

ARCHITECTURAL STANDARDS

Divide Ranch & Club Homeowners Association
Also referred to as Fairway Pines Estate Owners Association or Fairway Pines
within this document.

March 28, 2023

The Architectural Standards for Fairway Pines/Divide Ranch have been established to create and preserve an attractive community of harmonious design while encouraging a variety of form and detail.

Anyone considering building a home or doing an exterior remodel or home addition in Fairway Pines/Divide Ranch 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.....
8

SECTION IV -- DESIGN THEME.....
9

SECTION V -- DESIGN REVIEW PROCESS.....
10

SECTION VI -- NOTICE TO ADJACENT PROPERTY OWNERS.....
14

SECTION VII -- FINES.....
15

SECTION VIII -- DEPOSITS AND FEES.....
16

SECTION IX -- SITE PLANNING.....
16

 10. V-300 LOTS – SPECIAL DESIGN REQUIREMENTS.....
 19

 11. CLUSTER AND COMMERCIAL LOT – SPECIAL DESIGN REQUIREMENTS.....
 20

SECTION X -- ARCHITECTURAL REQUIREMENTS.....
22

SECTION XI -- LANDSCAPING.....
27

SECTION XII -- CONSTRUCTION REGULATIONS.....
30

SECTION XIV -- MISCELLANEOUS.....
32

APPENDIX 1: INITIAL APPLICATION.....
33

APPENDIX 2: PRELIMINARY PLAN REVIEW.....
35

APPENDIX 3: FINAL PLAN REVIEW.....
37

APPENDIX 4: CONTRACTOR’S CHECKLIST -- CONSTRUCTION RULES AND REQUIREMENTS.....
38

APPENDIX 5: APPLICATION FOR BLASTING PERMIT.....
41

APPENDIX 6: SCHEDULE OF FEES, DEPOSITS, & FINES.....
43

APPENDIX 7: APPROVED COLOR PAlettes.....
45

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., 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. 1953594.
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" no longer exists as a defined plat. The lots consist 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" shown in this document,
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. Professional Architectural Consultant, as used herein, is a contracted professional who **may review** all submitted plans at Orientation, Conceptual, Preliminary and Final Plan Reviews. The consultant may be an Architect, or an Architectural Designer.
18. "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.
19. "Quorum" is a majority of Architectural Review Committee members or their proxies present in person or by conference phone or email.
20. "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
21. "Stone" in the context of these standards' minimum stone requirement, means naturally occurring, quarried material or approved randomly sized, cultured product, capable of being applied in 3 dimensions, using traditional masonry techniques and including conventional mortar, whether of pointed or dry stack appearance. Tiles, flat panels or other multiple-rocks-facade or manufactured cast or concrete siding imitating stone are prohibited.
22. "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 Fairway Pines 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. The Board and the ARC are obligated under the Covenants and State laws to enforce the ARC Standards and Covenants.

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. Any variation request must be submitted in writing to the ARC chair. Approval of the variation is at the discretion of the Board of Directors and must be in written form to constitute a variation.

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. Fairway Pines 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 high quality of architectural design and construction.
5. Preservation of balance between reasonable uniformity, reasonable creativity and diversity in architectural design and construction.
6. Preservation of the golf course experience from adverse impacts due to construction.
7. Promotion of fire and other safety considerations and prevention of injury to persons and property.
8. Promotion of compliance with laws pertaining to Planned Unit Developments, and all other laws.
9. 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.
10. Preservation of the requirements of particular provisions of the Covenants, Architectural Standards, and other rules.
11. Preservation of adjoining or nearby property interests, the interests of the developer and easement interests.

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

1. To attain high quality construction and design.
2. To preserve and protect natural resources within the subdivision.
3. To promote a harmonious relationship of buildings, landscape and overall community design.
4. To maintain proper setbacks in order to promote safety and preserve the view of natural scenery.
5. To preserve the natural environment for wildlife which currently exists throughout the property.
6. 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 Fairway Pines Estates Owners' Association 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 Fairway Pines Estates. 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 improvements 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 \(civicplus.com\)](#) 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 Fairway Pines 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 including working around large trees, vegetation areas, rock features, or any other natural terrain to enhance and maintain the natural beauty of each residential property. The intent of the design theme is to promote high quality mountain homes, interesting architectural styles, and construction with buildings that are creatively designed to merge and blend with their natural surroundings.

