

DESIGN GUIDELINES
OF
ROCKY MOUNTAIN ESTATES

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**DESIGN GUIDELINES
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I. PURPOSE

Rocky Mountain Estates is located in Colorado Angler's Club No. 1 Subdivision, between Grand Lake, which is the west portal of Rocky Mountain National Park, and Granby, the new hub of growth in Grand County, Colorado. The area, long known to local residents as "Colorado's best kept secret," is only two hours away from Denver, Colorado. Rocky Mountain Estates is proximately located near Granby Reservoir, Shadow Mountain Reservoir and Grand Lake, as well as the headwaters of the Colorado River, all of which provide a myriad of recreational activities including boating, fishing, and water skiing. The area is known for its hunting, hiking, camping, biking, and snowmobiling. Both alpine and Nordic skiing are a short drive away.

The Design Guidelines apply to all lots in Rocky Mountain Estates. The intent of Design Guidelines is to insure architectural harmony with the environment and with the other homes in Rocky Mountain Estates.

These Design Guidelines are established by Rocky Mountain Estates, LLC, a Colorado limited liability company, as Declarant, pursuant to the Declaration of Covenants, Conditions and Restrictions of Rocky Mountain Estates Owners Association, a Colorado non-profit corporation, recorded in the Grand County, Colorado real estate records on April 15, 2005 at Reception No. 2005-003813, as amended from time to time.

II. DESIGN REVIEW

The Design Guidelines apply to each Owner. Every aspect of design discussed in these Design Guidelines shall be addressed by the Preliminary Plan Submittal as more fully described in Section V below. Items that cannot be depicted graphically shall be presented in detailed narrative form. Items not addressed by the Preliminary Plan Submittal, changed, or presented later in the design review process, are not approved until submitted and reviewed. No changes shall be made in the construction without being first approved.

Design guidelines cannot anticipate all situations that may be presented during the design process. Flexibility in the review process will be achieved by allowing the Design Review Committee (DRC) discretion and broad authority in the review of projects based on interpretation of the Design Guidelines. The DRC reserves the right to revise the Design Guidelines as changing conditions and priorities dictate.

The Design Guidelines apply to all new construction, subsequent exterior renovations, interior renovations visible from outside or any other site improvement. Unless otherwise specified in this document, any alteration, improvement and addition made on any property within the community must receive prior written approval. Neither the Declarant, the DRC, nor the Association shall be liable for any damages resulting from design or construction approved by the DRC pursuant to these Design Guidelines or for any damages resulting from an Owner's

failure to meet or exceed the minimum standards set forth in the Design Guidelines. These Design Guidelines do not take the place of applicable laws and ordinances, with which the Owner must also comply.

DESIGN REVIEW PROCESS

The Design Review Committee shall meet on the first Monday of each month or on such other day as the Design Review Committee shall designate, to review submittals and to meet with applicants or their representatives.

All Owners (including builders, consultants, and any other designated representatives) must comply with the design review process, to gain approval for any construction. The design review process requires that the Owner receive approval of the final design prior to applying for a building permit. Incomplete submittals will not be considered (see submittal requirements below). The Preliminary Design Submittal must be received by the DRC at least ten (10) days prior to the Preliminary Design Review.

STEP ONE: PRELIMINARY DESIGN

The Preliminary Design proposed for the home, including site plan, architectural concept and all other design elements identified in the submittal requirements must be sufficiently developed in order to schedule a Preliminary Design Review. A Preliminary Design Review shall be scheduled when the Preliminary Design submittal requirements are met and satisfactorily submitted to the DRC. The site must be staked and flagged so that the property boundaries, building footprint, driveway, and proposed clearing areas are identified. This will be reviewed by the DRC & is required & reviewed by The County Planning Department. Approval, with or without minor conditions, or disapproval will be provided to the Owner in writing within fifteen (15) business days after the Preliminary Design Review. A determination of minor conditions is in the absolute discretion of the DRC. Disapprovals shall include the basis for the disapproval.

