

Gurley Lake Ranch, Colorado  
Architectural and Lot Improvement  
Design Standards

As Approved February 8, 2008

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## **ARTICLE 1: PURPOSE & APPLICABILITY**

The Gurley Lake Ranch Architectural and Lot Improvement Design Standards (Design Standards) have been established to:

- Provide clear, consistent, efficient and predictable Building Design and Land Improvement Standards;
- Provide a clear, consistent, efficient and predictable Building Design and Land Improvement Plan Review and Approval Process;
- Protect and enhance property values within the Gurley Lake Ranch;
- Ensure architectural designs that create high quality, custom homes harmonious with a mountain ranch community;
- Maintain high quality and workmanlike construction utilizing long-lasting and sturdy building materials that are typical of a mountain ranch community;
- Ensure that buildings and other structures are carefully sited, maintain proper setbacks, and landscaped to preserve the environment, natural beauty, scenic views, natural undisturbed ridgelines, and wildlife resources of the Gurley Lake Ranch;
- Preserve and protect the open space and natural habitat within the Gurley Lake Ranch;
- Create, foster and preserve an attractive and functional community.

These Design Standards are in addition to and supplement the requirements set forth in the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR GURLEY LAKE RANCH A Rural Cluster Subdivision as filed with the Clerk of San Miguel County on August 1, 1996, as amended (“CCR&Es”). In that connection, Section 1(c) of Article V RESTRICTIONS of the CCR&Es contains special provisions and certain exemptions for Lots 6/7 and 8 that do not apply to any other lots. To the extent that there is any inconsistency between the CCR&Es and these Design Standards, the CCR&Es shall take precedent and shall be followed.

These Design Standards shall apply to any and all construction of a building or any other structure, or lot improvement of any kind in Gurley Lake Ranch on and after the date of their adoption as set forth on the cover page hereto.

The CCR&Es, these Design Standards, and other documentation relative to the Gurley Lake Ranch can be found at the following website: [www.gurleyproperties.com](http://www.gurleyproperties.com).

### **Section 1-1: Definitions**

**1-101** “Association” shall mean and refer to the GLR Owners Association, Inc., a Colorado Non-Profit Corporation, its successors and assigns.

**1-102** “Board of Directors” or “Board” shall mean and refer to the Board of Directors of the Association comprised of lot owners designated in accordance with the Articles and By-Laws of the Association.

**1-103** “Certificate of Compliance” shall mean and refer to a certificate issued by the Architectural Control Committee that indicates that a building or other structure, or lot improvement and the completed landscaping comply with the CCR&Es, Design Standards, and the Final Design Plans approved by the Architectural Control Committee. (A Certificate of Compliance must be obtained from the Architectural Control Committee prior to any application for a Certificate of Occupancy from San Miguel County.)

**1-104** “Declarant” shall mean and refer to the Gurley Lake Land and Cattle Company, a Colorado General Partnership and its successors and/or assigns if its successors and/or assigns should acquire more than one undeveloped lot for the purpose of development.

**1-105** “Preliminary and Final Design Plan Approval.” A letter issued by the Architectural Control Committee which indicates that the design of a building and associated landscaping, or lot improvement, have been reviewed by the Architectural Control Committee and comply with the Design Standards. Final Design Plan Approval must be received from the Architectural Control Committee prior to commencement of any work including, but not limited to, preliminary site developments such as tree removal and excavation. Building permits and permits for excavation or construction of any portion of the building or site preparation shall not be issued prior to receiving Final Design Plan Approval. The outline of the boundaries of the residence and any other structures or improvements such as driveways, shall be staked in the field prior to Preliminary Design Plan Approval by the Architectural Control Committee.

**1-106** “Lots” shall mean and refer to any residential plot of land shown upon the PUD map of the Properties whether or not all phases and filings have received final plat approval.

**1-107** “Lot owner” shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the properties including contract sellers, but excluding Declarant and those having such interest merely as security for the performance of an obligation. For purposes herein, a lot owner may act through a lot owner’s agent, provided that such agent is authorized, in writing, to act in such capacity.

**1-108** “Slash” shall mean and refer to debris such as branches, chips, leaves, and stumps resulting from the cutting and/or removal of trees and shrubs.

**1-109** “Subdivision” refers to the development project commonly known as Gurley Lake Ranch as shown by the PUD filing II and plat so titled. (Declarant has reserved the right to develop, construct and market the project in multiple phases.)

**1-110** “Roof Pitch” shall mean the slope of a roof determined by the relationship between the vertical rise and the horizontal projections of the roof. Stated as inches of rise in twelve (12) inches of horizontal run: e.g. 6:12, 8:12, or 12:12.

These definitions are for clarification only to assist lot owners in understanding the Design Standards. Lot owners are also bound by the definitions listed within the CCR&Es, the By-Laws, Articles of Incorporation and other applicable rules or regulations pertaining to the Gurley Lake Ranch.

### **Section 1-2: Architectural Control Committee (“ACC”)**

**1-201** Pursuant to Article IV, Section 6 of the CCR&Es, the Board of Directors has appointed an Architectural Control Committee (“ACC”) to promulgate architectural design standards and specifications, and to ensure that development of any kind in the Gurley Lake Ranch is conducted in compliance with the Declaration and all Design Standards.

It should be noted that the ACC is comprised of very busy, volunteer lot owners who donate their time and effort to protect the integrity and value of Gurley Lake Ranch. Accordingly, please ensure that any requests and submissions made to the ACC be accurate, clear, and well thought out, so that the review process will function and operate as efficiently and smoothly as possible.

**1-202** The ACC shall have the authority and power to:

- Promulgate and administer Design Standards to be applied and followed within the Gurley Lake Ranch;
- Review and approve, if compliant with the CCR&Es and Design Standards, the exterior design of any new building or other structure, any and all exterior alterations or modifications to any existing building or other structure, and the improvement(s) to any lot;
- Inspect and examine, from time to time, any new or existing building or structure under construction or any lot improvement(s) to determine whether the construction or development is in compliance with the CCR&Es, Design Standards, and the approved Final Design Plan or site plan for which approval has been given pursuant to this or other applicable regulations;
- Require that the design of any building or structure to be constructed, altered or modified within the Gurley Lake Ranch be reviewed and stamped by a licensed architect; and
- Issue to any lot owner(s) notice(s) of a violation of the CCR&Es, Design Standards, or any design plan or site plan for which approval has been given pursuant to this or other applicable regulations.

**1-203** In addition to the CCR&Es and Design Standards, construction in the Gurley Lake Ranch is regulated by county, state and federal regulatory agencies. All construction of any building or structure and all development within the Gurley Lake Ranch shall comply with the following:

- Gurley Lake Ranch CCR&Es and Design Standards;
- Uniform Building Code;

- Uniform Mechanical Code;
- Uniform Plumbing Code;
- Uniform Fire Code;
- Building Code, Rules & Regulations of San Miguel County; and
- Any applicable state or federal statutes or regulations.