Fairway Pines is firmly intended to be a community of one-off custom home designs based on architecture that blends with the mountain environment.

Building designs should be creative, with an avoidance of boxy or long rectangular buildings.

All designs shall consider snow and the high elevation of the Divide Ranch and shall be designed accordingly as to minimize additional snow build up at driveways, walkways, entryways, and rear patio areas.

Ridgelines and roof forms are a very important part of the design. Gable Roof forms and Hip Roof forms are encouraged throughout the design to create changes in ridgelines, creativity in design, and to-break up roof planes. If shed roofs are used, there shall be variations in lengths and heights.

Interest within the architecture shall be accomplished through the addition of design elements such as varied heights along the front and rear of residence, as well as bay windows, dormers, multi-level decks and railings.

Home Duplication - With the exception of structures on single cluster lot, home designs shall not be duplicated without significant changes to the exterior appearance so as to avoid exterior design duplication and ensure exterior custom design appearance. Change of materials shall not constitute a significant design change.

Building mass shall be varied and reflect the site characteristics .

Slopes and Hillsides - All designs located 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.

Color Palette and Approved Materials. Natural wood, stone and stucco shall be the primary building materials. Fire resistant fiber cement siding is permitted but shall meet all other requirements of this document. Plank type siding materials shall not be used in continuous applications along an entire elevation.

Materials shall be non-reflective in a subtle earth-tone color and texture approved by the ARC using the approved ARC color board of color samples located in the ARC office. All exposed metal flashing,

gutters, downspouts and other roof hardware shall be color coordinated with the colors of adjacent materials.

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 and a Certificate of Occupancy. A Certificate of Occupancy from the County shall not be construed to be the same as an ARC Certificate of Conformance.

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.

Cluster, V-300, and Commercial lots are subject to the review and approval process contained in these Standards.

The Fairway Pines Estates Review process has five steps: (1) Orientation Meeting, (2) Conceptual Plan Review, (3) Preliminary Plan Review, (4) Final Plan Review and (5) Construction Conformance Review. The Preliminary and Final Plan Reviews may be conducted at the same meeting.

Orientation meeting.

All new property owners are required to contact the Fairway Pines/Divide Ranch ARC committee chairperson to set an appointment with the ARC Architectural Design Consultant and at least two ARC Committee members, to obtain details about proposed construction on their property. This meeting is to provide information that will be helpful to a residential designer or architect as to better meet the ARC standards and design theme of the Divide Ranch.

Driveway location, home location, grading, drainage, site lines, design style, construction method, roof lines, and any other features on the property that may affect the design and location of the home will be reviewed at this Orientation Meeting. The orientation meeting should be held before the lot owner has any specific design discussions with an architect.

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.

At least ten (10) days prior to the next scheduled ARC meeting, the Owner or Owner's agent must submit the following in digital PDF format:

- a. Conceptual site plan, including topography and drainage, house location, building set-backs, driveway location, any natural existing features on your lot, culvert location, and address monument location.
- b. Conceptual floor plan.
- c. Elevations or two perspective views of front and rear.
- d. Conceptual Roof Plan.
- e. Construction type
- f. Height Limit.

At the meeting, the Applicant shall provide a completed Initial Application contained in Appendix 1 of these Standards, and Operating Fee, and confirmation of fees paid to the HOA, Golf Course and Sanitation District (if applicable) are current.

If a Special Meeting is requested by the Owner or their representative and agreed to by the ARC, the ARC shall impose a fee for the Special Meeting. See Section XI, Deposits and Fees, and Appendix 6, Schedule of Fees, Deposits, & Fines.

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 Fairway Pines Estates conforms to the requirements of the applicable Design Standards.

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 (itemized below) required for the Preliminary Plan Review in PDF format.
2. Stake the lot, tag trees, and if required install story poles.

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 Operating 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:
 - a. property boundaries

- b. building footprint
- c. building setbacks
- d. driveway, parking and walk locations
- e. septic system location or sanitary system connection
- f. details of driveway culvert, abutment, and address monument
- g. existing and proposed contours at two-foot (2') intervals
- h. preliminary landscape concepts, existing trees to be removed, vegetation and landforms and other site improvements (retaining walls, decks, etc.
- i. finished floor elevation as compared to the referenced elevation nearest the street.
- j. Any existing natural trees, tree groups, rocks, and natural rock features should be shown and how design works around and protects these natural features (if any) on all lots one acre or less and within 150' of building structure on lots larger than one acre.

