed by the manufacturer) or vertical. Vertical terminations should be enclosed in a chase and unpainted metal is not permitted. Location of termination must be shown on all applicable plans and elevations submitted for consideration by the ARC.

7.11 Outdoor.

No open flame of any kind, for any purpose, is permitted on any Unit within Elk Springs. Contained charcoal or gas cooking grills are permitted on patios or decks but are not

permitted elsewhere on the Unit or Common Area. Grills may be portable or built-in. A direct-vent manufactured indoor/outdoor gas fireplace is permitted.

Gas fire pits and gas patio heaters are allowed. However, gas fire pits must be permanently attached to a patio or deck, provide for a perimeter barrier of 15' from flammable materials around the pit and not be placed below an over-hang on the patio or deck. Approval is required by the ARC before installation of a gas fire pit.

7.12 Roofs.

Roof design is very important because the sloping terrain of Elk Springs creates the potential of roofline overlook by neighboring Units and roofline protrusions above the forested backdrop. Roofs must blend with the main structure, the natural surroundings and be as unobtrusive as possible. Shorter rooflines, broken by elevation changes, dormers or other design elements are preferable to long uninterrupted runs.

7.12.1 Approved roof coverings may include:

- Composition shingles,
- Rusted or treated steel or corrugated metal which must be treated prior to installation,
- Recycled composition shingles,
- Concrete or clay materials,
- Other non-flammable material will be considered.

7.12.2 Non-approved roof coverings include:

- Painted or non-weathered metal (pro-panel),
- Wood shakes or shingles, regardless of any treatment designed to reduce flammability,
- Black, shiny or reflective materials,
- Rubber or similar membranes,
- Any other flammable material.

7.12.3 Roof Pitch.

Roofs must have a minimum pitch of four inches per foot (4/12 or 4:12) and a greater slope is encouraged. Lower roof pitches may be considered and allowed in certain circumstances upon a Unit specific review and approval by the ARC. Factors in the consideration by the ARC include the size, design, visibility and impact of the lower roof pitch on neighboring Units and roadways. Approved roof coverings for roofs less than 4/12 pitch may include rusted, core 10 metal, standing seam metal with non-reflective surfaces, ballasted membrane (stone ballast), and vegetated roofs (i.e., living roofs).

7.12.4 Skylights and Sun Tunnels.

Skylights and sun tunnels (also known as solar tubes, etc.) are permitted but care should be taken in placement to minimize the visual impact and reflection on neighboring Units. Criteria include the following:

- Installations must match the slope of the roof with minimal projection from the roof surface,
- If possible, installations should be on roof planes not visible from roadways or neighboring Units,
- Colors of trim, frame and flashing must blend with or match the roof surface,
- Light emission at night must be minimized.

7.12.5 Gutters and Downspouts.

Gutters and downspouts must follow rooflines and building forms in logical places. Treated copper (no shine) or colors that match trim are permitted. White or unpainted galvanized metal is not permitted.

7.12.6 Projections.

Where possible, roof projections (vents, soil stacks, etc.) should penetrate behind the ridge line, on a roof plane not visible from neighboring Units or roadways. All such projections must be painted a neutral or dark color. Roof-mounted mechanical equipment is not permitted, except for weather monitoring systems which may be approved on a case-by-case basis by the ARC.

7.13 Garages.

A minimum of two (2) enclosed garage parking spaces must be provided for each single-family residence with four (4) or fewer bedrooms. In addition, a minimum of one (1) enclosed garage parking space must be provided for each additional two (2) 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. Open-sided car ports are not permitted.

7.14 Solar Installations

Elk Springs encourages and supports the use of solar energy systems and encourages the use of architectural and design elements that consider the site and natural landscape. The HOA has developed guidelines for solar power systems to minimize impacts and

maximize the integration of the system into the Elk Springs landscape. These guidelines have been developed considering Colorado's Solar Access Law, C.R.S. § 38-32.5-100.3, and have been established with current technology available, but revisions will be added and changed as new solar technology evolves. The guidelines also consider ground and roof mounted systems as well as thermal and electric systems.

7.14.1 Mounting Location and Approach.

The overall system capacity/size and orientation shall not be larger than that which is necessary to provide one hundred percent (100%) of the Building's use. Systems that are sized to provide excessive power for sale beyond the Unit Owner's own use are prohibited.

7.14.2 Ground Mount.

When site conditions allow, without excessive shading and cost, solar collections should be mounted on the ground, not the Building, and placed in such a way as to minimize visibility by other Unit Owners and road traffic through the use of existing vegetation and trees as well as site contours. The planting of a reasonable number of trees/vegetation and berms will be required to screen the solar array from view. Ground mounted systems must be located completely within the building envelope. Location off-Unit or in the Common Areas is not permitted.

- Ground mounted solar collectors shall 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.
- All finishes, metal and glass shall be matte black or black tinted.
- In no case shall ground mounted solar arrays impact the view planes of any other proposed or existing Unit in the community.
- Generally, "trackers" will not be allowed due to the substantially increased height of these systems. An exception may be approved by the ARC in cases where trackers are used that do not substantially increase height and would otherwise meet these *DRGs* in all aspects.

7.14.3 Roof Mount.

When site conditions or cost render ground mounted systems unreasonable, 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 may be approved by the ARC if the panels are not visible to other Unit Owners or road traffic. For initial construction, roofs should be designed at pitches that consider solar panels and provide positive mounting appearance planes.
- Racking/mounting systems and all visible hardware shall be black anodized aluminum – mill finish aluminum is not permitted.
- Panels/arrays shall be at the right angle to roof peak and other borders.
- Panels/arrays shall be visually flush to as many roof borders as possible and not centered.
- When possible, the array should be designed to cover one hundred percent (100%) of a roof plane, resulting in the appearance of a different roofing material rather than a solar array.
- Panels/array and related racking shall not mount or protrude more than six inches (6”) 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. Panels missing out of the array for vents, etc. should be avoided when possible up to and including relocating or rerouting vents and other roof appurtenances to prevent the breakup of the array(s). (For ground mounts, this is not required, as splitting into multiple smaller arrays, is generally preferable).
- For thermal arrays, all plumbing shall be routed so as to minimize visibility. When possible, the plumbing should be internally routed, hidden or placed flush/parallel to the panel.
- For thermal arrays, all plumbing (whether insulated or not) shall be covered with black or dark grey clear anodized sheet metal wrapping. This is not required for ground mounts.
- For thermal arrays, if the panels have complex extruded side/edges or otherwise are not flat, non-planer sides/edges, the edges should have a clean cover applied of dark material to be approved by the HOA. This is not required for ground mounts.
- Panels shall be installed such that the faces are all parallel to one another and all arrays shall use the same racking/mounting system.

7.14.4 For all systems:

- Panels shall use black anodized frames – clear anodized frames are not allowed and glass shall be black tinted.
- Panels shall be used with the least geometric, most monochromatic appearance reasonable available.
- For thermal panels, evacuated tubes result in a less obtrusive overall appearance than flat plates due to their translucency and their use is encouraged but not required if the same effect can be achieved with a flat plate.
- 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 all Unit Owners and road traffic.
- Installation shall be by a NABCEP or COSEIA certified firm/installer.
- Location of control boxes and any related electrical equipment must be shown on plans submitted to the ARC for review.

7.14.5 Requirements for Approval.

Unlike other mechanical systems and finishes, solar power systems can be large and visually significant. As such, the submission and approvals process by the ARC is more extensive than that for Improvements to Property and Modifications. Five (5) paper copies of each of the following are required to be provided to the ARC in the Unit Owner's submission:

- A photographic rendering (on 8.5" x 11" paper) of the appearance of the proposed array(s) on the Building or Unit from neighboring Units and the most visible portion of the nearest road.
- Accurate architectural drawings of the array(s) in plan and elevation on 18" x 24" Architectural C sized paper. Drawings should be fully dimensioned specifically with respect to array(s) and mounts. For ground mount, vegetation and trees in the immediate vicinity should be shown. The drawings should also show the number of individual panels in the arrays and their respective sizes and mounting arrangements.
- The finished, installed array(s) shall not vary in size more than +/-ten percent (10%) from that shown in the drawings or renderings. Should such a case exist, the Unit Owner may be asked to correct the variation and assessed a fine for the non-compliance. If, during the construction phase it is determined that a variance of more than ten percent (10%) +/- from the submitted plans is required, a new plan and rendering with the revised system size(s) shall be submitted to the ARC for approval prior to executing on such changes.

