

## **I. DESIGN PHILOSOPHY AND DESIGN STYLE**

### **A. Grassy Creek Design Style and Philosophy**

The vision for Grassy Creek is to create a unique residential community set in our exceptional setting in the Yampa Valley of Northwest Colorado. The design goal for Grassy Creek is to retain the beauty of the natural landscape along with the western ranching heritage of the region. We envision holistic living in an environment that encourages health, recreation, conservation and self sufficiency. The philosophy for Grassy Creek involves three basic underlying objectives:

- First, buildings and improvements will be integrated with the landscape in a manner that preserves and enhances, to the greatest extent possible, the natural characteristics of each Building Site;
- Secondly, the design of all buildings will be constrained within design guidelines in order to maintain the excellent setting and lifestyle that we envision; and
- Finally, Grassy Creek will establish a true sense of community where neighbors will protect and participate together in a healthy outdoor lifestyle.

Inherent in the Grassy Creek design philosophy is the concept of creating a community that shares a desire for regional design styles that represent quality mountain living. The Grassy Creek design style is best expressed as Contemporary Mountain Rustic with buildings that draw inspiration from the architectural characteristics of the mountain environment and the lifestyle of the American Western Frontier. Rustic describes a type of design that's natural, aged and organic while Modern is indicative of light and windows clean lines and simple geometry that, combined in artistic ways, creates a fresh new look in the mountain environment. No building in Grassy Creek will stand apart such that it detracts from the natural characteristics of the site or from other buildings or improvements. This is not to suggest, however, that all buildings must look alike or use identical building materials or colors. The characteristics of Building Sites throughout Grassy Creek vary and as such, appropriate design solutions will also vary. However, all buildings will share the same fundamental design characteristics defined by the "Rustic" style.

The natural terrain at Grassy Creek is complimentary to this "Rustic" style, which reflects the individualism of the American West, built with functionality as a first priority, but with style and comfort as a close second, and all with a modern flair. The architectural theme is associated with the long standing western lifestyle of strong, every-day relationships with the outdoors, and adapting well to the spaces between indoors and outdoors, with covered porches, constructed of regional materials yet with a modern style utilizing iron, tin and steel reminiscent of the mining and agricultural history of the region. The use of these natural materials such as rough sawn wood siding, exposed timber frame elements, stone, and subdued tones of metal, will provide a common, unifying architectural element throughout Grassy Creek, especially when quality and craftsmanship are visually celebrated. Building colors will be generally subdued to blend with the surrounding landscape.

In addition to the architectural concepts, the manner in which buildings and improvements are located on a site is an equally important element of the Grassy Creek design style. Grassy Creek's natural setting offers spectacular views, diverse vegetation, and varied terrain. Extensive environmental analysis of soils, geology, slopes, vegetation, wildlife and visual considerations were completed during the planning and development of Grassy Creek. These findings provide the parameters for the location of homes, roads, and other improvements within this setting. A fundamental goal is for all buildings and improvements to be set within the landscape in a manner that will preserve and enhance this delicate mountain environment. The design and building site of all buildings and improvements should draw inspiration from the surrounding natural environment, and should not overpower the landscape. Landscape improvements should be designed to visually tie a building to its site and to restore all portions of the site that have been disturbed during construction.

The Grassy Creek Architectural Guidelines ("Guidelines") have been written to convey a "Contemporary Mountain Rustic" style, and in doing so, implement the Grassy Creek design style. Owners and their designers are encouraged to be creative so that individual expression and exemplary architecture contribute to the quality and uniqueness of our community.

## **II. SITE PLANNING**

### **A. INTRODUCTION**

A "Lot" is a parcel designated on the plat of Grassy Creek recorded in Routt County, Colorado, (the "Plat") numbered one (1) through forty (40), which includes the fee acreage purchased by a landowner.

The location and design of a proposed home and improvements must relate to the existing terrain and preserve the natural features of the Lot. The design process must take into account grade changes, location of trees, boulders, and orientation of the proposed improvements to sun, wind and views. Privacy to and from, as well as the impact on, adjacent neighbors, nearby rights-of-way, and common areas should be considered both in site planning and in designing the architectural elements of the home. Trees, natural vegetation and all other site features shall be incorporated and utilized to enhance the overall appearance of the home.

Grading and vegetation removal shall be limited to what is reasonably necessary for the construction of a home, and every effort must be made to preserve existing vegetation except where a building or any approved landscaping may be located or to create buffers from other homes, structures or intrusions. Site drainage and spring runoff should be carefully considered. Natural water courses and drainage ditches must be preserved.

**B. GRADING AND DRAINAGE**

Grading shall be limited to only that necessary for development of a home and site access and shall be permitted only within the Building Envelope unless otherwise approved by the Architectural Review Committee (“ARC”). Excessive re-contouring or over grading of a site is not permitted. Grading shall be designed to blend with the natural contours of the site by feathering cuts and fills into existing terrain.

In order to minimize impacts on existing vegetation and prevent excessive site disturbance, the use of retaining walls is encouraged in lieu of re-grading large areas of a site. At their discretion, the ARC may require the use of retaining walls in lieu of grading in order to preserve significant vegetation or site characteristics. Refer to Section IV, Landscape Design, for additional guidelines on retaining walls.

When cut and fill slopes are necessary, they should be as steep as possible to minimize site disturbance while still allowing for re-vegetation. Generally, a maximum 2:1 slope or less is recommended in order to ensure adequate re-vegetation. If soil characteristics are appropriate, steeper slopes may be approved by the ARC.

Grading, landscaping, or site improvements shall not interfere with the functional aspect of natural drainage courses and easements. All drainage and utility easements disturbed by construction shall be re-vegetated. Owners are responsible for controlling drainage resulting from the development of their Lots. No drainage shall be directed onto other Lots or tracts unless located within a designated drainage easement. Roadway drainage shall be accommodated by a culvert under the driveway. Culvert ends shall be cut to match finished grade. Culverts are the responsibility of the homeowner.

**C. DRIVEWAYS**

Unless approved by the ARC, Lots shall be limited to one access point off of the adjacent roadway. In certain cases, adjacent Lots will share a common driveway easement.

In order to ensure safe and convenient access, recommended driveway grades are three to four percent (3-4%) for the first twenty feet (20’) of driveway and no more than ten percent (10%) grade on other portions of the driveway.

Driveways should be designed to align with roadways at no less than a ninety (90) degree angle.

With the exception of parking areas immediately adjacent to garages and as may be necessary for emergency vehicle access, the width of paved driveway surfaces shall not exceed fourteen feet (14’). Driveway paving should have flared aprons where it intersects the roadway pavement. Flared sections should not exceed a ten-foot (10’) radius. Adequate snow storage areas should be provided adjacent to driveways and parking areas.

**D. PARKING AND GARAGES**

Each Lot shall contain a minimum of two enclosed parking spaces, plus one enclosed space for a secondary unit (if applicable). In addition to the required enclosed parking spaces, a minimum of two surface parking spaces shall also be provided. Surface spaces may be located on the driveway and must be located within the Building Envelope of the Lot.

The minimum size of each enclosed parking space is nine by eighteen feet (9'x 18') and the minimum size of each surface parking space is ten by twenty feet (10'x 20'). Garages should be designed to accommodate all vehicles, recreational vehicles, secondary vehicles, and animal trailers. Such vehicles must be stored within a garage when not in active use.

