

**THE HOMESTEAD OWNERS ASSOCIATION INC.  
GUIDELINES, COMMUNITY STANDARDS,  
DESIGN STANDARDS, &  
CONSTRUCTION REGULATIONS**

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<b>1. INTRODUCTION</b>
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### **1.1 Development Philosophy**

The development philosophy of the Homestead Ranch, herein after referred to as The Homestead, is to encourage development that protects the value of all property within the community, giving appropriate consideration to the impact of particular development, while respecting, to the degree possible consistent with such protection, the preferences of the owners of the property being developed.

### **1.2 Purpose of the Design Guidelines**

The purpose of these Standards is to assist the Applicant in achieving the desired level of the site development consistent with the design concept for The Homestead.

These Architectural Standards are intended to aid the Applicant in achieving a style, character and quality of development conforming to the goals and objectives for Homestead.

### **1.3 Relationship to CC&R's and Zoning Plan**

Whenever these Standards are more restrictive than either the PUD Guidelines or the Declaration of Covenants, Conditions and Restrictions, these Standards shall prevail. The Applicant should refer to the Design Review Committee (DRC) information for specific requirements. The goal of the DRC is to ensure development of a high quality community consistent with the Homestead style, thus protecting and enhancing the investment of all those locating within Homestead.

These Architectural Standards shall apply to all properties in Homestead and are in addition to the requirements of the Eagle County Zoning Regulations and Building Codes. All standards set forth herein are subject to the criteria established in the current Federal, State or Eagle County regulations, whichever criteria are more restrictive.

In addition to approval of plans by the DRC, it is necessary for the owner to comply with Eagle County's regulations prior to commencement of construction.

### **1.4 Residential Design Standards**

The residential component of the Homestead community will occupy the majority of the developed project. Carefully planned Design Guidelines will help to keep the

physical impacts of residential development at a minimum, while enhancing the quality of life for those living in and around the community. The standards listed below are applicable to all residential development except where noted.

## **2. COMMUNITY STANDARDS**

### **2.1 Purpose**

To preserve the natural beauty and overall appearance of the community, the following standards shall be enforced. All restrictions as established by the PUD shall be incorporated into this section by reference.

### **2.2 Exterior Changes**

All changes to the exterior of a residence must be approved by the DRC. Changes include but are not limited to new paint colors, additions, alterations, landscape changes, accessory structures, and fences.

The Association allows removal of trees, shrubs, or other vegetation in order to create a defensible space around the dwelling for fire mitigation purposes, so long as the removal complies with a written defensible space plan created by the Colorado forest service, an individual or entity certified by the local government to create a plan, or the fire chief, fire marshal or local fire protection district. The Association is allowed to require changes to the plan with consent of the person, official or agency that created the plan.

### **2.3 Maintenance**

All residences and lots shall be maintained in an appropriate manner. Exterior building materials shall be painted and/or stained regularly to prevent excessive weathering and decay. All landscaping shall be maintained and replaced as necessary in accordance with the Landscape Standards.

Failure to maintain the exterior of a residence or grounds will result in an issuance of non-compliance to the owner of said residence or grounds. In the event an Owner fails to correct this issue, the Association may make repairs and improve the appearance in a reasonable manner, the direct cost plus an administrative surcharge equaling 50% of the direct cost which shall be assessed against the owner of the residence or lot upon which the work is executed and billed on the property owner's monthly statement and may become a lien on the property if not paid in full in a timely manner.

### **2.4 Signage**

Temporary real estate signs shall be physically attached to the residence below the roof eave and shall be no larger than 9 square feet.

No signs are permitted on vacant lots.

### **2.5 Garbage, Refuse, and Firewood**

All garbage or refuse shall be kept within an enclosed portion of the building. On days of trash collection, closed trash cans shall be permitted at the point of collection. Trash cans may not be left outside the night prior to or on any subsequent days after collection.

No exterior portion of any lot shall be used to store garbage, landscape material, refuse, or any other such material, or containers therefore.

Firewood storage is permitted as long as it is neatly stacked or stored in an unobtrusive manner.

## 2.6 Pets

Pet owners in Homestead must abide by Eagle County pet laws concerning leash laws and dogs at large. Pet owners are required to pick up pet waste in accordance with Eagle County pet laws.

## 2.7 Recreational Vehicles

No lot, street, private street, drive or parking area, unless specifically designated by the Homestead Owners Association, shall be used as a parking, storage, display or accommodation area for any type of house trailer, camping trailer, boat trailer, hauling trailer, boat or accessories thereto, truck larger than a 1 ton pickup truck, or any type of motor home except as a temporary expedience for loading, delivery, emergency, etc. Except as permitted in this section, the same shall be stored, parked or maintained wholly within a garage area of a dwelling unit with the garage door in a closed position. This restriction shall not restrict the parking of trucks or other commercial vehicles within the properties which are necessary for the construction of structures or maintenance of the common area.

Emergency vehicle parking police and procedures. Owners or occupants may park emergency service vehicles which are a condition of the unit owners employment on a street, driveway or guest parking area, provided (a) The vehicle weighs 10,000 LBS or less (b) The unit owner is a bona fide member of a volunteer fire department or is employed by an emergency service provider (c) The vehicle bears an official emblem or designation of the emergency service provider and (d) Parking of the vehicle can be done without obstructing emergency access or interfering with the reasonable needs of other unit owners to use the streets and driveways within the common interest community.

Failure to comply with these guidelines will result in issuance of non-compliance and all applicable fines as defined in section 9.

# 3. SITE DEVELOPMENT STANDARDS

## 3.1 Use Restrictions

Each lot shall be subject to the following maximum site use limitations:

	Single Lot	1/2 Acre Lot	1/4 Acre Lot	Neighborhood Lots
Maximum Floors	6	6	3	4
Maximum Height Feet	3	3	4	4
Maximum Square Feet	5	5	6	6

\*Areas of upper floor overhang or projections less than seven feet above finish grade and garages shall be included.

Private Tracts B, K, U are access tracts. These tracts are to provide vehicular and pedestrian access to non-Homestead properties, as limited by the zoning in place on the non-Homestead property at the time the access tract was platted.

## 3.2 Building Setbacks

Front, rear, and side yard setbacks are defined in the PUD guidelines. No building or portion thereof shall be permitted to be constructed in the building setbacks, except as permitted in these guidelines.

In order to ensure a unique and interesting streetscape appearance, variable front setbacks shall be provided for individual dwellings. Setbacks of adjoining residences shall vary by a minimum of 3 feet except where approved by the DRC.

### **3.3 Driveways and Off-Street Parking**

All residences shall have a minimum of four offstreet parking spaces. Two of these parking spaces must be enclosed within a garage and an additional two offstreet surface parking spaces shall be provided.

All driveways and parking areas shall be hard surfaced with asphalt, concrete, paver stones, or other similar materials as approved by the DRC.

All driveway and parking areas shall be designed to minimize disturbance on the lot. Large parking areas shall be screened with landscaping and located on the lot to avoid the visibility of large paved areas from the street and adjacent residences. Driveway widths shall be limited as much as possible where they intersect the street, and in no instance shall the width at the street be larger than 24 feet. Driveways that intersect the street in more than one location are generally discouraged.

All driveway areas must be completed within 18 months of the start of construction and prior to the refund of the performance bond.

