

SHEEP CREEK SUBDIVISION ARCHITECTURAL STANDARDS 2021

SHEEP CREEK SUBDIVISION ARCHITECTURAL REVIEW COMMITTEE

SHEEP CREEK LANDOWNERS' ASSOCIATION SUBDIVISION ARCHITECTURAL REVIEW COMMITTEE

INTRODUCTION

Sheep Creek is a community where dwellings of varying styles and designs come together in harmony to complement the surrounding landscape. While there is no mandatory "style" of architecture in Sheep Creek, quality of design and compatibility with the particular lot, adjacent structures, and landscape are encouraged. "Alpine Mountain" or "Modified Alpine" is the style most compatible to the natural terrain. The "Mountain Style" design is in keeping with the rural rustic and woodland environment of Sheep Creek.

The Sheep Creek Landowners Association Architectural Review Committee (Committee) sets standards for new construction, additions and landscaping. These standards were developed to help architects, builders and owners formulate concepts in keeping with the physical and aesthetic requirements of the community.

The Committee consists of three (3) members. Members are elected by the Sheep Creek Landowners Association Membership.

Because no two lots are exactly alike, the Committee reviews each plan in relation to the specific characteristics of that lot and its surroundings. What might be considered appropriate for one lot might not be appropriate for another. For this reason, the Declaration and appropriate Supplementary Declarations, which apply to all lots, permit the flexibility that is essential when dealing with widely varying topography and lot conditions. The appearance of dwellings from other lots, Common Areas and roads will be an important consideration, as will the size, massing and orientation of structures in relationship to the lot and surrounding structures, the preservation of view corridors, fire safety considerations and the feasibility of access locations and grades.

The guidelines are not intended to inhibit or restrict creative design, but rather, should provide the criteria which will assure that there is a certain continuity throughout the development, where the buildings and other elements of the development are in design harmony with one another. Creative design, bold building forms and imaginative residential development are encouraged within the bounds of the overall development character, providing that the character reflects the connotation of rural, rustic, woodland, forest, cabin and the similar terms that describe the character intent of Sheep Creek Landowner Association Subdivision. "Trendy" or "Urban" designs or other design features, which may be construed as such, will be discouraged by this guideline and the Committee. A "timeless" design of the individual residence is encouraged where there is sense of overall design and character continuity without the boredom of having each residence the same as the other.

It is with the intent of developing a quality development of lasting values that this guideline is offered. This guideline is for the owner to plan their houses; for the architects who design the individual homes, and a guideline for the Committee in their review of the design submittals.

The following Process Overview details the steps involved in constructing a new residence in Sheep Creek Landowner Association Subdivision.

PROCESS OVERVIEW FOR ARCHITECTURAL REVIEW

The following outline lists the progression of events and requirements encountered on making an application to the Committee. The entire architectural review and approval process will be documented by the Committee using a tracking log. The log will act as a roadmap to ensure that each step of the ARC reviews and approvals are in place and formally documented as the process evolves. The Committee's log will also act as a process and quality control tool for the protection of the landowner and the Sheep Creek Landowners Association.

Guiding Documents

1. Applicants should thoroughly review all portions of the following documents applicable to their project (s):
 - A. Declaration of Covenants, Conditions and Restrictions and Amendments.
 - B. Final plat for specific filing.
 - C. Sheep Creek Subdivision Architectural Standards of 2021. The Declaration of Covenants will apply when clarification is needed.
 - D. Conejos County Regulations and Building Code.
 - E. Fire-wise Wildfire Mitigation Practices
2. **Site Pre-Design**
After review of the guiding documents, an applicant must schedule an onsite pre-design meeting in order to review basic concepts for the development of the site with a representative of the Committee. This meeting will be noted in the Committee's log along with the notice to proceed to the Preliminary Design/Submittal step. The Committee will decide at this time if an official survey is required for the Preliminary Submittal or only for the Final Submittal.
3. **Preliminary Submittal**
The applicant must submit a description of the intended project that complies with the requirements of the Preliminary Submittal Checklist of the Construction Application Package. The Committee will review and approve the preliminary submittal checklist and provide a notice to proceed before the landowner can develop final plans.
4. **Final Submittal**
Upon the Committee's approval of the Preliminary Submittal, the applicant must submit a further description of the intended project that complies with the requirements of the Final Submittal Checklist of the Construction Application Package.
5. **Applicant must allow inspections by the committee members during construction activities**
6. **Completion Notice**
Upon completion of the project, the Owner shall advise the Committee in writing (Owner's Notice of Completion and Compliance).