Garages may be physically separated from the main dwelling on Lots greater than thirty (30) acres, but in all cases shall be compatible with the architecture and materials of the main dwelling.

No on-street parking is permitted at Grassy Creek.

**E. EXTERIOR EQUIPMENT AND SATELLITE DISHES**

All outdoor mechanical and electrical equipment such as metering devices, transformers, and air conditioning units shall be concealed from view of adjacent Building Sites. The use of a remote electrical metering device, which is incorporated into an enclosed structure at the driveway entrance, is encouraged.

Wall mounted utility meters and connections shall be enclosed, incorporated into the design of the home, or screened from view by walls or landscaping.

Satellite dishes one meter or less in diameter may be permitted on a Building Envelope, upon the written consent of the ARC. Such devices shall be located to be out of view from other Building Sites and from roadways. In order to reduce their visibility, satellite dishes shall be colored to blend with the site or building.

**F. EASEMENTS AND UTILITIES**

Easements have been established throughout Grassy Creek in order to facilitate the installation and maintenance of utilities, trails and ditches. All easements disturbed by construction shall be re-vegetated.

Owners are responsible for providing utility service lines to their homes and for controlling drainage resulting from the development of their Building Sites. All utility lines that serve individual units shall be located underground. When feasible, utility service lines should be located under or along driveways in order to minimize site disturbance.

## **G. SIGNAGE**

One real estate “for sale” sign, no larger than thirty-six inches by twenty-four inches (36” x 24”) is permitted on each Lot, subject to review by the ARC.

One temporary construction sign, not to exceed six (6) square feet, is permitted during the construction of a home. Such sign must be free standing, not to exceed four feet (4’) in height above grade, and located within the Building Envelope. Temporary construction signs require approval of the ARC and shall be removed within fourteen (14) days of the issuance of a Temporary or Final Certificate of Compliance.

Temporary Construction Sign – Information Allowed:

- Project Logo and/or Name
- Lot Identification
- Permit Number
- Owner Name/Address/Phone #
- Architect Name/Address/Phone #
- Contractor Name/Address/Phone #
- Landscape Architect Name/Address/Phone #
- Lender Name/Address/Phone #
- Sales Agent Name/Address/Phone #

The design, color, style, text, duration of display and location of a temporary construction sign shall be approved by the ARC in accordance with the requirements listed above. The ARC may provide supplemental guidelines and drawings illustrating the specific requirements for signage.

Each Lot is required to have a residence identification sign, between one (1) square foot and four (4) square feet in size, which is visible and legible from the access roadway. The purpose of such sign is to identify each residence and aid fire and emergency personnel in quickly locating the residence. Such sign may be incorporated into an entry bollard or headgate design. Refer to Section IV, Landscape Design, for guidelines on the design of entry bollards and headgates.

## **H. SNOW STORAGE AREAS**

Adequate snow storage areas should be provided adjacent to driveways and parking areas. Wherever possible, snow storage areas shall be located away from public views and visually sensitive areas. Snow storage areas shall be planned to allow for a space equaling at least thirty percent (30%) of the area of the paved surfaces from which the snow will be removed. A thirty foot (30’) snow removal easement exists parallel to all roadways within Grassy Creek.

Snow from plowing or blowing operations shall not be deposited in drainage channels or swales, the Common Agricultural Open Lands, roads or other owners’ Lots. All snow removal and storage accommodations must be contained within the owners’ Lot and shall be done in

such a manner as to minimize damage to trees and vegetation.

### III. ARCHITECTURAL DESIGN

#### A. INTRODUCTION

Architectural design within Grassy Creek shall reflect the Grassy Creek design style and philosophy, including expressing “Contemporary Mountain Rustic” in design elements and blending buildings and improvements with the natural environment. Over time, the “Rustic Elegance” style of architecture and the manner in which buildings and improvements are integrated with their surroundings will establish a truly unique sense of place and distinguish Grassy Creek from other communities.

#### B. SIZE/SQUARE FOOTAGE

The minimum floor area requirement for the primary home is 1,800 (one thousand eight hundred) square feet. The combined maximum floor area allowed for all buildings is 15,000 (fifteen thousand) square feet. Floor area will be calculated as the sum of all enclosed floor space of a building or buildings in the Building Envelope, as measured from the interior face of exterior walls, including the primary residence, barns, secondary units, garages, and shop or storage space of any kind.

A legal secondary dwelling unit, as defined by Routt County Building Department Guidelines, is allowed to be built as a detached unit or a “barndominium” prior to the primary residence and must contain an enclosed garage. In the case of a secondary dwelling unit being built first, the primary residence shall be completed no longer than 30 months after completion of the SDU.

#### C. BUILDING HEIGHT AND MASSING

Maximum allowable building height shall be thirty-five (35’) feet above existing (original) or finish grade, whichever is more restrictive, **unless otherwise restricted from Routt County Ridgeline regulations.** All barns and accessory buildings, including detached secondary units and garages, are limited in height to thirty feet (30’) above existing (original) or finish grade, whichever is more restrictive, **unless otherwise restricted from Routt County Ridgeline regulations.**

Maximum allowable building heights are not intended to imply that all portions of a building may be built to the maximum allowable height. Rather, building height and massing shall be designed in relationship to the characteristics of each site, and in all cases buildings shall be designed with a low profile, understated appearance.

Building massing should emphasize horizontal scale and form. Building scale should be reinforced by varied building heights, offsets in building elevations, well-proportioned fenestration, decks and balconies, and architectural detailing. Offsets or indentations in wall

planes create visual interest and add depth via shadow lines. An offset should be more substantial than simply changing the texture of an exterior material; it should be structural.

Low-level one or two story building mass is encouraged, balancing the desire to minimize Building Envelope disturbance. Consideration should be given to Building Sites designed as a composition of building forms clustered around outdoor spaces such as courtyards, porches, or verandas. Buildings should step with the existing natural contours of the site and be designed to nestle into existing terrain.

#### **D. ROOFS**

1. Roofs should be comprised of relatively simple forms and should utilize similar materials and colors that integrate the building with the site and surrounding area.
2. Large continuous roof planes may be broken up using smaller, segmented roof forms consistent with the additive form of the home, or a composition of primary and secondary roof forms.
3. There are no minimum or maximum roof pitches unless otherwise restricted by Routt County Building Department roof/pitch regulations.
4. Appropriate materials for primary roof forms include architectural shingles and slate, non-reflective, low-gloss slate profile roofing, non-reflective standing seam metal roofing, and/or 40-year architectural fiberglass reinforced asphalt shingles or other materials approved by the ACC
5. Roof materials should be compatible with the colors of the primary dwelling.

#### **E. MATERIALS**

The design, materials, and color of exterior walls should relate to the natural colors and textures of the site in order to reinforce the sense that the building is an outgrowth of its surroundings. Materials should be chosen for their functional honesty and their ability to age gracefully. The predominant exterior materials shall consist of stone and wood.

As a major structural element of a building, the type and composition of exterior wall materials should convey an authentic expression of structural integrity. Stone should be applied to reflect the structural massing of the building and the natural forces of gravity should be considered in the placement and composition of all wall materials.

Walls should be comprised of no more than three materials consistent with the specific guidelines outlined below. At its discretion, the ARC may approve modifications to any of the minimum standards listed below.