Driveway culverts may be required on certain lots. All culverts shall be approved by the County Engineer prior to installation.

### **3.4 Dog Runs**

Dog runs should be concealed from view and incorporated with the design of the structure and subject to review by the DRC.

### **3.5 Fences**

All fences must be approved by the DRC, either in the original application or with a DRC Change Form. Privacy fences are not permitted. Fences in front yards are generally discouraged and are only permitted in unique circumstances, as it is felt that they detract from the openness of Homestead. Two or three rail split rail, or whole log fences, of a maximum height of 4 feet at the top rail, will generally be approved. Fences should run along rear and side lot lines. If a confining fence is desired, wire or fiberglass mesh may be approved for lining the split rail.

On properties designated as "horse property", the specific regulations regarding fencing are outlined in Appendix B.

### **3.6 Lighting** (added by resolution 2007-001 & 2010-001)

The beauty of the starlit night at Homestead will be preserved by judicious use of lighting. Lighting shall be utilized only as necessary to provide the functional requirements of safety, security and identification. Unnecessary use of light is prohibited in the interest of energy efficiency and maintenance of the quiet nighttime environment.

Where utilized within the residential community, light standards shall consist of low profile design of wood or stone material. The light source shall be shielded to reduce dispersal of ambient light in a skyward direction. Down lighting is preferred. The standards shall be separated sufficiently to create isolated "pools of light" on the pavement, rather than a continuous, saturated condition. Low wattage light bulbs on the exterior of the home **must be 40 watts or less** for all exterior light fixtures including motion detecting fixtures. Homestead also recommends that exterior lights be turned off at 10 P.M. An exception is made to the above rule when lights are placed on motion detectors and are used to provide security or to ease entry and exit to your house or garage for a short amount of

time. If you do have motion detectors, please be sure that they are not too sensitive. They shouldn't be activated when someone walks or drives by, and they shouldn't stay on too long. When exterior lighting is determined to be objectionable, the Design Review Committee will review the condition on a case-by-case basis and determine appropriate corrective measures, if any; e.g. reduced wattage or replacing fixtures.

Due to the resort nature of our community, holiday lighting may be illuminated from Thanksgiving until the following April 15. After that time the lights will be considered to be permanent lights and will need the approval of the DRC.

### **3.7 Signage**

All signs, including street and number designation, shall be of an integrated design and material approved by the DRC. Plans showing design and location must be submitted for review and approval prior to installation of any signs. It is imperative that proper signage controls be placed to increase safety, facilitate directional character, and enhance the overall visual environment of the community. The following sign standards shall apply:

Town home Association Identification Signs - One sign may be located at the primary entrance to the individual housing community and shall be consistent with the general architectural character of the project.

Real Estate and Construction signs are addressed in sections 5.7 in Homesteads Declarations and these guide lines in section 8.15.

Political signs are allowed and may be posted on private property no more than 45 days prior to the election. The signs must be removed within 3 days after the election. Any such signs are limited in size to 12 square feet. One political sign per political office or ballot issue may be posted. No such signs may be placed in a right-of-way.

One flagpole not taller than 25 feet may be installed on the owner's property. The flag pole may not be installed in the right of way. Service flags may be displayed on the inside of windows or on the balcony of the owner's or occupants residence.

### **3.8 Grading and Drainage**

Grading will be necessary in the course of community development as roads, buildings and other improvements are constructed.

A grading plan that illustrates existing and proposed contours, cut and fill areas and all existing plant material within the subject area shall be included with each submittal to the DRC for review.

Grading should be designed to blend into the natural landscape. Structures, driveways and other constructed elements shall be designed to minimize disturbance of the natural terrain. Existing or natural drainage patterns should be utilized whenever possible. Disturbed areas shall be kept to an absolute minimum to reduce impacts on the surrounding environment. All grading for each lot shall be confined to that lot and shall be designed to prevent additional water from draining onto adjacent lots.

Grading shall be curved and undulating to create a rolling, natural appearance. No sharp or squared contours will be permitted. Cuts and fills should be feathered into existing terrain. Conservation and protection of topsoil, vegetation, rock formations and unique landscape features should occur whenever possible.

Retaining walls may be used instead of or in combination with slopes to encourage terracing. Walls shall be constructed of materials that are harmonious with the

adjacent structure(s) and the indigenous materials of the site. Exposed concrete retaining walls are not permitted. Exposed cut or fill slopes must be restored so that the finished product blends smoothly with the surrounding terrain and architecture. Native rock and/or native plant material shall be used to prevent erosion and create visually pleasing treatments. Incongruous treatments are prohibited.

Temporary erosion control devices shall be installed during construction as necessary on each lot to prevent erosion and run-off onto adjacent properties or right-of-ways and to permit the installation of all required landscaping. In addition, adequate areas for snow storage located on the lot shall be provided during the winter months.

All plans and specifications for the construction and improvements on a lot, and the actual construction of such improvements, shall maintain all drainage easements and rights-of way within the properties clear and unobstructed.

All disturbed areas of the site shall be revegetated and restored in a manner consistent with these regulations.

### **3.9 Outbuildings and Accessory Structures**

The use of outbuildings and sheds is prohibited and the general rule is for the construction of one building per site, including the garage. Specific designated horse properties in Filings 1 and 2 are permitted to have outbuildings. See Appendix B for regulations.

The design and location for all accessory structures, including hot tubs, trampolines, playhouses, playsets, and the like, must be approved by the DRC. Accessory structures shall be located on the lot to minimize visibility from adjacent properties and in some instances shall be screened with landscaping. Accessory structures are not permitted to be placed in the building setbacks. No more than two accessory structures shall be permitted on a lot to avoid excessive clutter of the Homestead environment.

<b>4. LANDSCAPE STANDARDS</b>
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#### **4.1 Introduction**

All applications shall include a complete landscape plan, presented on a scaled site plan of the lot with proposed contours.

All lots shall provide sod and other formal landscape treatment over a minimum of 80% of the uncovered lot area. Anything different will require the prior approval of the DRC.

The formal landscape treatment on all lots should provide a suitable setting for the dwelling unit and other structures. Sod areas or other formal landscape treatment should be designed in and around the building envelope area. Larger lots (such as horse properties in Filing 2) shall be considered individually with regard to the percentage of formal landscape treatment required and with regard to alternate landscape treatments proposed by the applicant.

#### **4.2 Formal Landscape Treatment**

A formal landscape treatment includes:

- areas of irrigated turfgrass lawn (bluegrass or turf type tall fescue)
- well designed beds of deciduous and evergreen shrubs
- perennial ground covers and/or annual flowers
- landscape edging and mulch



- ❑ deciduous shade and ornamental trees
- ❑ evergreen trees
- ❑ underground automatic sprinkler systems on all areas formally landscaped

Formal landscape treatments shall be designed to compliment, enhance and provide a setting for the structure. The landscape design should utilize landscape plant materials to create variations in color, texture, size and shape. Landscape plant materials and man-made elements, if used, should be arranged to create an attractive and pleasing composition. The landscape design should pay particular attention to the appearance of the site from the roadway. Front yards and yards along roadways must be fully landscaped with a formal landscape treatment. Sod is the recommended treatment for turfgrass areas. Seeding is discouraged after May 31, due to our short growing season. To avoid sod lines and other edges which follow lot lines, match landscape treatment edges on adjacent lots wherever possible.