- A general description of the system with the following information:
 - o System size in number and size of panels or kilowatts, if electric
 - o The manufacturer, make and model as well as a photo or cut sheet of the proposed panels
 - o The name and contact information of the solar contractor
 - o The goal of the system – provide X% of the Unit’s power, etc.

7.14.6 Approval Process.

The approvals process shall comply with C.R.S. § 38-30-168 and follows that described elsewhere in these *DRGs* with the following exceptions:

Solar contractor or Unit 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, with a piece of string or tape running between them representing the top of the array for each separate array or pole mount. When these are installed, the ARC will conduct an inspection. The Unit Owner or solar contractor must be present during the inspection. Changes may be suggested and revised drawings and story poles locations requested. The array(s) will not be approved until the specific drawings and/or story pole locations are specifically approved in writing by the ARC.

**PART IV
MISCELLANEOUS CRITERIA**

SECTION 8. Miscellaneous criteria applicable to new construction as well as existing Units.

8.1 Accessory Dwelling Unit (ADU).

Per Article 3.20.C. of the *Declaration*, no household employee or guest quarters or any other type of accessory dwelling units are permitted.

8.2 Accessory Buildings.

No freestanding structure apart from the Dwelling Unit is permitted. This includes utility or storage sheds, gazebos, greenhouses, tents, tee-pees, yurts, vehicle enclosures or like structures.

8.3 Transmission Dishes and Antennas.

Satellite and Internet Dishes are allowed if they are screened from view. The location of the proposed dish should be included on the site plan for new construction. For existing Units, the ARC must approve the location and method of screening of a proposed dish prior to installation. Natural colors should be used in order to blend the dish into the surroundings.

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 ARC and, if allowed, filters capable of eliminating interference may be required. Antenna supports must be painted to reduce visibility.

8.4 Clotheslines

Clotheslines are permitted but must be placed at the rear of the Unit within the building envelope.

8.5 Landscape and Children's Structures.

Landscape structures such as raised flower beds, arbor, pergola, trellis, etc. are permitted but must be within the building envelope, screened from view and approved by the ARC.

Children's playground equipment is permitted but must be placed at the rear of the Unit, within the building envelope and screened from view of other Unit Occupants. The equipment must be made either of wood which may be left to weather naturally or stained a subdued earth color to blend with the natural terrain and Building colors or metal if painted to blend into the surroundings. Tree houses are strictly prohibited.

Basketball backboards shall be located either on the Building or on a separate support minimizing visual impact. In each case, the color, size and location of basketball hoops, backboards and supports must be approved by the ARC prior to installation.

8.6 Hot Tubs and Water Features.

Installation of each of these requires approval of the ARC and must be located on the back side of the Unit and screened from view. Furthermore, safety fencing as required by local, state or federal codes is required. Approval criteria for water features will include consideration of the restrictions placed on Elk Springs in connection with the Elk Springs' water rights and requirements of the Basalt Water Conservancy District.

8.7 Ornamentation and Outdoor Sculpture(s).

Outdoor ornamentals and sculptures must be aesthetically pleasing, in good taste and limited in number. Shiny objects are prohibited.

8.8 Tanks.

No elevated tanks of any kind shall be erected, placed or permitted on any Unit, except upon approval by the ARC. All tanks utilized for storage of any material shall be buried, or if located above ground, shall be enclosed within an approved structure or screened from view as determined by the ARC.

8.9 Electric Vehicle Charging Systems.

A Unit Owner may install, at the Unit Owner's expense and for the Unit Owner's own use, a level 1 or level 2 electric vehicle charging system ("charging system") on or in the Owner's Unit.

A charging system means a device that is used to provide electricity to a plug-in-electric vehicle or plug-in hybrid vehicle, is designed to ensure that a safe connection has been made between the electric grid and the vehicle, and is able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level. A charging system may be wall-mounted or pedestal style and may provide multiple cords to connect with electric vehicles. A charging system must be certified by underwriters' laboratories or an equivalent certification and must comply with the current version of article 625 of the national electrical code.

Level 1 means a charging system that provides charging through a 120 volt AC plug with a cord connector that meets the SAE international J1772 standard or a successor standard. Level 2 means a charging system that provides charging through a 208 – 240 volt AC plug with a cord connector that meets the SAE international J1772 standard or a successor standard.

The location of the charging system must be shown on the electrical plan and, if using a pedestal style system, must lie completely within the building envelope and screened from view as determined by the ARC.

PART V APPROVAL PROCESS

Approval for new construction and major Modifications is a three-step process consisting of:

- The Site Visit Phase (covered in Section 9),

- The Plan Review Phase, concluding with the issuance of a *Certificate of Architectural Approval* (Section 10),
- The Pre-construction Meeting, after which the *Contractor Excavation Authorization* section of the *Certificate of Architectural Approval* will be endorsed and actual construction can begin (Sections 11, 12 and 13).

The approval process should be initiated no more than 365 days prior to the projected start date of actual construction.

The ARC will not consider any submittal as being received for review until all required documents, actions and fees are received. Incorrect, incomplete and/or rejected submittals may result in additional review fee assessments at the discretion of the ARC, and a possible loss of time before approval can be granted.

The ARC will generally hold Site Reviews, Plan Reviews and Pre-construction Meetings during regularly scheduled meetings. Unit Owner, contractor or architect must notify the ARC a minimum of seven (7) working days prior to a scheduled meeting in order to be placed on the agenda. It is the policy of the ARC to adhere to the design requirements as closely as possible and this should be kept in mind when providing submittals.

SECTION 9. Site Review Phase

The approval process begins with an on-site meeting between the members of the ARC and the Unit Owner(s), architect and contractor (if available). The purpose of the meeting is to discuss the proposed project, the site conditions, the size of the proposed Building and such considerations as the proposed driveway location, orientation, garage location, etc.

The following documents must be prepared and actions completed prior to the Site Review meeting. Once the ARC receives a completed and signed *Site Review Checklist* (Exhibit A), the site visit will be scheduled.

9.1 Soil Analysis.

Analysis must be specific to the proposed building location within the building envelope. The analysis must include a site-specific, geo-technical analysis to confirm the suitability of the proposed building location and include specific recommendations for foundation construction. A copy of the report must be submitted to the ARC prior to the Site Review meeting. Such copy will be retained by the ARC in the project file.

9.2 ISDS Report (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. A copy of the report must be submitted to the ARC prior to the Site Review meeting and will be retained by the ARC in the project file.

9.3 Topographical Site Survey.

The Topographical Site Survey must be prepared at a minimum scale of 1" = 20' and contain all the following information:

- All lot corners,
- Building envelope, setbacks and easements of record as recorded on Final Plat,
- Proposed building footprint, including garage,
- Proposed driveway location,
- Reference points in the anticipated building location as staked on site,
- Two or more permanent benchmarks as staked on site adjacent to the building location,
- Existing utility locations and proposed on-site utility runs,
- Topographic contours of the entire lot and the adjoining access roadway. Maximum contour interval of two (2) feet. Topographic extrapolations from aerial surveys are not sufficiently accurate and will not be accepted,
- Identification of all trees over eight feet (8') tall in the building envelope, within ten feet (10') of the building envelope, within twenty-five feet (25') of the proposed structure between the building envelope and the access roadway, and within ten feet (10') of driveway and utility cuts (those to be removed dashed and noted as such on the Site Plan and marked with ribbon on site),
- If applicable, the proposed location and revised contours of the individual sewage disposal system. Flexibility as to exact configuration of the ISDS may be allowed with ARC approval. The ISDS should be kept entirely inside the building envelope if practicable. The ARC, in its sole discretion, may allow the ISDS to extend beyond the building envelope; however, under no circumstances will an ISDS be allowed within twenty feet (20') of a property line.

9.4 Site Staking and Tree Flagging.

All site staking and tree flagging must be shown on the Topographical Survey and all building corner stakes must be indexed with similar notations on the Site Plan. The following items must be marked for the Site Review visit:

- Tree to be removed must be flagged.
- Building location stakes must be indexed to site plan and connected by tape to illustrate the outline of the building.
- Driveway boundary stakes must be labeled as such and connected by tape.
- Proposed utility cuts must be staked.
- Elevation benchmark(s) adjacent to building location are flagged,
- The proposed location of ISDS, if applicable, must be staked.
- Flagging tape must be removed within 48 hours of site review approval.