### **Section 1-3: Compliance Required By Lot Owners**

**1-301** It is the obligation and responsibility of every lot owner to ensure compliance with any applicable regulations and requirements identified in Section 1-203 and to verify that the most recently adopted edition of any such regulation and requirement is being used. Approval from the ACC is required for the construction of, or alteration of, any improvements, whether temporary or permanent, including but not limited to buildings, structures, fences, walls, earthwork, paving, vegetation, signage, exterior lighting or secondary structures such as utility or trash enclosures, antennas or storage tanks on any lot within the Gurley Lake Ranch. No such construction or alteration shall be commenced on any lot within the Gurley Lake Ranch without receiving approval from the ACC. Interior modifications that do not alter the exterior appearance of a building or structure do not require the approval by the ACC, however a lot owner must nonetheless ensure compliance with any applicable regulations and requirements identified in Section 1-203.

### **Section 1-4: Violations and Penalties**

**1-401** The construction, erection, alteration or use of any building, structure, or fence, or the use of any lot, which is contrary to any provision of the CCR&Es, these Design Standards, or any other regulations and requirements identified in Section 1-203 is a violation of the CCR&Es and subject to enforcement pursuant to Article VI of the CCR&Es, which may include fines and penalties set forth therein. Violations resulting in fines and penalties will become a lien on the lot and its improvements.

**1-402** Until the ACC has issued a Final Design Plan approval letter or otherwise given approval for such work, it is a violation of the CCR&Es and Design Standards to (a) construct any driveway; (b) perform any site preparation, including but not limited to cutting and/or removing any trees or vegetation; (c) commence the excavation for any building or structure; (d) commence the construction of any building, structure, or fence; and/or (e) store any building materials, earth or fill on any site.

**1-403** Any lot owner that undertakes any activity that is in violation of the ACC approved plans without the appropriate amendment or modification approved by the ACC or Board of Directors shall be required to remove or remedy the violation in addition to being subject to any applicable fines or penalties.

**1-404** No lot owner owing an assessment, dues or other money to the Association, in any amount or for any purpose, may apply for approval of any site, building or lot improvement plan until all monies due and owed are paid in full.

**1-405** Neither the ACC, nor the Board of Directors, will review any site or building plan, except for appeals, for any lot on which there has been issued a notice of violation of the CCR&Es or Design Standards, or for any lot on which there are unpaid assessment(s) or dues owed to the Association.

**1-406** Any lot owner aggrieved by a violation or apparent violation of the CCR&Es or Design Standards may submit a written complaint to either the ACC or the Board of Directors, who shall then investigate the complaint as soon as reasonably possible and take appropriate action within a reasonable period of time.

### **Section 1-5: Appeal Process**

**1-501** Any lot owner may appeal, in writing, to the Board of Directors any decision or notice of violation that has been issued by the ACC, within ten (10) days from the date of the action in question.

**1-502** The Board of Directors will consider any appeal, and provide the lot owner with a written response within sixty (60) days.

## **ARTICLE 2: DESIGN REVIEW PROCESS**

The construction or alteration of any building or structure, or the improvement of any lot, within the Gurley Lake Ranch is subject to review and approval by the ACC and is required to follow the Design Review Process. The kinds of activities which are subject to ACC review and approval through the Design Review Process include, but not limited to, the following:

- Clearing of vegetation or trees from a lot;
- Site clearing for construction of a driveway or other roadway;
- Site clearing and excavation for construction of a building or other structure;
- Installation of any utilities or well(s);
- Construction of any driveway or other roadway;
- Construction of any building or other structure;
- Renovation, expansion or refinishing of the exterior of any building or other structure;
- Landscaping or landscaping improvements;
- Installation of exterior lighting;
- Installation of fencing; and
- Posting of signage.

The purpose of the Design Review Process is to ensure that any building or lot improvement within Gurley Lake Ranch complies with the CCR&Es and Design Standards, and to provide a lot owner with guidance through the design and construction process on any changes that need to be made to the design or lot improvement plan. In

addition to compliance with the CCR&Es and Design Standards, a lot owner must also comply with the requirements of all other government agencies.

## **Section 2-1: Design Review Process Steps**

**2-101** The Design Review Process shall consist of the following mandatory steps:

- Concept Plan Review;
- Preliminary Plan Review;
- Final Plan Review; and
- Construction Compliance Review.

**2-102** Applications for approval shall be reviewed based on the scope of the proposed project and the information supplied in the application. The ACC may require additional information from a lot owner for clarification. Only one (1) application for a lot shall be allowed to be considered at any one time. The submission of a subsequent application shall automatically void any prior applications.

**2-103** All applications and materials required to be provided to the ACC in connection with the Design Review Process shall be submitted in hard copy, with one (1) copy being provided to each member of the ACC. In the case of large materials, such as architectural drawings, plat maps, etc., lot owners shall submit 8 ½ x 11 inch copies that are suitable for transmission by facsimile or email along with the full size copies.

## **Section 2-2: Concept Plan Review**

**2-201** A lot owner must begin the Design Review Process with an application for a Concept Plan Review. The purpose of a Concept Plan Review is to review the proposed concept plan so as to obtain the ACC's opinion as to whether or not a proposed building or structure, or lot improvement will require a variance prior to the lot owner expending funds on design plans that may not comply with the CCR&Es and Design Standards and, therefore, acceptable to the ACC or the Board of Directors. A lot owner can then decide whether or not to seek a variance or to modify the Concept Plan so as to eliminate the need for a variance.

**2-202** An application for a Concept Plan Review will consist of the lot owner's building and/or lot improvement plans drawn to an appropriate scale so as to clearly indicate (a) the front, rear and side elevations of any proposed building or other structure, (b) the proposed exterior wall and roof materials, (c) the proposed square footage, (d) any proposed lot improvements, and (e) the nature and extent of any variance that might be required, all of which shall be submitted to the ACC for review. The ACC may require the submission of other materials that will assist it in the evaluation of the Concept Plan.

**2-203** The ACC shall review the Concept Plan and supporting materials that have been submitted by a lot owner in order to determine whether or not the proposed project concept appears to comply with the CCR&Es and Design Standards; provide comments

concerning the design including whether or not a variance will be required and is likely to be granted; and approve, approve with conditions, or deny the Concept Plan within sixty (60) days of submission of the Concept Plan and all required supporting materials. The ACC may also advise the lot owner of any change to the Concept Plan that would bring the design into compliance with the CCR&Es and Design Standards.

### **Section 2-3: Preliminary Design Plan Review**

**2-301** After receiving approval or conditional approval of the Concept Plan, a lot owner must submit an application for Preliminary Design Plan Review. The purpose of the Preliminary Design Plan Review is to review the details of the proposed project and design plans, and supporting materials, in order to determine whether or not the project and plans comply with the CCR&Es and Design Standards, and to provide comments to the lot owner on any changes that have to be made to the design plan in order to comply with the CCR&Es and Design Standards. An application for Preliminary Design Plan Review will consist of a Survey, Site Plan, Building Plans, Landscape Plan, and Utility Plan.

**2-302 Survey.** A topographic Survey, drawn at a minimum scale of one (1) inch equals fifty (50) feet (1" = 50') representative of existing conditions, stamped by a surveyor licensed by the State of Colorado and dated within six (6) months of the date of the application, shall be submitted of the site with contour intervals of a minimum of two (2) feet. Existing trees or groups of trees having trunks with diameters of three (3) inches or more at one (1) foot above natural grade, rock outcroppings and other significant natural features, slopes of 40% or more shall be shown, if applicable. The survey shall include ties to an established vertical datum property lines showing distances and basis of bearing, and all easements and setbacks. The lot owner shall overlay the footprints of the proposed building(s) or other structure on the tree survey.

