

ARCHITECTURAL STANDARDS

Divide Ranch & Club Home Owners Association

Effective: May 1, 2022

The Architectural Standards for the Divide Ranch & Club development have been established to create and preserve an attractive community of harmonious design while encouraging a variety of form and detail.

These Standards are updated from time to time to comply with modifications in the Ouray County regulations regarding property structural components, driveways, and tree and wildfire mitigation.

Anyone considering building a home or doing an exterior remodel or home addition in Divide Ranch & Club should read these Standards to understand what documents will be required when the time comes to initiate construction. The ARC committee chairperson will assign a designated ARC member to each construction project to serve as liaison. The liaison is available to the property owner and contractor to answer questions and assist in the building process.

Table of Contents

SECTION I -- DEFINITIONS	4
SECTION II -- INTRODUCTION	6
SECTION III -- GOVERNING REGULATIONS	7
SECTION IV -- DESIGN THEME	8
SECTION V -- DESIGN REVIEW PROCESS	8
1. CONCEPTUAL PLAN REVIEW.....	9
2. PRELIMINARY PLAN	9
a. <i>Site Plan</i>	9
b. <i>Building Plan</i>	10
c. <i>Staked Lot to Include</i>	10
3. FINAL PLAN	10
a. <i>Building Plans</i>	10
b. <i>Color Coordination/Materials</i>	10
c. <i>Changes from Approved Plans</i>	11
4. CONSTRUCTION CONFORMANCE REVIEW.....	11
5. TIME LINE.....	12
SECTION VI -- NOTICE TO ADJACENT PROPERTY OWNERS	13
SECTION VII -- FINANCIAL RESPONSIBILITY	13
SECTION VIII -- FINES	13
SECTION XI -- DEPOSITS AND FEES	14
SECTION X -- SITE PLANNING	14
1. BUILDING SITING MINIMUM LIVING SPACE AND MAXIMUM BUILDING FOOTPRINT	14
a. <i>Maximum Building Footprint</i>	14
b. <i>Minimum Living Space</i>	14
2. VIEW PROTECTION.....	15
3. BUILDING SETBACKS	15
4. UTILITY EASEMENTS.....	15
5. GRADING.....	15
6. DRIVEWAYS.....	15
7. PARKING.....	16
8. STORAGE AREAS.....	16
9. UTILITIES	16
10. LIBERTY BELLE VILLAGE – SPECIAL DESIGN REQUIREMENTS.....	16
11. CLUSTER AND COMMERCIAL LOT – SPECIAL DESIGN REQUIREMENTS.....	18
SECTION XI -- ARCHITECTURAL REQUIREMENTS	19
1. CONSTRUCTION: PER THE COVENANTS.....	19
2. EXTERIOR BUILDING MATERIALS AND COLORS:	19
3. BUILDING HEIGHT	19
4. BUILDING FORM, MASSING AND ARCHITECTURAL EXPRESSION:	20
5. ROOFS:.....	20
6. EXTERIOR WALLS:.....	20
a. <i>Timbers</i> :.....	20
b. <i>Logs</i> :.....	20
c. <i>Siding</i> :.....	20
d. <i>Stone</i> :.....	21
e. <i>Stucco</i> :.....	21
7. CHIMNEY AND FLUES:	21
8. WINDOWS:.....	21
9. DOORS.....	21

10. GARAGE DOORS.....	21
11. GARAGES:	21
12. RV GARAGES:.....	21
13. EXTERIOR MECHANICAL EQUIPMENT	22
SECTION XII -- LANDSCAPING	22
1. PLANNING:	22
2. LANDSCAPING AND PLANT MATERIALS:.....	22
3. TOPSOIL.....	22
4. SEEDING:	22
5. ADDRESS MARKER:	22
6. EXTERIOR LIGHTING:	22
7. FENCES:	23
SECTION XIII -- CONSTRUCTION REGULATIONS	23
1. PERMITS:.....	23
2. CONSTRUCTION STAGING AREAS:	23
3. TREE AND PROPERTY PROTECTION:	23
4. CLEAN UP:.....	24
5. CONSTRUCTION SIGNS:	24
SECTION XIV -- MISCELLANEOUS	24
1. SALE OF IMPROVED PROPERTY, COMPLIANCE WITH STANDARDS:	24
2. REAL ESTATE SIGN.....	24
3. LOT IDENTIFICATION SIGNS:.....	24
4. FIRE HAZARDS:	24
APPENDIX 1: INITIAL APPLICATION	25
APPENDIX 2: PRELIMINARY PLAN REVIEW	27
APPENDIX 3: FINAL PLAN REVIEW	28
APPENDIX 4: CONTRACTOR'S CHECKLIST -- CONSTRUCTION RULES AND REQUIREMENTS	29
APPENDIX 5: APPLICATION FOR BLASTING PERMIT	31
APPENDIX 6: SITE INSPECTION REPORT	32
APPENDIX 7: SCHEDULE OF FEES, DEPOSITS, & FINES	33

Section I -- Definitions

1. "Applicant" is the person applying for or requesting ARC approval. The Applicant may be an Owner or an agent or representative of the Owner. The Owner shall provide written authorization for an individual to act in his or her behalf. Such agency or representation shall not relieve the Owner of any obligations contained in these standards or imposed by the ARC.
2. "Architectural Review Committee" (ARC) or "Committee" is the committee appointed by the Board pursuant to Article IV of the Declaration of Covenants and Article IX of the Bylaws. The Committee's roles and processes are described in these Standards as well as the Committee Charter and Association Policies and Procedures that shall be available for member review on the Association website.
3. "Association" shall mean and refer to the Fairway Pines Estates Owners Association, Inc., dba/ Divide Ranch & Club HOA a Colorado non-profit corporation, its successors and assigns. While parts of the Subdivision may be identified as Divide Ranch and Club; if they are part of the Fairway Pines Subdivision, they are subject to the Association and to these Standards.
4. "Building footprint" for the purpose of determining allowable lot coverage is the horizontal area of the dwelling as drawn on the site plan, measured from outside of all exterior walls and supporting columns. It includes the dwelling, garage and decks. It does not include accessory structures such as driveways, parking spaces, patios or balconies.
5. "Certificate of Conformance" is a certificate issued by the ARC that indicates that a constructed building and the completed landscaping conform to the Design Regulations and the plans approved by the ARC.
6. "Cluster Lot" refers to specific properties within the Fairway Pines Development which are named on the Plat map and defined in CCR&Es, Article I, Section 9. A cluster lot may be used, occupied and developed for multiple single-family residences. The number of cluster lot units per cluster lot is noted on the plat and varies based on location.
7. "Core Area" consists of Commercial Lots CV-101, 102, 103, and Fairway Pines Estates Villages 1, 2, 3, 4, 5, and 6 as described in the Preliminary Development Plan recorded in the official county records on April 29, 1999, at Reception No. 169504.
8. "Covenants and Rules Committee (CRC)" is the committee charged by the Board with reviewing and commenting on revisions to Association policies, procedures, and rules, including these Architectural Standards.
9. "Declarant." The definition of "Declarant" is provided in Article I of the CCR&Es.
10. "Declaration of Covenants" or "Covenants" or CCR&Es shall mean the Declaration of Covenants, Conditions, Restrictions and Easements for the Fairway Pines Estates Owners Association, also known as the CCR&Es.

11. "Final Plan Approval" is a certificate issued by the ARC that indicates the design of a building and associated landscaping has been reviewed by the ARC and conforms to the Architectural Standards. Final Plan Approval must be received from the ARC prior to commencement of any site work including, but not limited to, tree removal and excavation.
12. "Liberty Belle Village" consists of the V-300 series single family lots located within the Core Area in Filing 3 Fairway Pines Estates. These lots act as a transition between the multi-family lots of the Core Area and the single-family lots outside of the Core Area. The V-300 series lots are subject to "Special Design Requirements." (See Page 16, Section X, Item 10)
13. "Living Space" shall be defined as the total area within a home that is enclosed, covered, and heated, exclusive of garages, porches, balconies, decks, patios, attics, and basements.
14. "Lot" shall mean and refer to any residential, cluster or commercial plot of land shown upon the PUD map of the Properties whether or not all phases and filings have received final plat approval.
15. "Owner" shall mean and refer to the recorded 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, the Owner may act through Owner's agent provided that such agent is authorized in writing to act in such capacity.
16. "Professional Architect" is an architect licensed by the State of Colorado.
17. "Qualified Designer" is a home design professional who is not a Professional Architect but is determined by the ARC, based on the designer's demonstrated background and experience, to be qualified to design a high-quality mountain home.
18. "Quorum" is a majority of Architectural Review Committee members or their proxies present in person or by conference phone or email.
19. "Site Inspector" is a person retained by the Board of Directors who is not a member of the Association. The Site Inspector shall be found by the ARC to have experience and expertise in building construction and oversight. The appointment of the Site Inspector shall be at the discretion of the Board. He/she shall report to the Chair of the ARC to oversee construction and completion of projects to assure compliance with these Standards and conformance with the approved Final Plan.
20. "Subdivision" refers to the development project commonly known as Fairway Pines Estates as shown by the PUD filing and plat so titled. Declarant has reserved the right to develop, construct and market the project in multiple phases. The Subdivision is also referred to as the Divide Ranch and Club.

These definitions are only for clarification of terminology within these Design Regulations. Owners are also bound by the definitions listed within the General Declarations, Bylaws, Articles of Incorporation and other applicable rules or regulations.