STEP TWO: FINAL DESIGN

If the Preliminary Design submittal is complete and is approved by the DRC without conditions, no Final Design Review shall be required. If the Preliminary Design submittal is approved by the DRC with minor conditions, *in the absolute discretion of the DRC*, upon proof that such minor conditions have been met presented to the Chairperson of the DRC, the Chairperson shall have the authority to approve compliance with the conditions and no Final Design Review shall be required. If a Final Design Review is required, the Final Design Submittal shall be prepared for review and submitted to the DRC. A Final Design Review will not be scheduled until after all submittal requirements are met. Approval, with or without minor conditions, or disapproval will be provided to the Owner, in writing, within fifteen (15) business days after the Final Design Review. If the Final Design Submittal is complete and is approved by the DRC with minor conditions, *in the absolute discretion of the DRC*, upon proof that such minor conditions have been met presented to the Chairperson of the DRC, the Chairperson shall have the

authority to approve compliance with the conditions and approve the design.

Upon approval of the design as provided in this Section II, a building permit application may be submitted to the Grand County Building Department.

III. SITE DEVELOPMENT STANDARDS

Each site is unique. As a part of the site design process the Primary Building Envelope must be identified in relation to the parcel. At the discretion of the DRC, other minor improvements may be made outside the Primary Building Envelope. Integration of building massing, materials, indoor/outdoor relationships, drainage, and access is significant in the siting of buildings. Thirty percent (30%) slopes or greater shall not be built on and must follow the county guidelines.

SITING

Buildings shall be located to fit with the land. Stepping the structure with the slope is required to minimize disturbance and break up the mass of the building. Careful attention must be given to views onto and off of the parcel, climatic exposure, slope, vegetation, and the functional orientation of the home.

SETBACKS AND HEIGHT RESTRICTIONS

All structures on all lots, including three sided lots, shall be setback no less than thirty feet from the front lot lines, twenty feet from the rear lot lines and ten feet from side lot lines. If a side lot line is adjacent to a road, the minimum setback for such line shall be thirty feet. All units shall be limited to structures not in excess of twenty-six (26) feet in height. The height shall be measured from the high point of the roof line to the high point of finished grade. Setbacks must be shown on the Preliminary Design Submittal.

OPEN SPACE

A minimum of 60% of the area of each Lot must be designated as natural open space. Adhere to Grand County Planning Guidelines.

SNOW MANAGEMENT

Snow storage areas must be provided and shown on the Preliminary Design Submittal. Snow must be directed away from pedestrians. Snow storage areas must be provided for driveways, walkways, patios, decks, parking, and roofs.

GRADING AND DRAINAGE

Grading shall be kept to the minimum. Standards for grading/drainage shall not constitute a representation, warranty or agreement by the Declarant, the DRC or the Association that such minimum standards shall result in a residence or landscaping free from any defects. The Owner is responsible for any necessary testing or other inspections to assure adequate design and construction. Grading shall be designed to create smooth transitions between natural and man

made grade changes in order to integrate improvements into slopes. To reduce excessive grading, step the structure; use retaining walls comprised of natural stone materials, berms and landscaping to blend cuts/fills. Cut/fill slopes shall be kept to a maximum of 2:1 vertical and revegetated.

Drainage deviation from the natural drainage pattern of the neighborhood and the parcel shall be minimized and must be approved. Swales shall be designed to a minimum grade of 2% no closer than 5 feet from any foundation. Drainage shall be designed to slope away from foundations at 5% minimum for the first five feet (5'). Drainage under driveways shall be controlled with a culvert. Runoff volumes entering and exiting the sites shall be maintained prior to and after such minimum standards shall result in a residence or landscaping free from any defects. Concentrated flows shall not be discharged from one property to another. Headwalls and other drainage structures must be constructed of materials compatible with the home's exterior exposed masonry walls or retaining walls. The DRC will require drainage arrows showing flow direction & arrows showing drainage swales.

EROSION CONTROL

During construction and permanently, it is mandatory to protect adjacent properties. Use sedimentation basins, filtration materials (straw bales, permeable geotextiles), slope stabilization fabrics or tackifiers setbacks shall be used to minimize erosion. Show by a note the erosion control method on the site plan.