Following are the minimum acceptable standards for the formal landscape treatment of **single family** lots. All plant materials shall be from the **Recommended Plant Materials List** (Appendix C). Other plant material may be used, but will not count toward the minimum acceptable standards.

The minimum acceptable standards for lots other than single-family lots, including primary/secondary lots, triplex and fourplex developments shall be 2 times, 2.5 times and 3 times, respectively, the minimum acceptable standards for single family lots. Multi-family developments with any other building configuration will be discussed with the DRC at the mandatory preliminary meeting.

<del>100%</del>	<del>100%</del>	<del>100%</del>
<del>100%</del>	<del>100%</del>	<del>100%</del>
<del>100%</del>	<del>100%</del>	<del>100%</del>
<del>100%</del>	<del>100%</del>	<del>100%</del>

All plant materials shall conform to the American Association of Nurserymen's **American Standard for Nursery Stock**, latest edition.

These are minimum acceptable standards. The DRC reserves the right to require additional landscaping where appropriate.

### 4.3 Wildflower Area Landscape Alternative

A wildflower area is defined as a disturbed portion of the lot that is revegetated with a specified mixture of wildflower and clump grass seeds, mulched, irrigated and maintained. The specified wildflower seed mix to be used in the Homestead Development is included in the **Recommended Plant Materials List**. (Appendix C)

All seeded areas shall be irrigated with an automatic irrigation system.

### 4.4 Native Area Landscape Alternative

A native area is a portion of the lot protected from disturbance during construction and left to remain in a natural condition. Native areas may be the natural sagebrush-chokecherry plant community or the Western Wheatgrass areas seeded following subdivision development.

On single family lots under 20,000 square feet, the native areas landscape treatment shall be allowed on a limited basis only. The back portion of steep lots and areas adjacent to native open space areas are appropriate for native area landscape treatment. Native area landscape treatment will be discouraged adjacent to formal landscape treatments on neighboring lots.

On the larger lots, the native area landscape treatment may be used more extensively. It is recommended that landscape treatments be discussed with the DRC at the preliminary meeting. On properties designated "horse property", different guidelines may apply. See Appendix B.

On multifamily lots the use of the native area landscape treatment is discouraged due to the limited site area. If use of this treatment is desired it should be discussed with the DRC at the mandatory preliminary meeting.

Protected native areas including those noted on the site plan, shall be delineated on the grading and landscaping plans and shall be protected during construction by the installation of fencing. No construction, including underground utilities, shall take place within the protected area. Protective fencing shall be installed prior to initial stripping and grading and shall remain in place until final completion of the project.

Protected native areas may be enhanced by planting native species from the **Recommended Plant Materials List**. (Appendix C) All enhancement plantings shall receive supplemental irrigation through an automatic irrigation system for a minimum of three years after installation. Supplemental irrigation is not required for protected native areas.

#### **4.5 Man-made Elements**

Man-made elements, including bird baths, sculptures, and similar apparatus, will be reviewed on an individual basis by the DRC. Generally, man-made elements should blend with and complement the natural landscape or be of a material that is compatible with the materials of the structure.

#### **4.6 Landscaping Adjacent to the Street**

Lot lines notwithstanding, on single family lots under 20,000 square feet and multifamily lots, the proposed front yard or rear yard landscape treatment should be extended to the edge of the gravel roadway shoulder to include the roadside swale. On lots which have curb and gutter, the landscape treatment shall extend to the back of the curb.

Subject to DRC approval, on single family lots over 20,000 square feet, the roadside swale may be left undisturbed as a native area or shall be formally landscaped or revegetated back to the undisturbed condition following construction.

#### **4.7 Landscape Maintenance**

In order to protect the appearance, character and quality of the Homestead Community, it is necessary to enforce a minimum standard for landscape maintenance.

Sod/turfgrass areas should receive sufficient irrigation to remain in a healthy and green condition. Turfgrass should not be allowed to grow to a height taller than 4" between mowings. Weeds, including but not limited to dandelion, thistle and clover should be suppressed by regular mowing, herbicide applications or hand removal to limit weed infestation.

Trees, shrubs and ground covers should receive sufficient irrigation to remain in a healthy, growing condition. Landscape materials should be properly pruned, when appropriate, to improve appearance, correct defects and remove dead or diseased wood. Plant materials which are diseased or infested should be treated by the owner to control the spread of the disease or infestation.

Landscape materials which have died or are in poor condition shall be replaced by the owner. Replacement material should meet all conditions set forth elsewhere in these regulations.

Weed control is also required on vacant lots or undeveloped areas. This includes the Colorado State list of noxious weeds, the yellow sweet clover, Russian thistle and Canadian thistle.

Wildflower areas should receive sufficient irrigation to promote plant growth and flowering and to compete with weed species. Wildflower areas should be mowed once each fall to aid in seed dispersal, control weeds, and improve winter appearance. Weeds should be controlled by spot application of herbicides or hand removal to limit the infestation and control their spread.

Native areas should receive regular maintenance to control weed infestations through the proper application of herbicides or by hand removal.

## **5. ARCHITECTURAL STANDARDS**

### **5.1 Architectural Design Theme**

The architectural theme for the Homestead community reflects the thoughtful integration of structures with the mountainous environment.

In general, low profile structures which are integrated into the natural terrain and vegetation are encouraged. Designs shall be used which create structures with equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structures and neglecting or downgrading the aesthetic appeal of the side elevations of the structure. Any accessory buildings and enclosures, whether attached to or detached from the main building, shall be of similar compatible design.

Buildings should be designed so that there are various offsets and projections in all walls that give architectural relief to the massing of the wall, and present an interesting character to the wall. All wall masses should have some architectural relief in either projections or indentations, so that the wall does not read as a single mass.

The style of the subdivision would be considered to have mainly wood buildings so that units complement each other rather than compete with each other.

Garages should be designed into the main structure and coordinated with the design of the structure and not appear to be added on.

### **5.2 Primary/Secondary Structures**

It is the intent of the DRC that the units constructed on the lots zoned "primary/secondary" in Filing No. 2 are truly "primary/secondary" and not two primary units in a single building. ALL submittals for the construction of primary/secondary residences require plans that have been drawn and stamped by a licensed architect. The following clarification has been approved by the Board and DRC and affects ALL submittals on these "primary/secondary" lots:

1. The smaller unit shall not be larger than 45% of the total livable square footage of the entire building.
2. The structure should look like a single family unit, not two primary units side-by-side.
3. The mere changing of windows or roof lines does not eliminate a mirror image.

4. Separate garages shall not be located on the same plane. If the applicant is desirous of having two, two-car garages, the entrance should be at least 45 degrees different on one of the two garages.
5. There should not be two front doors on the front elevation of the house. There should be a single door on the front elevation with either additional doors inside of that door, or a secondary door placed at least 90 degrees from the front door.
6. The use of crawl space to meet FAR and percent of difference between units will not be allowed if the massing is already in the main structure.
7. If a owner/builder chooses to build a "Lock-off" on the lots zoned "primary/secondary" these building will be subject to the same rules and regulations as traditional "primary/secondary" buildings.