Section II -- Introduction

The Association welcomes property development and through the Board and its Architectural Review Committee (ARC) will maintain a helpful and welcoming attitude throughout the application process. However, the Board and ARC are obligated under the Covenants and state laws to enforce the ARC Standards and the Covenants.

The Divide Ranch & Club Architectural Standards are established to protect and enhance the value of property within the subdivision. The ARC Standards shall be a guide to preserving the natural environment and scenery as well as producing quality custom homes with a harmonious architectural relationship.

Variations from the requirements of these Standards may be requested by the Owner according to the Association Policy and Procedure, Section 11, dealing with Variations.

The ARC shall review these Standards periodically, and shall forward their recommendations for revisions to the Board. Before its consideration and adoption, as appropriate, the Board shall refer the proposed revision to the CRC for its review and comment.

Common Interest Community. Divide Ranch & Club Subdivision is a common interest community within the definition given in Colorado law. The Architectural Standards are intended, first, to define and, then, to protect the kind of community everyone wants – in other words, “the community interest.” These Standards have been drafted so as to reflect this overall community interest by taking into consideration the following list of community interest factors.

The ARC shall be guided by these community interest factors when considering any request which appears to deviate from the Standards or about which decision the Standards provide insufficient guidance.

1. Preservation of property values.
2. Preservation of indigenous plant and animal life, natural resources, the environment, scenery, and aesthetics.
3. Preservation of privacy.
4. Preservation of views of landscapes.
5. Preservation of high quality of architectural design and construction.
6. Preservation of balance between reasonable uniformity, reasonable creativity and diversity in architectural design and construction.
7. Preservation of the golf course and its users from adverse impacts due to construction, improvements, or other changes made to individual or commercial properties within the Subdivision.
8. Promotion of fire and other safety considerations and prevention of injury to persons and property.
9. Promotion of compliance with laws pertaining to Planned Unit Developments, and all other laws.
10. Promotion of the equal and uniform treatment of all members of the community, insofar as it is reasonable to do so, while at the same time being respectful of the need to accommodate reasonable differences.
11. Preservation of the requirements of particular provisions of the Covenants, Architectural Standards, and other rules.
12. Preservation of adjoining or nearby property interests, interests of the developer and easements.

The objectives of the Architectural Review Committee (ARC) are as follows:

1. To attain high quality construction and design.
2. To prevent unreasonable obstruction of views and to ensure privacy.
3. To preserve and protect natural resources within the subdivision.
4. To promote a harmonious relationship of buildings, landscape and overall community design.
5. To maintain proper setbacks in order to promote safety and preserve the view of natural scenery.
6. To preserve the natural environment for wildlife which currently exists throughout the property.
7. To assure that community interest values are reflected in all aspects of the design review process.

The standards and construction regulations set forth in this publication must be followed by the Owner, the Owner's contractor or builder, subcontractors, agent or any other party present who is under the authority or control of the Owner. In the event of violations, the ARC or the Divide Ranch & Club HOA through its Board of Directors may take any action permitted by law or the Covenants, the ARC Standards or Association Policies and Procedures. Such actions may include, but are not limited to, the imposition of fines, which may be collected at any time or through a deduction from the Owner's refundable deposit.

The ARC reserves the right to require an Owner to utilize a professional architect or qualified designer for the design of any structure to be constructed or located within Divide Ranch & Club. Additionally, the Board shall appoint advisory members and/or consultants to the ARC, such as architects or independent site inspectors to provide professional support to the ARC. The purpose of an independent site inspector is to act as liaison between the ARC and contractor in overseeing construction. The purpose of a retained architect is NOT to redesign a proposal, but to identify areas of non-compliance with these Standards.

It is anticipated that cluster and commercial lots may create larger-scope time and space construction impacts within the subdivision than is true for single-family residential lot construction impacts. Therefore, except for properties owned by the Declarant, the ARC is authorized not only to apply the existing single-family oriented ARC Standards to cluster and commercial lot improvement, but is also authorized to have the flexibility to adopt and apply special requirements for cluster and commercial lot improvement.

Section III -- Governing Regulations

In addition to the Covenants and these Architectural Standards, building design will be regulated by Ouray County, State of Colorado and Federal regulatory agencies having jurisdiction. Of utmost importance are the Ouray County Wildfire Mitigation regulations (Section 14), Visual Impact Regulations (Section 9) and the Outdoor Lighting Regulations (Section 19) of the Ouray County Land Use Code. [Land Use Code | Ouray County, CO - Official Website \(civicplus.com\)](http://www.civicplus.com) The Owner or Owner's agent shall be responsible to ensure conformance with these and any other applicable regulations and should check with the appropriate governmental entity to verify that the most recently adopted edition of any regulation is being used.

Nothing in this document should be considered to be in conflict with the "Covenants." In the event of conflict or perceived conflict with the "Covenants", the Covenants shall govern. In addition, policies and procedures have been put in place to implement the Covenants and other regulations of the subdivision, and these policies shall apply as well.

Section IV -- Design Theme

The Design Theme for Divide Ranch & Club is directed toward preserving the mountain feeling with homes located among the Ponderosa and Piñon pines. Reasonable efforts should be made to site, design, and landscape homes so they blend with the surrounding landscape. The intent of the design theme is to promote high quality mountain home construction with buildings that are creatively designed to merge and blend with their natural surroundings.

Building designs should be creative, with an avoidance of boxy or long rectangular buildings. With the exception of cluster lot structures, single-family home designs may not be duplicated without significant changes to the exterior appearance. Building mass shall be low profile, varied, and on slopes or hillsides shall follow the natural grade. Large decks, retaining walls and roof overhangs shall be used when appropriate to enforce the visual tie of the building to the natural topography.

Rooflines shall be varied and broken with an avoidance of long spans of unbroken roof planes and ridges. Interest within the architecture shall be accomplished through the addition of design elements such as bay windows, dormers, multi-level decks and railings.

All homes and other structures shall emulate traditional Colorado mountain architecture. Variations of the Southwest style of architecture as well as Mountain Modern and Contemporary style homes, shall be considered on an individual basis subject to conformance to the design standards set forth herein. Natural wood, stone and stucco shall be the primary building materials. Materials shall be non-reflective in a color and texture approved by the ARC. All exposed metal flashing, gutters, downspouts and other roof hardware shall be color coordinated with the colors of adjacent materials. All other governing regulations within this document shall apply.

Section V -- Design Review Process

The Design Review Process must be followed for any building, site or landscaping improvements to a lot including but not limited to the following:

- A. Construction of any building.
- B. Renovation, expansion or refinishing of exterior of any building.
- C. Interior changes that affect the number of dwellings, units or major functions of a building.
- D. Fencing, dog runs or containment.
- E. Changes to site improvements.
- F. Exterior lighting or signage.
- G. Exterior landscaping, tree removal, grading, etc.

In addition to meeting the requirements of these Design Standards, an Owner must comply with the requirements of all governing agencies in order to obtain a building permit, a Certificate of Occupancy.

Cluster and Commercial lots are subject to the review and approval process contained in these Standards.

Liberty Belle Village Lots as defined above are V-300 series lots located in Filing 3. They are subject to the review and approval process contained in these Standards as well as special design considerations set out in, “Liberty Belle Village, Special Design Requirements”.

An Applicant requesting time on the ARC agenda must first be current on dues owed to the golf club, all monies owed to the Association, and any fees owed to the Sanitation District (if applicable) before such time can be granted by the ARC. In addition, said applicant must remain current with all dues and fees throughout the building process.

The Divide Ranch & Club ARC review process has four steps: (1) Conceptual Plan Review, (2) Preliminary Plan Review, (3) Final Plan Review and (4) Construction Conformance Review. The Preliminary and Final Plan Reviews may be conducted at the same meeting.

1. Conceptual Plan Review is intended to determine the feasibility of a design prior to the Owner expending funds on plans that may not be acceptable. A Conceptual Plan Review is initiated by the Owner or Owner’s agent submitting the following to the ARC in digital PDF format at least ten (10) working days before the next scheduled ARC meeting:

- a. Conceptual site plan.
- b. Conceptual floor plan.
- c. Two elevations or two perspective views.

At the meeting the Applicant shall provide a completed Initial Application contained in Appendix 1 of these Standards and one hard working copy of the plans. Plans may be done freehand to an appropriate scale and must clearly indicate the nature and extent of any variance desired.

If a Special Meeting is requested and agreed to by the ARC, the ARC shall impose a fee for the Special Meeting. See Section XI, Deposits and Fees, and Appendix 7, Schedule of Fees, Deposits, & Fines.

2. Preliminary Plan Review. It is the responsibility of the Owner or Owner’s authorized agent to ensure that the design and construction of any project in the Divide Ranch & Club conforms to the requirements of the applicable Design Standards. The Applicant must specifically request any variance from the Design Standards and the affected areas clearly indicated on the Plans. The ARC reserves the right to enforce all Design Standards at any time after plan approvals except where variances have been specifically granted, in writing, as a part of the approval process.

At least ten (10) working days before the Preliminary Plan Review meeting, the Applicant shall:

1. Provide to the ARC one copy of all plans required for the Preliminary Plan Review in PDF format.
2. Stake the lot, tag trees, and if required install story poles.

At the Preliminary Plan Review meeting, provided that the Applicant has fulfilled requirements 1 & 2 as described above, shall submit payment for the Initial Fee. ARC can only consider a Preliminary Plan Review submittal when all items listed in this section and in Appendix 2, Preliminary Plan Review Checklist have been completed and the Initial Fee has been paid.