##### **Siding**

Allowable wood materials include shingles, beveled or tongue-in-groove board siding, logs,

board-on-board or board and batten siding. Plywood siding is prohibited. Western red cedar, white cedar, cypress, mahogany, teak, redwood, pine, or spruce may be used as siding material. All siding shall be stained with transparent or semi-transparent stains in the amber, buff, green, putty and gray color ranges. Siding should be six inches (6”) to twelve inches (12”) in width.

Cedar shingles may be used as an accent element on dormers or gable ends. Likewise, hard coat stucco (not synthetic stucco) may be used as an accent element, if colored in earth tones such as amber, buff, putty or gray. The use of stucco as the primary exterior material is prohibited. Each building elevation (north, south, east and west) must have a majority of its exterior finished in materials other than stucco.

ARC approved metal siding is acceptable but must be dull (natural) color tones ( dark grey, bonderized, cor-ten, ect). Compositions incorporating metal siding must be balanced and/or accented with stone and/or rustic wood siding.

Any home with exterior walls comprised exclusively of stone shall include exposed timbers or logs to express roof, porch or other ancillary framing.

### **Rough-Hewn Timbers**

All timbers and logs shall have a rough, hand-hewn finish. Timbers and logs should convey an authentic expression of the building’s structural form, and the size of the timbers and logs should accurately convey the structural load carried by the timber. Stacked hewn timbers may be used.

The use of exposed timbers and logs for roof and porch framing, columns, lintels and sills is strongly encouraged.

### **Logs**

Logs may be used as tacked load bearing walls, but when expressed on the building exterior, logs must be set on a stone base. Logs should express a massive, hand-hewn appearance. Typical minimum dimension of at least fourteen inches (14”) in diameter is encouraged. Logs are to be hand-hewn to reflect the natural shape, grain and inconsistencies of timber. Turned or “manufactured” logs of uniform profile, finish and radius shall not be used. Logs may be hewn round or rectangular, and joints may have chinking or may be fitted into an interlocking profile without chinking.

### **High-Rib Steel (Morton Building type)**

ARC must approve color and materials, must incorporate stone and/or rustic wood work within exterior design. Stone should be applied to reflect the structural massing of the building and the natural forces of gravity should be considered in the placement and composition of all wall materials.



## **Prohibited Materials**

Use of the following exterior wall materials is prohibited:

- Imitation stone
- Plastic and painted metal (other than what is mentioned above)
- Exposed concrete or cinder block
- Plywood or composite siding, including T111 or other hardboard materials
- Asphalt shingles or asphalt shakes

## **F. WINDOWS AND DOORS**

Windows and doors present an opportunity to add interest and individual character to buildings. They also introduce openings and relief to exterior walls and in doing so reinforces building scale.

Openings should be located to optimize view opportunities and be designed in proportion to the overall structure and form of the residence. Windows and doors in mass walls shall be deeply recessed (six to eight inches (6-8")) or be trimmed in profiled wood (minimum two inches by six inches (2"x 6")) in order to provide interest and relief to building elevations. The use of timber or stone for lintels and sills is encouraged.

The use of divided light window patterns is encouraged. When larger "view" windows are used, divided light windows shall be incorporated into the window design.

The use of colored, reflective or mirrored glass is not permitted. Bay windows are consistent with the design style and the use of bay windows, beveled and/or stained glass windows is encouraged.

Window casing shall be wood with natural, stained, painted or clad finish or enhanced composite material as may be approved by the Architectural Review Committee. Window and door trim should be selected in concert with other building materials. The colors used on window casing, window trim, and door trim provide an opportunity to add interest and individual expression to a building. Trim colors should be selected to provide an accent element to a building.

Exterior doors, especially main entry doors, should be designed with attention to detail in order to create an individual identity of the building. Richly detailed doors are characteristic of the Grassy Creek design style. Doors should be made of wood, glass, or metal. Hardware for exterior doors and windows, including hinges, latches, handles, and pulls should be designed with artistic expression and constructed of materials such as wrought iron, bronze or copper.

## **G. ARCHITECTURAL DETAILING AND “SIGNATURE STATEMENTS”**

Architectural details are an important element of the Grassy Creek design style and also add individuality and creative expression to a home. In all cases, the origin and interpretation of architectural details should be consistent throughout a home. Use of the following architectural details is encouraged:

- Hewn timbers and hand-crafted timber joinery
- Lintels and sills constructed of stone or timbers
- Hand-crafted doors and decorative hardware on windows and doors
- Deep-set reveals in stone walls
- Decorative handrails and balcony railings
- Decorative exterior light fixtures

In addition to the architectural details described above, the following “signature elements” shall be incorporated into the design of all buildings and homes at Grassy Creek. The use of these elements is intended to express the Grassy Creek design style and to also establish architectural features common to all buildings in the community.

- All buildings shall include some expression of the structure of the roof. Alternatives for expressing roof structure may include exposed rafter tails and exposed beams at overhanging gable ends.
- Porches, decks, breezeways or other covered exterior space is required to help create more design character and interest. or other similar covered outdoor spaces shall be incorporated into the design of all homes. Refer to Section IV, Landscape Design, for additional information on terraces and verandas.

## **H. LIGHTING**

All exterior lighting requires the approval of the ARC and must be located within the Building Envelope, except for entry/identification signs, which may be located outside of the Building Envelope with the approval of the ARC. The principal objective of these guidelines is to be certain that light trespass is minimized or eliminated from every Building Site. As many areas as possible should be treated in a rural, unlit fashion. Where lighting is required for purposes of safety or other justified reasons, every effort must be made to mask and screen unwanted spill from impacting neighboring properties. Appropriate uses of exterior lighting include low-level landscape lighting to define walkways, patios or other outdoor features immediately surrounding a home. Lighting the exterior of a building as an accent or for any other reason is prohibited.

Security lighting (area floodlighting) is prohibited except for those activated by a motion detector for a limited time and only when specifically approved by the ARC as to location,

appearance and coverage. If approved, acceptable security floodlights shall have hoods large enough to cover lamps so they are unexposed. Exterior wall and building mounted light fixtures must be integrated into the architectural composition of the house. Light fixture enclosures shall be constructed to conceal or substantially diffuse the light source.

Exterior lighting shall be downcast. No exterior lighting in which the direct source is visible from a neighboring property or which produces excessive glare to pedestrian or vehicular traffic shall be permitted. Up-lighting of any kind is prohibited. Vapor lights of any kind, including but not necessarily limited to, sodium or mercury vapor, are not allowed.

Landscape lighting is allowed only in small quantities, when limited in area and intensity.

#### **I. CHIMNEYS AND FLUES**

Chimneys should be designed in proportion to the primary dwelling and reflect a simple, understated design.

Routt County wood burning regulations limit the type and number of wood burning devices permitted in a residence. A copy of these regulations may be obtained from Routt County.

#### **J. BALCONIES AND DECKS**

The introduction of porches, terraces, patios, courtyards and similar on-grade features as primary outdoor living spaces is encouraged. Porches and other covered outdoor spaces are an important element of the Grassy Creek design style and all homes should incorporate such features into their design. Long, enclosed porches are encouraged. Refer to Section IV, Landscape Design, for guidelines for porches, terraces, patios and outdoor spaces.

Balconies and above-grade decks are similarly important in adding interest and scale to a home, providing outdoor living space, and should be designed as an integral element of the home.

Balconies and above-grade decks should be designed within the mass of the building or as a cantilevered element of the building, supported either by angled braces, by building mass below, or by substantial building elements such as stone or timber columns or arches that visibly tie the deck to the ground. Posts or columns substantial in size shall be used as supports for balconies and above-grade decks.