### **5.3 Green and Energy Saving Devices** (Added by resolution 2008-01)

Pursuant to Colorado law at C.R.S. §38-30-168; Homestead Owners Association understands the positive effects of energy conservation and green solutions to home construction and operation. Homestead Declarations and these Architectural Standards and Guidelines require all exterior modifications and landscaping to the residence to be approved by the Design Review Committee. The following reasonable requests will be include in the Design Review Committee review of Solar Devices:

- Best efforts to locate the solar panels facing a side or rear lot line.
- Structural supports painted to match the roof or otherwise camouflaged to the extent possible.
- Placement of panels so that they are installed parallel to the roof and installed only as tall as manufacture requirements.
- Consideration for neighbors including visual impact to neighbors.
- Non-attached energy saving devices will be subject to the same requirements as attached mechanical devices.
- All energy saving devices will be required to comply with Homesteads noxious activity and noise regulations.
- Painting or screening the device to camouflage it.

### **5.4 Roofs**

Roofs are a major view point from the subdivision due to the fact that Homestead is located within a bowl. Therefore, roofs are a very important design element. Roofs should be constructed of wood shakes or shingles, concrete tiles, "Woodruff" or composite shingles as approved presently by the DRC. Currently approved composite shingles are either Presidential Shake Series by CertainTeed (lifetime roof) or GAF Timberline HD (Lifetime Roof).

Other roofing materials may be approved by the DRC when special circumstances are shown.

Roof slopes should generally be in the range of 4:12 to 12:12 pitch, and should be gabled or hip-styled roofs. Flat roofs, generally, will not be approved, nor will geodesic-domed types.

Provisions should be made to prevent ice damming on the roofs and snow sliding off the roofs. Cold roofs are generally recommended to prevent ice dams and snow slides. Care should be taken in placement of vent pipes and chimneys so that they are not damaged by snow slides and do not create ice damming and leaking into the structure.

All roof dimensions should have a minimum overhang of 12 inches. Roof overhangs are permitted to protrude into the setbacks a maximum of 18 inches.

The Association allows replacement of cedar shakes or other flammable roofing with nonflammable roofing materials to be approved on a per unit bases by the DRC.

## **5.5 Exterior Materials**

Exterior materials shall conform to and be in harmony with the external design of neighboring structures and the overall design of improvements described throughout these guidelines. The approval of exterior materials, including type, color, texture and durability, and the extent of the use of any single material or combination of materials, shall be solely at the discretion of the DRC. Exterior siding materials for houses located in The Homestead will be wood or a combination of other natural materials. Other materials such as stone, stucco, etc., approved by the DRC may be used as an accent that must be less than 49% of the total wall area of the structure. Any other materials may be approved by the DRC from time to time.

## **5.6 Colors**

Muted colors are the most acceptable colors for use on building exteriors. These colors should reflect the hues of the ground plane, surrounding mountains, and plant material and are drawn from the following ranges: brown - including rusts, sepias, sands, tans and buffs; some olive tones; certain gray tones. Other tones and colors may be used for trim or accent. Highly reflective colors or materials are prohibited on all wall and roof surfaces. Color graduations from building to building should be gradual.

All primary/secondary units shall be painted the same color scheme and shall be painted at the same time to prevent the appearance of two individual units.

Roofing tiles should be in dark colors and should appear in color to be similar to that of weathered shakes.

All colors are subject to approval of the DRC.

## **5.7 Building Height**

On Single family and primary/secondary structures the recommended maximum height is 26 feet. This shall be determined by taking the sum of the distances from the highest most point of the ridge to existing or finished grade, whichever is lower, for each elevation and dividing that by four. In special cases, the DRC may grant variances and allow height up to 35 feet. Triplex, four-plex, and multi family sites will have a 35 foot height restriction. The DRC intends to discourage and has the right to prohibit construction of any dwelling or other structure which appears excessive in height when viewed from the roads, drives or other lots.

In no case shall any structure be permitted to exceed Eagle County building height restrictions.

## **5.8 Building Projections**

Any projection from a building including stairs, balconies, chimney flues, decks, etc. should be contained within the setback requirements and be consistent with the main structure.

No more than 2 feet of metal flue pipe may be visible on any chimney.

All architectural building projections, including chimney flues, vents, gutters, downspouts, utility boxes, porches, railings, and stairways shall harmonize with the building. Radio or television antenna must not be visible from neighboring

properties. Satellite dish installation on single family or primary/secondary residences are subject to the following guidelines:

1. The size of the dish may not exceed 18 inches in diameter.
2. The dish shall be attached to the building within 7 feet of the ground or, if on a deck or balcony, within 7 feet of the floor.
3. The dish cannot be placed on a ridgeline.
4. The cable must be concealed.
5. Any request for a dish or dish location which does not meet these guidelines must receive approval from the DRC prior to installation.

On multi-family residences, prior approval from the individual association is required before submittal to the DRC. Approval from the DRC is required on all satellite dishes on multi-family residences.

## **5.9 Insulation**

All units should be constructed with insulation that provides a minimum of R-19 in the walls and R-36 in the roofs. All windows should consist of at least double-paned glass. Windows should be either wood, vinyl clad or metal clad. Untreated aluminum windows are not acceptable.

## **5.10 Foundations**

Foundation walls of concrete, block or wood should be buried as much as possible. Exposed concrete shall not be permitted.

## **5.11 Mechanical Equipment/Utility Meters**

Any exterior mechanical equipment and utility meters shall be either incorporated into the overall dwelling or be permanently enclosed by material approved by the DRC. Mechanical equipment should be blocked from view from adjacent property. Electric meters shall be attached to the main structure and enclosed. Gas meters shall be located within 2 feet of the main structure and screened with landscaping.

## **5.12 Fireplaces**

Not more than one County-approved wood-burning fireplace or stove will be allowed in each dwelling unit. All fireplaces and wood burning stoves must be of an energy efficient design.

## **5.13 Habitable Area** (added by resolution 2015-001)

Habitable area shall include all enclosed space except garages and mechanical rooms. Garage square footage in excess of 1000 SQFT will be counted as habitable area. Mechanical rooms in excess of 200 SQFT will be counted as habitable area. Habitable area shall be measured from the outside faces of exterior walls. Stairwells will be measured at 100% at the lowest floor level and at 50% at all other floor levels. Habitable area shall include all space with a ceiling height of 5 (five) feet or greater, measured from the finished or unfinished floor to the underside of the structural members of the floor or roof structure above. Dropped ceilings, soffits, and the like shall not be considered in calculating ceiling height. Any such areas having a ceiling height of 5' or less shall be clearly denoted on the plans. Habitable areas that meet Eagle County Land Use Regulations Article 2-21 Basements, shall provide Eagle County Building Departments calculations on total square footage of the basement area that counts toward the Habitable area of the residence at the time of DRC application. All Habitable areas, including basement calculations, must be under the maximum allowable square footage percentages listed on each of Homestead's PUD guidelines.

## **6. DESIGN REVIEW PROCESS**

### **6.1 Purpose**

These Design Guidelines have been adopted to ensure that the Homestead community develops in an overall consistent manner. The DRC shall review all proposals for construction and ensure that such proposals meet the intent not only of the Guidelines but the development philosophy of the Homestead community. The DRC also has the authority to interpret the Guidelines in the event the Guidelines may not be explicit in a given instance. The DRC may also amend the Guidelines. Refer to project CC&R's for detailed descriptions of the following items.