Owners are responsible for providing accurate site topography for building and planning purposes. A site specific survey is required.

- 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:
 - i. Floor plan
 - ii. Roof plan showing all roof ridges, roof valleys, roof overhangs, roof pitches.
 - iii. Four exterior elevations, showing porches, stone placement and calculation, steps, decks, and deck supports, and building height.

c. **Staked Lot to Include:**

- Location of main structure and garage
- 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 and to indicate one entrance/exit to lot, which single entrance/exit shall be used exclusively during construction and ultimate residency phases, subject to fines.

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.

The ARC can only approve a Final Plan Review submittal when each of the items listed below has been submitted and approved and required 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 conducted and 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 **all** elevations. (See Checklist, Appendix 3, Final Plan Review Checklist).

- b. Story Board. The Owner shall provide a Story Board with actual color samples, along with paint and stain color samples, for all materials to be utilized on the exterior including but not limited to
 - a. roof (actual sample of roofing along with manufacturer's product literature and photographs)
 - b. siding, stucco, or proposed exterior product. If siding or a proposed exterior product other than stucco or wood is used, it should be accompanied by manufacturer's product literature and photographs
 - c. stone
 - d. wood trim
 - e. windows (type of windows, along with manufacturer's product literature and photographs)
 - f. driveway,
 - g. soffits
 - h. doors (type of doors, along with manufacturer's product literature and photographs)
 - i. garage doors (type of doors along with manufacturer's product literature and photographs)
 - j. chimney cap,
 - k. lighting
 - l. end caps on culverts

- 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.

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.

Time Line. It is required that the Conceptual Review and Preliminary Review, and Final Review 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.

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.

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 -- 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 VIII -- 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 6 for the Schedule of Fees, Deposits and Fines.

Refundable Deposits, such as conformance deposits required by the Fairway Pines 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 Fairway Pines Estates Owners' Association (FPEOA), 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 of deficiency and stated deadline for compliance to correct any performance deficiency, there is a failure by the Owner, Contractor, subcontractors to comply, then 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 Owner should be aware that the deposit is applicable to cost of cleanup, off-site damage and other costs incurred in complying with all applicable rules, including reasonable charges for administrative and legal services. Upon the ARC's determination that all requirements have been met, the ARC will refund any unused portion of the deposit.

Section IX -- Site Planning

1. Building Siting Minimum Living Space and Maximum Building Footprint. Site planning shall consider views, privacy, large existing trees, groups of trees, rock features, driveway approach, and topography, while designing around and working with the natural landscape. The building should 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 V- Lots which are subject 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.

c. Building materials or components may not be stored on any public road or on other lots within the development.

- 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.

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 and if steep grades exist, then use of natural rock retaining walls may be required.

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.

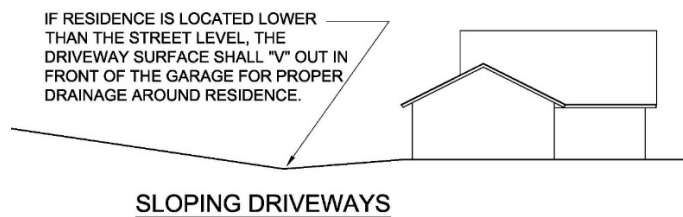
6. Driveways.

There shall be only one access permitted for each lot with one point of entrance/exit with a permanently installed and protected culvert, if required, for adequate drainage. Construction boundary fence should be installed before any work begins on the site, so that all workers use the one single ingress and egress access point upon arrival.

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.