9.5 Sketch Plan.

This can be a simple sketch showing general floor plan, exterior elevations and proposed exterior materials. Generally, architects bring a set of floor plans and elevations but this is not required as the intent of this section is to minimize costs.

9.6 Site Meeting.

Once the ARC has received notification, via a completed and signed Exhibit A, a Site Review meeting will be scheduled. Changes or modifications required by the ARC as a result of the Site Review meeting can be incorporated into the Plan Review submittals unless they are of a substantial enough nature so as to require a second Site Review meeting.

SECTION 10. Plan Review Phase

The following documents must be submitted for the Plan Review phase, along with the non-refundable Plan Review Fee as listed in Exhibit H and the properly completed and signed *Plan Review Submittal Checklist* (Exhibit B). The Plan Review will not be scheduled until all required documents and Review Fee are received by the Property Manager.

Once the submittals have been received, ARC members and consultant, if applicable, will review for adherence to these *DRGs*. Any required changes will be communicated to the Unit Owner and/or architect (as directed by the Unit Owner) and new plans reflecting the required changes must be submitted as necessary. This process may take two to four weeks.

10.1 Site Plan.

A site plan must be submitted which contains the following:

- All elements contained on the Topographical Site Survey from Section 9.3 including any changes required by the ARC as a result of the Site Review.
- Building corners as located by a licensed surveyor along with the surveyor's stamp and signature.
- Any and all proposed Improvements and changes to the Unit.
- Existing and revised contours.
- Walks, drives, parking and turnaround areas, including materials and colors to be used. Indicate square footage of paved surface.
- Fences, if applicable.
- The location of existing and proposed drainage, including any needed culverts for bar ditches, driveways, etc.
- The location and type of construction of any retaining walls.
- Site construction details including delineated staging and parking areas that must be enclosed by green fencing prior to Contractor's Excavation Approval.
- Any auxiliary construction such as large hot tubs, etc.
- The outline of the building as it meets the adjoining grade.
- Building and driveway boundary location stakes as placed on site.
- Planned utility runs and the location of utility meters.
- Location of all exterior lighting including driveway lights.

10.2 Floor Plans.

Floor plans must be submitted, which contain:

- Completely dimensioned, showing the use of each area.
- Topographical elevation.
- Square footage of each floor.
- Any adjoining decks or patios.
- Garages.
- Stamped by a Colorado licensed architect.

10.3 Roof Plan.

A roof plan must be submitted which contains:

- The elevation of all roof ridgelines, including dormers, corresponding to the topographical measure, over-laid on the topographical site plan. This allows the ARC to determine that all ridge lines are under the twenty-four feet (24') height limit at any given point, measured perpendicular to the existing grade.
- All roof pitches, including dormers and porches and overhang dimensions.

- All roof penetrations, chimneys, skylights, crickets and location of solar panels (if applicable), etc.
- Label all roof materials and finishes.

10.4 Exterior Elevations.

Exterior elevations must be submitted, which contain:

- A minimum of four complete and undivided elevation views which sufficiently portray the structure from all aspects.
- The elevation views must show existing and finish grades and the topographical height of all roof ridgelines.
- All proposed exterior materials must be noted on drawings, including siding material, type of windows, etc.
- All floor, slab, top plate and roof ridge elevations in the topographical measure.
- The type of lighting and maximum wattage of each exterior lighting fixture must be specified. Exterior lighting requirements are found in Section 6.13.
- The location of utility meters, fencing, etc.
- Solar controls, if applicable, must be shown.

10.5 Foundation Plan.

The foundation plan must be:

- A site-specific, subsurface geo-technical analysis which recommends the foundation design.
- The final foundation design must bear the signed stamp by a Colorado professional engineer qualified to review and certify the design.
- The top foundation walls and bottom of footings must be clearly delineated.

10.6 Electrical Plan.

An electrical plan prepared by a licensed electrical contractor must be provided with sufficient detail to show all exterior lighting fixture locations.

10.7 Cross-section.

At least one building cross-section must be drawn at a scale sufficient to show construction details (1/2" = 1' minimum). Submittal of a cross-section drawing of the Dwelling Unit is necessary for the ARC to ascertain the proposed quality of construction and adherence to the single-family dwelling restriction.

10.8 Structural Drawings.

The structural drawings must show the structural system, including sizes and design criteria. Drawings which include a Colorado engineer's stamp and signature are required at the Pre-construction meeting along with the building permit.

10.9 Story Board.

A representative story board mockup of the exact materials and colors to be used for exterior walls, exposed concrete foundation or basement walls, exterior trim, roofing material, window color, and exterior light fixtures, all stone samples must show the exact replication of how the colors and patterns will appear on the home. Story board must be installed onsite within 30 days of the start of construction. Story board should be constructed of wood and be no smaller than four feet wide by six feet tall (4' x 6'). Mount all exact exterior materials, the exact colors to be applied to each material, trim and window color samples, stone colors and proportions of their colors shall show these as they will appear along with exact roofing samples to the story board. Label and/or describe each material. Paper chips or catalog photos of materials are not acceptable. Exterior lighting samples can be catalog sheets and must show the type and size of fixtures at each location. Story board must be located within 10' from driveway access and no less than 10' from edge of road. The mock up must be anchored to the ground so as not to fall over. Samples of all materials and colors must be submitted during the review process in order to receive architectural approval of the project. An example story board is set forth below:



10.10 Landscape Plan.

A landscape plan must be submitted, which contains:

- All areas to receive irrigated landscaping,
- The method of re-vegetating disturbed areas,
- The outline of native materials to remain undisturbed,
- The size, type and number of proposed tree plantings as required in Section 6.15.2 should be shown. At the sole discretion of the ARC, this requirement may be waived until the structure is “dried in”.
- Proposed berms and retaining walls.

10.11 Individual Sewage Disposal System Design (ISDS), 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.

10.12 Rendering or Model.

In exceptional cases, an accurate rendering may be required if, in the opinion of the ARC, 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.

10.13 Issuance of Certificate of Architectural Approval.

Once the ARC has reviewed and approved all Plan phase submittals, including required revisions, the ARC will issue a *Certificate of Architectural Approval* (Exhibit C). The certificate is required before plans can be submitted to Garfield County for review and issuance of a county building permit.

SECTION 11. Pre-construction Meeting

After being notified that Garfield County has issued a building permit, the ARC will schedule a Pre-construction Meeting between the general contractor, Unit Owner and ARC members. This meeting is mandatory and no further action will be taken toward approval until this meeting takes place. Prior to or at that meeting, the requirements of this section must be met.

11.1 Permit, License and Insurance.

At or prior to the Pre-construction meeting, the general contractor must supply the ARC with a copy of the contractor's BEST card, proof of insurance as specified in Section 3.3, and a copy of the building permit issued by Garfield County.

11.2 Deposits

A Unit Owner(s) must post a construction deposit with the ARC as set forth in Exhibit H. The Unit Owner deposit and any additional construction deposits (hereinafter "Deposits") are for the express purpose of assuring against damage to property, adherence to site maintenance and clean-up procedures, enforcement of construction management rules, and compliance with the *Declaration* and *Certificate of Architectural Approval*.

The following deposits and fees, as set forth in Exhibit H, are due at the Pre-construction Meeting:

- Owner's construction deposit and any filing fees, and
- Construction road use fee.

11.3 Reserves and Bonds.

Unit Owners are required to place a reserve on their construction loan or mortgage equal to the amount necessary to plant the trees required by the ARC and pave the driveway in accordance with the approved plan. Unit Owners must submit satisfactory evidence of the reserve from their lending institution prior to signing the *Excavation Approval* section of the *Certificate of Architectural Approval*. If an owner does not have a construction loan, Unit owner may post a bond, Letter of Credit or cash deposit for the amount specified in Exhibit H.

11.4 Enforcement Rights and Remedies.

Enforcement rights and remedies as outlined in Section 5 of these *DRGs* will be discussed at the Pre-construction Meeting.

11.5 Refunds and Releases.

The Unit Owner's deposits are refundable, less any fines or costs, as described in Section 5.

11.6 Non-refundable Fees.

The construction road use fee is non-refundable. The construction road use fee is for the express purpose of compensating for the unavoidable general wear and tear on roadways

resulting from construction traffic. Any ascertainable road damage is a separate issue and will result in a specific billing or forfeiture of the Deposits.