DRIVEWAYS AND PARKING

No dwelling shall be constructed unless there is concurrently provided on the same lot adequate off-street parking for at least two vehicles. The placement of the spaces shall be shown on the Preliminary Plan Submittal to the DRC.

Driveway locations have been identified for each lot as a guide to minimize site disturbance. Driveways shall be designed to follow natural site contours to minimize disturbance in grading. Adequate areas for snow removal and storage must be incorporated into the design and indicated on the site plan. Single driveways shall not exceed 12' wide, except where safety or other functional requirements are identified.

Driveways may be paved or of a hard surface of unit pavers, concrete, asphalt and/ or a pervious surface (4" thick Class C over a gravel base). Due to the mountain character of the neighborhood, curb and gutter along driveways is not permitted. Color and texture shall be compatible with indigenous mountain materials. Any driveway related improvements constructed within the road rights-of-way are the responsibility of the Owner and are subject to repair, removal or replacement at the Owner's expense.

Driveway percent grade to comply w/Grand County Guidelines.

RETAINING WALLS

Terracing with the use of retaining walls is preferred rather than mass excavation and re-

contouring. Retaining walls should be generally four feet (4'), and shall not exceed eight feet (8') before stepping unless approved by DRC. Walls over four feet (4') in height shall be designed by a professional engineer. Design and location of retaining walls shall be integrated into the site design and respond to the natural topography. Walls near the house shall match or complement the materials of the house.

LANDSCAPING

Minimum five (5) new trees will be provided & shown on site plan.

ENCLOSURES

Perimeter lot fences are prohibited. Fenced Enclosures shall be restricted to the Building Envelope. The actual fence material may not exceed one hundred lineal feet (100'). Integration with the overall architecture and siting of the home will be considered as part of the enclosure approval. All fences should be constructed of natural wood and stone materials.

Privacy Screens may be utilized in screening decks, patios, and hot tubs. These areas may be fully enclosed. Screening these areas required utilization of materials and finishes taken from the building palette. Screens shall be limited to the Building Envelope and shall not exceed six feet (6') in height.

Dog runs are restricted to side and rear Building Envelopes adjacent to or connecting to the structure, and may not exceed two hundred (200) square feet in area. These areas may be enclosed (side and top) with wrought iron, wood, and/or welded wire mesh integrated with the design of the fence. Chain link fencing is not allowed. Enclosures must not exceed six feet (6') in height and screening from adjoining residences and streets is encouraged. Home Owners may also install an "invisible electric pet fence."

LIGHTING

To protect vistas and minimize off-lot light pollution, exterior lighting shall be limited. Fixtures shall complement the building materials and reinforce the mountain architecture. Light sources shall be directed down, be shielded and/or filtered, to minimize ambient light, using low wattage bulbs to minimize light spill.

Use of floodlights and sodium vapor lights is prohibited. Fixtures may not be movement activated, unless specifically activated by a security monitoring system, and must be concealed and directed away from neighboring properties. Fixture colors shall match building colors. All fixtures, used for illumination of driveways, walks, and address signage purposes, shall be compatible with the architecture of the structure.

Building mounted lighting must be directed downward away from adjacent lots, streets and open spaces and may not be used to light walls of building elements for decorative purposes. An excessive number of fixtures, or excessive light levels and glare will not be allowed. Site lighting must be confined to areas enclosed by walls or be in the vicinity of the main entrance, with the

exception of safe passage lighting on walkways from the street to the front door. Driveway lighting shall be limited to ground mounted, down-lights (adjustable height units).

Holiday lights are allowed from November 15 of any calendar year to February 1 of the following calendar year.

TEMPORARY SIGNAGE DURING CONSTRUCTION

No sign shall exceed a height of eight feet (8') from grade. No signs shall be attached or fastened to natural features including existing trees. No signs will be allowed without prior written consent of the DRC, with the exception of the following: a) Signs required by legal proceedings; b) one "For Sale" sign may be installed within a property boundary, provided the face of the sign does not exceed eight (8) square feet. Information allowed on the sign includes: "For Sale," name of builder or real estate agent, phone number and lot address, and c) signs identifying security alarms or systems. Standard realtor "for sale" signs are permitted. The same applies for separate builder and architect signage.