The underside of balconies and above-grade decks shall be treated to be compatible with the building. Consideration should be given to protecting balconies and above-grade decks from snow shedding from overhead roofs.

Balcony railings offer an opportunity to express individual character within the context of the design theme, however they should be compatible with the overall building design. Wood, composite or metal railings may be used.

## **K. ACCESSORY STRUCTURES AND USES**

A legal secondary dwelling unit, as defined by Routt County Building Department Guidelines, is allowed to be built as a detached unit prior to building the primary residence, thus allowing owners expense “phasing” during construction. Such units shall conform to Routt County guidelines and must include barn or garage.

All accessory structures, such as barns, storage sheds, greenhouses and other additional structures are permitted but shall be physically and architecturally integrated with the primary dwelling and use materials, colors, architectural style and form that are consistent with the primary dwelling. Accessory structures should be physically or visually connected with the primary dwelling by the use of structural elements, site walls, covered walkways or landscaping.

All accessory structures must be confined to the Building Envelope, and a master plan which indicates driveway, future primary residence and any other structures shall be submitted with accessory building plans to the ARC.

## **L. ENERGY CONSERVATION**

Buildings with Grassy Creek should be designed to conserve energy. The Homeowners Association recognizes the value of alternative or renewable energy generation devices so long as they fit into the generally accepted aesthetic provisions of the neighborhood.

The placement should be in an area that least impacts the neighboring property’s view corridors. Visual screening should be included so as to mitigate any neighboring view impacts. Examples include landscape materials. Any potential noise impact should also be mitigated so as not to affect neighboring properties.

In all cases, any alternative or renewable energy generation device proposed to be installed must be submitted to the Architectural Review Committee prior to commencing any work. The information submitted must include: site plan, dimensions, materials and photos if possible, and mitigation plans. Written approval must be received before a system can be implemented.

## **IV. LANDSCAPE DESIGN**

### **A. INTRODUCTION**

The underlying goal of landscape design at Grassy Creek is to integrate homes and improvements with the individual sites and establish a common natural landscape element throughout the community. This goal will be achieved in a number of different ways. For example, plant materials should be selected with appropriate color, texture, and form to visually tie buildings and improvements to the surrounding landscape. The preservation of existing plant materials shall be an inherent goal during the design and construction of all homes and site improvements. Scrub oak is very difficult to transplant, and therefore site improvements should be sensitive to its removal. Areas around Building Sites that have been disturbed by site development or home construction shall be restored to reflect the characteristics of the natural landscape surrounding Grassy Creek. All areas surrounding the Building Site shall be enhanced with the introduction of new plant materials that are indigenous to the surrounding area.

All landscape improvements shall be confined to the Building Envelopes. Landscape improvements in the Building Envelope should be designed to minimize the need for irrigation.

It is the intention of these guidelines that, over time, the restoration and enhancement of all areas surrounding individual Building Sites will establish a common natural landscape feature that will visually link the Grassy Creek community.

## **B. LANDSCAPING WITHIN THE BUILDING ENVELOPE**

Ornamental plants, planting beds, gardens, water features, and other formal landscape designs may be introduced, in limited amounts, within the Building Envelope. Landscaping within the Building Envelope should be designed in order to define outdoor spaces and entries, frame desirable views, screen undesirable views, buffer prevailing winds, provide seasonal shade, and add color and interest to courtyards and other outdoor spaces. Consideration should also be given to the size, color and texture of plant materials. Recommended plant materials for the Building Envelope are listed in Exhibit B, "Seed Mixes," and Exhibit C, "Recommended Plant and Landscape Materials for the Development Envelope," attached hereto and incorporated herein by this reference. These plants are native to the sagebrush and alpine regions of Western Colorado.

Unless otherwise approved by the ARC, all formal landscaping shall be located within the Building Envelope and generally concealed from view from adjacent roadways.

Ornamental plants and other formal plant materials should be located immediately adjacent to the home in courtyards, entries, or other defined spaces not immediately visible from adjacent Lots or roadways.

The transition between formal landscape areas within the Building Envelope and the Common Agricultural Open Lands shall be accomplished with a defined edge that clearly contains formal landscape improvements, or with a seemingly natural transition from more formal landscaping to the native area. A defined edge may be established with the use of patio walls, retaining walls, stone edging, or planting beds.

In order to minimize the use of water and to reinforce the integration of buildings and improvements with the natural environment, the introduction of formal manicured lawns is discouraged. When used, manicured lawns should be confined to the Building Site and should be located adjacent to the primary dwelling, within courtyards or otherwise screened by buildings, walls or plant materials in order to minimize visibility from adjacent lots or roadways.

The use of fescue grasses for manicured lawns is recommended in lieu of water-intensive grasses such as Kentucky Bluegrass.

A permanent underground irrigation system serving an area from 1500 – 3500 square feet is permitted within the Building Envelope. The use of moisture sensors, drip irrigation, and pop-up heads that conserve water are encouraged. Backflow preventers are required and manual valves are prohibited. Implementation of a three (3) day per week irrigation water demand schedule is recommended.

#### **C. PLANT MATERIALS**

Both the present and mature size of trees and shrubs should be considered when selecting landscaping materials. The use of large-caliper deciduous trees and mature evergreens and shrubs that exceed minimum landscape material sizes are strongly recommended in order to quickly establish landscape improvements.

Minimum landscape material sizes are three inch (3") caliper for deciduous trees, eight feet (8') in height for evergreen trees, and five (5) gallons for shrubs. In addition to materials of these sizes, some materials smaller than the standards listed above may be used in order to provide a variety of plant materials. However, in all cases the majority of plant materials shall comply with the minimum standards listed above.

In order to avoid monotony, landscape plans should include varying sizes of plant materials.

Unless otherwise approved by the ARC, all plant materials shall be selected from plant lists found in Exhibit C attached hereto and incorporated herein by this reference.

#### **D. RETAINING WALLS, LANDSCAPE WALLS, AND FENCES**

The use of landscape walls and fences is limited to establishing privacy around outdoor spaces, providing an edge between formal landscaped areas and the Common Agricultural Open Lands, stall turnouts and round pens, and creating outdoor spaces such as courtyards. No perimeter fencing or the fencing of the Building Envelope is permitted. All retaining walls

(except those used for driveways) landscape walls and partitions shall be located within the Building Envelope. Fencing required for agrarian/ranching purposes shall be allowed on the perimeter, and throughout the ranch as determined by the Declarant and/or Association. All fences, retaining walls and landscaping walls will be reviewed by the ARC for aesthetic appearance and reasonableness of the area enclosed.

The design of landscape walls and fences should be integrated with the design of the dwelling, and shall be constructed of materials that complement the environment and the primary dwelling. When retaining walls are required, they shall be constructed of stone approved by the ARC. Building Envelopes have been located in part to minimize the need for retaining walls. When necessary, retaining walls should comply with the guidelines below.

Retaining cuts greater than four feet (4') shall require the use of stepped walls and shall be designed to allow for the introduction of landscape materials between walls. In certain cases the ARC may approve retaining walls in excess of four feet (4') when it is demonstrated that higher walls will result in a more sensitive design solution.

When feasible, retaining walls should be designed as an architectural extension of the dwelling in order to visually tie the building to the ground.

#### **E. TERRACES, PORCHES, AND OUTDOOR LIVING SPACES**

Porches or other similar covered outdoor spaces are an important element of the design style and all homes at Grassy Creek must include such features. Porches and other covered outdoor spaces shall be confined to the Building Envelope.