PART VI CONSTRUCTION MANAGEMENT PRACTICES

SECTION 12. Construction Management Practices

At the Pre-construction Meeting, construction management practices included in this Section 12 and water and sewer hookup requirements in Section 13 will be reviewed. Acknowledgement by the contractor that the contractor has read and understands the construction management practices will be documented in writing utilizing Exhibit D.

12.1 Signs.

Once the *Certificate of Architectural Approval* has been issued, the contractor will erect a tasteful, legible sign showing the street address of the Unit as well as the name of the contractor and Unit Owner. This sign must be maintained in good order until replaced by a permanent address sign. At no time will the Unit not have an address sign.

The ARC will post a sign showing construction hours and prohibited activities (Exhibit I). If the sign is damaged or destroyed a replacement will be supplied. Cost of the replacement sign will be the responsibility of the Unit Owner.

12.2 Cleanliness.

The construction site 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. Trash should be picked up at the end of each work day and adequate trash containers must be provided on the site. Containers must be located within the building envelope and covered at all times to minimize blowing or drifting trash. Construction debris must be removed as necessary to prevent unsightly appearance and trash dispersion.

12.3 Toilet Facilities.

Adequate toilet facilities, in the form of porta-potties or similar facilities, must be supplied on site prior to the beginning of any actual construction. Facilities should be placed toward the back of the site, must be located within the building envelope and must not have any foul odors or unsightly appearance. Facilities must stay on site until construction is completed, or indoor facilities become available.

12.4 Dust Control.

Dust control measures, such as watering, must be taken as necessary to minimize dust during the construction process. As soon as possible after construction begins, contractor will hook up a water tap, with at least ¾" hose bib, to the curb stop, ensuring all proper approvals and inspections are obtained from the HOA's water system operator before doing so. Contractors are not authorized to connect to subdivision hydrants.

12.5 Temporary Structures.

No Unit Owner, contractor or employee may have any temporary residence on site during the construction process. A construction office may be placed on site, but must be removed in a timely manner near the end of construction and may not be used as a residence. A trailer or similar structure for tool storage is permitted until the building is enclosed.

12.6 Equipment Unloading.

Construction equipment, especially excavation equipment may not be unloaded or loaded on paved roadways, due to the damage which will result. Tracked vehicles are not permitted on roads. Loading/unloading may only be done within designated driveway location.

12.7 Lot Access and Driveway.

Access to the lot for any purpose (other than an approved utility trench) is restricted to the approved driveway location. As soon as possible after the driveway is cut in, a mud rack consisting of 1 – 1 ½" gravel must be applied to minimize tracking mud onto subdivision roadways. This may be delayed only if utility trenches are to be dug immediately. Once trenches are filled in, road base must be laid down. Green or orange fencing must be erected at the outer edge of the driveway and building construction zone as needed to prevent damage to vegetation. An ARC representative will work with the contractor to determine the exact location and extent of this fencing on a case-by-case basis.

12.8 Culvert Installation.

The ARC may, at its discretion, require the installation of a bar ditch culvert at the beginning of excavation, if, in its opinion, the driveway will impede drainage.

12.9 Vegetation and Rock Removal.

Vegetation removed prior to excavation (grubbing) must be removed from the site within seven (7) working days to prevent build-up of flammable material that could spark wildfires. Excess rock removed for foundation and utility excavation must be removed from the property and subdivision within thirty (30) days of the completion of the foundation, as evidenced by the delivery of the first load of dimension lumber. Excess rock may be maintained on the lot in connection with retaining wall construction and approved berms.

12.10 1st Truss Inspection.

As soon as the first truss is erected on the highest elevation of the Building, the contractor must call for an elevation inspection by the ARC. An ARC representative will check the height of the truss against the known benchmarks to ensure the structure does not exceed the twenty-four foot (24') height limit. The highest truss should be the first one erected and no other trusses or roofing materials should be installed until the elevation inspection has been conducted. Roofs that exceed the approved height restriction must be removed and redesigned to meet the restriction. The cost of this verification will be the Unit Owner's responsibility.

12.11 Fire Mitigation.

A Written Fire Mitigation Plan as described in Section 6.15.1 covering the area within 100 feet from the proposed residence or to the property line, whichever occurs first, must be submitted to the ARC before any construction may begin. Once approved by the ARC, fire mitigation must commence prior to construction. Fire extinguishers must be kept on site in accordance with local building and fire codes. No hazardous construction activities (welding, metal grinding, etc.) will be undertaken without an appropriate fire watch – a person with a fire extinguisher whose sole responsibility is to rapidly extinguish any fire. Approved kerosene or gas heaters are allowed within the enclosed structure. No open burning of any type is allowed on the construction site.

12.12 Construction Activity and Traffic.

Construction related activity and traffic is limited to the following:

- 7:00 am to 7:00 pm, Monday through Friday
- 9:00 am to 5:00 pm, Saturday

However, loud noises (in excess of 85 decibels at the Lot line) created by construction workers (e.g., skill saws, compressors, jackhammers, heavy equipment on-loading/off-

loading of tools or materials, etc.) may not begin before 8:00 am or after 6:00 pm Monday through Friday.

There is no construction activity on Sunday or the following holidays:

- New Year's Day
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving
- Christmas Day

Construction activity includes material deliveries or equipment drop-offs, pick-ups and any on-site activity. Construction traffic includes construction workers driving private or company vehicles.

Fines for violations of this section are set forth in Section 5.9.3 and restated here. For construction traffic violations the fine is \$100.00 per occurrence, per vehicle. For construction activity violations the fine is progressive, starting at \$250.00 for the first occurrence and increasing by \$250.00 for each subsequent occurrence.

12.13 Change Requests.

No changes to the approved plans may be made without approval of the ARC. Any request for a Change must be submitted in writing and no work on any Change request may commence until written notice approving the Change is received from the ARC. Change requests should be submitted using Exhibit F.

12.14 Utility Locates.

Contractor and/or subcontractors must locate all utilities prior to beginning any excavation (Refer to Exhibit G). If necessary, any additional locates necessary during the course of excavation must also be performed. Water and Sewer locates are performed separately.

12.15 Utility Stubs and Trenches.

Utility stubs must be utilized where provided to avoid unnecessary road cuts. Open utility trenches must be fenced or otherwise protected to prevent falls.

12.16 Blasting.

All proper permits must be obtained prior to blasting on any Unit. Blasting must be performed only by a licensed individual or firm. In addition, the contractor or blasting subcontractor must notify the Carbondale and Rural Fire Protection District (Ph: 970-

963-2491) and the HOA Property Manager forty-eight (48) hours prior to performing any blasting. The Property Manager is responsible for providing notification to all Unit Owners twenty-four (24) hours prior to performing any blasting.

12.17 Off-Street Parking.

Parking for all personnel must be on the Unit, in designated and approved areas. Unit Owners and the general contractor should prevent parking in or over ditches by placing stakes and boundary tape just off the roadway surface. Subdivision roadways or Common Areas may not be used for equipment or material storage.

12.18 On-Street Parking.

Parking on subdivision roads is allowed during the excavation phase of construction, which shall be deemed to last only until delivery of the first load of framing lumber. All parking must be on pavement, not gravel or bar ditches. Once the first delivery is made all parking must be on site as specified in Section 12.17, except that temporary parking on roadways during specific construction activities (material deliveries or concrete pours, for example) is authorized, but the HOA Property Manager must be notified in advance. It shall be the responsibility of the general contractor to inform any and all personnel working on the site of this requirement.

12.19 Dogs.

Dogs are permitted on the construction site but must be leashed. Barking dogs that become a nuisance or dogs that pose a threat to wildlife, other dogs or other residents will be banned from the subdivision.

12.20 Noise.

A normal amount of construction noise is anticipated. Noise from radios and similar sources that can be heard off the Unit is prohibited.

12.21 Fines and Damage.

The schedule of fines for violation of these construction and traffic rules and rules pertaining to damage to Elk Springs Common Areas caused by construction is located in Section 5.

12.22 Excavation Approval.

At the conclusion of the Pre-construction Meeting and upon notification by the contractor that such items are in place, an ARC member will inspect the construction site to ensure that all items listed below are still in place and, if conditions are satisfactory, the ARC

representative will sign the Contractor Excavation Approval Section of the *Certificate of Architectural Approval*. Actual construction can begin any time after that date.