- a. Site Plan. A plot plan at a minimum scale of one inch (1”) = ten feet (10’) shall be provided at the Preliminary Plan Review. The following information must indicated on the plan: property boundaries, building footprint, building setbacks, driveway, parking and walk locations, septic

system location or sanitary system connection, details of driveway culvert, abutment, and address monument, existing and proposed contours at two-foot (2') intervals, preliminary landscape concepts, existing trees to be removed, vegetation and landforms and other site improvements (retaining walls, decks, etc.). Owners are responsible for providing accurate site topography for building and planning purposes. ARC reserves the right to require a site-specific survey.

b. Building Plans. Building plans at a minimum scale of ¼ inch = one foot (1') shall be provided at Preliminary Plan Review. The following information must be provided: all exterior elevations (including porches, steps, decks and deck supports), roof pitch, roof material, exterior materials, percentage of stone calculations and building height.

c. Staked Lot to Include:

- Location of main structure and
- Location of garage if separate from main building
- Location of driveway, turn around and parking areas
- Location of other proposed structures, if any
- Tags on all trees to be removed.
- Tags on trees and mature shrubs, if any, that will be removed only to accommodate equipment and/or facilitate construction and will be replaced
- Construction boundary fence or markers to limit intrusion into native areas
- Installation of story poles if determined by ARC to be necessary. Story poles would be installed at an approved location, documented with secure benchmarks and maintained in their position throughout construction.

3. Final Plan Review. At least (10) working days before the Final Plan Review meeting, the Applicant shall provide to the ARC copies of all necessary plans required for the Final Plan Review in digital PDF format. At the Final Plan Review meeting the Applicant shall provide for ARC's use one hard copy of the final construction plans as well as color boards, material samples, and other items that can't be emailed

The ARC can only approve a Final Plan Review submittal when each of the items listed below has been submitted and approved and required refundable deposits have been paid. The ARC Chair or his/her designee shall be responsible for obtaining signatures on the Initial Application (Appendix 1, submitted for Conceptual Plan Review), Contractors Checklist (Appendix 4), and Blasting Permit (Appendix 5), if any, and providing copies to the ARC Secretary for inclusion in Association records.

- a. Building Plans. Before Final Plan Review can be approved, the Owner/Applicant must submit one complete set of building plans for ARC's use. These plans shall be the same as submitted to the county for a Building Permit. Plans must also include the following exterior finish materials, door and window details, chimney cap and flue enclosure details, proposed location of satellite dish, including a color rendering of (2) elevations. (See Checklist, Appendix 3, Final Plan Review Checklist).
- b. Color Coordination/Materials. The Owner shall provide color samples for all materials to be utilized on the exterior including but not limited to the roof, siding, stucco, stone, wood trim, windows, driveway, soffits, doors, garage doors, chimney cap, etc. This includes a sample of all materials proposed to be utilized, along with paint and stain color samples. Also included is the type of garage door along with the manufacturer's product literature and photographs.

- c. Changes from Approved Plans. Modifications to a design are almost inevitable during the construction process and may affect the exterior of the building. It is not ARC's intent to prohibit potential design changes but rather to require the Owner to apply for and obtain approval of the proposed changes before the actual change is implemented. By doing this ARC hopes to avoid added Owner costs in removal of non-conforming construction. In some cases, "field approval" can be provided by a member of the ARC. Significant changes may require full ARC approval.

4. Construction Conformance Review. A Certificate of Conformance confirms that: a) The improvements conform to the Design Regulations and the approved designs (including any approved design revisions), materials, fixtures, colors, and landscaping; and b) The site is cleaned up and cleared of all construction materials and equipment, including temporary construction utilities.

Upon completion of the project, a written request for Construction Conformance Review shall be made by the Applicant in order to be reimbursed for any refundable deposits. Partial refund of deposits will not be granted.

Construction Conformance Review shall be based on the plans approved at Final Plan Review and any revisions previously approved by the ARC. The ARC shall not be responsible for any denial of, or delay in, granting a Certificate of Compliance due to the failure of the Owner or the Owner's authorized agent to obtain prior ARC approval of design modification.

5. Time Line. It is required that steps 1-3 as outlined above be a continuous process without more than (90) days between any (2) approval dates. If more than 90 days elapse between any two steps, the process must be restarted.

Should the project progress be suspended for 90 days for any reason, ARC has the authority to take the steps necessary to protect the property, to assure the project will not become a public nuisance, and/or to complete the project. Any costs incurred by the ARC will become a lien upon the property and/or may be deducted from the prepaid refundable deposit.

Construction is expected to start within 90 days of final approval, unless a later date is agreed to between ARC and the Applicant. ARC approval expires twelve (12) months after start of construction which date shall be determined by an agreement between ARC and the Applicant. ARC may grant extensions, but ARC may apply any ARC requirements adopted by changes to the ARC Standards since final approval. A written request for an extension must be submitted to the ARC Chair no later than ten (10) working days prior to its expiration date. The request must explain the delay and how much additional time is required. Failure to comply with this provision may result in new fees being assessed on the remainder of the unfinished project. Failure to meet the ARC time line will result in fines as determined by ARC and deducted from the deposit. Upon depletion of the deposit a lien will be filed.

TIME FRAME	PROCEDURE IN SEQUENCE
Ten (10) working days prior to meeting	1. <u>Conceptual Plan Review</u>
Ten (10) working days prior to meeting	2. <u>Preliminary Plan Submittal*</u> <ol style="list-style-type: none"> a. Preliminary plans complete (checklist) b. Current plan review fees paid in full c. Plot (site) plan, building plan, staking on site <u>Preliminary Plan Review by ARC</u> <ol style="list-style-type: none"> a. Submittal review (including comments) b. On-site staking review c. Decision by ARC d. Written response by ARC e. Refine/revise preliminary design as required
Ten (10) working days prior to meeting	3. <u>Final Plan Review Submittal*</u> <ol style="list-style-type: none"> a. Final plans complete (checklist) b. Building plan c. Landscaping plan d. Schedule of construction <u>Final Plan Review by ARC</u> <ol style="list-style-type: none"> a. Written approval by ARC for Ouray County Building Department
One (1) year	4. <u>Construction by Owner</u> <ol style="list-style-type: none"> a. Periodic site inspection by ARC
Upon Completion of Construction	5. <u>Construction Conformance Review</u> <ol style="list-style-type: none"> a. Completion of construction b. ARC review/approval c. Certificate of Conformance by ARC d. Return of deposits

* Preliminary and Final Plan Reviews may be completed at the same meeting.

Section VI -- Notice to Adjacent Property Owners

Upon receipt of conceptual plans for construction of a house, garage, commercial structure, or any other improvement deemed appropriate by the ARC Chairperson, the ARC Chair shall provide a written notice by mail or email to all owners of properties adjacent to the project site. A property is considered adjacent if it shares a common boundary line or lot corner with the project site. A lot that would share a boundary if not for being separated by a street, common area or the golf course is also considered an adjacent property. Whenever any project site is adjacent to Declarant's property, including any part of the golf course, or any greenbelt within the Subdivision, the ARC shall give notice to the Declarant or to the Board, respectively.

The notice to Owners of adjacent properties shall

1. Identify the parcel and type of structure proposed.
2. Advise the property Owners conceptual plans have been received by ARC
3. Inform the owners that they may review the submitted project plans.
4. Indicate the date, time and location of the meeting at which ARC will review the conceptual plans.

Section VII -- Financial Responsibility

Proof of any Applicant's financial ability to pay for the complete cost of construction of any improvement of a lot (including homes, garages, or any other improvement) ordinarily shall not be required. However, if credible facts and circumstances become known to the Committee, at any time during the project, that indicate that the Applicant for any construction project may not be able to complete the project and obtain final Committee approval, the Committee may require a completion bond or other credible assurances of ability to complete the project. Such assurances may, but not need to, include proof of financial ability to pay for the entire cost of the proposed work, as provided in Article IV, Section 4 of the Covenants. Applicant must confirm full payment of all HOA dues, golf course, fees, and Sanitation District fees, if applicable.

Section VIII -- Fines

Upon the discovery by the ARC of non-conformance with the approved design requirements or violations of the construction regulations or conditions specified in the Contractor's Checklist, the ARC will first discuss the matter with the Owner, Applicant, or Contractor and seek resolution. If that fails to resolve the issue, ARC shall issue ONE written notice to the Owner, Applicant, and/or Contractor with a deadline for correcting the condition. The failure to remedy the non-conformance or violations described in the written notice within the deadline imposed will result in an offense and fine according to the Schedule of Fees, Deposits, and Fines in Appendix 7.

An Owner or Contractor may appeal an alleged nonconformance, violation, or fine to the ARC presenting mitigating circumstances. Additionally, an Owner or Contractor may appeal an adverse ARC decision to the Board of Directors under Association Policy Section 6, Covenant and Rule Enforcement.

Section XI -- Deposits and Fees

Deposits and other money received as part of the ARC process shall be handled and managed according to the provisions of Section 9, Finance Policies and Procedures, of the Association. See Appendix 7 for the Schedule of Fees, Deposits and Fines.

Refundable Deposits, such as conformance deposits required by the Divide Ranch & Club Architectural Review Committee are for the purpose of providing security for Owner's and Contractor's compliance with all rules, regulations, standards, terms and conditions of the Divide Ranch & Club HOA, the Architectural Review Committee (ARC) and the applicable Declaration of Covenants, Conditions, Restrictions and Easements. The deposit is fully refundable when all such requirements have been met. Partial refunds of refundable deposits are not permitted.