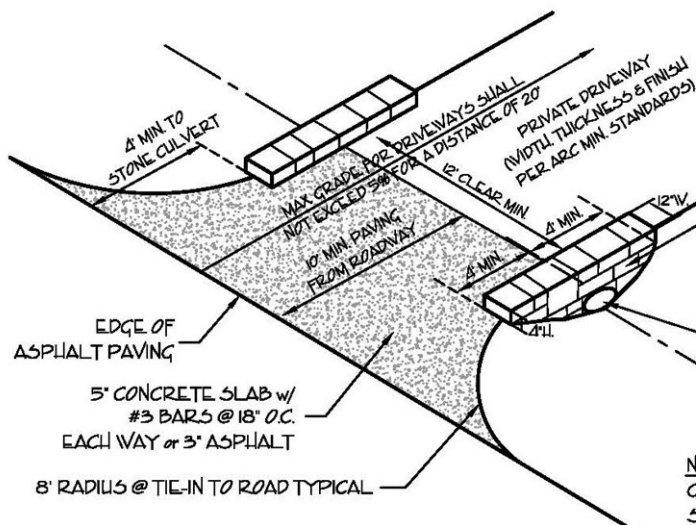
The Owner shall be responsible for the daily cleanup of mud, oil/grease and other debris tracked from a construction site onto the roadway. If cleanup is not done by the Owner or agent of the Owner in a timely manner ARC may have the cleanup work done and deduct the cost from the conformance deposit or bill the Owner for the cost.

Driveway construction shall comply with Ouray County regulations. Driveway culverts shall be required for driveways crossing drainage swales. If a driveway slopes toward the house, drainage should be considered.



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. 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 20' 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". Driveways on any V lots are required to be entirely paved
- All driveways with a culvert must have an end-cap made of natural stone for a finished look.



- Hard surface driveways in concrete or asphalt may vary from the above specifications with ARC approval and 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. Enclosed structures must match the architecture of the home. 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. V-300 LOTS – Special Design Requirements

The design of structures on V-300 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 Fairway Pines Design Regulations.

The V-300 lots 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 the V-300 lots shall permit a variety of building form and detail subject to the ARC regulations and the following special requirements:

- a. 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.
- b. Building Height: The maximum building height shall be as defined in the Fairway Pines Estates 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.
- c. Colors:--No two adjacent buildings shall use the same stucco or trim colors without specific approval from the ARC.
- d. Parking; All driveways to be hard surface.

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. ARC may utilize Ouray County Guidelines in reviewing commercial development applications.
- b. Building height limitations for cluster and commercial lots shall conform to the height restrictions set out in these Architectural Standards.
- c. Driveways: All driveways and designated parking areas will be hard surfaced.
- d. Off street parking shall conform to the applicable zoning ordinances of Ouray County.
- e. 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.
- f. 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.

- g. 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.
- h. 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.
- i. 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.
- j. 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 X -- Architectural Requirements

1. Construction: Per the Covenants, all structures 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.

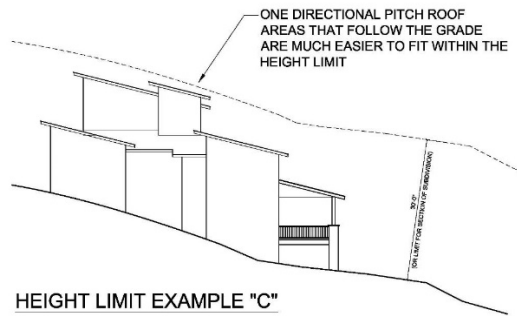
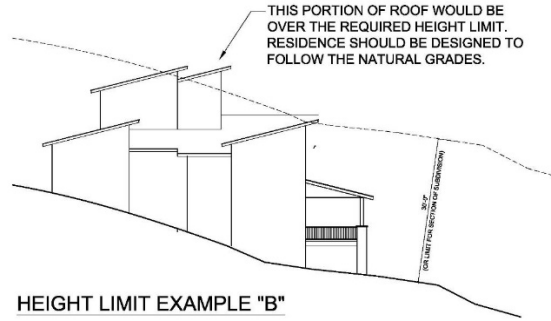
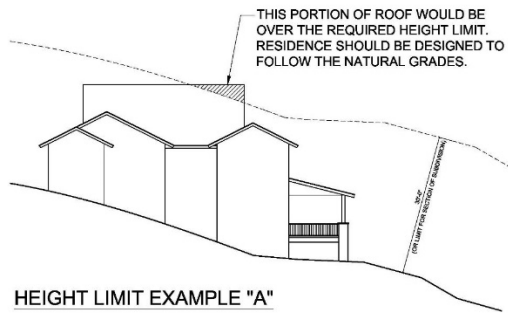
Color Palette and Approved Materials.