- Staking (or re-staking, if needed) of the corners of the building and boundaries of all excavation.
- Red flagging (if needed) of all trees to be removed.
- Installation of green plastic mesh fencing marking the driveway and site boundaries outside of which excavation equipment is not allowed during foundation excavation. Such boundary should enclose as small an area as possible.
- Benchmarks in place and correspond to location and elevation on plans. Benchmarks must remain in place and visible at all times during construction. If benchmarks are removed or dislocated, all construction will stop until they have been re-established by a licensed surveyor.
- Address sign and Elk Springs Construction Rules have been erected.
- Toilet facilities are in place.

PART VII WATER AND SEWER HOOKUPS

SECTION 13. Water and Sewer Hookups

Central water services are provided to all Units by the HOA. Central sewer services are provided to all Units (except where Individual Sewage Disposal Systems have been approved in the *Declaration*) through a separate *Residential Sewage Treatment Agreement* administered by the Spring Valley Sanitation District (the “District”). The following information is provided in connection with the construction process.

13.1 Water Definitions.

- **Water Facilities:** The infrastructure for water delivery is owned by the HOA. This includes the stub in to the edge of each Unit and the curb stop for that Unit.
- **Curb Stop:** The water valve or water shut-off device installed at the edge of the Unit, also known as the Point of Delivery.
- **Service Connection:** The connection of the service line to the curb stop.
- **Service Line:** The water line from a connection with a curb stop to the point of use on the Unit. This includes the water line, water meter, and pressure reducing valve. The service line is owned by the Unit Owner and it shall be the Unit Owner’s responsibility for connection to the curb stop, installation and maintenance of the service line.

13.2 Water Connections.

The Unit Owner is responsible for extending the service line from the Point of Delivery (curb stop), including all costs of utility construction, installation, and subsequent maintenance. Installation and connections shall be made only after submittal of plans and specifications to the HOA's water system operator for approval, and only in accordance with those approvals. Certain Units may experience low water pressure at full buildout of the subdivision. Such Units are Filing 5 Phase 2 Lots 67 and 68, Filing 6 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, Filing 9, Lots 49, 50, 51 and 52, and Elk Springs Subdivision Exemption Lots 1, 2 and 3 (herein, "low pressure units"), as further identified on the map of Elk Springs Filings 1-9 attached as Exhibit K. All low pressure units should install 1 1/2 inch service lines, and shower (booster) pumps are recommended but not required for such Units.

13.3 Water Equipment.

A temporary construction water meter (Badger or similar) with easily accessible remote reader that reads in single gallons must be installed during the construction phase of building the home. This meter is only for metering during the construction phase. Unit Owners shall install a water meter and pressure relief valve on the service line to the Building location in a frost free area of the home, i.e. mechanical room. The valve may be located in an underground vault at the connection point with ARC approval. No frost free hydrants are allowed before such meter is in place. Each service connection, service line, water meter and pressure reduction valve shall be approved by the HOA's water system operator and be in compliance with all applicable state and local requirements.

13.4 Remote Water Meter.

Each residence shall install a remote water meter which reads in single gallons, no later than upon receipt of the Garfield County *Certificate of Occupancy*. The meter is to be in an easily seen, easily accessed position between 42" and 48" above the paved surface of the driveway. Location of the meter must be indicated on the final set of approved plans submitted to the ARC. The meter must be maintained in good working condition at all times and repaired or replaced, at Unit Owner's expense, immediately if it ceases to function properly. The *Certificate of Compliance* (See Section 14) will not be issued until a functioning remote water meter is installed on the Unit.

13.5 Water Inspections.

The HOA's water system operator must inspect and approve the installation of each service connection to the curb stop, service line, water meter, and pressure reduction valve installation before the HOA shall be obligated to provide water service to the Unit. The general contractor or Unit Owner shall arrange for such inspection prior to making

such connection, upon two (2) working days' notice to the HOA's water system operator. Trenches must be left open until the inspection is completed and must be protected with fencing to protect against falls into the open trench. The HOA has other inspection, observation, and entry rights with respect to the delivery of water subsequent to the completion of construction.

13.6 Fire Hydrants.

The Unit Owner or contractor shall not obtain or attempt to obtain water from any fire hydrants located in Elk Springs, without prior permission from the HOA Property Manager.

13.7 Sewer Installation.

In a manner similar to the water system, the District owns the central sewer system, while Unit Owners are responsible for, and own, all individual service lines, individual lift stations (if needed), and their extension to the property line.

13.8 Sewer Approvals.

All connections to the sewer mains and proposed sewer lines through sewer line easements must be approved by the District prior to beginning construction. Plans and specifications must be provided showing the nature, type and extent of the installation. The District will endeavor to review and approve plans, unless changes are required, within five (5) working days of receipt of said plans.

13.9 Sewer Inspections.

The District must inspect all connections to the main system and the service line prior to burial by the contractor. Two (2) days' notice must be given to the District for each on-site inspection.

13.10 Authority.

The District shall have absolute discretion to approve proposed or actual installation of service lines or connections. Failure to obtain each of said approvals shall entitle the District to refuse service to the Unit and remove said sewer improvements from the District's sewer mains and sewer easements, or plug the applicable sewer line at the Unit Owner's expense until said approvals are granted. The Unit Owner shall be responsible for the cost to the District of any legal or engineering services incurred by the District associated with approval reviews, installation or inspection.

13.11 E-One System.

The E-One System is the only individual lift station installation authorized by the District. Contact the HOA Property Manager for a list of authorized installers and the name of the E-One representative before beginning construction. It should be noted that installation may be performed by any licensed plumber; however, the installation must be inspected by an E-One representative for the warranty to be valid.

13.12 Common Trenching.

This is governed by state law, specifically the *Design Criteria for Potable Water Systems*. The law allows for common trenching of sewer and water lines if the lines are separated by a minimum of eighteen (18) inches, there are no breaks in the water line (use of “pure core”) and all connections are encased.

13.13 Sewer Inspection Vault.

The District requires the installation of an inspection vault at the stub out connection for each Unit in Elk Springs. A copy of the *Customer Pressurized Sewer Service Top Clean Out Vault* can be obtained from the District.

PART VIII CERTIFICATE OF COMPLIANCE

SECTION 14. Certificate of Compliance

This section sets forth the criteria to obtain a *Certificate of Compliance* (Exhibit E).

14.1 Timely Commencement.

Unit Owners must commence projects in a timely manner. If a Unit Owner fails to commence a project in a timely manner, the ARC may, at its discretion, revoke the *Certificate of Architectural Approval* and/or declare that the Unit Owner has forfeited all deposits. In any event, if any Improvement to Property or Modification for which the ARC has given its approval is not commenced within one (1) year, then such approval shall be automatically revoked and all deposits forfeited. In the event a *Certificate of Architectural Approval* is revoked, Unit Owners will be required to resubmit all documentation, submittals and fees for architectural approval or remove all Improvements to Property and Modifications and restore the Unit to its original condition at the sole discretion of the ARC.

14.2 Failure to Diligently Pursue Construction.

If, at any time during the two (2) year construction time period, a Unit Owner fails to diligently pursue construction, the ARC may, at its discretion, implement any or all remedies as set forth in Section 14.4. For purposes of this Section, any thirty (30) day period during which little or no construction activity has occurred shall be deemed failure to diligently pursue construction.

14.3 Timely Completion.

A Unit Owner, or successor in interest, shall have two (2) years from the issuance of a signed *Certificate of Architectural Approval* to complete the project. Completion shall be evidenced by a *Certificate of Compliance* (Exhibit E). No extension beyond two (2) years is allowed. A project shall be considered complete if the project meets all of the following:

- In compliance with these *DRGS*,
- In compliance with all applicable laws, building codes and governmental regulations, as evidenced by a Certificate of Occupancy issued by Garfield County or other required legal approval,
- In conformance with all plans, changes, specification and other materials submitted to and approved by the ARC, and
- In accordance with any other conditions imposed by these *DRGs* and the *Declaration*.

14.4 Remedies.

Failure to comply with the terms and conditions of this Section shall constitute non-compliance with the terms and conditions of the *Declaration*, these *DRGs* and approvals given by the ARC, in which case the ARC and Board shall have the right to invoke all rights and remedies set forth in the *Declaration*, these *DRGs* and other Rules and Regulations of the HOA, including, but not limited to the right to seek injunctive relieve and/or impose fines and penalties.