ARCHITECTURAL STANDARDS

SECTION I DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in this text shall have the following meaning:

1. **Builder/Contractor** - a person or entity engaged by an owner for the purpose of constructing a dwelling on such owner's lot. The Builder/Contractor and owner may be the same person or entity.
2. **Committee** - the Architectural Review Committee established pursuant to the Declaration.
3. **Common Area** - all land, improvements, and other properties now or hereafter owned or leased by, or from, the Sheep Creek Land Owners Association.
4. **Construction Site** - such portion of Sheep Creek Landowners Association Subdivision (including, but not limited to, a Lot) on which authority is given by the Committee to construct improvements or store materials or equipment.
5. **Declaration** - Declaration of Covenants, Conditions and Restrictions governing Sheep Creek Landowners Association Subdivision as recorded by the developer.
7. **Development Guide** - that plan prepared by the Posada Del Rio, the Developer, for any Filing that illustrates height restrictions, setback and other special limitations on specific lots.
8. **Dwelling** - a residence and/or ancillary structure constructed or proposed to be constructed on a Lot in Sheep Creek Landowner Association Subdivision and any improvements constructed in connection therewith.
9. **Sheep Creek** - any Filing in Sheep Creek Landowner Association Subdivision according to the recorded plat thereof in Conejos County, Colorado.
10. **Sheep Creek Landowners Association** - a non-profit corporation formed under that name, with Articles of Incorporation filed with the Colorado Secretary of State.
11. **Improvements** - any changes, alterations or additions to a Lot from its condition at the time of purchase.
12. **Lot** - a platted lot or building site within Sheep Creek Landowners Association Subdivision.
13. **Owner** - the owner of record of a Lot, whether one or more persons or entities for the purposes herein, the Owner may act through such Owner's agent, provided that such agent is authorized in writing to act in such capacity.
14. **Protective Covenants** - the Declaration and any Supplementary Declarations affecting Sheep Creek landowners and a Lot as recorded by the Posada del Rio, the Developer and Sheep Creek Landowners Association.
15. **Standards** - those restrictions, review procedures and construction regulations adopted and enforced by the Committee as set forth in this document and as amended from time to time by the Committee.
16. **Supplementary Declaration** - any Supplementary Declaration of Covenants, Conditions and Restrictions affecting a Lot in Sheep Creek Landowners Association Subdivision.

SECTION II BASIC BUILDING RESTRICTIONS

1. Location of Dwellings and Setbacks

All Dwelling setbacks should comply with Conejos County Regulations. Presently, dwellings shall have a frontage set back of a minimum of thirty (30) feet from the front boundary of the property; twenty-five (25) feet setback from the rear boundary of the property; eight (8) feet setback from the side boundary lines, except on corner lots the side setback shall be twenty-five (25) feet. The specific location of buildings will be in accordance with the plat, the Declaration and the approval of the Committee during preliminary plansubmittal/review.

2. Height of Structures

Height restriction is thirty-five (35) feet, measured from the lowest point where it meets the ground to the highest point of the structure, however, the Committee shall discourage and has the right to prohibit, the construction of any Dwelling or other structure that would appear excessive in height when viewed from the roads, drives or other Lots

3. Floor Space, Permitted Uses, and Style

Floor space and permitted uses will be in accordance with the Declaration and Amendments.

Minimum Size Requirements. No one-story residential building shall be constructed with a fully-enclosed first floor area of less than 1300 square feet, exclusive of carport, garage, and open porches or decks. No two-story residential building shall be constructed with a fully-enclosed first floor area of less than 1050 square feet. No detached garage or storage building shall be constructed with a first floor area of less than 500 square feet and shall be sized to accommodate all recreational vehicles.