If, after written notice and stated deadline for compliance to correct any performance deficiency, there is a failure by the Owner, Contractor, subcontractors to comply, ARC may perform the work necessary to correct the deficiency at the Owner's expense. The deposit shall be applied to this liability and also be used to pay any penalties, fines or expenses levied or incurred against the Owner. The Owner has personal liability for any costs that exceed the deposit. The deposit is applicable to cost of cleanup, off-site damage and other costs of compliance including reasonable charges for admin and legal services. When ARC determines that all requirements have been met, any unused portion of the deposit will be refunded.

Section X -- Site Planning

1. Building Siting Minimum Living Space and Maximum Building Footprint. Site planning shall consider views, privacy, site and topography, while designing the building mass in a way that relates to the terrain and functional constraints of the site. Natural vegetation shall be retained and protected whenever possible. Natural vegetation removed for equipment access or access to the construction site shall be replaced to the fullest extent practicable.

- a. Maximum Building Footprint: Except for the Village Lots which are subject to the Liberty Belle Village Special Design Considerations, the maximum allowable coverage (footprint) on a single-family parcel shall be fifteen percent (15%) of the gross area of the parcel. Coverage shall be the total impervious coverage of the house, garage, and decks, but shall not include driveways and required parking areas.
- b. Minimum Living Space: Except for the following, each residence structure shall contain at least 2,000 square feet of living space, of which not less than 1,250 square feet of living space shall be the above-ground main floor, which may be ground level, second floor, or some combination of split levels.
 - Within the Core Area, each residence shall have a minimum of 1,600 square feet of living space including 1,250 square feet of living space on the main floor.
 - A Cluster Lot unit anywhere, including any lot in the Core Area, shall have a minimum of 1,250 square feet of living space.
 - No minimum square footage is applicable to Commercial Lots. Commercial lots include lots owned by the golf course used for golf cottage sales or rentals.

2. View Protection. Views are an integral part of value. Views are not protected except as provided for by the height and setback restrictions contained in the Covenants and ARC Standards. Under certain circumstances, mitigation of some view obstructions by further landscaping may be required. Neighbors are encouraged to cooperate to the extent possible. ARC will make every effort to facilitate such cooperation, but the ARC has no responsibility to oversee or require communications or enforce agreements between neighbors.

Article IV, Section 5, View restriction in the protective covenants reads as follows: “No vegetation or other obstruction shall be planted upon any lot in such location or of such height as to unreasonably obstruct the view from any other lot in the vicinity thereof. In the event of a dispute among Owners as to the obstruction of a view from a lot, such dispute shall be submitted to the Association’s Board whose decision in such matters shall be binding. The Board may refer the matter to the ARC Committee. Any such obstruction shall, upon request of the Board or ARC, be removed or otherwise altered by the Owner of the lot upon which the obstruction is located.

3. Building Setbacks. On residential lots, no permanent structure of any kind except fences shall be placed within twenty-five feet (25’) of boundary lines adjacent to golf course property and twenty-five feet (25’) from the Subdivision roadways or within fifteen feet (15’) of other boundary lines. This shall include balconies, building roof overhangs, and other not at-grade appurtenances. Commercial lot and cluster lot setback requirements shall be established by the Committee on a case-by-case basis. Driveways shall be easily accessible by emergency equipment.

4. Utility Easements. Property Owners should be aware that most lots have a ten-foot (10’) utility easement on all property lines, as set out in the Covenants, Article VI, Section 9a. Improvements or other encroachments in the easement are subject to enforcement by the Declarant, Association, or other parties as appropriate.

5. Grading and Drainage. Grading requirements resulting from development shall be designed to blend into the natural landscape. Cuts and fills should be feathered into the existing terrain within the property boundary. Site plans shall indicate surface drainage patterns and any drainage improvements. The effects of drainage on other properties must also be considered and delineated on the site plans. In areas where drainage swales are created to direct runoff; erosion control blankets shall be used to decrease erosion and promote revegetation. Any point source discharges, such as sump pump discharges, shall be designated on site plan and designed to avoid soil erosion and limit water flows onto adjacent properties, including the golf course. Where construction results in drainage other than approved by the ARC, the ARC may require correction and conformance to the approved drainage plan at the owner’s expense.

6. Driveways. There shall be only one access permitted for each lot with one point of ingress and egress. Structural sub-base portion of driveways and parking areas shall be fully installed prior to commencement of any other on-site construction in order to eliminate mud from being brought from the construction site onto existing paved and gravel roadways. The Owner and Contractor shall be responsible for the daily cleanup of mud, oil/grease and other debris tracked from a construction site onto the roadway. If cleanup is not done in a timely manner ARC may have the cleanup work done and deduct the cost from the conformance deposit or bill the Owner or Contractor for the cost.

A driveway permit must be obtained from Ouray County before construction begins and to determine the proper location. The Road & Bridge Department will determine if a culvert is required and its specifications. Driveway standards can be found in the Ouray County Land Use Code, Section 15.2X. If a

culvert is required the ends must be finished with masonry cap stones. A driveway permit must be obtained from the Ouray County Road & Bridge Department prior to any work commencing.

- Driveway sub-base shall consist of a minimum of 6” of #3 crushed stone, 3” minus rock or an equivalent compactable material. Sub-base must be installed and compacted prior to the start of construction. All access to the jobsite shall be over the driveway unless otherwise approved by ARC.
- All gravel driveways must have a 20ft hard-surface apron where they meet the road. The remaining gravel portion of the driveway shall be finished with a minimum of 5” of class 6 road base or an equivalent material compacted to 4”.
- Hard surface driveways in concrete or asphalt may vary from the above specifications if the driveway contractor has their own specific requirements to warranty their product.

7. Parking. Each residential lot shall provide a minimum of two (2) fully enclosed or garaged parking spaces per dwelling unit, then a minimum of one (1) exterior parking space shall be provided for each additional bedroom exceeding two bedrooms. A home with a 3-car garage may designate the space in front of the third garage door as one of the additional parking spaces. All parking spaces shall be a minimum of ten feet (10’) by twenty feet (20’). Turn-around space may be required. No carports are allowed.

8. Storage Areas. Such items as trash containers, boats, motorcycles, trailers and maintenance and recreational equipment shall be stored in a garage or ARC-approved fully enclosed structure attached to a garage or residence or stored off-site. Walls enclosing these areas shall be compatible with the materials and integral with the form of the residence or garage. RVs, boats, campers and trailers of all types when parked on the owner’s property must comply with the Association rules and time limits.

9. Utilities. All utility service lines shall be routed to minimize impact to the site. Utility routing shall follow the driveway unless it is not feasible. All utility lines must be buried. Any removal of trees for the purpose of utility installation will require specific written approval from the ARC. All areas disturbed during utility construction shall be restored to their original condition through proper grading and re-vegetation. Electrical service panel is to be mounted on the house.

10. Liberty Belle Village – Special Design Requirements

The design of structures within Liberty Belle Village (V300 Series Lots) shall be governed by the following special requirements described below while also conforming to all applicable ARC Standards in the most recently approved version of the Divide Ranch & Club Design Regulations.

Liberty Belle Village shall act as a transition between multi-family lots of the Core Area and the single-family lots outside of the Core Area. As a transition area the theme of Liberty Belle Village shall permit a variety of building form and detail subject to the ARC regulations and the following special requirements:

- a. All designs shall fit naturally and harmoniously to their particular topography, respecting the views and exposure of adjoining sites and creating a natural and flowing landscape. Wooded areas should be maintained wherever possible. Drainage requirements must be considered when selecting building locations and for final grading.

- b. All designs shall use natural materials of stone, timber, wood or stucco for exterior finishes. Rusted or weathered metal materials can also be used to provide design accents. Primary exterior colors shall be earth tones
- c. Building Footprint: A single-family dwelling with a minimum of 1600 square feet of living space, of which 1,250 square feet of living space shall be on the main floor is required for all homes. Living space does not include the garage. The maximum building footprint, including garage, shall be 30% of the lot area.
- d. Building Height: The maximum building height shall be as defined in the Divide Ranch & Club Design Regulations except for the following modifications. Building Height for lots south of Marmot Drive shall be measured from the average pre-construction grade, as determined by the ARC, to the highest point of the roof. The maximum building height of structures on lots V309, V310, V311, V312, V313, V314 and V322 shall be 22 feet. The maximum building height of structures on lots V316, V317, V318, V319, V320 and V321 shall be 28 feet.
- e. Exterior Wall Materials: The primary exterior wall materials shall be stone, timber, log, wood siding and stucco finishes with a minimum stone percentage as described herein. Exposed timber structural elements shall not be less than 8 X 8 inch (nominal) except timber mullions between windows may be proportionately smaller. Exposed timber structural elements may be simulated by wrapping standard framing members with wood trim. The wood trim shall be rough sawn or have a hand-hewn texture. The minimum surface areas of stone shall be not less than 20% of the gross exterior wall surface area of a building. When Stucco is used as the primary exterior wall finish the minimum stone area shall be increased to 25%.
- f. Colors: The predominant colors shall be earth tones. No two adjacent buildings shall use the same stucco or trim colors without specific approval from the ARC. All areas of wood shall be finished with wood tone semitransparent stains or clear sealers.
- g. Roofs: Roof forms generally should be kept simple utilizing dormers and/or opposing ridge lines to break up roof massing. Roof designs and materials shall comply with the Divide Ranch & Club ARC Standards as outlined in Section XI Architectural requirements. In order to preserve view corridors for northern lots of Liberty Belle Village, ridges of primary roofs, for all lots south of Marmot Drive, shall run in a north-south direction unless specifically approved by ARC.
- h. Parking; At least (1) on-site parking space for each bedroom shall be provided for each residence. A minimum of (2) of the parking spaces shall be enclosed. All driveways to be asphalt or concrete.
- i. Service Areas: Utility meters and other utility boxes shall be located in an area that is shielded from public view. Trash containers shall be kept inside or enclosed and inaccessible to animals. Enclosure designs and materials shall be consistent with the building design of adjacent structures.
- j. Exterior Lighting: In general, site lighting shall be subdued and understated, and conform to Ouray County's outdoor lighting regulations.
- k. Walls and Fences: Fences are permitted, subject to ARC approval and conformance to ARC Standards. Perimeter fences are not allowed.