The most appropriate manner for creating porches and covered outdoor spaces is to extend the roof over the outdoor space. In such cases, the use of a double-pitched roof should be considered, and in some cases the structure of the roof extension shall be expressed with exposed rafter tails. Porches and covered outdoor spaces may also be created by trellises and other similar roof features.

Outdoor spaces on sloping sites should be terraced in order to minimize the need for retaining walls or site grading. All transitions between outdoor living spaces and the remainder of the Building Envelope should be defined by soft, gradual edges.

#### **F. ENTRY SIGNS AND BOLLARDS**

Each Lot may include an entry/identification bollard or headgate located at the driveway entrance. Bollards shall be located so they are visible from the roadway, and if necessary may be located within the right-of-way, subject to approval of the ARC. Headgates shall be of a western style and constructed of log, wood, stone, or other materials approved by the ARC. Bollard design shall be consistent with the Grassy Creek design style and may include low-level down lighting consistent with the lighting guidelines outlined herein. If individual home mail delivery is available, mailboxes may be incorporated into the design of the

entry/identification bollard, however it is anticipated that a common mail center will be developed.

#### **G. SEPTIC SYSTEM**

A septic system or other approved waste disposal system must be provided for each dwelling. The system must be approved by Routt County. The system, including any leach fields, must be located within the Building Envelope.

#### **H. PROPANE GAS STORAGE TANKS**

The homes and buildings of Grassy Creek are not serviced by natural gas. Therefore, if gas heating is desired it will require the installation of propane gas storage tanks. All propane tank storage facilities must be installed underground and approved by the ARC. The installation must conform to Routt County Building Department regulations specific to underground storage tanks.

### **V. ARCHITECTURAL REVIEW PROCESS**

#### **A. INTRODUCTION**

No construction or excavation shall be commenced and no dwelling or site improvements of any kind shall be constructed, erected, installed, placed, maintained or permitted upon a Lot until all plans and specifications have been submitted to and approved by the ARC, in accordance with the requirements specified herein.

All site development and improvements constructed at Grassy Creek shall conform to the following architectural review and construction procedures and all other applicable local, county, state and federal governing codes, regulations and restrictions.

It is the responsibility of the owner/architect to become familiar with all regulations and requirements, and to secure copies of the most up-to-date versions of all applicable regulations. Any construction must conform to all existing codes and regulations as adopted by Routt County. Regulations and other documents are provided for informational purposes only, and serve as an example of other governing regulations that may apply to Grassy Creek:

- The Declaration
- Routt County Land Use and Zoning Resolution and Subdivision Regulations
- International Residential Code
- International Building Code
- International Mechanical Code
- International Plumbing Code
- National Electrical Code



- International Fire Code
- International Energy Conservation Code
- NFPA 101 Life Safety Code
- ANSI A117.1 – Accessibility Standards for Buildings and Facilities

**B. DESIGN REVIEW FEE AND COMPLIANCE DEPOSIT**

A design review fee of Three Thousand Five Hundred Dollars (\$3,500.00) (“Design Review Fee”) shall be submitted by the Owner to the ARC in order to defray the cost of reviewing the submission and for ARC’s site and building inspections. The fee shall be paid in one installment in conjunction with the Sketch Plan Review application. Additional fees may accrue based on time and costs expended by the ARC and its hired consultants.

In order to ensure compliance with these Design Guidelines and all construction regulations, a Twenty Thousand Dollar (\$20,000.00) deposit (“Compliance Deposit”) shall be made by the Owner to the ARC prior to initiating construction. The Compliance Deposit must be submitted with the Construction Drawings Review application. Said deposit shall be made payable to the Grassy Creek at Mt Harris Owners’ Association, Inc. If the ARC determines that any of the improvements contemplated in the plans and specifications presented to the ARC are not constructed in compliance with such plans and specifications by the required completion date or in compliance with these Guidelines, the ARC may withdraw from the cash deposit such funds as may be necessary to complete the unfinished improvements and correct any violations. The ARC shall not require concurrence of the owner prior to withdrawal of the funds. The deposit does not preclude the ARC from taking further action as permitted in the Declaration to ensure project compliance with these Architectural Guidelines.

Any remaining portion of the Compliance Deposit, minus any fines or charges imposed by the ARC shall be returned to the Owner two months after the issuance of a final certificate of compliance by the ARC.

**C. ARCHITECTURAL REVIEW COMMITTEE MEETINGS AND SUBMITTAL DEADLINES**

The ARC meetings will be scheduled as needed. The submittal cut-off date for the next meeting shall always be at least one week prior to requesting a meeting. All submittals must be received prior to 5:00 p.m. There will be no exceptions. The number of submissions that will be accepted for consideration at the next meeting may be limited at the discretion of the ARC. Modifications (improvements or re-models to an already existing structure or a structure under construction) may be submitted the Thursday prior to the desired meeting date.

Two complete and stapled sets of plans are required for submittal. A complete submission shall include the most current topographic survey, stamped and signed by a licensed surveyor. Incomplete submissions will be denied. If denied, the applicant shall re-submit for the next available meeting date.

**D. REVIEW AND CONSTRUCTION PROCESS**

The architectural review and construction process contains the following steps:

- Step One: Sketch Plan Meeting
- Step Two: Advanced Plan Review
- Step Three: Construction Drawings Review
- Step Four: Inspections and Certificate of Compliance

### **Step One: Sketch Plan Review**

An applicant shall submit the following:

1. Architectural Review Fee
2. Topographic Survey: prepared by a licensed surveyor; indicating site contours at two-foot (2') intervals, easements, and significant natural features such as rock outcroppings, drainages, and mature stands of trees (Scale: minimum of 1"=20'-0").
3. Site Plan: indicating relevant property boundaries, Building Envelope, proposed buildings and structures, driveway and grades, parking areas, snow storage areas, major site improvements, existing and proposed grading and drainage (Scale: minimum of 1" = 20'-0").
4. Floor Plans: indicating the general layout of all rooms, approximate sizes, and total square footage of interior space for each floor level (Scale: minimum of 1/8"=1'-0").
5. Exterior Elevations: in sufficient detail to indicate the architectural character of the residence, fenestration and existing and proposed grades. Elevations should also include a description of exterior materials and colors (Scale: 1/8" = 1').
6. Roof Plan: indicating proposed roof pitch, materials and elevations of major ridgelines and all eave lines (Scale: 1/8" = 1').

Sketch Plan Review will be completed by the ARC within a reasonable time after the submission of a complete application. The ARC will notify the applicant of its findings within fourteen (14) days of submission. In the event the ARC rejects the proposed sketch plan, the applicant may revise its plans and resubmit to the ARC. If, after a second review by the ARC, the sketch plan is denied, the applicant may appeal the decision of the ARC to the Association's Board of Directors. Said appeal must be filed within thirty (30) days of the ARC's decision.