TRASH RECEPTACLES

All rubbish and trash shall be removed from each Lot on at least a monthly basis, shall not be allowed to accumulate and shall not be burned thereon, except in burners approved by the Board as to location, design, materials and construction, and except at such hours of the day as established by the Board. If an Owner does not comply with this paragraph, the Board shall be authorized to go on the Lot and remove or cause such rubbish and trash to be removed and charge Owner the cost therefor. All trash shall be stored in "bear-proof" containers as approved by the North American Bear Society or by the Division of Wildlife of the State of Colorado. Individual trash receptacles shall be stored inside except on the day of trash pick-up.

UTILITIES

Construction of utilities shall be conducted to minimize disturbance. Utility construction, including storage of earthwork materials, shall respect neighboring lots and preserved areas. All utility connections, meters and equipment shall be concealed from public view by elements of the architecture and/ or sufficient landscaping. No propane tanks are allowed, except on a temporary basis during construction.

All utilities shall be installed underground. No heavy equipment or digging shall be allowed in Colorado Angler's Club No. 1 until such time as the Declarant has completed the utility installations to be performed by it. From October 15th of each calendar year through May 15th of the following calendar year, no heavy equipment (such as but not limited to backhoes, dump trucks, cranes, well drilling trucks, semi trucks, cement trucks, cement pumping trucks, etc.) or digging shall be allowed in any road right-of-way in Rocky Mountain Estates. The Declarant or the Association may vary these dates as conditions allow. The provisions of this paragraph shall not apply to the Declarant or in an emergency. In the event there are any damages to any of the road right-of-way as a result of the violation of this paragraph, in an emergency or otherwise, the violating party shall be liable for the cost to repair all such damages, which cost shall become a

lien against the violating party's property.

FLAGPOLES

Flags related to a holiday or special event may be flown for a period of 72 hours. Flag size shall not exceed 3x5 feet. Care must be given to the hardware and flag material to minimize noise.

BASKETBALL EQUIPMENT

Basketball backboards and freestanding pole mounted backboards are allowed. They shall be located so as to minimize visibility from the street and adjoining lots.

SPAS

Exterior spas and/or hot tubs must be consistent with the home's architectural materials and colors and shall be screened from public view.

WATER FEATURES

Water features such as waterfalls, streams and fountains are discouraged. Mountain conditions can cause these elements to be difficult to maintain and do not lend themselves to an authentic expression of the site's natural features.

CHILDREN'S PLAY EQUIPMENT

Children's outdoor play equipment shall be of natural materials with earth tones. The size, location and screening shall be considered in order to minimize the visibility, noise and impact on adjoining lots.

DOG HOUSES

Doghouses shall be constructed of materials consistent with the home and shall be located so as to minimize off-site noise, odors and visibility from adjoining lots.

SATELLITE DISHES

Dishes shall be no greater than eighteen inches (18") in diameter. Installation of equipment greater than eighteen inches (18") in diameter requires adequate screening and will be considered on a case-by-case basis.

ACCESSORY BUILDINGS

All lots are for single-family residential units only. Accessory residential units shall be allowed as part of a primary residence and may not exceed 25% of the gross floor area (GFA) including the garage. All accessory structures, including gazebos, greenhouses, and hot tub enclosures must meet the architectural and site standards and be located within the setbacks. Massing, scale, form and materials shall be coordinated with the main structure. No temporary or

permanent storage sheds shall be allowed.

HOUSE ADDRESS MONUMENTATION

No more than two sets of address numbers are allowed on each home. Address numbers may be placed at the street and at the front door of the residence. The address numbers shall not exceed a total of one square foot for each location and may be lighted. Address numbers located at the driveway shall be on an approved monument. The address monument shall be designed to reflect the home design with materials that are compatible with the home and/or the retaining walls of the roadway and/or driveway. The address monument should be integrated with the retaining walls and driveway grading and not be excessive in scale. An entry gate may be integrated with the design using compatible materials.