THERE IS NO MANDATORY "STYLE OF ARCHITECTURE IN SHEEP CREEK. However, "A" frame type structures, Dwellings on stilts, and flat or parapet roof designs will not be permitted except in unusual circumstances and with special permission of the Committee. Dwellings with a strong traditional style or urban appearance may be deemed inappropriate within the Sheep Creek Landowner Association Subdivision. This will be addressed by the Committee during review of the preliminary plan submittal.

4. Color

The color of exterior materials will be generally subdued to blend with the colors of the natural landscape. Earth tones, generally muted, are recommended, although accent colors and materials, used judiciously and with restraint, may be permitted. This will be addressed by the Committee during review of the preliminary plan submittal.

5. Materials

Exterior surfaces will be of materials that are compatible with the natural landscape. To lessen the damage sustained during a wildfire, the use of materials with a Class A fire rating are encouraged for the roof, siding, and decking.

A. Siding and exterior walls.

- (1) Log structures and walls of either natural or milled log forms.
- (2) Wood siding, horizontal, vertical or diagonal, as appropriate with the building design. Finish of the wood siding may be rough-sawn, pre-sawn, or other similar rough-hewn finish.
- (3) Wood shingles or shakes are prohibited on roofs, but may be accepted a decorative item on eaves and other vertical surfaced where they are not a fire hazard.
- (4) Hardboard siding may be used, providing its finish and trim is in keeping with the rustic quality of the development. Stain finishes on hardboard must simulate

natural wood finishes. Pre-finished or painted finishes shall be permitted.

- (5) Metal siding, exterior plaster, and other like exterior finishes shall be discouraged. Special consideration may be given for alternative materials by the Committee.
- (6) Natural stone walls or stone veneer. Stone walls and stone chimneys would certainly be encouraged within the design of the individual homes. Stone work maybe as full walls, wainscot, columns, etc.
- (7) Concrete masonry or other masonry wall construction left unfinished shall not be permitted.

B. Exterior Finishes

- (1) Walls, beams, columns and posts, fascia, trim, etc. The exterior wood materials shall be either left natural, oiled or treated, or stained, woodland colors. Stains maybe either semi-transparent or solid body stains within the "earth-tone" color ranges of predominantly brown, tan, etc. Bright colored stains or paints shall not be permitted, or any color that is in apparent contrasts with the woodland environment. This may be left to the discretion of the Committee.
- (2) Window frames, mullions, doors, trim, etc. Window frames may be wood or metal with painted or pre-finished colors. While natural wood tone colors are encouraged, some accent colors may be permitted provided they do not dominatethe exterior appearance. This may be left to the discretion of the Committee.

C. Other Exterior Elements

- (1) Fences shall be constructed of similar materials to the residence. Fences shall only enclose the utility areas of the residence such as trash area, dog runs, etc. The interior property lines of the development shall not be fenced as the development should have the appearance of an open community. All fencing must be approved by the Committee. (See section 19 – A and article 9 sec.5 in the covenants for clarification)
- (2) Utility elements such as television antennas or satellite dishes shall be provided by the individual resident. The dish shall be completely concealed from view from other residents within the community. Screening may be behind utility yard fences and will be approved by the Committee.
- (3) Propane tanks shall be buried unless a varianceis approved by the Committee.

6. Roofs

Approval by the Committee will be based on the visual impact of the roof on the Lot or on neighboring Lots, Dwellings, Roads and Common Areas.

- A. Pre-finished seamed metal roofing. Finish of the material shall be non-glare. Suggested colors include brown, forest green, terra cotta, or other colors that seem appropriate within the woodland environment. Bright colors such as red, bright blue, yellow, etc., shallbe discouraged. Committee approval or disapproval of bright colors will be on a case-by-case basis.
- B. Wood shingles or shakes. Wood shingles or shakes are prohibited.
- C. Composition roofing and shingles. Asphalt, fiberglass, and other similar materials may be used. Suggested colors include brown, charcoal, black, forest green and terra cotta.