14.5 Notice of Completion and Final Inspection.

The Unit Owner shall notify the ARC in writing immediately upon completion of any work approved by the ARC. The notice shall certify that the work has been completed in accordance with all plans, changes, specifications and other materials furnished to and approved by the ARC.

14.6 Certificate of Compliance (Exhibit E).

If the ARC is satisfied that the project has been completed in accordance with all plans, changes, specifications and other materials furnished to the ARC, the *Certificate of Architectural Approval*, any conditions imposed by the ARC and with these *DRGs*, it shall issue to the Unit Owner a *Certificate of Compliance*.

14.7 Incomplete Work.

If, upon final inspection, the ARC determines that the project is not complete, all discrepancies will be noted in a written report supplied to the Unit Owner within ten (10) days of the inspection. Once all discrepancies are corrected, a *Certificate of Compliance* will be issued as set forth in Section 14.6.

If, after thirty (30) days from the date of the report, the Unit Owner has failed to remedy all discrepancies, the ARC and/or its duly authorized representative may enter the Unit, without being deemed guilty of trespass, and remedy the discrepancies as set forth in Section 5 of the *DRGs* and Article 4.14 (B) of the *Declaration*.

14.8 Driveway Completion and Tree Plantings.

Due to the seasonal nature of these two requirements, the ARC may, on a case-by-case basis, and at its sole discretion, issue a *Certificate of Compliance* with these requirements exempted. In such a case, the Unit Owner shall complete all work connected with the exemption by the date specified in the exemption. If such work has not been completed by that date, the ARC may exercise its enforcement rights as stated in Section 5 and Section 14.7 of the *DRGs*.

14.9 Refund of Deposits.

The Unit Owner's deposit, Reserve and/or Bond, less any fines or monies owed, shall be released only after issuance by the ARC of a *Certificate of Compliance* and completion of the driveway and tree plantings.

EXHIBIT A
Site Review Checklist
Elk Springs Architectural Review Committee

Unit Owner Name(s): _____
Telephone No(s): _____, E-mail: _____
Filing #: _____ Lot #: _____ Address of Unit: _____

All applicable items listed below have been addressed and required documents included in this submittal. Checklist and all documents to be submitted to the ARC at the office of the Property Manager.

9.1 SOIL ANALYSIS

- _____ Test pits within the building envelope
- _____ Includes specific recommendations for foundation construction
- _____ Signed by a certified professional qualified to prepare the document

9.2 ISDS REPORT (SEPTIC SYSTEM IF APPLICABLE)

- _____ Engineer's report to recommend appropriate system
- _____ Percolation test completed
- _____ System design and layout included

9.3 TOPOGRAPHICAL SITE SURVEY

- _____ Drawn in minimum scale 1" = 20'
- _____ Lot corners shown
- _____ Building Envelope, Setbacks and Easements as shown on final Plat Map
- _____ Proposed building footprint, including garage
- _____ Reference points in the anticipated building location as staked on site
- _____ Existing utility locations and proposed on-site utility runs
- _____ Benchmarks
- _____ Contour lines with 2' intervals
- _____ Driveway location
- _____ Existing tree identification
- _____ ISDS location (if required)

9.4 SITE STAKING AND TREE FLAGGING

- _____ Trees to be removed are flagged
- _____ Driveway boundary stakes are labeled as such and connected by tape
- _____ Proposed utility cuts are staked
- _____ Building location stakes in place and connected by tape
- _____ ISDS location flagged (if required)

9.5 SKETCH PLAN

- _____ Floor plans
- _____ Exterior elevations
- _____ Proposed exterior materials

Please remove tape within 48 hours after site visit. Flagging and stakes to remain in place.

UNIT OWNER'S SIGNATURE _____ DATE _____

ARCHITECT'S SIGNATURE (if applicable) _____ DATE _____

ARC SIGNATURE _____ DATE _____
(certifying that all matters have been addressed and documentation provided)

DATE OF SITE VISIT _____

EXHIBIT B
Plan Review Submittal Checklist
Elk Springs Architectural Review Committee

Unit Owner Name(s): _____
Telephone No(s): _____, E-mail: _____
Filing #: _____ Lot #: _____ Address of Unit: _____

All applicable items listed below have been addressed and required documents included in this submittal. Checklist and all documents to be submitted to the ARC at the office of the Property Manager.

Plan Requirements:

- _____ Pages of all documents signed and stamped by professional qualified to approve documentation
- _____ Name, address and phone number of professional appear on each page
- _____ On 24" x 36" sheets, scaled to 1/4" = 1' or larger
- _____ North direction is on each page
- _____ Elevations are labeled for compass direction of view
- _____ Subdivision lot number, Unit owners name, mailing address and phone number appear on each page
- _____ 3 copies of Plan documents submitted to HOA Property Manager

10.1 Site Plan:

- _____ All elements contained on Topographical Site Survey (9.3)
- _____ All changes noted in Site Review required by the ARC have been made
- _____ Building corners as located by a licensed surveyor, including signature and stamp
- _____ Any and all proposed improvements and changes to the Unit
- _____ Existing and revised contours
- _____ Walks, drives, parking and turnaround areas, including materials and colors to be used, indicate square footage of paved surface
- _____ Fences, if applicable
- _____ Location of existing and proposed drainage, including any needed culverts
- _____ Location and type of any retaining walls
- _____ Site construction details including delineated staging and parking areas
- _____ Any auxiliary construction
- _____ Outline of the building as it meets the adjoining grade
- _____ Building and driveway boundary location stakes as placed on-site
- _____ Planned utility runs and location of utility meters
- _____ Location of trash container(s)
- _____ Location of exterior and driveway lighting

10.2 Floor Plan:

- _____ Completely dimensioned, showing use of each area
- _____ Topographical elevation
- _____ Square footage of each floor
- _____ Adjoining decks or patios
- _____ Garages
- _____ Stamped by a Colorado licensed architect

10.3 Roof Plan:

- _____ Elevation of all roof ridgelines, including dormers, corresponding to the topographical measure, overlaid on the topographical site plan
- _____ All roof pitches, including dormers and porches, and overhang

_____ dimensions

_____ All roof materials and finishes labeled

Unit Owner's signature indicating completion: _____ Date: _____

Architect's signature, if applicable, indicating completion: _____ Date: _____

ARC SIGNATURE: _____ Date: _____

(certifying that all matters have been addressed and documentation provided)

Design Requirements and Guidelines

Elk Springs Subdivision & Los Amigos Ranch PUD

- _____ Roof penetrations, chimneys, skylights, crickets, etc. are shown
- _____ Solar panels (if applicable) are shown

10.4 Exterior Elevations:

- _____ Four complete and undivided elevation views from all aspects
- _____ Existing and finished grades and the topographical height of all roof ridgelines shown
- _____ All proposed exterior materials and types of windows noted
- _____ Top plate and roof ridge elevations in topographical measure
- _____ All exterior lighting is shown
- _____ Location of utility meters, trash enclosures, fencing, etc. is shown
- _____ Solar controls (if applicable) are shown

10.5 Foundation Plan:

- _____ Subsurface geo-technical report
- _____ Fully dimensioned and all detail designated
- _____ Professional engineer's signed seal

10.6 Electrical Plan:

- _____ All exterior lighting shown
- _____ Professional engineer's signed seal

10.7 Cross-section

- _____ 1/2" = 1' minimum scale

10.8 Structural Drawings:

- _____ Structural system, including sizes and design criteria
- _____ Professional engineer's signed seal

10.9 Story Board:

- _____ Samples of intended materials to be delivered to ARC
- _____ All required cut sheets included

10.10 Landscape Plan:

- _____ Areas to receive irrigation shown
- _____ Method of re-vegetating disturbed areas shown
- _____ Outline of native areas to remain undisturbed
- _____ Berms and/or retaining walls shown
- _____ Size, type and number of proposed tree plantings

10.11 ISDS Plan (if applicable)

10.12 Rendering or Model

10.13 Solar Plan (if applicable)

- 12.11 Fire mitigation plan
- _____ Zone around home and construction site
- _____ Zone beyond home including entire lot
- _____ **Any items requiring a variance request have been submitted**