### **Step Two: Advanced Plan Review**

Step Two in the design review and construction process is the Advanced Plan Review. Upon approval of the Sketch Plan, the owner/architect shall submit a copy of the following documents to the ARC for Advanced Plan Review:

1. Topographic Survey: prepared by a licensed surveyor; indicating site contours at two-foot (2') intervals, easements, and significant natural features such as rock outcroppings, drainages, and mature stands of trees (Scale: minimum of 1"=20'-0").
2. Site Plan: indicating proposed building footprint, Building Envelope, site boundaries and easements, existing and proposed contours, utility locations, site drainage, retaining walls, proposed driveways and grades, parking areas, snow storage areas, walkways, patios, terraces, utility lines and connections, and any other proposed improvements (Scale: minimum of 1"= 20'-0").
3. Floor Plans: dimensioned plans indicating room names and sizes, the location of doors and windows, the location of mechanical and electrical systems, and total square footage of the residence by floor level (Scale: minimum 1/4"=1'-0").
4. Roof Plan: indicating roofing materials, roof pitches, overhangs, gutter and downspout locations, and projections and penetrations located above roof, such as mechanical exhaust vents and chimneys (Scale: same as floor plans).
5. Exterior Elevations: indicating exterior appearance of all elevations including materials and colors, fenestration, textures and finishes, architectural details, shadow patterns and finished grade (Scale: same as floor plans).
6. Building Sections: indicating floors, exterior walls and roof, existing and finished grade, decks and patios, and other pertinent information to demonstrate the relationship between the exterior and interior of the residence (Scale: same as floor plans).
7. Perspective Sketches: architectural rendering(s) from pedestrian level representing the primary public exposure of the building, building form and mass, fenestration, exterior materials, colors, textures and shadows, exterior character and detailing, and surrounding vegetation and landscape features.
8. Model: may include a computer or physical model indicating the building's three-dimensional form, scale and massing, and relationship to the site (Scale: minimum of 1/16"= 1'-0").
9. Details: provide descriptions and drawings in sufficient detail to demonstrate the architectural character of the building, exposed structural connections, material interfaces, etc.
10. Exterior Finishes: samples indicating type, color and texture of all exterior materials.
11. Specifications: provide written specifications and/or cut sheets for the following items: exterior wall materials, windows and exterior doors, exterior trim materials, wall and roof flashing, fireplace and flue caps, and exterior lighting fixtures
12. Landscape Plan: indicating all existing landscaping to remain and all existing landscaping to be removed, a planting plan with proposed plant materials identified by common and botanical names and size; type, location and coverage of irrigation

systems; the location and size of all other proposed landscape materials such as retaining walls, patios and decks, walkways, walls and fences, and specifications for seeded areas including seed mix, mulch and fertilizer type, and application method and schedule (Scale: minimum of 1" = 20'-0").

13. Erosion Control and Re-vegetation Plan: indicating the means and time schedule by which the prevention of soil erosion will be addressed during and after construction, re-vegetation of cut and fill slopes, methods of controlling surface water, siltation control devices, vehicular access points, and location of soil storage areas and stabilization measures (Scale: minimum of 1" = 20'-0").
14. Proposed Construction Schedule and Construction Management Plan: provide approximate time schedule of start-up and completion dates for construction, utility hook-up, and completion of landscaping and anticipated occupancy date. The construction plan shall identify a "Limits of Disruption Zone," an area within which all construction activities will be limited. In addition to the Limits of Disruption Zone, this plan shall indicate the location of access drives and parking, temporary structures/trailers, chemical toilet, dumpsters, material lay-down and staging areas, and construction signage. In addition, the construction management plan shall indicate all mitigating measures for protecting natural features of the Lot during construction.
15. Waste Management Plan: provide schedule and design of storage facilities for storage and disposal of manure and other waste.

The Owner or his or her design team should contact the ARC for the location and time of the meeting at which the Advanced Plan review application will be reviewed. All complete applications will be considered by the ARC at a meeting within fourteen days (14 days) after the submission of a complete application. The Owner and/or his or her representative shall attend the meeting to present the proposed project to the DRC and to address any questions regarding the project. The ARC will notify the applicant of its findings within seven (7) days of the meeting.

Applicants who receive Advanced Plan approval may proceed with the preparation of construction drawings. In the event the ARC rejects the proposed Advanced Plan, the applicant may revise the plans and resubmit to the ARC. If, after a second review by the ARC, the Advanced Plan is denied by a majority vote of the ARC, the applicant may appeal the decision of the ADRC to the Association's Board of Directors. Said appeal must be filed within thirty (30) days of the ARC's decision.

### **Step Three: Construction Drawings Review**

Step Three in the design review and construction process is the Construction Drawings Review. Construction Drawings shall be submitted to the ARC following Advanced Plan approval with the Compliance Deposit. No final approval to commence with construction shall be issued until the Compliance Deposit has been submitted to the ARC. A comprehensive set

of construction drawings shall include, but not be limited to, final grading plans, foundation plans, framing plans, floor plans, roofing plans, elevations, all relevant specifications and material schedules and the Construction Management Plan.

The purpose of the Construction Drawings Review is to ensure that all aspects of the final construction drawings are consistent with the plans approved by the ARC at the Advanced Plan Review. No formal meeting with the ARC is required. If Construction Drawings are consistent with the approved Advanced Plans, the ARC will provide the owner with stamped plans for submission to Routt County within seven (7) days. Construction Drawings that deviate from approved Advanced Plans shall be rejected. In such cases, the ARC shall provide a written notification letter to the applicant.

#### **Step Four: Inspections and Certificate of Compliance**

Step Four in the design review and construction process requires three stages of inspections. All Owners agree to allow site access by the ARC or its representative to inspect all work in progress at any time during construction, and when required, to give notice to the Owner of non-compliance. Notwithstanding the above, absence of such inspections or notification during the construction period shall not imply approval of the work in progress or compliance with these Architectural Guidelines. The Owner/Builder is responsible for scheduling inspections and receiving written approvals from the ARC Chairperson at three critical stages:

1. Site Inspection: Scheduled prior to the start of construction, the purpose of this inspection is for the ARC to review with project contractors the proposed locations of building corners, driveway and parking areas, patios, cut and fill areas, and existing natural features of the site to be protected during construction. All footprints, setback lines and driveways shall be staked by a licensed Colorado surveyor prior to such site inspection.
2. Final Inspection: Final inspection is scheduled at the completion of all construction, landscaping and site work. In order to receive final inspection approval, all aspects of the proposed residence must be completed. Final inspection and approval from the ARC shall be obtained prior to the applicant seeking a Certificate of Occupancy by the Routt County Building Department. The ARC shall issue a Certificate of Compliance for all projects approved at final inspection.
3. Certificate of Compliance: The ARC may issue a temporary Certificate of Compliance, upon inspection and finding of substantial completion of the construction, landscaping and site work.

If a temporary Certificate of Compliance is issued, the applicant may seek a Certificate of Occupancy by the Routt County Building Department.

INSPECTIONS BY THE ARC ARE INDEPENDENT OF THE PERIODIC INSPECTIONS REQUIRED BY THE ROUTT COUNTY BUILDING DEPARTMENT.

**E. APPEAL PROCESS**

Applicants may appeal a decision made by the ARC by submitting a written appeal within thirty (30) days of the ARC’s decision. The initial appeal of an ARC decision shall be considered by the ADRC, provided, however, that such appeal shall be considered no sooner than thirty (30) days after the initial ARC decision. The intention of this thirty-day period is to allow the applicant an opportunity to consider the comments of the ARC and to develop a design solution that is consistent with these Guidelines and the direction of the ARC. The ARC will review the applicant’s appeal and render a decision at a regularly scheduled meeting. The decision will then be relayed to the applicant and to the Association’s Board of Directors within seven (7) days of the ARC meeting.