Topographic survey mappings are available through the site planner, John Peters & Associates, 112 Village Square West, Ridgway, CO 81432 and also through Bill Nix @ 9027 Hunter Valley Lane, Knoxville, TN 37922. Bill's phone: 865-691-3782 or 865-567-0796; fax: 866-272-1460; e-mail: wsnix47@gmail.com

**2-303 Site Plan.** A Site Plan, drawn at a minimum scale of one (1) inch equals fifty (50) feet (1" = 50'), shall be submitted showing existing and proposed grades; existing and proposed contours at two (2) foot intervals; property boundaries; existing and proposed building footprints, building setbacks, existing and proposed driveway, parking and walkway locations; septic system location; existing and proposed landforms and other lot improvements, including but not limited to decks, retaining walls, etc.; the proposed location of any fences; existing trees and vegetation; and preliminary landscaping concepts.

Site Plans shall consider views, privacy, site topography, and solar exposure. Building siting must be compatible with, and shall respect and relate to existing land-forms and vegetation. Natural vegetation shall be retained and protected whenever possible, except

where removal is necessary for fire protection. Lot owners must organize the building mass in a way that relates to the terrain and functional constraints of the site. Some lots within Gurley Lake Ranch have designated building sites where proposed building(s) must be located. Lot owners may, but are not required to, submit photographs of the site to illustrate the relation of the proposed improvements to adjacent properties, and any potential site and landscape issues.

Lot owners shall place poles to be set at building sites that are equal in height to the high point on the roofline of the proposed building or other structure. The poles will enable the ACC and the neighboring lot owners to visually determine the effect of the proposed house on the view corridors of neighboring building sites or homes.

A copy of existing ortho topography (2' vertical contour intervals) is available through the project design engineering firm in Ridgway, Colorado. John Peters & Associates, 112 Village Square West, Ridgway, CO 81432. Bill Nix also has topo copy.

**2-304 Building Plans.** Building Plans, with all drawings at a minimum scale of one-quarter ( $\frac{1}{4}$ ) inch equals one (1) foot ( $\frac{1}{4}'' = 1'$ ), shall be submitted and shall include the following minimum information: a) all floor plans labeled, dimensioned, and drawn in sufficient detail; (a) all exterior elevations of the proposed building or structure; (b) indications of both existing and proposed finish grades a minimum of five (5) feet out from the proposed building; (c) the proposed building height at its highest point; (d) roof forms and proposed pitch (primary & secondary); (e) the location and type of all doors and windows; (f) all proposed exterior surfacing materials on the walls and roof; and (g) the location and type of any exterior lighting.

**2-305 Landscape Plan.** A Landscape Plan, drawn at a minimum scale of one (1) inch equals twenty (20) feet ( $1'' = 20'$ ) with contour intervals of two (2) feet, shall be submitted showing existing and proposed grading, existing vegetation and trees with diameters of three (3) inches or more, proposed limits of vegetation and tree removal, proposed new tree plantings (general massing), proposed ground cover and re-vegetation, any proposed special landscape features, and all proposed retaining structures.

**2-306 Utility Plan.** A Utility Plan, drawn at a minimum scale of one (1) inch equals twenty (20) feet ( $1'' = 20'$ ), shall be submitted showing the location of all proposed utility structures, e.g. underground telephone and electric lines, electric transformers, etc.

**2-307** The ACC shall review the Preliminary Design Plan and supporting materials that have been submitted by the lot owner in order to determine whether or not the proposed project appears to comply with the CCR&Es and Design Standards; provide comments concerning the plan, including any changes that are necessary to bring the plan into compliance with the CCR&Es and Design Standards; and shall approve, approve with conditions, or deny the Preliminary Design Plan

## **Section 2-4: Final Design Plan Review**

**2-401** After receiving approval or conditional approval of the Preliminary Design Plan, a lot owner must submit an application for Final Design Plan Review. The purpose of Final Design Plan Review is to review the details of the final proposed project and design plans, and supporting materials, in order to determine whether or not the project and plans comply with the CCR&Es and Design Standards.

**2-402** An application for Final Design Plan Review will consist of two (2) complete sets of the Site Plan, Landscape Plan, and Utility Plan as described in Section 2-3 above, with any and all changes required by the ACC as a result of the Preliminary Plan Review process, the Final Building Plans, Color Samples, Material Samples, and Doors and Windows materials described below, and the Building Plans submitted to San Miguel County for a building permit,

**2-403 Final Building Plans.** The final Building Plans, with all drawings at a minimum scale of one-quarter ( $\frac{1}{4}$ ) inch equals one (1) foot ( $\frac{1}{4}'' = 1'$ ), shall include the following minimum information: (a) all exterior elevations of the building or structure; (b) indications of both existing and proposed finish grades a minimum of 5 feet out from the proposed building; (c) the building height at its highest point; (d) roof forms and proposed pitch (primary & secondary); (e) the location of all doors and windows; (f) details of recess of windows and doors within stucco or stone walls; (g) all exterior surfacing materials on the walls and roof, and the doors and windows; (h) the location and type of any exterior lighting; (i) a statement of the building height and elevations supporting the calculations; and (j) a statement of stone area and stone area calculations, as well as elevations supporting the calculations.

**2-405 Color Samples.** The lot owner shall provide the ACC with color samples of all paint and stain that are proposed to be utilized on the exterior of the building or structure walls and roof, including but not limited to, the siding, stucco, stone, wood trim, etc.

**2-406 Material Samples.** The lot owner shall provide the ACC with samples for all materials to be utilized on the exterior of the building or structure walls and roof, including but not limited to, the siding, stucco, stone, wood trim, etc. The ACC, at its option, may accept the material manufacturers' product literature and photographs in lieu of actual material samples.

**2-407 Doors and Windows.** The lot owner shall provide the ACC with the manufacturers' product literature and photographs for all doors and windows to be utilized in the building or structure.

**2-408** The ACC shall review the Final Design Plan and any supporting materials that have been submitted in order to determine whether or not the proposed project complies with the CCR&Es and Design Standards; and shall provide the lot owner with a letter approving or denying the Final Design Plan within sixty (60) days of submission of all required application materials. The issuance of a letter of approval of a Final Design Plan

shall not be construed to be a permit for, or an approval of, any violation of any of the CCR&Es or Design Standards; nor shall it prevent the ACC from requiring the correction of any errors in the plans or from halting any construction that does not comply with the CCR&Es or Design Standards.

### **Section 2-5: Revision(s) To Final Design Plans**

**2-501** Any and all alterations, deviations, modifications or revisions to any approved Final Design Plan shall be reviewed and approved by the ACC. A lot owner shall provide any proposed revision(s) to an approved Final Design Plan to the ACC and obtain its approval, before initiating any such revisions. The ACC may require a lot owner to provide whatever additional information is required to review a proposed revision to an approved Final Design Plan.