11. Cluster and Commercial Lot – Special Design Requirements

The following requirements for cluster and commercial lots do not apply to the Declarant.

The Design Review Process applies to improvements made to cluster or commercial lots. Improvements on cluster and commercial lots are expected to conform to the provisions of these ARC Standards, and shall be consistent with the design themes and character set forth for the subdivision. Given the differences in scope and impacts, including use impacts, of larger-scale development of cluster and commercial lots, ARC is authorized not only to apply the single-family standards contained in these ARC standards, but is also authorized to adopt and apply special requirements for cluster and commercial lot improvement.

Following are some specific guidelines for the ARC to consider pertaining to cluster or commercial lots:

- a. Given the increased risk of injury to people or property related to commercial activities, ARC shall consider reasonable health and safety measures when reviewing applications for commercial property improvements. Additionally, ARC may after consultation with the commercial lot Owner, impose special requirements to correct any health or safety deficiency. The commercial lot Owner shall have the right to appeal such special requirement to the Board of Directors. The Board shall handle such appeals in a properly noticed hearing according to the Association's Policies and Procedures.
- b. ARC may utilize Ouray County Guidelines in reviewing commercial development applications.
- c. Building height limitations for cluster and commercial lots shall conform to the height restrictions set out in these Architectural Standards.
- d. Driveways: All driveways and designated parking areas will be hard surfaced, asphalt or concrete.
- e. Off street parking shall conform to the applicable zoning ordinances of Ouray County.
- f. Lighting. All lights shall conform to Ouray County's outdoor lighting regulations. No exterior lights or lighted signs, may be installed on commercial lots without the prior approval of ARC.
- g. Signs. No sign shall be erected or maintained upon any commercial lot without the prior written approval of the ARC. Signs shall be an integral part of the building design, compatible with the physical site. Roof signs or any signs extending above the roofline are prohibited.
- h. Loading docks, truck ramps, trash containers, and service areas shall be screened from view and not visible from other nearby properties. Screening must be approved by ARC prior to installation.
- i. All ground areas not covered by a building or structure shall be either paved, landscaped, or in their natural state. All driveways, truck ramps, loading and delivery areas and parking areas shall be paved with a hard-surfaced material. All paved areas shall be maintained and kept clean.
- j. All structures, buildings and improvements erected on cluster and commercial lots shall be maintained at all times so as to be in good repair and attractive.
- k. Any variance requested by the cluster or commercial lot Owner shall be handled according to the association's Policies and Procedures.

Special requirements for cluster and commercial lot improvement, not covered by the above guidelines, shall be the subject of negotiation between the ARC and the property Owner for inclusion in the Design Review Process. If negotiations fail to produce a result satisfactory to the ARC, the ARC shall have the authority to adopt the special requirements at issue, subject to the following limitations: First, consistent with the design themes and character set forth in these Standards, the special requirements shall be narrowly tailored to have the least possible impact upon the Owner's design for improvement of the subject property. Second, the ARC shall give the Owner written Notice of the Owner's right to appeal the ARC's adoption decision to the Board of Directors. Third, adoption of such special requirements shall await ARC confirmation either that the Owner has elected not to appeal or that the Board's decision is to uphold the ARC's decision. The Board shall handle such appeals as described in Guideline 1 above.

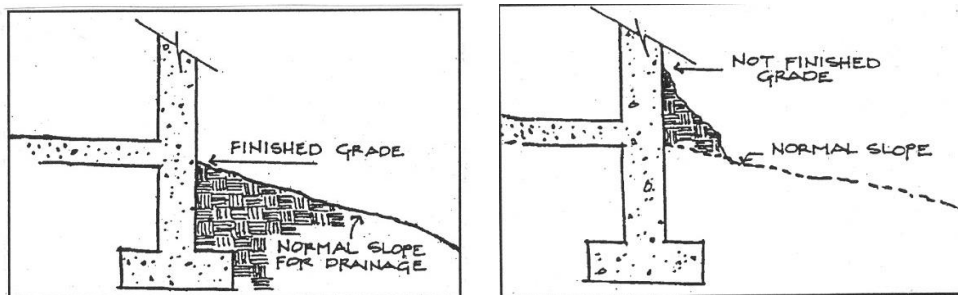
Section XI -- Architectural Requirements

1. Construction: Per the Covenants, all structures including traditional stick-built homes, log home kits, or homes built from system engineered components, must be of a permanent nature constructed on site affixed to a permanent foundation and in compliance with the ARC Standards. No trailer house, mobile home, yurt or pole barn type structure shall be set upon any Lot within the Subdivision.

2. Exterior Building Materials and Colors: Exterior materials and colors shall blend with the natural landscape so they do not compete with the surrounding physical setting. Subject to the specific requirements set out in the following sections, all exterior building materials including Structural Insulated Panels (SIPs), Insulated Concrete Forms (ICFs), roofing, siding, stonework, trim, doors, etc., shall be reviewed by the ARC to meet the criteria listed below. The Applicant shall provide actual material samples, as well as written and graphic material. Any materials determined not to satisfy these criteria shall require a Request for a Variance if approval is still sought by the Applicant. All materials shall comply with the following criteria:

- Established high quality and workmanship
- Durable in a harsh mountain environment
- Natural appearing in texture and color and consistent with traditional Colorado Architecture
- Minimize glare
- Meets accepted industry standards

3. Building Height: Building height shall be measured from finished grade to the highest point of the roof ridge. At any given point, this measurement shall not exceed thirty feet (30'). The building shall be measured at multiple locations and the height must not exceed (30') anywhere around the perimeter. Chimneys, however, may exceed the maximum building height limit



Finished grade, for the purpose of measuring building heights, shall be the highest elevation of the surface material (soil or paving) adjacent to the structure. This definition does not intend to allow raising the

finished grade adjacent to the building foundation or other mechanisms, which would circumvent the intent of these requirements. Retaining walls can be used to modify the grade adjacent to the building but they cannot be used around the perimeter of the building to circumvent the intent of the height restriction.

4. Building Form, Massing and Architectural Expression: Building forms shall be varied with an avoidance of boxy or long rectangular buildings. Dormers, bay windows, decks and a variety of roof forms will help achieve a building design that has an original appeal. Building mass shall be low profile and varied. On slopes or hillsides buildings should follow the natural grade and merge with the natural topography. Architectural expression and creativity is encouraged. Exterior materials (e.g., stone, stucco, wood siding and log, and other materials approved by ARC) should be used in combination to vary the appearance of different components of the building. Window patterns and sizes should vary depending on their exposure.

5. Roofs: Rooflines shall be varied and broken with changes in elevation and/or dormers to avoid long spans of unbroken roof planes or ridge lines. In order to encourage buildings that maintain a low profile, primary roof pitches shall be between 4:12 and 12:12. However, the ARC reserves the right to approve any roof form or pitch, if in their sole judgment, the proposed roof is appropriate with the building design and does not compromise the integrity of the Design Regulations. Secondary roofs and dormers may have gable, hip or shed forms with a pitch not less than 3:12.

Roof materials shall have a “Class A” fire rating and be restricted to non-reflective materials such as slate, unglazed or concrete roof tile, or stone-coated roofing, pre-rusted steel roofing, patinaed copper, or 50-year asphalt shingles. The style and color of the roof material is subject to ARC approval. Painted metal roof materials are not permitted. All exposed metal flashing, gutters, downspouts shall be color coordinated with the adjacent materials.

6. Exterior Walls: Exterior wall material should convey a strong, sturdy natural image through the use of wood, stone and stucco. Pre-rusted or pre-weathered metal siding materials or structural members may be used as secondary materials to provide design accent. Stucco finishes shall have rounded free-form corners, not sharp, straight corners to be consistent with the Southwest style of architecture. A combination of all three materials may be utilized to create variety and interest within the building design. Foundation walls shall not be exposed. They shall be covered by stone, stucco or other appropriate materials that blend with the upper walls of the dwelling. All materials must comply with Ouray County building, fire code and energy regulations.

- a. Timbers: Timbers shall be used to convey a sturdy appearance. Minimum sizes for timber shall be eight inches (8”). Timbers shall be treated with a clear sealer or stained to blend with the existing natural colors. All colors shall require ARC approval.
- b. Logs: Minimum sizes for logs shall be (10”). Logs shall be treated with a clear sealer or stained to blend with the existing natural colors. All stain and chinking colors shall require ARC approval.
- c. Siding: Wood siding shall be individual boards or planks of not less than (4”) and not more than (12”) nominal face width and shall not be less than 5/8 inch thick. Wood siding may be run vertically or horizontally. Wood siding and trim should be finished with a natural color semi-transparent stain or treated with a clear sealer to maintain the natural wood look. Fiber cement siding may be used as a substitute for wood siding. Plywood siding is not permitted. Plywood may be used for soffits or as a base for, or component of, special ornamental panels subject to specific ARC approval.