Following a second review by the ARC, an applicant aggrieved by a decision of the ARC may appeal the decision to the Association’s Board of Directors. Such appeal shall be in writing and shall be filed within thirty (30) days after the decision of the ARC. In the event the decision of the ARC is overruled by the Association’s Board of Directors, the prior decision of the ARC shall be deemed modified to the extent specified by the Association’s Board of Directors and such decision, as so modified, shall thereafter be deemed the decision of the ARC.

**F. ROUTT COUNTY REVIEW AND APPROVAL**

The Grassy Creek architectural review and construction process is required for all development within Grassy Creek at Mt Harris. This process complements, rather than replaces, the plan review and approval process of Routt County, Colorado. Approval of project design and/or construction methods by the ARC shall not substitute for, or be misconstrued as, approval by Routt County. Accordingly, the Owner/Architect/Builder shall be responsible for meeting all requirements and regulations of Routt County related to project development. Specific requirements may be obtained from Routt County Planning and Building Departments.

**VI. CONSTRUCTION REGULATIONS**

**A. INTRODUCTION**

No construction may commence until approval of the final construction drawings has been granted by the ARC, a site inspection by the ARC has taken place and a building permit has been issued by the Routt County Building Department. Final Project approval granted by the ARC is valid for one year.

If construction does not commence within one year from the date of final approval by the ARC, said approval shall expire. In such cases, applications shall be resubmitted to the ARC for their review prior to initiating any construction or site preparation.

Once construction on a project is initiated, completion of the project shall be pursued with due

diligence until completion. In such cases where construction of a project is suspended for more than thirty (30) days, the project proponents shall meet with the ARC to establish a schedule for completion. If completion of the project is to be delayed for an unreasonable length of time, the ARC may, at its discretion, require the restoration and re-vegetation of disturbed areas of the site. Construction is expected to be completed in a maximum of twenty-four (24) months. Extensions require approval from the ARC.

If said construction is not completed (with County Certificate of Occupancy) within that time frame, an annual penalty of \$10,000 shall be required to be paid by said land owner to the HOA and every year thereafter until project is completed and County has issued a Certificate of Occupancy. This shall be imposed on all new projects commencing January 1, 2021 and thereafter.

**B. PRE-CONSTRUCTION CONFERENCE**

Prior to the start of construction, the Owner and his or her general contractor shall meet with a representative of the ARC to review construction procedures and requirements. The Owner and his or her general contractor are responsible for the actions of all sub-contractors and personnel related to the project. The Owner or Builder shall provide a detailed construction management plan which identifies the following areas in which all construction activities will be limited: measures to protect existing vegetation areas from disturbance, limits of excavation, erosion control, temporary access drives and parking areas, and the locations of temporary structures, chemical toilets, dumpsters, material lay-down and staging areas, and construction signage. The Construction Management Plan shall be submitted as an element of the final plan review. Signed approval of the Construction Management Plan shall be obtained from the ARC prior to submitting a building permit application to Routt County.

**C. LANDSCAPE COMPLIANCE**

Final landscape design and re-vegetation are critical to the long-term success of Grassy Creek. In order to assure the completion of approved landscape and re-vegetation plans, the Compliance Deposit referenced above, shall be submitted and retained until a final certificate of compliance. This deposit and any interest earned thereon shall be refunded to the owner two months after the issuance of a final Certificate of Compliance, provided all landscape materials have survived and are deemed by the ARC to be in good condition.

**D. PROTECTION OF PROPERTY**

All construction activity shall be confined to the Lot on which a building permit has been issued, unless written authorization has been granted by an adjacent property owner to utilize an adjacent lot. In such cases in which adjacent properties are used during construction, re-

vegetation and restoration plans for said properties shall be submitted as an element of the construction management plan. Any open space, adjacent Lots or roadways damaged during construction shall be promptly repaired and/or restored.

**E. FIELD STAKING REQUIREMENTS**

All building footprints, setback lines and driveways shall be staked in the field by a licensed Colorado surveyor. Staking must be completed prior to initiating construction and is subject to review and approval by the ARC.

**F. PROTECTION OF NATURAL FEATURES AND VEGETATION**

Every effort shall be made to protect and preserve the natural site features not directly impacted by the placement of buildings or improvements on a Lot. The construction management plan shall specify all areas to be undisturbed by construction. In order to protect undisturbed areas, a snow fence or other suitable means shall be erected on the site prior to initiating construction. Within the construction area, significant vegetation and other landscape features shall be protected during construction through the use of flagging, fencing or other suitable barriers. Such features to be protected within the construction area shall be determined by the ARC during the design review process and shall be indicated in the construction management plan.

**G. EROSION CONTROL AND RE-VEGETATION**

In order to protect Grassy Creek's delicate natural environment, temporary and permanent erosion control measures shall be implemented during construction and site development. The general contractor shall be responsible for controlling and mitigating soil erosion through the use of soil stabilization, site drainage and runoff control, and timely re-vegetation of disturbed areas of the site. All land surface disturbed by construction or soil erosion must be satisfactorily re-vegetated with plant materials that establish immediate soil stabilization and blend with the adjacent landscape areas. The builder should consult the Routt County Guide to Water Quality and Erosion Control and shall adhere to the erosion control/re-vegetation plans submitted to the ARC during the design review process. Specific methods of erosion control should be determined based on the specific characteristics of the site, but in all cases shall include the following:

- Measures to control ground water and surface water run-off.
- Temporary measures to retain all eroded soil material on site during construction.
- Measures to permanently stabilize all disturbed slopes and drainage features upon completion of construction.

Soil surfaces shall be temporarily rough-graded in order to control ground water and surface water run-off. Concentrated storm water shall not be allowed to flow down cut or fill slopes



unless contained in an adequate channel, flume or slope drain structure. Eroded soil material may be retained on site by using vegetated buffer strips, straw bale dikes, silt fences, sediment traps and sediment basins. These elements shall be in place before disturbance takes place. Recommended standards for these methods include:

- Sod Buffer Strips
- Straw Bale Barrier or Silt Fence
- Sediment Trap
- Sediment Basin

Maximum slope length is fifty feet (50'); maximum slope of 6:1 (seventeen percent (17%)); maximum drainage area is one-third (1/3) acre per one hundred feet (100') of barrier. Maximum slope length is one hundred fifty feet (150'); maximum slope is 2:1 (fifty percent (50%)); maximum drainage area is five acres. Must provide eighteen hundred (1,800) cubic feet of storage per acre of drainage area; outlet capacity shall be fifteen (15) gallons per minute per acre of drainage area.

Methods to permanently stabilize soil at final grade include seeding, mulching, use of erosion control mats, blankets and nets. Temporary surface roughening, seeding and mulching may be required to stabilize stockpiles and disturbed areas not yet at final grade.

Recommended seed mixes shall be used to reclaim the final landscapes. Each seed mix is dominated by native grasses and forbes. Introduced grasses have been included to quickly colonize reducing erosion. These species are generally short-lived or non-aggressive and will not impact the establishment of preferred native species. All forbes in the seed mixes are native to Colorado. Refer to Exhibit B, "Recommended Seed Mixes," attached to these Guidelines.

Soil stockpiles or disturbances to remain for an indeterminate length of time shall be seeded with one of the following perennial grasses: smooth brome (*Bromus inermis*) (Manchar); pubescent wheatgrass (*Agropyron trichophorum*) (Greenleaf); or intermediate wheatgrass.