EXHIBIT C – PART 1
Certificate of Architectural Approval
Elk Springs Architectural Review Committee

Unit Owner Name(s): _____
Telephone No(s): _____, E-mail: _____
Filing #: _____ Lot #: _____ Address of Unit: _____

Final plans and documents as requested in Exhibit B have been approved by the Elk Springs Architectural Review Committee (ARC). This Certificate of Architectural Approval is not effective until the following conditions have been completed to the satisfaction of the ARC:

1. The General Contractor must meet with the ARC to obtain Contractor Excavation Approval.
2. All applicable permits, licenses and proof of insurance documents have been provided.
3. All required fees and deposits have been paid.
4. An amount of _____, has been Set Aside/Bonded/Given as a Letter of Credit/Placed in Escrow (circle one) to cover the requirements for landscaping and driveway construction on the approved plans.
5. Regardless of any other plantings, all Unit Owners have a requirement to plant up to twenty-eight (28) coniferous trees as part of new construction in order to provide screening from roadways, between adjacent Units and to improve view planes for other residents. The exact number and placement of these trees will be determined during a walk around meeting between the Unit Owner and ARC once the Dwelling Unit is framed and sided.
6. Owner understands and agrees that all construction will be in strict compliance with plans approved by the ARC and that any changes to the approved plans must be submitted in writing to the ARC for approval in accordance with Section 4 of the *Design Requirements and Guidelines*.
7. This Certificate of Architectural Approval is automatically revoked one year from the date of issue if construction has not commenced.
8. Other:

I (we) agree to all the conditions and exceptions contained herein. Furthermore, I (we) have read all provisions of the *Design Requirements and Guidelines* and agree to abide by all provisions included therein.

By: _____ Date: _____
Signature of Unit Owner(s)

Certificate of Architectural

Approval Issued by: _____ Date: _____
Signature of ARC Representative | Name: _____

EXHIBIT C – PART 2
Certificate of Architectural Approval
Elk Springs Architectural Review Committee

Unit Owner Name(s): _____
Telephone No(s): _____, E-mail: _____
Filing #: _____ Lot #: _____ Address of Unit: _____

CONTRACTOR EXCAVATION APPROVAL (Required before any clearing and excavation can begin)

The following Conditions and Requirements have been met:

1. Pre-construction meeting has been held and all conditions of 2, 3 and 4 of the Certificate of Architectural Approval have been met.
2. All trees to be removed have been re-flagged (if needed).
3. Site and driveway stakes are still in place, or have been restored.
4. Green plastic fencing has been erected as needed.
5. Address sign and Exhibit J have been erected.
6. Toilet facilities are in place.
7. Benchmarks are still in place and visible.
8. Story board as defined in DRG Section 10.9 and referenced in Exhibit B has been installed on site.

Therefore, approval is given to begin construction activities.

Approval Issued by: _____ Date: _____
Signature of ARC Representative | Name: _____

EXHIBIT D
Pre-Construction Meeting Checklist
 Elk Springs Architectural Review Committee

Unit Owner Name(s): _____
 Telephone No(s): _____, E-mail: _____
 Filing #: _____ Lot #: _____ Address of Unit: _____

1. Unit Owner: _____
2. Name of General Contractor: _____
3. Copy of Contractor's License Received: _____
4. Building Permit issued by Garfield County Received: _____
5. Contractor's Liability Insurance Received: _____
6. Owner's Deposit of \$5,000.00 Received: _____
7. Construction Road Use Fee of \$3,500 Received: _____
8. Required Set Aside/Bond/Letter of Credit/ Cash Deposit Received for:
 Driveway Construction \$15,000.00: _____
 Tree Plantings/Landscaping reveg \$28,000.00: _____

Issues Covered:

- | | |
|--|---|
| _____ 12.1 Address sign | _____ 12.17 Off-street parking |
| _____ 12.2 Cleanliness | _____ 12.18 On-street parking |
| _____ 12.3 Toilet Facilities | _____ 12.19 Dogs |
| _____ 12.4 Dust control | _____ 12.20 Noise |
| _____ 12.5 Temporary structures | _____ 12.21 Fines and Damages |
| _____ 12.6 Equipment unloading | _____ 13.2 Water connections with const meter |
| _____ 12.7 Driveway and lot access | _____ 13.3 Water equipment |
| _____ 12.8 Culvert Installation | _____ 13.4 Remote water meter |
| _____ 12.9 Vegetation control/Rock removal | _____ 13.5 Water inspections |
| _____ 12.10 1st Truss Inspection | _____ 13.8 Sewer approvals |
| _____ 12.11 Fire Mitigation Plan | _____ 13.9 Sewer inspections |
| _____ 12.12 Construction hours | _____ 13.11 E-One system |
| _____ 12.13 Change requests | _____ 13.12 Common trenching |
| _____ 12.14 Utility locates | _____ 13.13 Sewer inspection vault |
| _____ 12.15 Utility stub trenches | |
| _____ 12.16 Blasting | |

Contractor understands and agrees that all construction will be in strict compliance with plans approved by the ARC and that any changes to the approved plans must be submitted in writing to the ARC for approval in accordance with Section 4 of the *Design Requirements and Guidelines*. Furthermore, contractor has read and understands, and agrees to abide by, Section 5 pertaining to Enforcement of these *Design Requirements and Guidelines*.

Contractor acknowledges understanding of all the provisions discussed in the Pre-Construction Meeting and as documented in this checklist and agrees to abide by all provisions included therein :

By: _____ Date: _____
 Signature of General Contractor

By: _____ Date: _____
 Signature of ARC Representative

EXHIBIT E
Certificate of Compliance
Elk Springs Architectural Review Committee

Unit Owner Name(s): _____
Telephone No(s): _____, E-mail: _____
Filing #: _____ Lot #: _____ Address of Unit: _____

The Elk Springs Architectural Review Committee (ARC) has determined that the project has been completed in compliance with the final plans and documents included in Exhibit B and approved by the ARC in the *Certificate of Architectural Approval* issued on _____ and that a functioning remote water meter has been installed.

Exceptions:

Due to the seasonal nature of requirements to complete the driveway and tree plantings, the ARC may, on a case-by-case basis and, at its sole discretion, issue this *Certificate of Completion* with these requirements as an exception. The Unit Owner shall complete the driveway no later than _____ and tree plantings no later than _____. If such work has not been completed by these dates, the ARC may exercise its enforcement rights as stated in Section 5 and Section 14.7.

AGREED TO:

By: _____ Date: _____
Signature of Unit Owner(s)

By: _____ Date: _____
Signature of ARC Representative | Name: _____

It is hereby determined that the Improvements on the above described property have been satisfactorily completed, including the exceptions outlined above, in accordance with the *Certificate of Architectural Approval* and pursuant to the requirements set forth in the *Declaration and Design Requirements and Guidelines*.

Issued this: _____ day of: _____, 20____.

By: _____
Elk Springs Architectural Review Committee
Name of ARC Representative: _____

EXHIBIT F
Request for Variance / Change / Modification
Elk Springs Architectural Review Committee

Unit Owner Name(s): _____
Telephone No(s): _____, E-mail: _____
Filing #: _____ Lot #: _____ Address of Unit: _____

Date of Request: _____

_____ Variance

As described in Section 4.1 of the *Design Requirements and Guidelines*, a request to alter a provision of said *Design Requirements and Guidelines* during the planning phase and prior to receipt of a *Certificate of Architectural Approval*.

_____ Change

As defined in Section 4.2 of the *Design Requirements and Guidelines*, an alteration in the plans after a Certificate of Architectural Approval has been granted. Approval for a Change request does not extend Timely Commencement or Timely Completion as defined in Section 14 of the *Design Requirements and Guidelines*.

_____ Modification

As defined in Section 4.3 of the *Design Requirements and Guidelines*, any alteration or change in the visual appearance of Improvements to Property or Landscaping on any Unit subsequent to the initial construction and issuance of the *Certificate of Compliance* by the ARC.

Describe the variance, change or modification (attach any necessary plans, drawings or samples):

Submitted by: _____ Date: _____
Signature of Unit Owner(s)

Exceptions or conditions required by the ARC:

AGREED TO:

By: _____ Date: _____
Signature of Unit Owner(s)

By: _____ Date: _____
Signature of ARC Representative | Name: _____

EXHIBIT G
Utility Hook-Up Information
Elk Springs Architectural Review Committee

Before beginning excavation, contact the following companies for utility locations.