- d. **Stone:** Stone finishes should be used in a manner consistent with its use as a structural component such as a foundation, vertical columns or a chimney. Stone should be distributed throughout all of the elevations of a structure; however, the majority of the stone should be placed at the most visually exposed portions of the structure as viewed from the roads and/or golf course. Each structure shall have a stone surface area of not less than twenty percent (20%) of the gross exterior wall area. The gross exterior wall area shall be calculated without deducting wall openings.
- e. **Stucco:** Stucco shall be used in combination with log, wood, metal or stone. When stucco is used at building corners, windows and door openings, the edges shall be rounded. Stucco colors in general, shall be earth tones and require ARC approval.

7. Chimney and Flues: Spark arrestors are required for all wood-burning chimneys. The exterior finish of chimneys shall be of stone or stucco, but other materials may be considered by ARC under the variance procedure. Chimneys shall have a chimney cap made of stone, metal or precast concrete with a sandblasted or exposed aggregate finish. Chimney flues shall be surrounded by customized metal enclosures to hide the flue stack. Metal used may be copper with full patina or prefinished metal colored to blend with roof colors. Vents and flues in any other location shall be colored to blend with the surrounding materials subject to the approval of the ARC.

8. Windows: Windows can be of wood construction, wood clad, or fiberglass. Thermo break aluminum or vinyl clad windows will be considered on an individual basis subject to approval of Architectural Review Committee. White windows are not allowed.

9. Doors and Entrances: Main entry doors shall be of wood construction, stained, not painted. Raised panel metal doors flush metal doors and composite doors may not be used for the primary entry or entries visible from the road or golf course. Flush metal doors will not be permitted for any exterior door. Secondary or semi-concealed doors may be raised panel metal, or composite and are subject to ARC approval. White doors are not allowed.

10. Garage Doors: Whenever and wherever possible, garage doors shall be screened from public areas such as roadways, open space and golf course. Metal section overhead doors of raised panel design may be used subject to specific ARC approval. Such doors shall be finished in a color and material approved by the ARC. Garage doors with opaque glass panels are allowed provided that they complement the overall design of the home. Masonite garage doors will not be permitted.

11. Garages: All residential lots are required to have a minimum of two (2) fully enclosed garage parking spaces per dwelling unit. The garage may be either attached to or separate from the dwelling. Carports are not allowed. Any detached garage shall require approval of a minor variance. The detached garage shall be no more than 15 feet from the dwelling, architecturally compatible and constructed with building materials consistent with the home construction. The total footprint of the detached garage and dwelling shall not exceed the maximum footprint as specified in these ARC Standards.

12. RV Garages: Detached RV garages are not permitted. Owners who wish to include an RV garage into their plans shall blend the garage into the overall structure and use location and landscaping to minimize its visibility from the street, golf course, and neighbors.

13. Exterior Mechanical Equipment: All mechanical equipment shall be either incorporated into the overall form of the dwelling or be permanently enclosed by a material approved by ARC. Energy Conservation Devices, or ECDs, including solar panels and other energy alternative fuels facilities should be screened from view to the extent it is reasonably possible.

The Divide Ranch & Club HOA will comply with Colorado laws regarding energy conservation and alternative energy production including the use of solar panels. However, the community interest requires the careful design and installation of these facilities to minimize their industrial appearance and glare. All installations of solar panels and other Energy Conservation Devices (ECDs) require ARC review and approval.

Section XII -- Landscaping

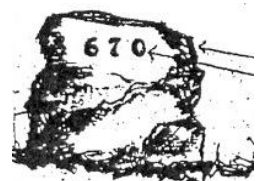
1. Planning: Plants used in landscape designs to create screens or buffers from the golf course or adjacent properties should blend w/natural surroundings. Siting of buildings and routing of driveways, utilities and walkways must be planned to cause the least amount of disturbance to existing vegetation and landforms.

2. Landscaping and Plant Materials: Landscape scale and overall design shall be developed so that new vegetation is integral with the existing natural mountain landscape. New planting should primarily use plants that are indigenous to the area.

3. Topsoil: Prior to excavation, topsoil shall be stripped and stored on the site. Topsoil shall be replaced in all areas requiring landscaping or revegetation. Topsoil shall be spread to a minimum depth of four inches (4"). A soil amendment such as real rotted manure is recommended in areas that will be sodded or seeded.

4. Seeding: Seed mixes must provide a blend of grasses that ensure quick cover and erosion control. Road and utility cuts shall be revegetated within thirty (30) days of the disturbance to avoid unsightly scars on the landscape.

5. Address Marker: Address marker details shall be shown on the site plan submitted for Preliminary Review. The ARC shall approve the location of identification markers. Street numbers shall be reflective material, six inches (6") in height and thirty-six inches (36") minimum off the ground. The monuments, in keeping with the design theme for Divide Ranch & Club as stated in the Covenants, are to be constructed of natural materials such as stone or stone veneer. Only the house address number may appear on the monument. No personal names or street names are allowed. The address monuments are intended not only to assist friends and guests to locate your home but also to facilitate police, fire or emergency personnel to identify your home should the need arise. Monuments may be lighted to assist persons in identifying your home after dark. Lighting should be subdued but adequate to read the address at night. Monument lighting and design require ARC approval, and must conform to Ouray County's Dark Sky Ordinance.



6. Exterior Lighting: In general, site lighting shall be subdued and understated. Exterior lighting shall shield its direct source. The type of fixture and type of lighting must conform to Ouray County's Dark Sky regulations and be approved by ARC.

7. Fences: Fences will be permitted, subject to ARC approval. They may be constructed of wood, metal, stucco or other approved materials not to exceed seven (7) feet in height. Chain link, barbed wire, chicken wire and other agricultural type fencing are not allowed. In addition, high solid fencing, perimeter fences and electric fences are not permitted. Pet training fences are allowed but flags shall be removed within (8) weeks of initial installation. Fences shall be no closer than 15 feet from the property boundary to facilitate any utility work that may be necessary in the 10-foot easement zone adjacent to each property line.

Section XIII -- Construction Regulations

All lot Owners in Divide Ranch & Club will be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors.

1. Permits: Construction shall not commence until Final Plan Approval has been received from ARC and a building permit has been issued by the Ouray County Land Use Office. Once started, construction shall proceed in an expeditious manner in strict compliance with the Final Plan Approval. Upon satisfactory completion and final inspection ARC will issue a Certificate of Conformance.

2. Construction Staging Areas: All construction staging including but not limited to material storage, equipment storage, construction trailers, etc. must take place within a designated area within the perimeter of the project site, unless an alternate staging area is approved in writing by ARC and the Developer. All construction activity shall be contained on the lot for which a building permit has been issued. Porta-toilets shall be required at all construction projects for the duration of time that construction workers are present. Each lot being built upon shall have a construction boundary established to protect the native vegetation. The boundary must be defined by temporary fencing, rope or flagged in some way to define the portion of the lot where all construction activity will occur. All vehicles shall enter and exit the property from the driveway unless otherwise approved by ARC.

3. Tree and Property Protection: Contractors must be careful during grading and excavation to avoid damage to existing trees, shrubs and their root structures. No trees may be removed by a contractor or property owner except as permitted by Article V, Section 20 of the Covenants. Before trees of any size may be removed, there must be a site inspection and approval by an authorized member or representative of the ARC. Spray paint shall NOT be used to identify trees to be removed; trees should be tagged with biodegradable colored ribbon. To minimize fire potential and possible beetle infestation any trees, tree limbs and brush shall be removed from the property as soon as possible, no longer than a week after cutting. Storing of slash piles is not permitted.

The variance criteria for tree removal are as follows:

- a. Thinning trees is preferred over clear cutting or creating a view swath. Thinning creates defensible space for fire protection and is encouraged. The Ouray County wildfire mitigation policy can be reviewed on-line at <https://ouraycountyco.gov/DocumentCenter/View/12671/Section-16-Wildfire-Mitigation-Effective-May-1-2020>
- b. Removing large isolated ponderosa trees is not allowed except for mitigating a fire hazard, plant health, or approved construction. In reviewing applications for removing large ponderosa trees, ARC shall consider each request on a case-by-case basis.

4. Clean Up: It shall be the Owner's and Contractors' joint responsibility to maintain a clean construction site, to see that adjacent lots are not impacted negatively with construction materials or debris, as well as maintain clean roadways where mud and dirt could be tracked from the construction site.

5. Construction Signs: One construction sign will be allowed on each site for the project. The sign shall not exceed three feet (3') by five feet (5') and shall be located within the property boundary visible from an adjacent roadway or entry to the project. The sign may contain at a maximum, the name, address and telephone number of the Owner, the architect, contractor, lender, the project name and lot #. Subcontractors may not erect separate signs but may be listed on the single sign permitted for the project. No real estate signs will be permitted. 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 ARC prior to installation, and no construction sign may be erected until the building permit is issued and significant construction has started. The construction sign must be removed before deposits will be returned.

Section XIV -- Miscellaneous

1. Sale of Improved Property, Compliance with Standards: In the event a sale of improved property occurs, it shall be the responsibility of the seller to ensure that the property has no outstanding ARC Standards violations or pending corrections to those violations.