The ARC has adopted an “approved color palette” and shall approve certain material for the exterior improvements to the lots in the property, including walls, facades, roofing, fences, and all other surfaces on the exterior of any given Unit or other improvement to the Lot. The ARC shall have the sole discretion to adjust the palette and list of approved building materials from time to time in its sole discretion, except where approval of color or material would conflict with the Declaration of the adopted design guidelines. The color palette can be viewed in the ARC Office and is also attached hereto as Appendix 7. Note that colors shown on computer monitors may vary from actual color of palette sample. To request physical viewing of the color palette, contact the ARC Chair.

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 on the Final Review storyboard. All materials shall comply with the following criteria:

- Established high quality and workmanship
- Durable in a harsh mountain environment
- All exterior elements (stone, siding, roofing materials) must be installed on-site.
- Natural appearing in texture and color
- Minimize glare
- Meets accepted industry standards

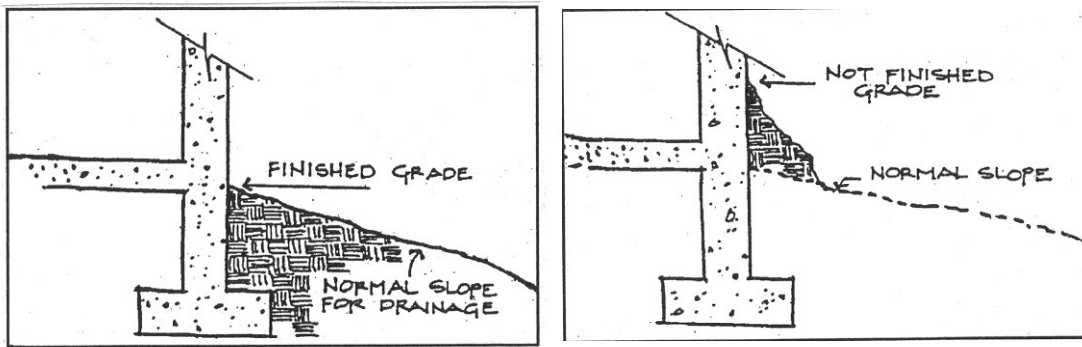
3. Building Height and Finished Grade - : Building height shall be measured from finished grade, or pre-construction grade, whichever is less, to the highest point of the roof ridge. At any given point, this measurement shall not exceed the maximum height for the lot. The building shall be measured at multiple locations and the height must not exceed the maximum height anywhere around the perimeter. Chimneys, however, may exceed the maximum building height limit by a maximum of 4’.



If the existing pre-construction grade has been disturbed prior to development, ARC may accept an estimation of pre-development topography prepared by a registered land surveyor or civil engineer. ARC may require additional historical documentation, technical studies, reports or other information to establish the natural grade.

If ARC determines that there are minor irregularities in the natural grade, these areas shall not be used in determining compliance with the building height limitation set forth herein, and the surrounding typical natural grade shall be used.

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 with 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: Roof areas and roof lines shall follow the changes of the exterior walls and provide similar changes in roof areas that fit the proposed architectural design. For rooflines with a single elevation ridgeline, there shall be four changes of direction where each section of the roof can be no longer than 40% of the aggregate ridgeline length of the roof. For rooflines that have varied elevation ridgelines, no single elevated section can exceed 40% of the aggregate ridgeline length. If shed roofs are used, then there shall be at least four variations in lengths and heights.

Roof pitches shall be between 3:12 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 shall 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 asphalt shingles. If asphalt shingles are used, they must be Architectural dimensional shingles which give a three-dimensional appearance to the roof and are colored solidly through the cross sectional thickness of the shingle, rather than by application of a single top color coat. Non-architectural, “3-tab” shingles are not permitted. 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.

Roof overhangs as measured from the dripline to the face of the house must be at least 18”.

Covered porches will be encouraged to provide additional interest within the architecture.

All fascia boards must be a minimum of 1x8" nominal and shall be of solid wood, fiber cement, or sheet metal-wrapped wood.

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.. A combination of materials may be utilized to create variety and interest within the building design.

Exterior walls shall be broken up, staggered, and offset as to create custom architectural elements. Any plane break must be at least 24" deep or include a change of direction.