IV. ARCHITECTURAL STANDARDS

Use of indigenous materials, responsiveness to climatic conditions, and the functional and recreational needs of the Owner are important. Architectural forms derivative of mountain design traditions are fundamental. All sides of a structure require an integrated design approach.

BUILDING AREA

Each home shall have minimum livable (finished) building area of one thousand (1,000) square feet and shall not exceed four thousand five hundred (4,500) square feet, excluding garage and mechanical areas. The DRC may allow minor deviation from this requirement upon a finding of special circumstances.

MANUFACTURED HOMES

Although manufactured homes are allowed, the DRC shall be authorized to make additional design requirements in the case of manufactured homes in order to preserve the quality and the aesthetic appeal of homes built in Rocky Mountain Estates.

GARAGES

Garages shall be attached to the main dwelling, and the square footage thereof must not exceed one-half of the square footage of the living area footprint. Garage doors may face the street if approved by the DRC. Trailers, tents, shacks, or any temporary buildings or structures are prohibited except actual construction trailer(s), which may be permitted on a temporary basis by the DRC in connection with ongoing construction.

ENTRIES

Dimensions of columns and custom-made accents shall be considered in entries. Rustic elegance combined with a sense of human scale is encouraged.

ROOFS

Roofs are prominent visual elements and shall communicate the dominate character of the architectural expression of the home. Gable and shed dormers can be utilized to bring light into living spaces to help break-up large roof planes and express the style and character of the roof. Only Class A roofing materials are allowed.

All dwellings shall have at least three (3) roof lines. The primary roof overhang shall not be less than twelve inches (12") and the secondary roof overhangs shall not be less than twelve inches (12"). Soffits of masonite are not allowed. Creative and harmonious use of hips, gables, multiple ridges, roof axes, and dormers are encouraged.

The primary roof pitch shall be a 5/12 pitch or greater, while secondary roof pitches shall not be less than 4/12. Flat, mansard, and gambrel styles are prohibited.

Color and texture shall be carefully considered when selecting a roofing material from a limited palette of the predominant colors that occur naturally on the site, including earth tones and plant materials. Standing-seam natural metal roofs are not preferred, but may be considered when the appropriate design and visual impact to adjacent properties is minimal. Roof flashing colors shall match the roof color.

WALLS AND MATERIALS

Siding materials may include natural logs, board and batten, plank and shingle. Vertical and horizontally applied wood siding shall be treated with preservatives, semi-transparent stains or pigmented stains but not painted. Logs may be peeled or non-peeled. If treated logs are used they should be coated with a stain.

Natural or cut stone masonry is encouraged including Colorado Moss Rock, natural-river rock or fieldstone. Large diameter dry stack and ledge stone-simulated stone may be used with the approval of the DRC. Masonry joints shall be raked clean, and held to a maximum of one inch (1") in width. A sample lay-up on site (4'x 8') of stone masonry is required for approval prior to installation. Stone should cover at least 20% of the exterior walls of the front of the building. The building should rest visually on a base of stone with a capstone no shorter than twenty-four (24") in height.

Hand troweled stucco may be used if approved by the DRC and shall not exceed 30% of the total exterior surface. Consideration shall be given to detailing, color, and integration with other building materials.

Foundation walls shall not be exposed more than ten inches (10") and, faced or finished to blend with the total architectural design with no visible break between the foundation and the wall plane. The DRC must approve colored concrete and specialty formed concrete.

COLOR

Finishes shall be subdued. Wood stains and paints shall be selected from a limited palette of the predominate colors that occur naturally on the site, including earth tones, and plant materials, adopted by the DRC. Brighter colors shall be limited to small areas as accent colors. All color selections must be approved by the DRC. No bright, unfinished or mirrored surfaces are allowed. Semi-transparent stains are highly desirable on wood surfaces. Colors will be called out on Schedule Of Samples.

WINDOWS AND DOORS

Windows and doors that vary in size and random placement of windows is encouraged. Mirrored or reflective window materials and white vinyl are prohibited.