- D. Concrete shingles. Concrete shingles may also be used with colors similar to the other colors mentioned in keeping with the woodland environment.
- E. Roof pitches. Roof pitches shall be a minimum of 8 in 12 slope, and steeper roof slopes are encouraged due to snow buildup.
- F. Roof design should consider snow buildup and ice dam development.

7. Building Projections

All projections including, but not limited to, chimney flues, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project, or shall be of an approved color. Location of building projections should consider snow buildup and ice dam development.

8. Site Drainage and Grading

Site drainage will be done with minimum disruption to the lot and shall not drain to adjoining lots or across adjacent roads so as to cause a condition that could lead to soil erosion, deposition of debris or water collection.

In situations where grading on a lot is proposed to extend beyond the lot line and onto the Common Area, the proper approval and permission must be obtained in writing from the Committee. In such cases, the owner must promptly restore and landscape the disturbed Common Area at his own expense, and as required by the Committee.

Driveways should not exceed 10% grade.

Downslope fill is discouraged. Where driveway culverts are required, they will be installed by the Owner and stone riprap at both ends will be required to reduce erosion.

9. Paved Areas

Hard-surfaced private driveways and parking areas are permitted. Asphalt or concrete is recommended. Materials used to create special paving patterns are subject to Committee approval.

10. Garage Doors

Visual impact of garage doors will be minimized by such measures as siting of the Dwelling, protective overhangs or projections, special door facing materials or design, landscaping, berming, etc. Color samples must be submitted for Committee approval.

11. Foundation Walls

Foundation walls shall be finished to blend with the general design of the Dwelling.

12. Exterior Mechanical Equipment

All exterior mechanical equipment shall be either incorporated into the overall form of the Dwelling or be permanently enclosed by a material approved by the Committee.

13. Accessory Structures

Accessory structures, including those permitted by the Declaration, shall be architecturally compatible with the Dwelling and approved by the Committee.

14. Exterior Lighting

Exterior lighting must be subdued. The light source should not be visible from adjoining Dwellings. Exterior lights may be permitted by the Committee for such purposes as illuminating entrances, decks, driveways and parking areas, and other purposes approved by the Committee.

Lights which wash buildings or up light trees or other features seen from the street or areas adjacent to the Lot are not allowed.

15. Landscaping

Landscaping will be in accordance with the objective of preserving the natural appearance. Any landscaping, such as a lawn or gardens, which require irrigation or use of water, shall be discouraged. Planting non-native trees or shrubs is discouraged. Landscaping proposals are subject to Committee approval.

In addition, lot owners and their representatives or builders are required to:

- A. Minimize disruption of the natural terrain (by grading) and control vehicular wear and tear on the site.
- B. Vegetate and restore ground cover for erosion and appearance reasons. For any approved lawn areas, dry land turf grass sod or seed mixes are recommended.
- C. Use indigenous species of plant materials to preserve the natural appearance.
- D. When using man-made elements in landscape design, select those that blend and are compatible with the land.
- E. When possible, preserve existing or natural drainage paths.
- F. Consider and provide for snow storage and runoff.
- G. Conserve and protect trees, topsoil, rock formations and unique landscape features. Permission must be obtained from the Committee for the removal of any trees during home construction.

As a general rule, the Committee will exercise more stringent controls on areas visible from roads and nearby home sites.

16. Fireplaces

Proximity of trees to fireplaces and flues should be carefully considered so that trees and branches are not subjected to excessive heat and fire hazards are not created.

17. Additional Construction and/or Exterior Changes

Additional construction or other improvements to a dwelling and/or changes before, during, or after completion of an approved structure must be submitted to the Committee for approval prior to initiating such changes and/or additions.

18. Building code

All structures will conform to all applicable state and county building codes and ordinances. Approval by the Committee does not constitute or imply compliance with such codes and ordinances.