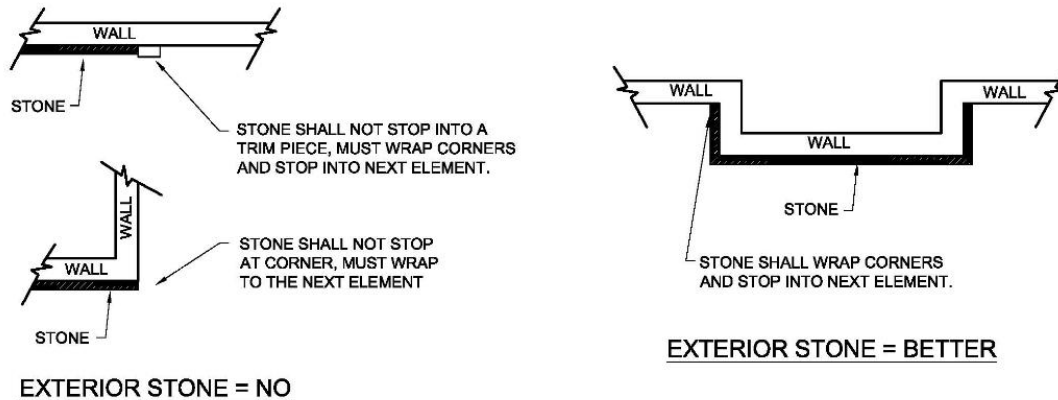
All finish materials must be installed on-site. These include siding, stone, roofing, shingles, stucco and exterior trim.

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.

Appropriate wall materials may include:

- 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" or greater. 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 must be finished and comply with the ARC color palette. Fiber cement siding may be used as a substitute for wood siding if it meets all other requirements of the Design theme. Plywood siding or Oriented Strand Board (OSB) 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. 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. Natural stone is preferred but manufactured stone will be considered for ARC approval. All stone elements must wrap edges and stop at the next architectural element or use a manufactured return that transitions to the next material. Any cultured stone shall be installed per manufacturer's specifications and guidelines.

- f. Stucco: Stucco shall be used in combination with log, wood, metal or stone. 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. Chimneys must have a chimney cap made of stone, metal or precast concrete with a sandblasted or exposed aggregate finish. Chimneys may not exceed the maximum height limit of the house by more than 4'.

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, metal clad, or fiberglass. White windows are not allowed. Windows on elevations facing the street and golf course need to be an upgraded design style and be approved by ARC.

- Windows should appear to be recessed into walls to create a shadow effect.
- Window patterns and reveals need to be carefully studied to create interest and variety.
- Window openings and trim shall be consistent in proportion and scale with the associated building.
- Materials shall vary in detailing and color while still being compatible with overall building design.
- All windows shall have trim which shall be architecturally consistent with the design of the residence and reflect other custom design elements, such as entryways. Trim shall be used in a creative way as to enhance the architectural design and interest. Fiber cement trim may be used but not fiber cement siding.
- Window frames and trim shall be painted or stained wood, anodized, painted or clad aluminum or patina copper clad. Aluminum is allowed as painted clad material only.
- The use of vinyl windows is prohibited.

- Mirrored reflective glass is prohibited.

9. Doors and Entrances: Main entry doors visible from the golf course or roads shall be constructed of stained wood, or stainable composite fiberglass. Glass doors or glass panel inserts are allowed. Raised panel metal doors are allowed for secondary doors not visible from the golf course or roads. All doors are subject to review of the manufacturer specs and approval by ARC. 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 plan submission, review, and ARC approval. 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. RV garage portion cannot be the tallest point of the residence and incorporation of the RV garage shall not make the structure look off balanced to the massing requirements.

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. Solar panels must be roof-mounted and on the plane of the roof.

The Fairway Pines Estates Owners Association 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 XI -- 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.

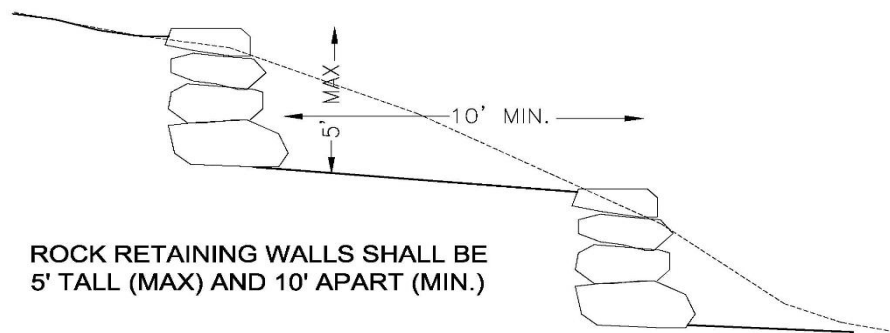
2. Landscaping and Plant Materials: Landscape scale and overall design shall be developed so that new vegetation is integral with the existing natural mountain landscape. New planting should primarily use plants that are indigenous to the area.