**2-502** The ACC shall review any proposed revision(s) to an approved Final Design Plan, and any supporting materials, that have been submitted by a lot owner in order to determine whether or not the proposed revision(s) complies with the CCR&Es and Design Standards; and shall provide the lot owner with a letter approving or denying the proposed revision(s) within sixty (60) days of submission of all required application materials.

### **Section 2-6: Building Addition(s) and Remodeling Review**

**2-601** Any and all building additions and remodeling that affect the exterior of an existing building or other structure shall be reviewed and approved by the ACC. A lot owner shall provide the information required for a Final Design Plan Review, defined in Section 2-4 above, to the ACC and obtain its approval before initiating any such addition or remodeling. The ACC, in its discretion, may waive certain of the requirements to provide all of the same information required for a Final Design Plan Review, as may be appropriate, depending upon the nature of the addition and/or remodeling.

**2-602** The ACC shall review a Building Addition and Remodeling Plan and any supporting materials that have been submitted in order to determine whether or not the proposed addition or remodeling complies with the CCR&Es and Design Standards; and shall provide the lot owner with a letter approving or denying the proposed addition or remodeling within sixty (60) days of submission of all required application materials.

### **Section 2-7: Construction Compliance Review**

**2-701 Certificate of Compliance.** After receiving ACC approval of his/her Final Design Plan, a lot owner is free to begin construction or lot improvement in accordance with the final approved design and site plans. Once construction of a building or other structure, or lot improvement is completed, a lot owner shall request a Construction Compliance Review and obtain a Certificate of Compliance from the ACC confirming that the building and/or lot improvements comply with the CCR&Es and Design Standards and the approved Final Design Plan (including any approved design revisions).

In the case of a building or other structure requiring a Certificate of Occupancy from San Miguel County, a request for a Construction Compliance Review shall be made not less than four (4) weeks prior to any application for a Certificate of Occupancy is filed with San Miguel County.

**2-702 Temporary Certificate of Compliance.** In the event that a building or site development is completed, but contains some minor deviation from the approved Final Design Plan, the ACC may issue a Temporary Certificate of Compliance identifying the deviations from the Final Design Plan. A Temporary Certificate of Compliance shall be issued by the ACC only upon its receipt of: (a) a letter of commitment from the lot owner indicating that the deviations from the Final Design Plan will be completed within a period not to exceed six (6) months from the date the Temporary Certificate of Compliance is issued, and (b) an Irrevocable Letter of Credit from the lot owner in the amount of 100% of the estimated cost to complete the deviations from the Final Design Plan. The ACC shall take into consideration delays cause by weather that might result in such deviation(s) not being completed within this six (6) month requirement. A Temporary Certificate of Compliance shall not be issued by the ACC if a building or site development is incomplete or not finished.

**2-703 Suspension of Construction.** In the event that a lot owner suspends or otherwise fails to complete the construction of a building or other structure, or lot improvement for any reason, the ACC has the authority to take the necessary steps to protect the value of the property, to ensure that the suspended construction or improvement project will not become a public nuisance, and/or to complete the construction or improvement project. Any costs incurred by the ACC or the Association will become a lien on the lot and its improvements.

### **Section 2-8: Other Lot Improvement Reviews**

Any and all other proposed lot improvements not specifically listed under Article 2 above shall be submitted to the ACC in an application for approval and contain whatever supporting information the ACC determines is necessary to verify compliance with the CCR&Es and Design Standards. The ACC shall review a proposed lot improvement plan, and any supporting materials, that have been submitted in order to determine whether or not the proposed lot improvement(s) complies with the CCR&Es and Design Standards; and shall provide the lot owner with a letter approving or denying the proposed lot improvement(s) plan within sixty (60) days of submission of all required application materials.

### **Section 2-9: Contractor Approval and Affidavit**

A lot owner must utilize a competent, experienced, and professional building contractor with fundamental knowledge of basic building concepts, including but not limited to carpentry, electrical, heating and plumbing, and masonry, to construct any approved building or other structure. Before receiving approval of any Final Design Plan, a lot owner must obtain the ACC's approval of the lot owner's proposed building contractor,

which shall not be unreasonably withheld. The ACC may require a lot owner and his/her proposed building contractor to demonstrate his/her ability to complete the Final Design Plan.

Before receiving approval of any Final Design Plan, the lot owner's builder/contractor shall be required to sign an affidavit on a form designed by the ACC stating that all construction shall be conducted in strict conformance to the ACC approved Final Design Plan and any other applicable regulations. Any deviation from the ACC approved Final Design Plan that occurs during construction without prior approval by the ACC shall constitute a violation of the CCR&Es and these Design Standards.

### **Section 2-10: Notice Requirements**

The final decision on whether a Design Plan is acceptable and complies with the CCR&Es and Design Standards rests with the ACC or, if there is an appeal from that decision, the Board of Directors. However, the agreement of adjacent lot owners with a Design Plan can speed the review process. Therefore, every lot owner submitting a Design Plan that includes the construction of a building or other structure shall provide to the adjacent lot owners a copy of his/her Site Plan, Building Plans, Landscape Plan, and Utility Plan, and provide the ACC with a copy of the letter transmitting these plans to the adjacent lot owners. Lot owners are encouraged to obtain, if possible, the agreement of the adjacent lot owners with these plans, but they are not required to do so.

## **ARTICLE 3: VARIANCES**

Any and all variances from the CCR&Es or Design Standards shall be approved by the ACC or the Board of Directors. It is strongly recommended that any application for a variance be submitted to the ACC during the Preliminary Design Plan Review process.

### **Section 3-1: Applications for Variances**

A lot owner shall submit an application for a variance from the CCR&Es or Design Standards to the ACC together with the application for Preliminary Design Plan Review. The ACC may require whatever additional information it deems necessary to analyze the request for a variance.

### **Section 3-2: Criteria for Approval of A Variance**

The ACC shall review an application for a variance from the Design Standards and any supporting materials that have been submitted; and shall provide the lot owner with a letter approving or denying the variance within sixty (60) days of submission of all required application materials.

The ACC may only grant a variance upon a written finding that:

- Strict application of the Design Standards is not necessary to ensure an architectural design that creates a high quality custom home or other building, utilizing long-lasting and sturdy building materials that are harmonious with a mountain ranch community;
- The variance is a minimal departure from the Design Standards, such that their overall objectives are preserved; and
- The variance will not have an unreasonable negative impact on the adjacent lots and surrounding community.

The ACC shall not approve a variance if the cost of compliance with the Design Standards or inconvenience is the sole grounds for the application.

## **ARTICLE 4: ARCHITECTURAL REQUIREMENTS**

All buildings and other structures within the Gurley Lake Ranch shall comply with the architectural requirements as set forth in the CCR&Es and these Design Standards.

### **Section 4-1: Building Forms**

Architecture and building forms within the Gurley Lake Ranch should be responsive to the historic tradition of mountain ranch structures and should reflect the simple, sturdy, rustic building forms common to the region. Architectural expression and creativity are encouraged. However, the building form should be a blend of influences that visually tie the Gurley Lake Ranch to the lake and surrounding mountains.

The building form should be varied and, where consistent with the building design, include for example bay windows, decks and/or porches both covered and uncovered, attached greenhouses, and a variety of roof forms that include dormers, gables, and prows that will produce a building design which has an original appeal. Log, timber frame, traditional frame with wood siding, or combinations thereof, combined with exterior stone and/or stucco are encouraged. Manufactured, modular and mobile homes are not permitted under any circumstances. “Boxy” or long rectangular, one story buildings with straight, unbroken roof lines shall be avoided, and are not likely to be approved.