### **6.2 Design Review Committee (DRC)**

To ensure the orderly marketing and development of the property, plans for all building construction and site improvements must be reviewed and approved by the DRC before any on-site construction commences.

### **6.3 Composition of Committee**

The DRC shall consist of seven persons as determined by the Board of Directors of The Homestead Owners Association, Inc. A majority of the DRC may designate a representative to act for it.

### **6.4 Review by Committee**

No building, home, dwelling unit, structure or any attachment to an existing structure, whether a residence, an accessory building, a tennis court, a swimming pool, fence, wall, barrier, exterior lighting facility, athletic facility, or other similar improvement or attachment or sign shall be constructed upon the properties without approval. No alteration of the exterior or a structure shall be made and no change in the final grade nor the installation of any landscaping shall be performed unless complete plans and specifications are submitted for DRC review. The DRC shall exercise its best judgment to the end that all attachments, improvements, construction, and alterations to structures on lands within the properties conform to and harmonize with existing surroundings and structures. Said plans and specifications to show exterior design, height, materials color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveways, general plan of landscaping, fencing walls, windbreaks and grading plan shall have been first submitted to and approved in writing by the committee.

### **6.5 Meetings**

DRC currently meets on the second Friday of each month at 8am. The DRC may meet the Thursday evening before, in some cases. If requested at least 15 days prior, the committee may hold an additional meeting for new submittals the fourth week of the month. Deadline for submittal is 4pm, Thursday, 15 days prior to any scheduled meeting date. If submittal is received after the deadline, the submittal will be heard at the next regularly scheduled meeting. Incomplete submittals will not be scheduled. Days, times and agendas of meetings are subject to change, so please call the DRC office 48 hours prior to meeting date to confirm.

### **6.6 Notice to Adjacent Lot Owners**

At the time that plans for construction on a lot are submitted for architectural review, all adjacent property owners within 60 feet will be notified of the application at least one week prior to the DRC meeting.

## **6.7 Duties**

The DRC shall approve or disapprove all final applications within 30 days after submission, unless they are found to be incomplete or not in compliance with Homestead Guidelines. In the event that the DRC fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it, approval will not be required and requirements will be deemed to have been fully complied with.

## **6.8 Vote**

A majority vote of the DRC members present is required to approve or disapprove a proposed improvement, unless the committee has designated a representative to act for it, in which case the decision of the representative shall control.

## **6.9 Records**

The DRC shall maintain written records of all applications submitted to it and of all actions taken by it thereon. Such records shall be available to owners for inspection at reasonable business hours.

## **6.10 Variances**

The DRC may grant reasonable variances or adjustments from any conditions and restrictions imposed in order to overcome practical difficulties and prevent unnecessary hardships arising by reason of the application of the restrictions contained herein. Such variances or adjustments shall be granted only in case the granting thereof shall not be materially detrimental or injurious to the other property or improvements in the neighborhood and shall not militate against the general intent and purpose hereof.

## **6.11 Compensation**

Unless specifically authorized by the Association, members of the DRC shall not receive any monetary compensation for services rendered. All members shall be entitled to reimbursement for reasonable expenses incurred in the performance of their function or duty. Professional consultants retained by the DRC shall be paid such compensation as determined by the DRC and approved by the Board.

## **6.12 Duration, Revocation and Amendment**

These Standards and Regulations shall run with and bind the land for a term of 20 years from the date of recording of this document. After which time this document shall be automatically extended for successive periods of 10 years each. This document may be amended or revoked by an instrument approved in writing by a majority vote of the Board of Directors of The Homestead Owners Association and The Homestead Design Review Committee. Such amendment or revocation shall be effective when duly recorded; provided, however, that any amendment or revocation must comply with the Statutes of Colorado and the resolutions and ordinances of the County of Eagle, Colorado.

## **6.13 Non-liability**

Neither the DRC, their designated representative, nor any member thereof shall be liable to the Community Association or to any person or entity for any damage, loss or injury suffered or claimed on account of (a) approval or disapproval of plans, drawings and specifications, (b) the construction or performance of work, whether or not pursuant to approved plans, drawings and specifications.



## **7. DESIGN REVIEW PROCEDURES**

### **7.1 Submittal of Plans**

Plans and specifications shall be submitted to the DRC as follows. Each submittal for new construction requires a minimum of 2 meetings with the DRC: 1) a preliminary application, and 2) a final application.

### **7.2 Fees**

Submittals for new construction, remodels and additions must be accompanied by an Application Fee of \$300 plus \$0.25 per gross square foot, including garage. Additionally, you will be billed for the architectural staff review fees incurred by review of your application at the time of the DRC meeting. Submittal fee for outbuildings (where permitted) is \$0.25 per square foot, with a \$300 minimum. Fees for any construction alterations will be \$100. If an application is denied or tabled, a new application fee may be charged.

For color changes, landscaping or fencing requests that can be staff approved, a \$25 application fee will be charged. An hourly rate will be charged for these requests that cannot be staff approved, and require architectural or outside consultation.

### **7.3 Preliminary Application**

For the preliminary application, the following items must be submitted to the DRC representative at least 15 days prior to any regularly scheduled meeting:

- 1) \$300 application fee plus \$0.25 per gross square foot application fee
- 2) Architectural staff review fees incurred by review of your application will be billed to you at the time of the DRC meeting
- 3) General site plan including grading and landscaping ideas (2 copies full size, 1 copy 11x17 and 1 electronic copy)
- 4) Rough elevations and material suggestions, if applicable
- 5) A licensed topographical survey

No formal action will be taken at the preliminary application. If the applicant chooses to return for another preliminary hearing Homestead reserves the right to charge the applicant for staff time and materials incurred to re-review the preliminary application.

### **7.4 Final Application**

The following documents are to be submitted for approval prior to any grading or construction:

1. **Completed and Signed Application (amended 2008)**
2. **Application Fee** - \$300 plus \$0.25 per sq. foot of interior space (includes garage) plus architectural staff review fees incurred by review of your application to be billed at time of meeting.
3. **Site Plan (2 sets full size, 1 set at 11x17 and electronic)** - must illustrate the following:
  - A. Location, Lot #, Block #, Filing #
  - B. Scale: 1"=10'-0" or 20'-0"
  - C. Total site area (in acres)
  - D. North arrow
  - E. Required setbacks
  - F. Building location (include any decks, walks...) and the location of all other major structures
  - G. Building envelope