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. Retaining Walls: If the finished slope exceeds a 2:1 slope, a retaining wall is required. Retaining walls must be constructed with boulders or native rock or subsurface geo-grid. No section of a retaining wall shall exceed 5 feet in height. If more than 5 feet is required, the wall must be stepped back at least 10 feet before the next wall section begins.

Lots with grade changes need to consider the cut and fill for each project and design retaining walls accordingly to flow and step into natural terrain.



RETAINING WALLS

6. 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 Fairway Pines Estates 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.

7. Exterior Lighting: The type of fixture and type of lighting must conform to Ouray County's Dark Sky regulations, be downward facing, and be approved by ARC.



8. 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, high solid fencing, perimeter fences and electric fences will not be permitted. Pet training fences are allowed but flags shall be removed within eight (8) weeks from 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.



9. Post-Construction Tree and Property Protection: Care shall be taken to avoid damage to existing trees, shrubs, and their root structures. No trees may be removed except as permitted by Article V, Section 20 of the Declaration of Covenants. Before trees may be removed for any reason, 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.

The 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.

Section XII -- Construction Regulations

All lot Owners in Fairway Pines will be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors. Contractors must read, initial and sign Appendix 4 indicating their understanding and compliance to the ARC Standards. Failure to comply with the regulations listed in Appendix 4 may result in fines or prohibition from working in Fairway Pines.

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. Building materials may NOT be stored on the Fairway Pines' roadways or on other lots within the development. Construction materials shall be used within the home construction within 90 days of arrival on site, so as to prevent unsightly and lengthy storage of materials on any lot.

All construction activity shall be contained on the lot for which a building permit has been issued. Outside work may not be conducted between those hours dictated by local noise ordinances. 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 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.

4. Clean Up: It shall be the Owner's and Owner's contractors' joint responsibility to maintain a clean construction site, including waste material storage in a metal waste dumpster or waste trailer and regular removal of such waste when storage is full; to see that adjacent lots are not impacted negatively with construction materials or debris, and regularly maintain clean roadways where mud and dirt could be

tracked from the construction site. Brush and slash piles must be removed from the site within 10 days after cutting, or be subject to fines.

Section XIV -- Miscellaneous

1. Real Estate Signage: The Association maintains a real estate information bulletin board located at the mailbox kiosks. A home listed for sale may have up to two flyer boxes holding sales information on the home. The flyer boxes may be posted on the property set back lines, one in the front of the house and one facing the golf course. No additional ribbons or other embellishments are permitted on or near the sales flyer boxes. The Covenants prohibit flyer boxes and for sale signs on undeveloped lots.

2. 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 identification sign as shown below. The sign shall be 6" x 12" and shall be 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 and the post should be securely sunk into the ground. The sign should be located on the Owner's property within 10 feet of the property line. A maximum of two signs are permitted per property, one on the street side and one on the golf course side. Additional ribbons or other markings are not permitted to be affixed to the lot signs.



Contractors or builders may erect a sign with the Lot # or address for use by their subcontractors. A professionally printed sign with the Contractor's name, Architect or Designers name, and property owner's name is allowed.. This sign may be no larger than 3' by 5'.

3. 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, vegetation ground fuels, 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 correct the hazard, the cost of the remedy, including reasonable attorney's fees, shall constitute an assessment payable by the property Owner. Ouray County has fire mitigation regulations within the Land Use Code and all structures within the development shall meet these regulations.

Appendix 1: Initial Application
FAIRWAY PINES
ARCHITECTURAL REVIEW CHECKLIST

Lot Number: _____ Owner: _____ Date: _____

A. Items Required for Consideration of Conceptual Plan

- _____ 1. Conceptual Site Plan in PDF format – From survey.
- _____ 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
- _____ 6. Payment of Nonrefundable Operating Fee

B. Acknowledge receipt and review of the Fairway Pines Architectural Standards

I acknowledge that I have received and have read the Fairway Pines 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.