The building form shall be of low profile, varied, located on slopes or hillsides, and shall follow the natural grade. Building forms will be evaluated on creativity in design and the ability to merge with the natural topography. A building form located on the top of hillsides, ridgelines or slopes shall be avoided, and is not likely to be approved.

### **Section 4-2: Building Height, Size, and Setback Limitations**

**4-201 Building Heights.** All buildings or other structures within the Gurley Lake Ranch shall be measured from finished grade to the highest point of the roof ridge. At any given point, this measurement shall not exceed thirty (30) feet in height. “Finished grade” for the purpose of measuring building heights shall be highest elevation of the

surface material (soil or paving) adjacent to the structure. This definition does not allow a lot owner to raise the finished grade adjacent to the building foundation, or to employ other mechanisms which circumvent the intent of these requirements. Chimneys may exceed the maximum building height limits.

**4-202 Building Size.** Each building or other structure constructed as a residence shall contain a minimum of fifteen hundred (1500) square feet of heated, above ground living space with a minimum of twelve hundred (1200) square feet on the ground floor of a one and one-half (1 ½) or two (2) story structure. Square footage shall be determined by exterior wall measurement.

**4-203 Building Setbacks.** The minimum front setback from the access road for all structures shall be two hundred (200) feet. The minimum rear setback for all structures from the high water line of Gurley Lake as shown on the Plat shall be five hundred (500) feet. The minimum side setback from the side lot lines for all dwellings shall be one hundred (100) feet and for all other buildings fifty (50) feet. Lots fronting on Gurley Lake have designated, pre-approved building sites in which any buildings or other structures may be constructed. These pre-approved building sites were designated to protect the views of neighboring lot owners. A lot owner who desires to construct any buildings or other structures outside of these pre-approved building sites must obtain a variance from the ACC or the Board of Directors.

### **Section 4-3: Roof Forms**

**4-301** Roof forms shall be simple in design. Ridgelines shall be stepped to avoid long spans of unbroken ridges. In conformance with traditional mountain ranch architecture, major roof forms should be gable, hip or shed. Valleys shall be avoided since they are a potential source of ice build up and water damage. Roof designs should contain sufficient overhangs needed to reflect concern for snow accumulation, and shall provide for ice/snow shedding. Entryways shall be protected from ice/snow shedding.

**4-302** In order to encourage buildings that maintain a low profile, roof pitches must have a minimum fall of 6:12 to 12:12. However, the ACC shall reserve the right to approve any roof pitch if, in their judgment, the proposed roof pitch is appropriate and consistent with the building design, and does not compromise the integrity of the Design Standards. Secondary roofs attached to the major building or roof form may be shed roofs with pitches not less than 3:12.

**4-303** Dormers are encouraged to break up long expansive roof lines, to add interest and scale to major roof areas, and to make available habitable space within the roofs. Dormers may have gable, hip or shed forms.

**4-304** All building entryways shall be located at gable ends of buildings or shall be protected by balconies, covered porches, roof overhangs, secondary roofs, or similar structures when they are subject to snow or ice shedding.

**4-305** Chimneys are an important visual element of the building architecture and strongly affect the roofs cape and skyline of the Gurley Lake Ranch. The forms of chimneys shall relate to the overall building design. The exterior finish of chimneys shall be of stone or stucco. All fireplace flues shall be enclosed with a chimney cap that allows the proper draft to flow past the cap as required by any applicable building codes and not simply left as exposed metal or clay flues. Chimney caps or enclosures shall be made of stone, pre-cast concrete with a sand-blast or exposed aggregate finish, or copper. Vents and flues shall not be galvanized pipe. Attempts should be made to group these roof projections and conceal them from public view. All flues and vents shall be consolidated to minimize the number of chimneys.

**4-306** Rooftop heating and air conditioning equipment, and large vent stacks are not allowed, and will not be approved.

#### **Section 4-4: Roofing Material**

**4-401** All roofing material proposed for use in the Gurley Lake Ranch must be of a type and quality that will withstand local alpine climate conditions. Roofing material shall be restricted to slate, cedar shakes, concrete roof tile, dimensional asphalt shingles, thick butt cedar shingles, or metal. Standing rib and corrugated metal roofing material is acceptable, but shall be finished with a baked-on enamel paint or treated to produce rusting. All roofing material colors shall be approved by the ACC. Concrete roof tile shall be limited to unglazed tile throughout in the style and colors approved by the ACC. The use of glazed tile, asphalt shingles or any other unapproved material is prohibited and will not be permitted. It is recommended that cold roof design be used for roofs over heated interior spaces to avoid ice damage to the roofs and eaves.

**4-402** All exposed metal flashing, gutters, downspouts, snow fences and other roof hardware shall be painted or finished with a baked-on enamel paint, and shall be color-coordinated to match the finish and/ or color of the adjacent materials.

#### **Section 4-5: Exterior Wall Material**

**4-501** Building exterior walls shall be simple in design, but need to portray a mass that is strong and thick, and be composed of exterior materials consisting of log, timber frame, framing of timbers with wood surfaces, or a combination thereof and shall include stone and/or stucco to vary the appearance of different components of the building. Soft and repetitive 45-degree and/or 90-degree turns in the exterior walls shall be incorporated to avoid a “boxy” square or rectangular look.

**4-502 Logs and timbers.** If logs and timbers are used for exterior walls, they shall constructed to convey a sturdy appearance. Logs shall be of the either the square, rectangular, or round variety with either a slab-side or rounded exterior, and with butt and pass, square-notch, saddle-notch or dovetail corners. Logs may be either milled or hand-hewn, but the exterior should be left rough-hewn to avoid the appearance of “machined” or “manufactured” logs. Round logs shall be a minimum of eight (8) to nine

(9) inch average diameter measured at the midpoint of each length of log. Rectangular and square logs or timber shall be a minimum of 8 x 8 inches square. Logs and timbers shall be treated with a clear sealer, or stained with a semi-transparent stain to blend with the existing natural colors. All stain colors shall require ACC approval.

**4-503 Wood Siding.** Wood siding shall consist of individual boards or planks of not less than four (4) inch and not more than twelve (12) inch nominal façade width, and shall not be less than five-eighths (5/8) inch thick. Wood siding may be run vertically or horizontally. For vertical siding applications, a combination of several plank widths applied in a random pattern is encouraged. Wood siding should be used for dormers, at gable ends, and the upper portions of a structure. When wood siding is used, corner detailing shall be provided. Wood siding and eaves or soffits should be finished with a natural color semi-transparent stain or treated with a clear sealer to maintain the natural wood look.

Smooth and/or rough sawn plywood siding are not approved materials and will not be permitted. Rough sawn plywood may be used for eaves or soffits, or as a base for or component of special ornamental panels. However, lot owners are encouraged to use tongue and groove wood lumber for eaves or soffits in order to give the building or other structure a more finished look, and because tongue and groove wood lumber is longer lasting and better able to withstand the arid, high altitude mountainous climate.