GAS Black Hills Energy	(888)890-5554
ELECTRICITY Holy Cross Energy	(970)945-5491
TELEPHONE Century Link	(877)348-9007
SEWER Spring Valley Sanitation District	(970)618-5147
WATER Elk Springs HOA	Environmental Process Control Mike White (970)618-4187

EXHIBIT H

Fee Schedule

Elk Springs Architectural Review Committee

Initial Construction (includes Improvements to Property and Landscaping):

Review Fee due at time of Plan submittal - See Note	\$1,500.00
Construction Administration Fee due at time of Plan submittal**	\$2,500.00
Changes to Approved Plan	\$100.00 - \$500.00
Variance request per occurrence	\$1,000.00
Construction Road Use Fee	\$4,500.00
Unit Owner Deposit *	\$5,000.00
Tree Deposit/Landscaping Reveg *	\$28,000.00
Driveway Deposit *	\$15,000.00
Heavy Construction Deliveries between February 15 and May 1	\$750.00 per delivery

Major Modifications:

Preliminary Review	\$250.00
Final Review	\$250.00
Compliance Verification	\$100.00
Unit Owner Deposit *	\$1,000.00
Heavy Construction Deliveries between February 15 and May 1	\$750.00 per delivery plus ARC/Property Manager costs

Minor Modifications:

Preliminary Review	\$150.00
Final Review	\$150.00
Compliance Verification	\$50.00
Unit Owner Deposit *	\$500.00
Heavy Construction Deliveries between February 15 and May 1	\$750.00 per delivery

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

**Construction Administration fee may be partially refundable if project does not start

NOTE: Review Fees for initial construction include a total of 10 hours of time by the ARC's Consulting Architect and 18 hours of time working with the ARC lead. Additional Consulting Architect's time and ARC lead's time will be billed to the Unit Owner at the ARC's cost 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 ARC. The ARC may waive all or part of the fees for Minor Modifications at its sole discretion.

EXHIBIT I

Elk Springs Construction Rules

Elk Springs Architectural Review Committee

NO ENTRY INTO SUBDIVISION BEFORE:

7:00 AM WEEKDAYS

9:00 AM SATURDAY

EXIT SUBDIVISION BY:

7:00 PM WEEKDAYS

5:00 PM SATURDAY

LOUD NOISES CREATED BY CONSTRUCTION WORKERS

(*e.g.*, skill saws, compressors, jackhammers, heavy equipment,
on-loading/off-loading of tools or materials, etc.)

may ***not*** begin:

BEFORE: 8:00 AM WEEKDAYS; or

AFTER: 6:00 PM WEEKDAYS

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

EXHIBIT J

Elk Springs Recommended Landscape Plantings List

Elk Springs Architectural Review Committee

Elk Springs Homeowners Association Landscaping Plant List

The following lists plant species that are recommended for landscaping purposes within the Elk Springs HOA. Using indigenous plant species is encouraged in order to maintain the surrounding landscape character and minimize the need for supplemental landscape irrigation. These species were selected because of their adaptation to the elevation and exposure of Elk Springs HOA and their heightened tolerance to drought conditions.

Minimizing conflict between residents and wildlife is an objective of the HOA. Some wildlife species are attracted to various plants as a preferred food source. The most concerning conflict is between humans and bears. Bears are attracted to berry and nut producing plants. While all plants may attract certain species of wildlife, Elk Springs HOA does not allow any type of plant materials which bear fruit or nuts. While this list is guidance for your landscaping around your residence, we ask that you consult with a landscape architect, nurseryman or wildlife professional to develop a better understanding of which species are most suited for your landscaping objectives, while keeping drought resistant materials in you planning process.

Evergreen Trees

Mugo Pine	<i>Pinus mugo</i>
Rocky mountain Juniper	<i>Juniperus scopulorum</i>
Common Juniper	<i>Juniperus communis</i>
Utah Juniper	<i>Juniperis utahensis</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
Pinion Pine	<i>Pinus edulis</i>
Bristlecone Pine	<i>Pinus aristate</i>
Southwestern White Pine	<i>Pinus strobiformis</i>
Black Hills Spruce	<i>Picea glauca</i>

Deciduous Trees

Aspen	<i>Populus tremuloides</i>
Alder	<i>Alnus tenuifolia</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Mountain Maple	<i>Acer glabrum</i>
Ginnala Maple	<i>Acer ginnala</i>
Hawthorn	<i>Crataegus spp.</i>
Chokecherry	<i>Prunus virginiana</i>

Shrubs

Red twig Dogwood	<i>Cornus sericea</i>
Roses	<i>Rose spp</i>
Wild Raspberry	<i>Rubus idaeus</i>

Golden Currant	<i>Ribes aureum</i>
Ninebark	<i>Physocarpus monogynus</i>
Oregon Grape	<i>Berberis repens</i>
Apache Plume	<i>Fallugia paradoxa</i>
Blue mist spirea	<i>Caryopteris x clandonensis</i>
Potentilla	<i>Potentilla fruticose</i>
Rabbit Brush	<i>Chrysothamnus spp.</i>
Russian Sage	<i>Perovskia atriplicifolia</i>
Serviceberry	<i>Amelanchier</i>
Mock orange	<i>Philadelphus lewisii</i>

Ornamental Grass

Feather Reed Grass	<i>Calamagrostis</i>
Ravenna Grass	<i>Erianthus</i>
Blue Fescue	<i>Festuca</i>
Fountain Grass	<i>Pennisetum</i>

Perennials

Colorado’s climate is well suited for perennials, and therefore a vast number of perennial species are available to select from. The greatest concern in using perennials is the threat of an exotic species escaping into the native landscape and aggressively competes with the native plant communities. When this occurs, the species is noted as a noxious weed and requires management and eradication. Examples of escape perennials include Dames Rocket, Ox-eye Daisy, and Butter and Eggs (toad flax). While there are many others these are some of the most noted escapees, we see every day in our landscapes.

At the moment there are hundreds of perennials which could be planted into areas around the homes within Elk Springs. These planting areas should be more directed into locations to provide the most and best impact for the homeowner. The limited list below is of varieties which succeed the best in our environment by proven tests currently.

Colorado Columbine	Catmint
Bleeding heart	Black eyed Susan
Kinnikinnick	Veronica
Pussytoes	Lambs ear
Rockcress	Peony
Aster	Oriental poppy
Yarrow	Wild Geranium
Bellflower	Coreopsis
Cerastium	Daylily
Coneflower	Penstemon
Shasta Daisy	Clematis vine
Lupine	Virginia creeper vine

Lawn area

Turf lawns are a common element of the residential landscape, however, they are also typically a high water consumer. Lawns should be placed where the outdoor activities is anticipated for the best concentration of activities. The type of activity will sometimes dictate the type of turf species preferred for the lawn. The standard lawn is usually comprised of Kentucky bluegrass (*Poa pratensis*), which is the deep green with a fine textured soft feel to it. This type of lawn is the most water demanding type of lawn. The trend for Elk Springs homes is to lead away from this type of lawn and move towards more water conservation.

Acceptable type of grass for lawns:

Turf Type Tall Fescue

Turf type tall fescue is another lawn type that may have a little more coarseness to the touch than bluegrass varieties. Watering can be reduced by as much as 30-50% of the standard bluegrass varieties. Seeding rates at 1-2 lbs. per 1000 square feet

Low Grow Mix

19% Blue Fescue
12% Blue Grama
14% Rocky Mountain Fescue
14% Canby Bluegrass
9% Indian Ricegrass
18% Sandberg Blue
10% Sideoats Grama
2% Alpine Bluegrass
2% Bottlebrush Squirreltail

Native revegetation areas.

These areas are very important to get reseeded as soon as these zones may get completed and include areas such as utility corridors and along roadsides and all disturbed areas around the construction site. In order to help with erosion a hillside netting should be applied to any areas which exceed 1:1 slope. Best time for this is fall before snow falls. 2 lbs. per 1000 square feet.

Low grow reclamation mix

30% Crested Wheatgrass, Ephriam
20% Sheep Fescue
25% Perennial Ryegrass
15% Chewings Fescue
10% Upland Bluegrass, Drayler

Nonvegetative turf grass (artificial turf) shall only be allowed in a rear yard of any Unit.

NOTE: Exhibit K low pressure lot map follows this page.