19. Wetlands and Riparian Areas

The Lots designated by the Sheep Creek Landowners Association Subdivision plat and by federal law as wetlands and riparian areas shall be non-development and non-construction areas. Wetland areas are protected by federal law in addition to well as the Declaration of Covenants and Conditions and Restrictions governing Sheep Creek Landowners Association Subdivision as recorded by the developer. These areas should be treated as buffers to development and surface disturbance, domicile and out-building placement are prohibited. No homes or out-buildings will be constructed within the wetlands or riparian designated or open space areas. Prior to construction, the Committee shall approve site locations for construction of dwelling and all associated disturbances, including the clearing, thinning or removal of vegetation and disturbance of soils near these areas to minimize the impact to these areas.

20. Clearing of Trees and Other Vegetation

There shall be no removal of living trees from the Lots or open space, except that which must be removed in connection with Committee-approved construction, landscaping or that which is consistent with good conservation practices and to protect structures and property. In all circumstances, prior approval of the removal of trees from the Committee is required. In no instance shall vegetation be removed from designated wetland areas.

Vegetative debris from tree removal, construction and landscaping shall be removed or chipped by Lot owners or a licensed contractor and disposed at an approved Conejos County dump site.

21. Water Connections

Water Connection approval shall be obtained from the Committee. The Committee has designated Robbins Construction as the approved contractor to perform the water tap to the main water line and to install water meters and monitoring systems which include a pressure reducing valve, a back flow preventer, and an approved electronic meter that communicates with the Sheep Creek water monitoring system. Lot owners may choose to have their contractor install the water line from the water meters to their buildings.

Applicant is required to have a Committee member sign their Water Connection Application before they may proceed with their water connection. Additionally, an initial water usage fee must be paid before connecting into the system.

22. Alternative Energy Sources

Solar panels are encouraged but should be designed to blend in with the natural environment and be approved by the committee.

SECTION III CONSTRUCTION REGULATIONS

In order to ensure a safe, neat and orderly construction site, the Committee and the Sheep Creek Landowners Association have established certain construction and safety regulations for the benefit of all landowners and residents. Lot owners are required to inform their contractors of these regulations.

1. Sheep Creek Water Landowners Association Requirements

Water Connection approval shall be obtained from the Committee and necessary fees paid to Association prior to making connection. The Committee has designated approved contractor(s) to perform the water tap to the main water line.

2. Safety and Health Compliance

All applicable State and federal regulations and guidelines (including OSHA) will be strictly observed at all times.

3. Construction Trailers, Portable Field Offices, etc.

Any landowner or contractor who desires to bring a construction trailer, field office or the like shall obtain approval from the Committee. The Committee shall work closely with the Landowner to determine the best possible location. The construction trailer and/or portable field office shall be removed 18 months from the start of construction or 30 days after completion of construction, whichever comes first.

4. Storage of Materials, and Equipment

Landowners and contractors are permitted to store construction materials and equipment only on the approved construction site during the construction period. Materials shall be neatly stacked, properly covered and secured. Storage of material or construction equipment outside the approved construction site (Landowner's Lot) will be done only with the approval of the Committee.

Any storage of materials or equipment shall be the Landowner's or contractor's responsibility; no security for this storage is provided by Sheep Creek Landowners Association.

Landowners and contractors will not disturb, damage or trespass on other Lots or the Common Areas. Should any such damage occur, it will be restored and repaired at the offender's expense.

5. Debris and Trash Removal

Landowners and contractors must maintain a trash receptacle on site of sufficient size to accommodate construction. The Sheep Creek Landowners Association trash dumpsters are not to be used to dispose of any construction debris and trash and are to be used solely for domestic trash. Trash and debris shall be removed from each construction site to a dumping site located outside Sheep Creek Landowners Association Subdivision as often as necessary, but no longer than a 7 day accumulation.

Lightweight material, packaging, and other items shall be covered or weighted down to prevent wind from blowing such materials off the Construction Site. Landowners and contractors are prohibited from dumping, burying, or burning trash anywhere in Sheep Creek Landowners Association Subdivision.

During the construction period, each construction site shall be kept neat and shall be properly policed on a daily basis to prevent it from becoming a public eyesore. Construction shall not affect other Lots or the Common Area. Any clean-up costs incurred by the Sheep Creek Landowners Association will be billed to the lot owner.