**4-504 Stone.** The use of stone, whether real or synthetic, is required to enhance the overall architecture of a building or structure. Stone should be distributed throughout all of the elevations of a structure if consistent with the building design; however, the majority of the stone should be placed at the most highly visible portions of the structure as viewed from the roads. Vertical use of stone in columns and chimneys is strongly encouraged. Free-standing columns shall be not less than twenty-four (24) inches square. Stone finishes should be used in a manner that is consistent with its use as a structural component, such as in a foundation. The use of stone quarried from individual building sites, or from other local sources, is also encouraged.

Each building or structure shall have a stone surface area of not less than 15% of the gross exterior wall area. The gross exterior wall area shall be calculated without deducting wall openings. Stone incorporated in retaining walls that are adjacent to, and an integral part of, the building may be included in the exterior stone material calculation. In the case of buildings where compliance with the minimum stone requirement is inconsistent with the architectural style being proposed (e.g., log or timber frame), the lot owner may apply to the ACC for a variance. The ACC shall grant such a variance when, in its sole judgment, the overall design of a specific project complies with and meets the intent of the Architectural Standards, while reserving the right to enforce the minimum stone requirement on other projects where in the opinion of the ARC the design does not warrant any reduction.

**4-505 Stucco.** Stucco may be used in combination with log, timber frame, wood and stone, but should cover large surfaces rather than on small isolated areas so as to portray

a building of mass. Stucco walls should have a smooth undulating surface, and avoid sharp edges. When stucco is used at building corners, windows, and door openings, the edges shall be soft, rounded corners to blend in and not stand out so as to reinforce the building mass. Stucco colors, in general, shall be light earth tones and shall require ACC approval. Synthetic stucco is not an approved material and will not be permitted.

**4-506 “Wood-Look” Concrete Siding.** “Wood-Look” concrete siding is acceptable in limited applications subject to approval by the ACC. A lot owner intending to utilize “wood-look” concrete siding should specify in both their Preliminary and Final Design Plans precisely where and how much “wood-look” concrete siding they are proposing to use.

#### **Section 4-6: Windows**

**4-601** Window patterns and sizes should vary depending on their exposure, and establish architectural expression on exterior walls while being responsive to interior uses, views and passive solar energy considerations. Large uninterrupted expanses of glass shall be avoided and combinations of windows need to be used to establish a human scale to building facades. Heavy timber or stone lintels and sills are encouraged for windows within mass walls.

**4-602** Window frames, casings and trim shall be painted or stained wood, painted clad aluminum or vinyl, or patina copper clad construction. The use of thermal break aluminum windows of any kind is not allowed, and will not be approved.

**4-603** Special bay, picture and trapizoidal windows are encouraged to maximize views and sun exposure, as well as to provide an accent on large wall surfaces. However, windows should be used in combinations so as to avoid large uninterrupted glass areas. No interrupted glass areas larger than forty (40) square feet shall be allowed, and will not be approved. All windows should have double or triple glazing, high technology, or low E glass. Mirrored glass is not allowed, and will not be approved.

**4-604** In consideration of the ultra-violet light levels and climatic conditions found at the higher altitude of Gurley Lake Ranch, exterior paints should be carefully chosen to provide maximum long term protection.

#### **Section 4-7: Doors and Entryways**

**4-701** The main or primary doors and entryways shall consist of handcrafted wood, or composite or fiberglass materials, preferably stained with windows of etched, stained or textured glass, so as to establish interest, variety, character, and originality within the architecture.

**4-702** Secondary entrance doors shall consist of painted or stained wood, or painted clad aluminum, vinyl, fiberglass or steel materials. Flush metal doors are not allowed, and will not be approved.

**4-703** Where doors are located in stucco walls, the exterior face of the door shall be recessed a minimum of five (5) inches from the outside face of the stucco.

#### **Section 4-8: Garage Doors**

**4-801** Garage doors shall consist of painted or stained wood materials, or insulated and painted clad aluminum, vinyl, fiberglass or steel sectional overhead doors of raised panel design.

**4-802** Hollow metal doors, metal overhead doors of plain panel design, or roll-up doors similar to those of a service truck are not allowed, and will not be approved.

**4-803** When garage doors are located in stucco walls, the exterior face of the door shall be recessed a minimum of seven (7) inches from the outside face of the stucco.

#### **Section 4-9: Decks, Balconies, Porches, and Window Boxes**

**4-901** Decks, balconies, porches and window boxes will be designed to enhance the overall architecture of a building or other structure by creating variety and detail on the exterior elevations.

**4-902** Whenever possible, decks, balconies and porches shall be located in areas of high sun exposure while at the same time preserving views and solar access.

#### **Section 4-10: Colors**

Color will support the overall design theme for the Gurley Lake Ranch, which intends to have buildings and other structures blend in with the natural landscape, as much as possible, when viewed from a distance. Since the predominant visual element for this level of perception is the roofs, it is required that they shall tie into the brown and green tones of the natural surroundings. Hence, subdued roof tones are preferred. Bright and sharp roof colors will not be approved.

#### **Section 4-11: Driveways and Parking**

**4-1101** The construction, paving and maintenance, including snow plowing, of driveways and culverts connecting to any road or access to Gurley Lake Ranch is the responsibility of the lot owner.

**4-1102** There shall be only one driveway access permitted for each lot, which shall be gravel over a compacted road base. Driveways shall be constructed and temporarily graveled prior to or within thirty (30) days from the commencement of construction. Driveways shall not be constructed in such a manner as to disrupt natural watercourses and drainage in the Gurley Lake Ranch. Turnarounds, garage aprons, and walkways from the driveway to the building or other structure may be paved or concrete. Lot owners are

encouraged to stain large concrete or paved garage aprons to blend in with the natural surroundings.

**4-1103** Driveway surfaces shall be of compacted gravel and be no less than twelve (12) feet wide, with a recommended maximum grade not to exceed 10% (1 foot vertical in 10 feet horizontal). The maximum grade for driveways sloping down to roads shall not exceed 5% (1 foot in 20 feet) for a distance of twenty (20) feet from the edge of the road. Structural sub-base requirements must be a minimum depth of four (4) to six (6) inches, with a top course of compacted three-quarter ( $\frac{3}{4}$ ) inch crushed stone at a depth of three (3) inches. Driveway culverts, if required, will be approved by the ACC and will be installed by the owner. Where culverts are required, they shall be at least twelve (12) to eighteen (18) inches in diameter to minimize ice and debris build up.

#### **Section 4-12 Out-Buildings and Other Structures**

The construction of out-buildings and structures, other than dwellings or residences, shall be limited within the Gurley Lake Ranch and shall require ACC approval. Out-buildings and other structures shall be of suitable architectural design, and be constructed of materials so as to be aesthetically compatible with the dwelling or residence. Out-buildings shall be sited in such a way so as to be inconspicuous and well-screened, and shall not interfere with the views of adjacent lots.

#### **Section 4-13 Utilities**

**4-1301** It is the responsibility of the lot owner to coordinate electric, gas and telephone service with the appropriate local utility companies.

**4-1302** All utilities, plumbing, and supply lines to and from any building, other structure or service shall be underground and routed to create the least amount of impact on the site. Utility routing shall follow the driveway unless such routing is not feasible.