BUILDING EQUIPMENT AND ACCESSORIES

Roof vents must be painted to match roof materials where used. Consider gable vents or ridge venting. Snow diverters and retainers shall be integrated to the building design and can be decorative. Roof furnishings shall be painted to match primary roof materials.

Skylights shall be considered when utilizing a flat glazed material and integrated into the roof design, but not as an applied element. Skylights shall be reviewed on a case-by-case basis.

Gutters and downspouts are encouraged to be concealed to avoid long exposed sections with eaves and structural columns or trim. Care shall be given to the placement of gutters to prevent the damming of water, ice and snow. Aluminum and galvanized materials will not be accepted unless painted and/or treated to match building materials.

FIRE PREVENTION

Only Class A roofing materials are allowed.

V. SUBMITTAL REQUIREMENTS

All submittals shall be submitted ten (10) days in advance of any design review. The DRC may require additional information on a case by case basis.

PRELIMINARY PLAN SUBMITTAL

The Owner will develop preliminary architectural and site plans at 24" x 36" minimum, dated, that include:

1. Legal description and address with Owner's and Builder's names, addresses, and telephone numbers.

2. A site plan including streets, utilities, drainage ways. Legal restrictions, including rights-of-ways, easements, property lines, and setbacks, shall be included. Site plan information shall extend to property lines of the lot and beyond to include any right-of-ways or driveway access easements. Show a minimum of five (5) new trees.
3. A site plan of all proposed improvements designed in accordance with the Design Guidelines at a scale of 1" = 20' with north arrow. The site plan shall include the building footprint and roof overhang, driveway (show existing street), parking areas and drainage features. Drainage direction & swales will be shown by arrows on site plan. The site plan shall also include locations, dimensions, and square footages of other improvements as required. Erosion control method will be noted on site plan. The site plan shall also include all site improvements, utility connections, and all paved areas including walks and patios, monument locations, retaining walls, easements and setbacks at 1" = 20' scale. No building will be built on slopes of 30% or more. Follow County guidelines.
4. Floor plans must include main structure, accessory structures and deck. All submittals shall be submitted ten (10) days in advance of any design review. Square footage by floor level shall be identified.
5. Architectural elevations/sections, at 1/4"= 1', indicating proposed grades, decks, rails, chimney, fireplace flues and proposed materials. Building height measured from top of highest ridge to highest finished grade, this measurement cannot exceed 26 feet,
6. Colors will be called out on Schedule of Samples.
7. The Owner shall provide accurate staking (+ /- one foot) of proposed building corners, lots corners, and easements. All stakes must extend at least three feet (3') above grade and must be identified.
8. The Owner shall submit 4 sets of plans to the DRC.
9. A written response will be provided within fifteen (15) business days after the submittal.
10. Provide calculations of percent coverage of lot as per Grand County Guidelines. Show this on site plan.
11. Show snow storage area on site plan.
12. Two parking spaces are required. If only a one car garage, call out area of 2nd parking space.
13. Percent grade of driveway to comply w/Grand County Guidelines.

FINAL PLAN SUBMITTAL

If a Final Plan Review is required, the Final Plan Submittal shall include all of the preliminary requirements together with requirements designated by the DRC in order to meet any conditions to approval. When the design is approved, the DRC reserves the right to request the construction documents prior to their submittal for a building permit to review for consistency. After the plans are approved, the Owner may apply for building permit(s). If not approved, revised Final Plans shall follow the Final Plan submittal procedure.

REVIEW FEES

A \$750.00 Design Review Fee deposit is required to be paid with the Preliminary Plan Submittal. The applicant shall be responsible for the actual cost of the design review process and in the event the actual cost exceeds \$750.00, the applicant shall pay such costs before the DRC issues a Certificate of Compliance. Any unused balance of the Design Review Fee is refundable upon the completion of the project.

CONSTRUCTION PERIOD REVIEWS AND REQUIREMENTS

The DRC may inspect work in progress and give notice of non-compliance. Lack of such an inspection/notification does not constitute approval/compliance with the Design Guidelines or the Declaration. Construction must begin within two (2) years of the date of final approval. If construction does not commence within that time, the approval shall be deemed withdrawn and a new application must be submitted. An Owner may submit a written request (1) one year extension of Design Review Approval.