2. Real Estate Signage: The Association maintains a real estate information bulletin board located at the kiosk at the Divide Ranch and Club. Owners and real estate agents may have sales information posted at that kiosk. Contact the Association Administrator for details. A home listed for sale may have up to two flyer boxes holding sales information on the home, posted on the property set back lines, one in the front of the house and one facing the golf course. No additional embellishments are permitted on or near the sales flyer boxes. The Covenants prohibit flyer boxes and for sale signs on undeveloped lots.

3. Lot Identification Signs: The Covenants prohibit for sale signs on undeveloped lots. If the owner of an unimproved lot desires to install an identification marker he shall use an approved bronze and black lot sign as shown below. The sign shall be 6" x 12" and mounted on either a wood post or a dark metal post. The top of the sign should be 6 inches below the top of the post, securely sunk into the ground and located on the Owner's property within 10 feet of the boundary line. A maximum of two signs are permitted per property, one on the street side and one on the golf course side. No additional embellishments are permitted on or near the lot signs.



4. Fire Hazards: As authorized by several provisions of the Covenants, all lots and other property within the subdivision shall be maintained so as to be free from fire hazards or potential fire hazards. Such hazards include, but are not limited to, fallen or downed trees, dead trees and shrubs, slash piles, wood waste, chemical waste, or other flammable material, rubbish, or debris. If a fire hazard is identified the property owner will be advised by an ARC or Association Board member of the violation in writing. Fifteen (15) days after the written notice has been issued if the hazard has not been cured, an Association representative shall have the right to enter the property to eliminate the hazard. Unless an emergency exists, there shall be no entry to a building without the consent of the owner. In the event the Association is required to cure the hazard, the cost of the remedy, including reasonable attorney's fees, shall constitute an assessment payable by the property Owner.

Appendix 1: Initial Application
DIVIDE RANCH & CLUB HOA
ARCHITECTURAL REVIEW CHECKLIST

Lot Number: _____ Owner: _____ Date: _____

A. Items Required for Consideration of Conceptual Plan

- _____ 1. Conceptual Site Plan in PDF format – From survey or another document
- _____ 2. Conceptual Floor Plan in PDF format
- _____ 3. Two conceptual building elevations or two perspective views in PDF format
- _____ 4. Confirmation of payment of all dues and fees owed the Association, Golf Club, and Sanitation District
- _____ 5. Signed copy of this Initial Application

B. Acknowledge receipt and review of the Divide Ranch & Club HOA ARC Standards

I acknowledge that I have received and have read the Divide Ranch & Club Architectural Standards, and that I understand and will comply with them.

C. Owner authorization to be represented in the ARC review process by an agent.

I authorize _____ to act as my representative in the ARC review and construction processes. I understand that as the Owner I am responsible for the acts and omissions of my representative and the Contractor relating to matters involving conformance with the final plans and compliance with construction rules and requirements.

D. Owner authorization allowing review of architectural drawings, plans, and designs.

I authorize the Association to make available for review to current members, or their representative, site plans and elevation or perspective drawings required for Conceptual Plan Review, or other drawings, plans, and designs relating only to exterior construction at a time and place as designated by the ARC Chairman.

E. Financial responsibility to complete the project.

I acknowledge (1) my responsibility to complete this project according to provisions and time frame contained in approved plans, (2) that I have the financial ability to pay for the complete cost of construction and landscaping, and if requested by ARC, will provide credible assurances of my ability to complete the project as provided in Section X of these Standards, and (3) that the Association has remedies under the Covenants, ARC Standards, and Association Rules and Procedures to correct or remove noncomplying or incomplete structures at the expense of the Applicant.

F. Refundable Deposits.

I acknowledge that refundable deposits will only be refunded upon the issuance of a Certificate of Conformance by ARC. Partial refunds are not allowed.

G. View Protection Disclaimer

I understand the Association cannot guarantee views and that views are not protected except as provided for by the height and setback restrictions contained in the covenants and architectural standards. Owners contemplating construction should consider the impact of their project on existing homes and anticipate to the best of their ability where future homes may be built on neighboring lots. ARC will make every effort to facilitate cooperation among neighbors, but the ARC has no responsibility to oversee or require communications between neighbors or enforce agreements made between neighbors.

H. Contractor Checklist

_____ I understand that my Contractor/Builder will need to review, initial and agree to the provisions of the Construction Rules & Regulations. This includes obtaining a blasting permit application from the County and ARC prior to construction, if blasting is required at the site.

Owner's Signature _____ Date: _____

Owner's Mailing Address _____

Telephone Number _____ Email Address: _____

Reviewed by _____ Date _____
ARC Chairman

CC: ARC file, Contractor, Owner, Inspector, ARC Chairman, ARC Secretary

Appendix 2: Preliminary Plan Review

DIVIDE RANCH & CLUB HOA ARCHITECTURAL REVIEW CHECKLIST

Lot Number: _____ Owner: _____ Date: _____

A. Site Plan Review

- _____ 1. Property boundaries
- _____ 2. Building footprints
- _____ 3. Building setbacks
- _____ 4. Driveway
- _____ 5. 20-foot apron for gravel driveways
- _____ 6. Details of Driveway culvert and address marker.
- _____ 7. Parking
- _____ 8. Walk locations
- _____ 9. Septic system location/copy of engineered drawings or sanitary district line and holding tank location
- _____ 10. Existing trees and trees proposed to be removed
- _____ 11. Vegetation, landforms
- _____ 12. Other site improvements (retaining walls, decks, fountains, etc.)
- _____ 13. Propane tank location or natural gas line and meter location shown
- _____ 14. Topo/Drainage (existing and proposed) not more than two-foot (2') intervals

B. Building Plans

- _____ 1. Building elevations (4)
- _____ 2. Roofing material proposed
- _____ 3. Building form, massing and architectural expression
- _____ 4. Verification of stone percentage – Calculations shown on drawing
- _____ 5. Height of structure verified – Shown on drawings
- _____ 6. Exterior walls
- _____ 7. Chimney and flues
- _____ 8. Windows
- _____ 9. Doors and entryways
- _____ 10. Garage doors
- _____ 11. Exterior lighting
- _____ 12. Roof pitch – Shown on drawings

C. Inspection of Staked Lot

- _____ 1. Location of main structure – All corners staked
- _____ 2. Location of garage (If separate from main building)
- _____ 3. Location of driveway and turn around
- _____ 4. Location of parking
- _____ 5. Tag all trees to be removed
- _____ 6. Story poles and location monument in place, if applicable.

D. Payment of Applicable Initial Fee

**NO BLASTING IS PERMITTED WITHOUT EXPRESSED WRITTEN PERMISSION OF ARC
OBTAIN A BLASTING PERMIT APPLICATION FROM ARC PRIOR TO CONSTRUCTION.**

Reviewed by _____
(ARC Representative)

Date _____

Appendix 3: Final Plan Review
DIVIDE RANCH & CLUB HOA
ARCHITECTURAL REVIEW CHECKLIST

Lot #: _____ Owner: _____ Contractor: _____
Date submitted: _____ Date of hearing: _____

SITE PLAN/BUILDING PLAN REVIEW

A. Checklist: Items carried forward from preliminary review.

- ____ 1. _____
- ____ 2. _____
- ____ 3. _____
- ____ 4. _____
- ____ 5. _____

B. Checklist: Final Plan Review

- ____ 1. Color boards, color coordination approval
- ____ 2. Materials approval (Roof, Siding, and Deck)
- ____ 3. Final plans complete
- ____ 4. Building plans complete (same as county requirements) and one copy provided to ARC for committee use
- ____ 5. Sanitary District letter verifying tap fee payment or copy of county application for septic system permit.
- ____ 6. Proposed landscape plans complete
- ____ 7. Other site improvements (Retaining walls, Decks, Fire Pits, Fountains, etc.)
- ____ 8. Construction schedule: Start of construction, estimated completion.
- ____ 9. Exterior lighting cut sheet
- ____ 10. Color delineation of structure (minimum two contiguous elevations)
- ____ 11. Satellite dish location (if known in advance)
- ____ 12. Payment of fees due at Final Plan Approval

C. Summary

- ____ 1. Preliminary plan approved
- ____ 2. Final plan approved
- ____ 3. Letter of approval to Ouray County
- ____ 4. Letter of approval to Owner

D. Inspections

- ____ 1. Construction Performance Review inspection (required for C.O. from Ouray County).
- ____ 2. Final inspection (in addition to the verification and approval of item D 1) to qualify for refund of Construction Performance Deposit.

Reviewed by _____ Date _____
(ARC Representative)

Appendix 4: Contractor's Checklist -- Construction Rules and Requirements

DIVIDE RANCH & CLUB HOA ARCHITECTURAL REVIEW COMMITTEE

Lot # _____; Owner _____; Contractor _____

THE FOLLOWING RULES AND REQUIREMENTS ARE MEANT TO PRESERVE THE PEACE AND WELLBEING OF THE SUBDIVISION AND WILL BE **STRICTLY ENFORCED** BY THE ARC OR ITS DESIGNATED REPRESENTATIVE. COMPLIANCE IS THE JOINT RESPONSIBILITY OF THE OWNER AND THE CONTRACTOR.

THE OWNER IS RESPONSIBLE FOR ANY DAMAGE OCCURRING ON-SITE OR OFF-SITE. THE OWNER SHOULD ASCERTAIN, FOR HIS/HER OWN PROTECTION, THAT ALL PARTIES HAVE PROOF OF LIABILITY INSURANCE.