**4-1303** Any removal of trees for utility installation will require specific written approval from the ACC. Any area disturbed during utility construction shall be restored to its original condition through proper grading, re-vegetation and tree planting.

**4-1304** Meters, transformers and other utility boxes on all lots shall be concealed from view with either enclosures compatible with the materials and architectural design of the residence, or shrubs and plantings or other natural screening materials. Plans to conceal meters, transformers and other utility boxes shall be included in the landscape plan.

**4-1305** All fuel tanks and propane tanks shall be installed underground in accordance with all federal, state and local codes.

**4-1306** Auxiliary power sources and portable generators for a backup system shall be stored in an approved garage or storage enclosure. Such systems may only be used as a

backup system to the primary power source of the residence, and shall not be allowed as a primary power system.

**4-1307** The appropriate utility companies shall govern all other specific standards and specifications relevant to the development of utilities.

#### **Section 4-14 Exterior Lighting**

The basic guideline for exterior lighting is to keep it subdued, understated, and indirect so as to minimize the negative impacts to surrounding property, while encouraging the desirable safety and aesthetic purposes. All exterior lighting shall have concealed light sources, meaning no exposed light bulbs. No street light type of outdoor lighting shall be permitted, unless the lighting is down-directed, shielded and designed to not extend beyond the boundaries of the lot upon which the light is located. Flood lighting within trees or landscaping shall not be permitted. Seasonal lighting shall not detrimentally affect adjacent neighbors.

#### **Section 4-15 Fences, Gates and Walls**

The location, installation, and type of fences shall require specific approval of the ACC. Perimeter or property line fences that are designed to specifically define or separate property boundaries are discouraged, and will not likely be approved. Fences that will restrict deer and elk migration are not allowed, and will not be approved. Lot owners are permitted to construct fences to keep cattle away from buildings or other structures. Such fences may be of the type traditionally found in the Gurley Lake Ranch area consisting of wire with wooden and/or metal posts. Wire fences should be of the four (4) strand variety with the top and bottom wire strands being smooth so as to be “wildlife friendly” to the wildlife going either over or under the fence, and the middle two (2) strands being barbed. Fences, gates and walls across and adjacent to driveways shall be constructed of metal, wood, and stone. Lot owners are encouraged to construct fences, gates and walls of an ornamental style in such locations. Fences should be setback ten (10) feet from a lot line.

#### **Section 4-16 Solar and Wind Power**

Building designs that take advantage of passive solar are encouraged. Active solar systems are permitted, however the type and location of all solar panels must be approved by the ACC. Solar panels should have an anti-reflection coating, be incorporated into the roof systems, and shall not reflect sunlight onto adjacent lots.

Wind power turbines are not allowed, at this time, and will not be approved.

### **ARTICLE 5: LANDSCAPING REQUIREMENTS**

The objectives of the landscaping requirements are to:

- Preserve areas of existing plants and trees;
- Create a complementary accent with the natural landscape;
- Maintain visual harmony within view corridors to the lake and mountains; and
- Practice sensible plant and tree selection and screening concepts;

### **Section 5-1 Landscape Plans**

**5-101** A landscape plan is required to ensure that a building, other structure or lot development has a minimum of impact upon and blends in with the natural landscape upon completion. The landscape design plan shall integrate new plants and trees with the existing natural landscape and plant communities.

**5-102** Siting of buildings or other structures, routing of driveways, and placement of utilities must be planned to preserve as much of the existing vegetation and landforms as is possible. Because re-vegetation is difficult in this semi-arid, high altitude environment, there is marked advantage in preserving as much of the native plant cover as possible.

**5-103** Buildings and other structures which can be seen from a distance should have plants and trees to create edges, screens, and buffers from adjacent properties or the common areas. Generous planting should also be used to visually screen undesirable items such as utility meters, transformers and other utility boxes not placed in enclosures compatible with the materials and architectural design of the residence.

**5-104** The ACC shall pay particular attention to lots that are sparsely vegetated. Special effort must be made by the owner of these lots to provide natural screening in these circumstances, and the owner may be required by the ACC to provide additional plants and trees in this situation.

### **Section 5-2 Landscape Forms**

**5-201** Man-made landscape forms can be useful in developing a landscape plan because re-vegetation with plants and trees takes longer in high altitude mountainous regions than in less severe climates due to the short growing season. Consequently, land forms are as important as plants and trees in defining outdoor spaces.

**5-202** Berms are a man-made landscape form that lot owners are encouraged to use when natural land forms are not present. Berms created with the deposit of earth and topsoil shall be combined with contouring and shaping, so that they have rounded crests and roll gently into the existing grade at the toe of the slope. Plants and trees planted on and in conjunction with berms can provide an effective screen or buffer. Boulders can be added and shall be partially buried, so that they appear pre-existing and not simply dumped.

### **Section 5-3 Soil Preparation**

Prior to excavation, topsoil shall be stripped and stored on the site. Topsoil shall be replaced in all areas requiring landscaping or re-vegetation. Topsoil shall be spread to a

minimum depth of 4 inches. A soil amendment, such as well-rotted manure, is recommended in areas that will be sodded or seeded.

#### **Section 5-4 Plants and Trees**

The landscape plan shall be developed so that new vegetation integrates with the natural mountain landscape and the inherent form, line, color and texture of the local plant communities. Consultation with landscape architects or contractors that have experience in the Gurley Lake area is recommended. The plants and trees selected should be those that will survive the conditions inherent to the local climate and altitude. The type of soil, moisture content and exposure to the sun are all important considerations in the selection and location of plant materials and trees. New plants and trees should be indigenous to the area. All landscape plans should maximize water conservation. The use of any plants and trees that require substantial irrigation shall be discouraged.

#### **Section 5-5 Seeding**

Seed mixes must provide a blend of grasses that ensures quick cover, erosion control, and the potential of evolving into a climax-plant community indigenous to the surroundings.

#### **Section 5-6 Perennial Wild Flowers and Groundcovers**

Perennial wildflower and groundcover beds are encouraged to provide seasonal colors and variety in the landscape. Perennials shall be selected pursuant to their microclimatic needs (i.e., shade, full sun, dry, etc.) and should be planted as edge transitions, or in drip lines or snow shed areas where their use would be more appropriate than turf grass. Perennials and groundcovers indigenous to the area are recommended. Lot owners should take into account whether or not their selections are “deer proof.”

#### **Section 5-7 Re-vegetation**

**5-701** Road and utility cuts shall be re-vegetated within thirty (30) days of the disturbance to avoid unsightly scars on the landscape. In areas that are to be re-vegetated, topsoil shall be added prior to the application of the seed. Slope surfaces should be roughened to provide seed pockets for increased germination.

**5-702** Seed selection should include native plant materials indigenous to the surrounding area. Seed shall be applied to disturbed areas within ten (10) days after topsoil has been spread.

**5-703** Newly seeded areas should be protected from wind and water erosion through the use of mulches. Mulches protect the soil from the impact of falling rain, slow the velocity of runoff and increase the capacity of the soil to absorb and retain moisture. Acceptable mulches are wood chips, straw, hydro-mulch and erosion-control netting. Erosion-control netting will be required on slopes with erosion potential.