Dirt, mud or debris resulting from activity on each Construction Site shall be promptly removed from public or private roads, Common Area and driveways or other portions of Sheep Creek Landowners Association Subdivision. If debris is not removed after reasonable notice, the lot owner will be charged for its removal.

6. Sanitary Facilities

Each Landowner and contractor shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the site

itself or in areas approved by the Committee. Toilet facilities are not provided by the Sheep Creek Landowners Association.

7. Construction Hours

As to not disrupt neighbors or create a nuisance, all exterior construction that creates noise disturbances (excavating, pouring foundations, framing, roofing, etc.) shall be limited to the following hours:

Monday-Friday 7:00 A.M. to 6:00 P.M.

Saturday 8:00 A.M. to 5:00 P.M.

Sunday no exterior construction allowed.

8. Parking Areas

Construction crews shall not park on or otherwise use other Lots or Common Areas Private and construction vehicles and machinery will be parked in areas designated by the Committee.

9. Conservation of Landscaping Materials

Landowners and contractors should note that Lots contain valuable native plants and other natural landscaping materials that should be salvaged before and during construction, such as: topsoil, rock (moss rock and ordinary varieties), shrubs, trees, weathered wood and rustic structures.

Valuable materials that cannot be removed should be marked by flagging and protected by fencing or barriers.

Any trees or branches removed at initial excavation must be promptly cleaned up and removed from the construction site to avoid insect infestations. In addition, stumps and branches must be chipped or hauled away and logs stacked or removed.

It is in the best interest of the Landowner and the Community to minimize and limit the size of the Construction Site. Therefore, the maximum allowable perimeter of construction and grading disturbance must be clearly designated prior to construction. There shall not be any disruption or use of another Landowner's Lot as a construction site.

10. Excavation Materials

Excess excavation material shall be hauled off the project and not dumped on the roadway, common area, wetland or on another Landowner's Lot.

11. Blasting

In addition to all other requirements of this document, if any blasting is to occur, the contractor is responsible for informing all residents in the proximity of the Construction Site. The Landowner is responsible for safety precautions during blasting and notifying the Committee of these activities in advance.

12. Road Closures

The contractor is responsible for notifying the Committee and all residents affected by the temporary closure of any road at least 24 hours in advance of such closure.

13. Restoration or Repair of Other Property Damage

Damage and scarring to other property, including but not limited to roads, bridges, culverts, driveways and/or other improvements shall not be permitted. If any damage occurs, it will be repaired and/or restored promptly to the satisfaction of the Committee and the damaged Landowner, if any, and at the expense of the person or entity causing the damage.

Upon completion of construction, each Landowner and contractor shall clean his Construction Site and undertake repair of damages, including but not limited to, restoration of grades, seeding of disturbed areas, and repairing of streets, bridges, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

14. Weight Limit and Bridges

The Sheep Creek bridges (Conejos River Bridge and Sheep Creek Bridge) have a weight/load limit of 70,000 lbs. GVW. Weight/loads exceeding this limit are not allowed and Lot Owner and their contractors must take this into consideration in planning delivery of materials and equipment to construction sites.

15. Miscellaneous and General Practices

All Lot Owners in Sheep Creek Landowners Association Subdivision shall be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors.

At least one 20 lb., ABC rated dry chemical fire extinguisher must be present and available in a conspicuous place on the Construction Site at all times.

The following practices are prohibited on Sheep Creek Landowner Association Subdivision Construction Sites:

- (1) Regular maintenance and/or changing oil or other fluids on any vehicle or equipment.
- (2) Allowing concrete suppliers or contractors to clean their equipment or leave debris on site or anywhere within the Sheep Creek Landowners Association Subdivision.
- (3) Removing any rocks, plant material, topsoil, or similar items from any other Lot within Sheep Creek Landowners Association Subdivision.
- (4) Carrying any type of firearm on the property.
- (5) Use of spring water or surface water for construction.
- (6) Using disposal methods or units other than those approved by the Committee.
- (7) Careless disposition of cigarettes and other flammable material. Open burning is prohibited.
- (8) Possession and consumption of drugs and alcoholic beverages.
- (9) Possession of any animals on a Construction Site by construction personnel.
- (10) Playing a radio or tape recorder or other electronic devices that play music at a level that can be heard by neighbors. The use of personal players with headphones is advised.