- H. Parking areas and number of spaces provided
  - I. Driveway and culverts
  - J. Site lighting
  - K. Landscaped areas with location of trees, shrubs, native/natural, and sodded areas
  - L. Planting schedule - include species of trees and shrubs, quantity, size and minimum height
  - M. Existing grades and proposed grading and drainage
  - N. Utility connections
  - O. Finished floor elevations, including garage
4. **Architectural Plans (2 sets full size, 1 set at 11x17 and electronic) - must illustrate the following:**
    - A. Dimensioned Floor Plans: 1/4"=1'-0" scale
    - B. Construction management plan: 10'-1" scale.
    - C. All Building Elevations
      - 1/4"=1'-0" scale
      - materials and color
      - existing and proposed grade lines
      - building height
  5. **Color Board**
    - A. Color rendered frontal elevation at 1/4" =1'-0" scale on a **18"x24" rigid board**
    - B. Sample chips of finish materials and colors adhered to the SAME board, identifying manufacturer's name, color, and/or number
    - C. Name of Applicant, Review Date, Lot Description on the SAME board
  6. **Licensed Topographical Survey** - must be prepared by a licensed surveyor or civil engineer. Survey must show lot boundaries and elevations at lot corners at a scale standard in the industry for similar projects, major terrain features, including rock outcroppings and washes, and indicate all protected plants, highlighting those plant materials which will be removed during construction or that are within 20 feet of the proposed improvements. Any applicant submitting plans for approval to the DRC shall be responsible for the verification and accuracy of all lot dimensions, grade, elevations, and the location of the key features of the natural terrain. Each applicant shall certify to the accuracy thereof before the DRC will undertake its review.
  7. **Performance Bond/Signed W-9** - \$7500 per unit due upon DRC submittal. Refer to section 7.6 for information on the performance bond.
  8. **Time Schedule** - An approximate time schedule indicating starting and completion dates of construction, utility hook-up, completion of landscaping work and anticipated occupancy date.
  9. **DRC reserves the right to require a model.**

If required by the DRC, exterior building corners of the proposed residence or other structures and other major improvement areas, including the driveway, shall be staked on the site for the DRC's inspection. All plants proposed for transplanting shall be tagged.

Engineering certification of foundations and the securing of all county permits is the responsibility of the owner and/or builder. Construction documents (working) drawings and specifications are to be in accordance with the final design and plans approved by the DRC. Clearing, grading, or construction shall not commence until all the above requirements are satisfied and building permit is received.

If owner is required to come back for a second preliminary, there will be an additional charge of \$300.

## 7.5 Approval

Final approval for plans will be given when all the following conditions have been met:

- 1) All fees have been paid.
- 2) The DRC has voted and approved the plans.

- 3) Any and all conditions imposed on the project at the time of the approval vote have been met.
- 4) The performance bond has been paid and the W-9/Deposit form completed.
- 5) The owner is current with his association dues.
- 6) Preconstruction meeting with Homestead staff.

Plans stamped by the Homestead staff will be provided to the owner within 7 days of the approval meeting and/or receipt of all of the above. All Homestead architectural guidelines, even if not specifically noted on the stamped plans, are understood to be incorporated as part of the approval.

Final approvals are valid for 12 months. If construction is not started within that 12 month period, all approvals shall be void and the plans shall be resubmitted to the DRC. All fees submitted shall be forfeited and the resubmittal will be subject to the then current DRC fees.

## **7.6 Performance Bond**

The purpose of the performance bond is to ensure that homeowners, builders and developers complete approved construction plans in a correct and timely manner. This amount ensures completion of landscape, driveway, exterior building, or any other aspect of improvement to the lot. The bond shall be a minimum of **\$7500**. Bond fees for additions and changes to an existing structure will be set at the final approval DRC meeting. Bonds are to be submitted by check, together with a signed W-9/Deposit Form. Letters of credit will no longer be accepted. During construction, violations of these guidelines will be subject to fines in addition to this performance bond as outlined in Paragraph 6.2 on page 21.

Deposits will be held in an escrow account specifically opened to hold performance bonds. Each property owner's bond will be held in a separate interest bearing savings account and any interest accrued during the life of the account will be due to the owner upon refund of the performance bond.

Performance bonds will be refunded to the property owner(s) once the DRC performs an interior inspection after the certificate of occupancy. (Once a project receives its certificate of occupancy, it must obtain the DRC final inspection within 30 days.) In addition, the DRC will require a copy of the ILC and CO before return of the performance fee. It will be the property owner's responsibility to contact a DRC staff member to set up a meeting time for the inspection. A DRC member, the staff architect or the DRC administrative assistant should be present along with the property owner and any of his or her representatives. DRC staff members will bring a copy of the approved plans to the meeting. If the property is found to be complete in all aspects of construction, landscaping and driveway paving, and in compliance with the Homestead Design Review Guidelines and all Covenants, Conditions and Restrictions of The Homestead, a representative of the Design Review Committee and the property owner will then sign a statement of satisfactory inspection. Within 30 days of the signing of this statement, the performance bond shall be refunded.

If the property does not pass inspection, the property owner will be given a written list of the reasons at the meeting. Both the property owner and the Committee member will sign this list. Generally, thirty days will be allowed to make any alterations to the property before another inspection will be scheduled. Again, it will be the property owner's responsibility to contact the DRC staff to reschedule any follow-up inspection.

The property owner will be granted two inspections. All properties must pass inspection no later than eighteen months from commencement of construction. Landscaping must be completed by this deadline. If the property does not pass inspection within the eighteen-month period, or after two scheduled inspections, property owner shall forfeit his performance bond and all deposit monies plus interest will become the property of Homestead Owners Association. This forfeiture

does not satisfy any requirements for completion and compliance with plans and Association documents. The property owner will still be subject to fines and penalties if requirements are not met. The Homestead Board of Directors may grant extensions when the reason(s) for not passing inspection is deemed beyond the property owner's control.

Any multiple unit projects must create new Homestead monthly dues accounts to the proper owners – at time of DRC final inspection.

#### **7.7 Subsequent Changes (amended 2008)**

Additional construction, landscaping, or other improvements and/or changes (including fences and swing sets) after approval of a structure must be submitted to the DRC for approval prior to making such changes and/or additions. The Committee will review these requests at regularly scheduled meetings, providing complete information on the change or addition is received 15 days prior to the meeting. Change/Addition Approval Forms are available from the DRC office in the Clubhouse. Fees for alterations, remodels or additions to the existing structure or any plans needing architectural review will be \$0.25 per gross square foot, with a minimum fee of \$300, due upon submittal. For color changes, landscaping or fencing requests that can be staff approved, a \$25 application fee will be charged. An hourly rate will be charged for these requests that cannot be staff approved, and require architectural or outside consultation. All alterations, remodels, large landscaping projects, or additions which require a building permit will require at least a \$1500 performance bond and completed W-9/Deposit form upon approval.

Final approvals for changes are valid for 6 months. If construction is not started within that 6 month period, all approvals shall be void and the plans shall be resubmitted to the DRC. All fees submitted shall be forfeited and the resubmittal will be subject to the then current DRC fees.

#### **7.8 Resubmittal of Plans**

In the event of any final disapproval by the DRC, a resubmission of the plans should follow the same procedure as an original submittal. An additional DRC review fee of \$300 will be required.

In the event that the DRC requests the applicant to return for an additional final meeting a fee may be required for plans that are requested to come back for another final submission.

#### **7.9 Inspection of Work in Progress**

The DRC may inspect any and all work in progress, at their own risk, and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval by the DRC of the work in progress or compliance with these Design Guidelines or the Declaration. The DRC may require additional inspection during framing. The DRC may also require an ILC to be performed at the foundation stage if building is within 18" of lot setbacks. Any building that nears maximum square footage numbers will receive additional scrutiny. Before returning of performance bond, DRC will perform an interior inspection after the certificate of occupancy. If it is found that such work was not done in strict compliance with the final plan approved by the DRC, it shall notify the owner in writing of such non-compliance.