**5-704** The ACC will require that a Landscape Plan include measures designed to prevent erosion, and to permanently stabilize and re-vegetate disturbed areas.

### **Section 5-8 Irrigation**

Due to the scarcity of water and the arid nature of the high altitude at Gurley Lake Ranch, irrigation must be carefully controlled. To conserve and protect water resources, an irrigation system shall be designed to be efficient, to uniformly distribute the water, to avoid evaporation, and to utilize the minimum amount of water. Drip systems should be utilized. Sprinkler-type systems are not allowed, and will not be approved.

### **Section 5-9 Water Features and Ponds**

Due to the scarcity of water and the arid nature of the high altitude at Gurley Lake Ranch, water features and ponds are not allowed, and will not be approved.

## **ARTICLE 6: SIGNAGE**

Proliferation of signs would have a significant adverse impact on the visual character and quality of the Gurley Lake Ranch, and would destroy the natural beauty of the surrounding area. Street address signs shall comply with the San Miguel County requirements and standards. Any other signage shall require ACC approval.

## **ARTICLE 7: CONSTRUCTION AND LOT IMPROVEMENT REGULATIONS**

All lot owners within the Gurley Lake Ranch shall comply with the construction regulations as set forth in these Design Standards.

### **Section 7-1 Permits**

Construction and lot development shall not commence until Final Design Plan approval has been received from the ACC and a building permit has been issued by the Building Department or appropriate agency of San Miguel County. Once begun, construction shall proceed in an expeditious manner, and in strict compliance with the approved Final Design Plan.

### **Section 7-2 Construction Staging Areas**

The lot owner shall present to the ACC a layout of the construction staging area, which will include, but is not limited to, the job office or trailer location, building material and equipment storage area, storage container, trash container and/or porta-toilet location, and access to and from the site during construction. All construction staging must take place

within that designated area within the perimeter of the project site and be approved by the ACC.

### **Section 7-3 Construction Hours and Noise**

Blasting, heavy equipment operation, and other loud noise from construction shall be prohibited between 7:00 p.m. and 7:00 a.m. All proposed blasting will require prior written approval of the ACC. The owner shall take necessary precautions and shall notify adjacent property owners, local traffic, pedestrians, etc. prior to blasting.

### **Section 7-4 Trash Containment and Removal**

Lot owners are responsible for maintaining a clean construction site, ensuring that adjacent lots are not negatively impacted by construction materials or debris, and maintaining clean roadways where mud and dirt could be tracked from the construction site. Lot owners shall provide a container that has been approved by the ACC for the placement of trash and construction debris, and ensure that trash and construction debris is kept in that container. The storage of trash and construction debris outside of an approved container shall not be permitted under any circumstances. Lot owners shall ensure that the building site is checked on a daily basis to ensure that no trash or debris has escaped from the approved container. The container shall be emptied on a regular basis to ensure sufficient room to store trash at the end of each working day. Lot owners are responsible for removing and disposing of any excess trash and construction debris at an authorized county land fill. No burning of trash is allowed on any building site.

### **Section 7-5 Temporary Storage Containers, Trailers and Porta-Toilets**

A small job office, storage container, or trailer may be located within the construction staging areas during construction. The job office, storage container, and/or trailer shall be removed from the site prior to receiving a certificate of occupancy. Lot owners shall provide porta-toilets at all construction and lot development sites for the duration of time that workers are present on the site, which shall be located in the construction staging area as approved by the ACC.

### **Section 7-6 Environmental Protection**

Lot owners shall employ methods to preserve existing natural land-forms, trees, shrubs, vegetation, etc. during construction. Extreme care must be exercised during excavation and grading to avoid damage to existing natural land-forms, and trees, shrubs and their root structures. No trees, of any size, may be removed prior to a site inspection and approval by the ACC or an authorized representative of the ACC. Any trees that a lot owner proposes to have removed, for any reason, shall be identified with surveyor's ribbon and such removal shall be approved during a site visit by ACC or an authorized representative of the ACC. Spray paint shall not be used to identify trees to be removed.

Erosion control measures shall be taken during construction to ensure soil stabilization, sediment control and timely re-vegetation. Lot owners are responsible for ensuring that their general contractor or the person primarily responsible for the construction implements all necessary preservation techniques.

### **Section 7-7 Slash Disposal**

Where tree removal is necessary, slash disposal will be handled in the following manner. Trees that can be successfully transplanted will be relocated in areas designated to be landscaped. Trees that cannot be transplanted should be cut into firewood and stacked in an appropriate location. In all cases, small branches and leaves should be ground into chips and used as mulch in disturbed areas. If trees are not suitable for use as firewood, the entire tree including trunks, large and small branches, and leaves should be ground into chips and used as mulch in disturbed areas. Stumps shall be cut off at ground level, and split into firewood, or hauled off the site.

### **Section 7-8 Construction Signs**

Lot owners should obtain a copy of the ACC's specifications and illustrations related to permissible signage. One construction sign will be allowed on each construction or development site. The sign shall not exceed two (2) feet x four (4) feet, and shall be located within the property boundary visible from an adjacent roadway or the entry to the project. The sign may contain at a maximum the name, address and telephone number of the lot owner, the architect, contractor, lender, the project name, logo and location (filing/lot). It is also permissible to state on the sign "For Information Call" and list a personal name and phone number. All parties listed must be shown in uniform type style, size and color. All construction signs must be approved by the ACC prior to installation. Construction signs must be removed within thirty (30) days of issuance of temporary or final Certificate of Occupancy. Signs that have not been removed within thirty (30) days will be removed by the ACC and the costs incurred in doing so shall be assessed against the lot owner.

### **Section 7-9 Clean-Up Security Deposit**

Lot owners shall provide the ACC with a clean-up security deposit in the amount of one-thousand dollars (\$1,000.00) cash or check prior to the issuance of Final Design Plan approval. Upon completion of the construction of a building or other structure, or lot improvement, the lot owner shall remove all job offices, storage containers, trailers, porta-toilets, construction materials and equipment, trash containers, construction debris, slash, etc., and clean-up the construction site. The lot owner will receive a 100% refund of this amount after a final site inspection has been completed and a Certificate of Compliance has been issued by the ACC. The ACC will retain the clean-up security deposit if, after written notification, the lot owner or lot owner's contractor has not performed the clean-up responsibilities.

### **Section 7-10 General Practices**

All lot owners will be responsible for the behavior and conduct of their builders, contractors, and subcontractors other representatives on the site. Lot owners should remind their builders, contractors, and subcontractors other representatives that entering onto the property of other lots within Gurley Lake Ranch, without permission of the lot owner, is trespassing and could result in legal action.

#### **ARTICLE 8: SAVINGS CLAUSE AND EFFECTIVE DATE**

**Section 8-1** If any article, section, subsection, sentence, clause or phrase of these Design Standards is held to be unlawful for any reason, that decision shall not affect the validity of the remaining portions of these Design Standards. The Board of Directors and ACC hereby declare that they would have adopted these Design Standards, and each article, section, subsection, clause or phrase thereof, irrespective of the fact that any one or more article(s), section(s), subsection(s), sentence(s), clause(s), or phrase(s) be declared unlawful.

**Section 8-2** These Design Standards shall take effect and be in full force and effect, on a prospective basis, immediately upon their adoption.

END