16. Committee Enforcement Rights and Remedies and Notice Procedures

Although the spirit and essence of the Sheep Creek Architectural Standards are based on the willing cooperation of Sheep Landowners Association members, in the event of any continuing violation of this Section and of the requirements of the Architectural Standards as Amended and/or the Declaration of Covenants of Sheep Creek Landowners Association Subdivision as Amended, the Committee shall have the right to enforce compliance after notice as specified herein.

Substantial compliance is necessary for the mutual benefit, welfare, and personal enjoyment of ownership of land by Association Members and for the enhancement of property values in general.

- (a) Upon occurrence of any violation, a designated Committee member shall immediately verbally notify the offender, in person or by telephone, of the specific nature and extent of the violation and the corrective action required to cure the violation.
- (b) If the violation has not been fully corrected, or reasonable curative action not commenced, within 10 days from the date of the verbal notice described in 15(a) above, the Chairman of the

Committee shall immediately notify the offender in writing, by personal delivery or posted by first class US mail, of the nature and extent of the violation and the corrective action required to cure the violation.

- (c) If the violation has not been fully corrected., or reasonable curative action not commenced, within 20 days from the date of written notice described in 15(b) above, the Chairman of the Committee shall immediately take such action permitted by law, including but not limited to, an action for court order of compliance, damages, injunction and recovery of costs and legal expenses.

17. Costs Incurred by Association in Enforcing Compliance

All costs of every kind whatsoever incurred by the Committee in enforcement of the Architectural Standards and Declaration of Covenants shall be at the expense of the offender. The Sheep Creek Landowners Association has an established policy and procedures that may be used to enforce non-compliance with the Architectural Standards and/or the Declaration of Covenants.

18. Display of an Address Sign

Conejos County regulations and the Association require that all properties with dwellings or other structures must display an address sign for emergency response, and the Sheep Creek Landowners Association has set out the guidelines for "Physical Address Display Sign" so they would appear uniform throughout the subdivision.

19. Mail Delivery

The Sheep Creek Landowners Association has 48 cluster-style mailbox units located next to the trash shed inside the main gate. Member mail delivery addresses are the physical address that has been assigned to the dwelling by the Conejos County Land Use Office. Do not include in the delivery address the lot number or box number of the mail box as this may delay delivery of mail from the Antonito Post Office.

20. Emergency Vehicles

The Sheep Creek Landowners Association has established a policy and procedures regarding parking and access for emergency vehicles.

21. Establishing and Maintaining Defensible Space

The Sheep Creek Landowners Association has established a policy and procedures regarding fire mitigation standards and guidelines to Lot Owners who wish to remove vegetation for fire mitigation.

22. Road Use and Fishing

The Sheep Creek Landowners Association has established a policy and procedures regarding road use and fishing, which has been developed to address concerns and to clarify the Sheep Creek Landowners Association's and Lot Owner's rights and responsibilities of road use and fishing access

23. Temporary Gate Codes

Since Sheep Creek is a gated community, it is the responsibility of the lot owner to provide their contractor and sub-contractors with a temporary gate code to be used during construction. Temporary codes can be obtained by referring to the Sheep Creek Land Owners webpage.

SECTION IV ARCHITECTURAL REVIEW STANDARDS

1. General

The Committee shall conduct reviews during the first and third weeks of each month. The Committee will respond in writing within ten (10) working days after the review, but no later than thirty (30) days after submittal. If the Committee determines that services of an outside architect are necessary, the applicant will be so notified and plans will not be reviewed until the review fee is paid.