#### **7.10 Non-waiver**

The approval by the DRC of any plans, drawings, or specifications for any work done or proposed, or in connection with any other matter requiring the approval of the DRC under the Design Guidelines or the Declaration, including a waiver by the DRC shall not be deemed to constitute a waiver of any right to withhold approval as

to any similar plan, drawing, specification, or matter whenever subsequently or additionally submitted for approval.

### **7.11 Right to Waiver**

The DRC reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

## **8. CONSTRUCTION REGULATIONS**

### **8.1 Purpose**

To assure that the natural landscape of each lot is not damaged during any construction activities, the following construction regulations shall be enforced during the construction period. These regulations shall be made a part of the construction contract document specifications for each residence or other improvements on a lot and all builders, owners, and any other persons shall be bound by these regulations. Any violation by a builder shall be deemed to be a violation by the owner of the lot.

### **8.2 Construction Trailers, Portable Field Offices, etc.**

Prior to bringing any construction trailers on to the site, the contractor should receive written approval from the Committee. Construction trailers are to be used only as offices. Sleeping on the property is not permitted.

### **8.3 Debris and Trash Removal**

Owners and builders shall provide adequate trash storage facilities. Trash and debris shall be removed from each construction site on a regular basis to a dumping site located off the project. Lightweight material, packaging, and other items, shall be covered or weighted down to prevent wind from blowing such materials off the construction site. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the lot except in areas, if any, expressly designated by the DRC. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other lots and any open space. In addition, owners or builders are required to clean public streets affected by any site work on a specific lot. All mud and other debris tracked onto roadways is to be removed daily. Any road cuts or damage to curb, gutter or sidewalk must be repaired at owner expense.

### **8.4 Sanitary Facilities**

Each owner and builder shall be responsible for providing adequate sanitary facilities for his/her construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the site itself or in areas approved by the DRC.

### **8.5 Vehicles and Parking Areas**

There is no parking on the public/private roads or bike paths in Homestead. Construction crews will not park on, or otherwise use, other lots, any open space, sidewalks and Eagle County road right-of-ways. DRC fines will begin within 24 hours of the violation. No vehicle should have maintenance work done on any Homestead site other than routine daily maintenance. Major mechanical repairs and maintenance should be done off of Homestead property.

### **8.6 Conservation of Landscape Material**

Owners and builders are advised of the fact that the lots and open spaces contain valuable native plants and other natural landscaping materials that should be

absolutely protected during construction, including topsoil, rock outcroppings and boulders, and plant materials.

Materials marked on site plans as “native/natural” should not be removed and should be marked and protected by flagging, fencing, or barriers. If any of the above landscape material is damaged/destroyed, the owners and builder must restore to original condition with Homestead approved seed or materials. The DRC shall have the right to flag major terrain features or plants which are to be fenced off for protection. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

## **8.7 Restoration or Repair of Other Property**

Causing Damage, scarring, disturbing, and untidiness to other property, including but not limited to, open space, other lots, roads, sidewalks, driveways, and/or other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the person causing the damage or the owner of the lot. Upon completion of construction, each owner and builder shall clean his/her construction site and repair all property which was damaged, including but not limited to restoring grades, reseeding, planting shrubs and trees as approved or required by the DRC, and repair of streets, driveways, pathways, drains, sidewalks, culverts, ditches, signs, lighting, and fencing and/or other improvements or utilities.

## **8.8 Construction Access**

The only approved construction access during the time a residence or other improvements are being built will be over the approved driveway for the lot unless the DRC approves an alternative access point.

## **8.9 Length of Construction**

All construction, once started, should be completed with due diligence. No construction that will take over 12 months to complete shall be commenced without prior written approval from the committee. In the absence of such approval, failure to complete construction within 12 months shall constitute a violation of these regulations. All construction, including landscaping, must be completed within 18 months of the start date, or by June 15, if 18 months falls during the winter.

## **8.10 Fire Extinguishers**

All construction sites shall have a 10-pound ABC fire extinguisher and provisions should be made not to block fire hydrants.

## **8.11 Pets**

Construction workers are not permitted to bring pets onto the site. The owner shall advise the contractor of this prior to commencement of construction.

## **8.12 Miscellaneous and General Practices**

All owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors in the Homestead Ranch community.

## **8.13 Construction Permitted**

Construction will be limited to 7:30am-7:30pm Monday through Friday and from 9:00am-5:00pm on Saturday's. Construction on Sundays and holidays is NOT

permitted until the building is closed-up and contractors are working inside the building.

### **8.14 Dust and Noise Control**

The Contractor shall be responsible for controlling dust and noise from the construction site. Construction noise will be judged from the lot line.

### **8.15 Construction Sign**

One construction sign shall be permitted during construction. The design of the construction sign must comply with Appendix A. The construction sign shall be removed once construction is completed and a certificate of occupancy is issued by Eagle County.

<b>9. ENFORCEMENT</b>
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### **9.1 Non-compliance**

Should an owner, or any of his agents, contractors, or subcontractors be found to be out of compliance during or after the period of construction, future submittals by such owner may not be accepted by the DRC for consideration until the issue of non-compliance has been corrected.

Any owner may submit a complaint to the Homestead DRC staff at the registered office. This submittal will be kept confidential per our documents request policy. All complaints will be investigated in a fair and unbiased manner.

### **9.2 Fines and Penalties**

#### **Standard procedure for non-compliance notice and fines**

Should a property be found to be in non-compliance with any DRC Rules and Regulations at any time, the homeowner shall receive written notice on the property or by mail to the owner of record from the DRC staff of such non-compliance and be given 7 days to correct it (Garbage Cans, Trailers, and Parking have 24 hours to correct and will receive a violation sticker). Should this issue not be corrected within the 7 day period, the homeowner shall receive written notice that fines of \$50 per day may be imposed, effective from the date of the initial notice of non-compliance. Additionally, this notice shall inform the homeowner that the issue of non-compliance shall be discussed at the next regular DRC board meeting and that they will be afforded the opportunity to appear at the next scheduled board meeting at which point additional fines may be imposed.

After (30) thirty days of Accrued fines, or up to \$1000.00, a Lien will be filed on the property and a Lien packet will be sent to the homeowner. The fines will continue to accrue as long as the violation exists even if resolved once and the same violation is repeated again the fines will start where they left off. The Board of Directors may take any further action needed as required by law to collect the fines including Administrative/Legal expenses if not paid within the 30 days as stated in the Declarations section 8.1

#### **Right to Cure**

After adequate notice is provided to the Owner, the Association may, but is not obligated to, enter upon an Owner's property and cure such violation at the Owner's cost and expense. If the Association cures any such violation, the Owner shall pay to the Association the amount of all costs incurred by the Association in connection therewith, plus an administration fee.

#### **Second Offence**

If the same homeowner is found to be in non-compliance for the same infraction in the future they shall be subject to an immediate fine in the amount of \$1500 or the direct cost to the Association incurred as a result of the enforcement of the non-

compliance, whichever is greater. Direct costs include but are not limited to staff time, outside consultants, contractors, legal fees, and any other reasonably incurred expenses. Additionally, \$50 per day fines shall immediately begin accruing until the issue of non-compliance is corrected. The standard procedure for non-compliance notice and fines shall be followed.