THE CONTRACTOR IS RESPONSIBLE FOR ENSURING SUBCONTRACTORS ARE INFORMED OF AND COMPLY WITH THE FOLLOWING REQUIREMENTS.

Before construction begins, the ARC or its representative shall review this document with the Contractor and the Contractor shall initial each of the items in sections A, B, and C indicating he/she has read and understood them. Both Contractor and Owner shall sign at the end of this document indicating they have read and understand these rules and requirements.

A. Notice:

- ___1. Loose pets are NOT allowed on the construction site.
- ___2. No loud music, talk shows, etc., shall be played.
- ___3. Workers shall comply with speed limits, no littering requirements, and other traffic laws in the subdivision.

B. Contractor Requirements:

- ___1. No construction shall begin until the Final Plan Review has occurred and has been approved by ARC.
- ___2. The contractor is responsible for and must provide the Owner with proof of liability insurance.
- ___3. All construction activity must be limited to the lot for which a building permit has been issued.
- ___4. Other than trees marked on the approved site plan no trees may be removed without prior ARC approval.
- ___5. The construction site shall be kept neat at all times. Slash piles are not permitted. Slash must be hauled off or ground into chips.
- ___6. No burning of slash or trash is permitted.
- ___7. No heavy equipment may be operated between the hours of 6 PM and 7 AM.
- ___8. No exterior work is allowed on Sundays by contractors and sub-contractors.
- ___9. Posted signs are regulated by Section XV, Construction Regulations, of these ARC standards.
- ___10. No trash may be stored outside an approved container or dumpster. Dumpster must be covered at all times.
- ___11. The Contractor is responsible for any damage he/she may cause to the adjacent property (lots, streets, etc.).

- ___12. No blasting is permitted without the written permission of the ARC. Obtain a blasting permit application from ARC prior to construction, if blasting is anticipated.
- ___13. Only one access to the construction site (driveway) is allowed.
- ___14. The roadways shall be clean. Any construction-related mud, gravel, or debris must be promptly removed.
- ___15. Concrete trucks may NOT clean equipment within the subdivision, except for initial washing at the construction site.
- ___16. No overnight parking on the street is permitted.

C. Checklist: Site Requirements

- ___1. An access road shall be constructed prior to beginning construction.
- ___2. There shall be a dumpster on site before the start of foundation work.
- ___3. Fire extinguishers: There shall be a minimum of two (2) readily available extinguishers to be at least ten pounds (10 lbs.) each and to be ABC rated dry chemical.
- ___4. There shall be a portable toilet on site at the beginning of excavation.

D. Fines: Fines may be imposed by the ARC upon notice, as follows:

- First Offense: \$100 per violation.
- Second Offense: \$500 per repeated violation.
- Third Offense: Contractor and Owner will meet with the ARC. Contractor may be banned from further work in the subdivision.

E. Deposit: The Owner's and Contractor's refundable deposits will be held until the ARC has issued the Certificate of Conformance.

We have read and understand these rules and requirements.

Owner: _____ Date: _____

Owner email: _____

Owner phone number: _____

Contractor: _____ Date: _____

Contractor email: _____

Contractor phone number: _____

Reviewed by _____ Date _____
(ARC Representative)

CC: ARC file, Contractor, Owner, Inspector, ARC Chairman, ARC Secretary

Appendix 5: Application for Blasting Permit

DIVIDE RANCH & CLUB HOA ARCHITECTURAL REVIEW COMMITTEE

Regarding Divide Ranch & Club Lot Number _____, the undersigned Owner of the lot hereby applies for a blasting permit. I/we agree that all policies including those listed below will be met. A certification from an insurance agent or broker that liability insurance coverage is in force in the amount of one million dollars (\$1,000,000) and that it provides indemnification from damage, death and injury due to blasting caused to other property Owners, the public and the agents and employees of ARC and the Developer will be submitted to ARC with this application.

I. Property Owner:

Name: _____
Street: _____ City, State, ZIP: _____
Phone 1: _____ Phone 2: _____ Fax: _____

II. Contractor and/or Sub-Contractor doing the blasting

Name: _____
Street: _____ City, State, ZIP: _____
Phone 1: _____ Phone 2: _____ Fax: _____
How long in business: _____ Contractor License # _____
State of Colorado Permit # _____ Year: _____

III. Insurance Company & agent:

Street: _____ City, State, ZIP: _____
Phone 1: _____ Phone 2: _____ Fax: _____
Liability insurance policy # _____
Property Damage insurance policy # _____

COPIES OF BOTH POLICIES MUST BE ATTACHED

IV. Description of work to be performed:

ARC Policies

- A. Application for Blasting Permit must be approved ten (10) days prior to blasting.
- B. Homeowners within five hundred (500) feet must be personally notified or given written notification seventy-two (72) hours in advance.
- C. A notice must be posted on the mail kiosk bulletin board giving date and approximate time of blasting.
- D. If any structure is located within 250 feet of blast, blast mats or an earth cover must be utilized.
- E. No flying debris may be projected beyond the property on which the blasting occurs.
- F. ARC and/or Developer's employee must be present at the time of blasting.
- G. Proof of insurance coverage must be provided with this application.
- H. Valid permits/licenses required by state law for use of explosives must be provided with this application.

Approved or Denied: _____ Subject to the following: _____

By: _____ Date: _____

Property Owner Signature: _____ Date: _____

CC: Ouray County, Contractor, Owner, Inspector, ARC Chair, ARC Secretary

Appendix 6: Site Inspection Report

(For use by ARC during construction process)

DIVIDE RANCH & CLUB HOA ARCHITECTURAL REVIEW COMMITTEE

The following items are checked to confirm that site conditions are in conformance with ARC standards and ARC final site plan approval.

	YES	NO	COMMENTS
1. Materials orderly	_____	_____	_____
2. Equipment on site	_____	_____	_____
3. Construction trailer	_____	_____	_____
4. Porta-toilet	_____	_____	_____
5. Fire extinguishers	_____	_____	_____
6. Dumpster w/cover on site	_____	_____	_____
7. Sign in conformance	_____	_____	_____
8. Adjacent lots impacted?	_____	_____	_____
9. Roadways clean	_____	_____	_____
10. Condition of site	_____	_____	_____
11. Access constructed	_____	_____	_____
12. Fire hazard	_____	_____	_____
13. Immediate action needed on other items noted:			_____

The Architectural Review Committee reserves the right to stop construction should it be determined that such action is necessary for the health, safety and welfare of the community and its residents.

NOTE: The Architectural Review Committee may, at its sole discretion, withhold the refunding of the conformance security deposit pending the completion of all the requirements of the Architectural Standards and the ARAC plan approval.

FINE IMPOSED: _____ PASSED INSPECTION: _____ DATE: _____
Owner: _____ Lot # _____
Contractor: _____ Inspector: _____

CC: ARC file, Contractor, Owner, Inspector, ARC Chairman, ARC Secretary

Appendix 7: Schedule of Fees, Deposits, & Fines

ITEM	AMOUNT	REFUND-ABLE	WHEN DUE	COMMENT
Initial Fee – Single Family Lot	\$2,000	No	Submittal of Preliminary Plans	Fee covers cost of architectural review, including ARC Secretary, ARC-retained architect and site inspector, and accounting and administrative services.
Initial Fee – Cluster Lot	\$2000 or \$500 per unit, whichever is greater.	No	Submittal of Preliminary Plans	Fee covers cost of architectural review, including ARC Secretary, ARC-retained architect and site inspector, and accounting and administrative services.
Initial Fee – Commercial Lot	To be negotiated between ARC and Applicant. Initial Fee due with submittal of Preliminary Plans			Fee covers cost of architectural review, including ARC Secretary, ARC-retained architect and site inspector, and accounting and administrative services.
Initial Fee - Remodel (External remodels, including house addition, garage, or garage addition.)	\$500	No	Submittal of Preliminary Plans	Fee covers cost of architectural review, including ARC Secretary, ARC-retained architect and site inspector, and accounting and administrative services. There is no fee for addition or modifications to decks, fences, reroofing, landscaping, or other activities determined by ARC as posing negligible expense to the Association.
Road Impact Fee	\$1,000	No	Approval of Final Plans	Required only for new construction.
Special Meeting Fee	\$150	No	At time of request	
Meeting Cancellation Fee	\$150	No	When billed	For failure to cancel a scheduled appointment with the ARC within 48 hours of meeting.
Conformance Deposit – Single Family Lot	\$7,500	Yes	Approval of Final Plans	The purpose of this fee is to ensure the proposed project is completed in conformance with the approved plans.
Conformance Deposit – Cluster Lot	\$7,500 or 3,000 per unit, whichever is greater.	Yes	Approval of Final Plans	The purpose of this fee is to ensure the proposed project is completed in conformance with the approved plans.
Conformance Deposit – Remodel	2,500	Yes	Approval of Final Plans	The purpose of this fee is to ensure the proposed project is completed in conformance with the approved plans.
Conformance Deposit – Contractor	\$5000	Yes	Approval of Final Plans	Contractor’s site prep deposit, including fire extinguishers, port-a-toilet, dumpster w/cover, site access preparation and continuous adherence to ARC Standards and community rules.
Fine – First Offense	\$100 per violation	No	When billed	After ONE written notice, failure to remedy non-conformance or described violation within the deadline will result in an offense and fine.
Fine – Second Offense	\$500 per violation	No	When billed	For repeat offenses after a first offense fine has been levied, after ONE written notice, failure to remedy within the deadline will result in second offense and fine.