All exterior construction must be completed within twelve (12) months from commencement (site clearing). In the event there is a violation of this requirement, or if construction is abandoned for a period of 90 days or more, the DRC may assess a non-compliance assessment against the Owner in an amount **not less than \$100 per day** which may be enforced as in the case of any other assessment. Such an assessment may only be made after notice and hearing. At such hearing, the only defense shall be that the failure to complete construction on a timely basis, or the abandonment, was caused by a circumstance beyond the Owner's control.

APPROVAL COMPLIANCE AND CONSTRUCTION DAMAGE DEPOSIT

All construction of improvements must comply with the approved final plan and construction regulations. An Approval Compliance and Construction Damage Deposit of two thousand dollars (\$2,000.00) is required at the time of the Preliminary Design Submittal. Failure to comply will be subject to fines in the discretion of the DRC. Should a fine be imposed, the Owner shall make an additional compliance deposit in order to maintain the \$2,000.00 deposit amount. At 100% completion, after a final certificate of compliance has been granted, the deposit will be refunded.

FIELD CHANGES

Field changes that affect or change any of the exterior elevations, colors or materials or site plan as previously approved are not permitted. It is the responsibility of the Owner and/or Builder to contact the DRC and submit the change in writing, in order to receive a determination if an additional review is required. No changes shall be made without the approval of the DRC.

CERTIFICATE OF ACCURACY

A licensed, registered Surveyor (hired by the Owner) shall provide an Improvement Location Certificate attesting that the building foundation is located in plan and in elevation as approved (+ / - 6" tolerance) in the final submittal. The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken will be clearly identified and correlated with the location of the top of the foundation as in the final submittal.

PROJECT COMPLETION REVIEW

Upon completion of construction, the Owner shall give written notice of completion. Within thirty (30) days from receipt of such written notice, the DRC shall inspect the improvements and issue a Certificate of Compliance. If work was not done in compliance with the approved plans, the DRC will notify the Owner in writing of such non-compliance within the thirty (30) day period specifying the particulars of non-compliance, and shall require the Owner to remedy the condition or forfeit the compliance fee. Forfeiture of the compliance fee is not an exclusive remedy.

OTHER CONDITIONS

Approval of plans by the DRC shall not constitute compliance with the requirements of building, zoning, safety, health or fire codes, setbacks, height restrictions, or other requirements imposed by any governmental agency having jurisdiction.

Neither the DRC nor its assigns shall be liable in damages to any submitting plans to them for approval, or to any Owner by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any plans or specifications. Every Owner or person who submits plans to the DRC for approval agrees that they shall not bring action or suit against the Declarant, Association, DRC or its individual members to recover damages. The DRC reserves the right to waive or vary any of the procedures or Design Guidelines at its discretion. Any waiver or variance granted shall be considered unique and must not set any precedent for future decisions.

VI. CONSTRUCTION REGULATIONS

The following regulations shall be enforced during construction. These regulations shall be a part of the construction contract for each residence.

GENERAL LIABILITY INSURANCE

Prior to construction, the Owner shall require the builder to maintain general and automobile liability insurance for the period of construction. This insurance shall not be less than one million dollars (\$1,000,000) and shall name Rocky Mountain Estates, LLC and Rocky Mountain Estates Owners Association as additional insureds on the policy. A certificate stating this and a notice of non-cancelability during the term of construction may be required prior to the issuance of a permit to proceed. All contractors doing work in Rocky Mountain Estates shall be licensed with Grand County, Colorado.

WORK IN PROGRESS INSPECTIONS

The DRC, and its designated representatives, will inspect all construction work in progress. Any evidence of non-compliance with the Design Guidelines and approved Final Design will be communicated to the Owner. Owner has the final responsibility for compliance with the terms and conditions of these Design Guidelines the approved Final Design and the Declaration.