I. Building Permit

_____ I acknowledge that I will not apply for a Ouray County Building Permit until I have received final plan review and approval from ARC.

Owner's Signature _____ Date: _____

Telephone Number _____ Email Address: _____

Contractor Name _____ Telephone _____

Contractor Email address _____

Reviewed by _____ Date _____
ARC Chairman

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

Appendix 2: Preliminary Plan Review

FAIRWAY PINES 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. Walkway 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.

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
FAIRWAY PINES
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. _____

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 (**Conformance, Contractor and Road Fee**)

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. Final inspection to qualify for refund of Construction Performance Deposit.

Reviewed by _____
(ARC Representative)

Date _____

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

FAIRWAY PINES 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 music, talk shows, etc.
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. A construction fence or line must be established to prevent sub-contractors and heavy equipment from damaging the native grasses and trees outside of the building work area. ARC standards indicate that only one entrance/exit access is allowed for each property. This should be designated before any work is done to assure the access location is created and understood by all sub-contractors working on each residential project. Fines will imposed for noncompliance of single entrance/exit requirements.
4. All construction activity must be limited to the lot for which a building permit has been issued.
5. Other than trees marked on the approved site plan no trees may be removed without prior ARC approval.
6. The construction site shall be kept neat at all times. Slash piles are not permitted. Slash must be hauled off or ground into chips **within 10 days of cutting or be subject to fines.** .
7. No burning of slash or trash is permitted.
8. No heavy equipment may be operated between the hours **(same as previous noise ordinance)**
9. No exterior work is allowed on Sundays by contractors and sub-contractors.
10. Posted signs are regulated by Section XV, Construction Regulations, of these ARC standards.
11. No trash may be stored outside an approved container or **covered** dumpster. Workers' food and wrappers should be removed from the site (wildlife issues).
12. The Contractor is responsible for any damage he/she may cause to the adjacent property (lots, streets, etc.).
13. 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.
14. Only one access to the construction site (driveway) is allowed.
15. The roadways shall be clean. Any construction-related mud, gravel, or debris must be promptly removed.
16. Concrete trucks may NOT clean equipment within the subdivision, except for initial washing at the construction site.
17. No overnight parking on the street is permitted.

C. Checklist: Site Requirements

1. A single entrance/exit access driveway shall be constructed prior to beginning construction
2. There shall be a covered 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: Up to \$100 per violation.
- Second Offense: Up to \$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

FAIRWAY PINES ARCHITECTURAL REVIEW COMMITTEE

Regarding Fairway Pines 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: Schedule of Fees, Deposits, & Fines

ITEM	AMOUNT	REFUND- ABLE	WHEN DUE	COMMENT
Operating Fee – Single Family Lot	\$3,000	No	Submittal of Conceptual Plans	Fee covers cost of architectural review, including , ARC-retained architect and site inspector, and accounting and administrative services.
Operating Fee – Cluster Lot	\$3000 or \$1000 per unit, whichever is greater.	No	Submittal of Conceptual Plans	Fee covers cost of architectural review, including, ARC-retained architect and site inspector, and accounting and administrative services.
Operating Fee – Commercial Lot	\$3000 or \$1000 per unit, whichever is greater.			Fee covers cost of architectural review, including ARC-retained architect and site inspector, and accounting and administrative services.
Operating Fee -Remodel (External remodels, including house addition, garage, or garage addition.)	\$1,000	No	Submittal of Preliminary Plans	Fee covers cost of architectural review, including 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	\$2,000	No	Approval of Final Plans	Required only for new construction. Applies to residential and commercial.
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 or Commercial 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 preparation deposit, including fire extinguishers, port-a-toilet, dumpster, site access preparation and continuous adherence to ARC Standards and community rules.

		<u>FINES</u>		
Fine – First Offense	Up to \$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	Up to \$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.
Fine - Third Offense	To be Determined			Contractor and Owner will meet with the ARC. Contractor may be banned from further work in the subdivision.

Appendix 7: Approved Color Palettes

HOUSE / TRIM/ SIDING

The below color swatches are intended to be examples of approved earth-toned colors for homes in Divide Ranch. All colors proposed for home exteriors and roofs must be approved by ARC and actual samples provided on the Story Board presented at Final Review.