## **H. VEHICLES, PARKING AREAS AND ROADWAYS**

Construction vehicles, heavy equipment and construction workers shall park only in areas approved by the ARC. Construction and workers' vehicles shall not be parked on other Lots or on the Grassy Creek roadways without consent of the ARC.

Any and all damage to the Grassy Creek roads caused by or resulting from an Owner's construction project is the responsibility of the Owner.

Every effort should be made to assure that damage will not occur to the roads. Should damage occur, the Owner, and/or his or her contractor must notify the Association and the ARC immediately as to the scope of the damage, and when it will be repaired. The ARC will have sole discretion to approve the type and schedule for all such repairs. If such repairs are not

made to the satisfaction of the ARC, the ARC may contract to have the work completed and the Owner will be assessed this amount, including all costs of the ARC in arranging for such repairs.

The Grassy Creek Roadways will be cleaned by a professional contractor on a weekly schedule during construction, when needed.

**I. CONSTRUCTION EQUIPMENT, MATERIALS, TRASH**

The general contractor shall be responsible for maintaining a clean job site at all times. All construction material shall be stored in a designated materials storage area. At the end of each day of construction, all debris and related material shall be deposited in dumpsters or other suitable storage devices. Said dumpsters shall be emptied on a weekly or as-needed basis. The location of the materials storage area and dumpster shall be indicated on the construction management plan and shall be located to minimize the visual impact from adjacent properties and roadways.

**J. DUST AND NOISE**

The general contractor shall be responsible for controlling dust and noise from the construction site. No loud music shall be permitted. Hours of construction shall be Monday through Friday, 7:30 a.m. to 6:00 p.m., and Saturday and Sunday, 9:00 a.m. to 5:00 p.m. Notification shall be provided to the DRC a minimum of twenty-four (24) hours in advance of any blasting operations, and in all cases blasting shall occur between 9:00 a.m. and 6:00 p.m. Permission from the ARC shall be obtained prior to any blasting.

**K. TEMPORARY STRUCTURES AND SANITARY FACILITIES**

A small field office or temporary construction trailer may be placed on the site during construction. In addition, a temporary storage shed or out-building may be used for storage of materials and supplies while the project is under construction. Contractors are responsible for delivery, unloading and storage of all construction materials. Temporary buildings shall be in good condition and may not be used at any time for a residence, either temporary or permanent.

The general contractor shall be responsible for providing temporary enclosed chemical toilets during the construction process. Portable toilets shall be located on the site and should be screened from view and located away from neighbors.

All projects shall include a construction sign as described in the site planning section of these Guidelines. There shall be no overhead temporary power lines. In order to minimize impacts on existing roadways, temporary driveways constructed of road base or gravel shall be installed at each construction site at the commencement of construction.

The location of all temporary structures shall be indicated on the construction management

plan. All temporary structures shall be removed from the site within thirty (30) days after completion of the permanent building and prior to the issuance of a final Certificate of Compliance.

## **VII. ARCHITECTURAL REVIEW COMMITTEE AND ORGANIZATION**

### **A. ARCHITECTURAL REVIEW COMMITTEE MEMBERSHIP**

The ARC shall consist of not less than three (3) or more than five (5) members, as determined from time to time and as appointed by the Declarant or the Association's Board of Directors. A majority of members shall constitute a quorum to transact any business of the ARC. At its discretion, the Association's Board of Directors may designate an alternate member of the ARC to substitute for any regular member unable to be present at regularly scheduled meetings. Members of the ARC need not be members of the Association.

The regular term of office for each member shall be one (1) year, coinciding with the fiscal year of the Association. Any member may be removed by the Association's Board of Directors at any time by written notice to such appointee. A successor to fill such vacancy shall serve the remainder of the term of the former member. Any member of the DRC may at any time resign upon written notice delivered to the Association's Board of Directors.

### **B. DUTIES AND POWERS**

All plans for site preparation, building construction, landscaping and site modifications, modifications to the exterior of buildings, alterations or enlargement of an existing structure, paving, fencing, sign erection or other improvements must receive written approval from the ARC. Approval from the ARC must be received prior to initiating any of the above activities. Alterations or remodeling of existing improvements which are completely within a building or structure and which do not change the exterior appearance of a structure may be undertaken without ARC approval.

During the construction process, no changes, alterations or additions to any plan or specification shall be made prior to obtaining written approval by the ARC.

The ARC shall rely on and have the right to interpret the guidelines contained herein as the primary basis for evaluating development proposals. The approval or consent of the ARC shall not be unreasonably withheld and actions taken shall not be arbitrary or capricious. Decisions shall be conclusive and binding on all interested parties subject only to the right of appeal by the applicant and review by the ARC. Notwithstanding the above, the ARC shall

have sole discretion to approve or deny any proposed improvement or development. Upon showing of good cause, the ARC may approve deviations to any regulation or restriction contained herein, in accordance with the provisions of the Declaration.

The ARC or its designated representative may monitor any approved project to the extent required to insure that the construction or work on such project complies with any and all plans and construction procedures. The ARC or its designated representative may enter upon any property at any reasonable time to inspect the progress, work status, or completion of any project. In addition to the enforcement of these guidelines, the ARC may withdraw approval of any project, and require all activity at such project to cease and desist if deviations from approved plans or construction procedures are not corrected or reconciled within twenty-four (24) hours after written notification specifying such deviations is given to the owner. Any material to be submitted or notice given to the DRC shall be submitted or given at the office of the ARC.

#### **C. OPERATING PROCEDURES**

The ARC shall select its own chairperson and vice-chairperson from among its members. The chairperson, or in his or her absence the vice-chairperson, shall be the presiding officer of the ARC meetings. In the absence of both the chairperson and the vice-chairperson, the members present shall appoint a member to serve as acting chairperson. Meetings shall be held upon call of the chairperson or vice-chairperson. All meeting shall be held in Routt County.

A majority of members shall constitute a quorum for the transaction of all business. The affirmative vote or written consent of a majority of the members of the ARC shall constitute the action of the ARC on any matter before it. An alternate member may participate at any meeting at which there is not a quorum and shall have the full authority of a regular member. In the absence of a quorum, ARC meetings shall be adjourned to a later time or date as determined by the chairperson. The members may act without a meeting if the action is evidenced by one or more written consents, setting forth the action so taken, signed by all of the members and delivered to the Association for inclusion in the minutes or for filing with the Association's records. Action taken in such manner is effective when all members have signed the consent, unless the consent specifies a different effective date.

#### **D. DESIGN CONSULTANTS**

The ARC is authorized to retain the services of one or more consulting architects, landscape architects or land planning consultants to advise and assist the ARC in performing design review functions. Such consultants may be retained to assist the ARC on a single project, on any number of projects or on a continuing basis. If the ARC is required to retain the services of additional consultants, the cost above and beyond the original ARC fee will be charged to the Owner.

#### **E. AMENDMENTS OF ARCHITECTURAL GUIDELINES**

The Architectural Guidelines may be amended from time to time by majority vote of the ARC. All such additions, revisions or other amendments shall be appended to and made a part of the Architectural Guidelines and shall, therefore, have the same force and effect. Each Owner is responsible for obtaining the most current set of Architectural Guidelines from the ARC.

**F. ENFORCEMENT**

The ARC shall have primary responsibility for the enforcement of the Architectural Guidelines and restrictions set forth herein. Authority of the ARC shall be as outlined in the Declaration.

**EXECUTED AND EFFECTIVE September 15, 2020**

Grassy Creek at Mt Harris Homeowners Association

Mark Otis Humphrey, President