NON-WAIVER

Any approval by the DRC of drawings, specifications or work done or proposed, requiring approval under these Design Guidelines or the Declaration including a variance by the DRC, shall not constitute a waiver of the right to withhold subsequent approval. An oversight by the DRC of non-compliance at anytime during the review process, construction process or during its final inspection, does not relieve the owner from compliance with these Design Guidelines and all other applicable codes, ordinances, and laws.

CONSERVATION OF THE NATURAL AREAS

Natural areas on lots and open space of the community shall be protected during construction through appropriate fencing, barriers or other appropriate means.

OSHA

All applicable OSHA regulations and guidelines must be strictly observed at all times.

CONSTRUCTION LIMITS

Fencing may be required around the Building Envelope to protect the natural areas of the lot beyond the limits of the Building Envelope from damage during construction. Disturbance from construction activities outside of the Building Envelope must be returned to its original condition.

EXCAVATION

Excess excavation material shall be removed from the property and shall not be placed in common areas, roads, or other Lots (except as approved on a site specific basis by the DRC). Excavation, except for utility trenching shall be on the Owner's site only. Builders must follow the approved grading plan and may not spread excess material over the remainder of the lot.

DEBRIS AND TRASH REMOVAL

The Owner or builder shall clean up all trash and debris on the construction site. A trash container shall be located on each building site at all times for containment of lightweight materials, packaging, or other trash materials which may blow off the site. Trash and debris shall be removed from each construction site each week or on a scheduled basis. No trash may be placed on adjacent or nearby lots. Violations shall be charged to the violating Owner based on 120% of the actual cost of removal.

VEHICLES AND PARKING

All vehicles must be parked so as not to inhibit traffic or damage surrounding natural areas. Car pools and designated parking sites are encouraged. Vehicles shall not be left on community roads overnight. Each Owner and his builder shall be responsible for its subcontractors and suppliers obeying speed limit and traffic regulations posted within the community. Fines may be imposed against the Owner and/or builder or charged against the Construction Damage Deposit. Construction traffic is limited to specific site access points and may not cross/park on adjacent lots without that Owner's consent.

STORAGE OF MATERIALS AND EQUIPMENT

Owner and builders are permitted to store construction materials and equipment on the construction site during the construction period. It shall be neatly stacked, properly covered and secured. Storage of materials or construction equipment outside the approved construction site may be done only with the approval of the DRC. Any storage of material and equipment shall be the responsibility of and at the risk of the Owner or builder.

SITE ACCESS, CONSTRUCTION IDENTIFICATION, AND CULVERT

To maintain drainage, the Owner and builder may be required to install a temporary culvert adjacent the street at the point of site access. This culvert must be maintained in a clean condition during construction. The construction access must be clearly marked with a Rocky Mountain

Estates project sign.

HOURS OF CONSTRUCTION

Construction activity shall not be conducted between the hours of 9:00 p.m. and 7:00 a.m. of the next day.

BLASTING

The Owner and builder shall inform the DRC and all residents in proximity of the blasting site.

RESTORATION AND REPAIR

Damage to any property other than the Owner's shall be promptly repaired at the expense of the person or entity causing the damage. Owners are responsible for damage caused by the Owner's builder.

PROHIBITED ITEMS AND USES

The following are prohibited:

a) Servicing vehicles/equipment without proper receptacles/removal procedures; b) concrete equipment cleaning or concrete dumping; c) removal of any rocks, trees, plants, or topsoil from the property with the exception of the Building Envelope; d) careless treatment of trees or community preserve areas; e) signs other than approved construction/ real estate signs; f) careless use of cigarettes/flammable items; and g) hunting or possession of weapons.

CONSTRUCTION ADDRESS SIGNS

Construction address signs are standardized (four by four post, inspection box). The permit number shall be affixed to the sign. Signs shall not exclude a total face area of ten (10) square feet. All information including architects, lenders, contractors, subcontractors and tradesmen shall be included on the sign.

DATED: _____

DECLARANT:

ROCKY MOUNTAIN ESTATES, LLC
A Colorado Limited Liability Company

By _____
Morris King, Manager

By _____
Ralph P. Chiarella, Manager