**Unapproved Construction Changes**

Any homeowner who undertakes a change to their approved construction plans without obtaining DRC approval, shall immediately be found in non-compliance and will be subject to a fine in the amount of \$1500 fine or the direct cost to the Association incurred as a result of the enforcement of the non-compliance, whichever is greater. Direct costs include but are not limited to staff time, outside consultants, contractors, legal fees, and any other reasonably incurred expenses. In addition, the homeowner will be subject to \$50 per day non-compliance fines until the issue of non-compliance is corrected. The standard procedure for non-compliance notice and fines shall be followed.

All fines will be itemized on the property owner’s monthly statement as a DRC FINE ASSESSMENT and will be subject to the HOMESTEAD OWNERS ASSOCIATION POLICY AND PROCEDURE FOR COLLECTION OF OVERDUE ASSESSMENTS.

**9.3 Appeals**

Any homeowner has the right to appeal an issue of non-compliance and any subsequent fines directly to the DRC board. The request for appeal must be received by the end of the day on the Friday prior to the DRC board meeting to be added to the agenda.

**APPENDIX A – CONSTRUCTION SIGNS**

Construction signs at Homestead are subject to the following restrictions and specifications:

1. Material: wood construction
2. Colors: dark green background with white lettering. Style of lettering is up to the discretion of the owner but **no logos** are allowed which do not conform to the attached sample.
3. Height: 3 feet above the existing grade
4. Lettering: the top 3 lines will be 3” lettering, to include
  - the street address
  - the legal description
  - the building permit number.

Style of lettering is up to the discretion of the owner.

- The bottom for lines will be 1 3/4” lettering, to include
- sales information
  - architect or other information pertaining to this project at the owner/developer discretion.

5. Size: 4 feet wide, 3 feet high with two 4” by 4” wooden posts.

**APPENDIX B – HORSE PROPERTY**

Certain lots in Filing 2 have been designated as “Horse Property”. To maintain consistency and meet the aesthetic expectations of the filing, all residential homes shall be built commensurate with all immediately surrounding homes, thus ensuring that all houses that are constructed on these lots are similar in massing, volume and quality.



Landscape requirements on these larger lots have slightly different guidelines. That is, formally landscaped entries are required on these lots for a minimum of eight vertical feet from the top of curb. Additionally, a permanent address marker and a minimum of 3 trees of measurable height (as designated in the guidelines) must be installed at the entry. The formal landscaping must be irrigated with a permanent underground automatic irrigation system. This portion of the landscaping and paving must be installed at the time of any construction on the lot.

Fencing - All fencing must be approved by the DRC except containment fences for horses as noted below. If an owner of one of these lots does desire to house horses, the following regulations regarding fences, arenas, barns etc., shall apply.

Types of fences currently allowed on horse properties are barbed or smooth wire, whole log or split rail. Maximum height for fences is 42". The entire pasture must be fenced.

Arenas may not be located within 100 feet of the road or within 12.5 feet of side property lines. Arena fences may be constructed of natural material or dark green metal. No plastic fencing is allowed on arenas. Maximum arena size is 60 feet in diameter.

Horse Trailers – Horse trailers are permitted on those lots in Filing 2 providing a permanent structure (i.e. house or barn) has been completed, and providing that the location of the trailer, including landscaping and screening from the road and neighboring lots, has been approved in advance by the DRC.

Barns/Outbuildings, etc. -

No extraneous structures, including but not limited to: barns, garages, and outbuildings, shall be approved or built prior to the construction and occupancy of the main residential structure on the property. However, if such structure is approved, it can be built simultaneously with the house.

The front of the barn must be located at least 140 feet measured horizontally from the road right-of-way, so that the barn is adjacent to the horse pasture and the horses are no closer than 150 feet of the right of way. Further, the barn must be able to accommodate all horses residing on the property.

## **Appendix C - Recommended Plant Materials**

### **Trees and Large Shrubs**

The following list of plant material species are to be used in fulfilling the landscape. Other plant material species may be used but will not count in fulfilling landscape requirements.

Appropriate plant material species for the site should be selected. Water, soil and sun exposure needs vary greatly between plants, as do plant characteristics such as size, shape and color. Plants which are healthy, well branched and have solid, moist rootballs should be selected. Local landscape and nursery professionals can assist in the selection of plant materials.

### **Evergreen Trees**

### **Deciduous Trees**

### **Large Shrubs**

Common Name	Botanical Name
Bristlecone pine	Pinus aristata
Colorado spruce	Picea pungens
Englemann spruce	Picea engelmannii
Limber pine	Pinus flexilis
Rocky Mtn. Douglas fir	Pseudotsuga menziesii
Rocky Mtn. Juniper	Juniperus scopulorum

Common Name	Botanical Name
European Mtn. ash	Sorbus aucuparia
Flowering crabapple	Malus species
Ginnal maple	Acer ginnala
Green ash	Fraxinus pennsylvanica
Narrowleaf cottonwood	Populus angustifolia
Quaking aspen	Populus tremuloides
Rocky Mtn. maple	Acer glabrum

Common Name	Botanical Name
Arnold's Red Honeysuckle	Lonicera tartarica
Common Lilac	Syringa vulgaris
Chinese Lilac	Syringa chinensis
Colorado Redtwig Dogwood	Cornus sericea "Coloradense"
Golden Elder	Sambucus canadensis "aureum"
Serviceberry	Amelanchier alnifolia
Siberian Peashrub	Caragana arborescens
Shubert Chokecherry	Prunus virginiana
Nanking Cherry	Prunus tomentosa
Variegated Dogwood	Cornus sericea "variegata"

### Small Shrubs and Perennials

Any hardy, commonly available, species of small woody shrub (4' tall or less), or herbaceous perennial, may be used to fulfill the landscape requirements.

### Wildflower Seed Mix

Seeding rate: 1 ounce per 125 square feet or 1 pound per 2000 square feet. Mixing seed with plenty of fine, dry sand will help in spreading such a small quantity of seed over a large area.

Non-aggressive, clump grasses such as Sheep Fescue can be mixed with wildflower seed for a thicker groundcover and better soil holding capabilities on steep slopes. Sheep Fescue should be sowed at the same rate of 1 ounce per 125 square feet. The inclusion of clump grasses does not change the seeding rate for the wildflower seed.

To prepare for wildflower seeding, the area should be tilled to 4" deep and watered to germinate any weed seeds. The weeds should be pulled or sprayed before seeding, and the soil not disturbed again. Wildflower seed areas should not be fertilized. The seed/sand mix should be spread by hand, or with a mechanical spreader, and a thin, uniform layer of mulch, such as peat moss or straw, should be applied to hold the water. The area should be watered daily for 4 to 6 weeks. Weeds should be pulled or sprayed when they have grown large enough to be identified.

Wildflowers should generally be limited to the following species:

Indian Paintbrush	Rocky Mtn. Penstemon
Columbine	Blue Flax
Lupine	Scarlet Gilia
Aspen Daisy	Larkspur
Alpine Aster	Wild Geranium
Showy Goldeneye	Mexican Hat
Desert Marigold	Black-eyed Susan
Coreopsis	Blue Bells
Firewheel	Liatris
Owl's Clover	Palmer's Penstemon
Wallflower	