While these Standards require a written submission and approval procedure, the Committee recognizes that direct communication and a cooperative attitude are essential to the fulfillment of the objectives of the review process

2. Pre-Design Meeting

Prior to preparing preliminary plans for a proposed Dwelling, it is mandatory that the Landowner meet with a Committee member to walk the proposed building site and to discuss proposed plans and to explore and resolve any questions regarding building in Sheep Creek. This informal review is to offer guidance prior to initiating preliminary design.

3. Submittal of Plans

Plans and specifications shall be submitted to the Committee in accordance with the following submittal and review procedures:

(A) **Preliminary Submittal (see attached Checklist)** All preliminary plans shall include:

- (1) Site plan drawing including:
 - a) building location dimensioned to two property lines;
 - b) entrance and driveway location;
 - c) grading plan;
 - d) proposed limit of construction site disturbance
 - e) location of septic system and propane tank (if used)
- (2) Survey: A survey may be requested by the committee if the proposed construction has the potential to encroach on setback, easements, property lines, wetlands or other protected/controlled areas.
 - a) show elevation of building location;
 - b) show elevations of adjacent roads and drives where access is proposed;
 - c) show elevation of key features of natural terrain such as large rocks and rock outcroppings;
 - d) setbacks and easements;
 - e) property lines
- (3) Preliminary Floor Plan and Roof Plan Drawing (no less than 1/4" = 1'.0).
- (4) Indication of all exterior materials and colors.
- (5) Any ancillary improvements contemplated.
- (6) Staking locations of all building corners, lot comers, easements and setbacks.

B. Review of Preliminary Submittal

After the posting and comment period of (10) calendar days, the Committee will review the plans and staking and will provide a written response to the Owner within ten (10) working days after the review, but no later than thirty (30) days after a submittal.

C. Final Submittal and Review (see attached Checklist)

- (1) A construction time schedule.
- (2) Final Site Plan indicating those items in A(l) through A(6) above and:
 - a) Site plan indicating utility connections.
 - b) complete working drawings, including:
 - i. roof and floor plans;
 - ii. all exterior elevations with both existing and proposed grades and foundations (top and bottom);
 - iii. wall sections and exterior details, including chimneys, exterior stairs and decks, railings and supports;
 - iv. materials, windows, and glass specifications;
 - v. Landscape plans, if any.
- (3) Review of Final Submittal - The Final Submittal will be reviewed during the first week of the month if submitted by the end of the previous month or by the third week of the month if submitted by the 15th of the current month.

CONSTRUCTION SHALL NOT COMMENCE UNTIL ALL OF THE ABOVE REQUIREMENTS ARE SATISFIED

- (4) Resubmittal of Plans - In the event of any disapproval by the Committee of either a Preliminary or a Final Submittal, resubmittal of plans will follow the same procedures as an original procedure, starting with the step that failed to gain approval.
- (5) Work in Progress - The Committee or its Architectural consultant may inspect all work in progress and give notice of non-compliance.
- (6) Completed Work - Upon substantial completion of the exterior of any Dwelling or any other improvements for which Final Approval was given by the Committee, the Owner shall give notice to the Committee. No later than thirty days (30) from receipt of such notice of completion from the Owner, the Committee shall inspect the improvements. If it is found that work was not done in strict compliance with the Final plans submitted or required to be submitted for its prior approval it shall notify the owner in writing of such non-compliance within such period, specifying in reasonable detail the particulars of non-compliance and shall require the Owner to remedy same within 30 days of such notice.
- (7) Services of Architect - The Committee shall have the authority to use the services of an architect as consultant and charge a fee to the Applicant, not to exceed one thousand dollars (\$1,000.00), to defray the fees of the architect consultant.
- (8) Committee Successors - In the event of death or resignation of any member of the Committee, the Chairman of the Committee shall have the authority to designate a successor until the next regularly scheduled meeting.

SECTION V VARIANCE PETITION PROCEDURES

The Lot Owner may apply for a variance from the building construction, building addition/alteration, lot improvement and landscaping requirements of Architectural Standards and the Covenants. If the variance request is relative to physical and/or aesthetic alterations to a dwelling, lot or landscaping, varying from a design previously approved by the Sheep Creek Landowners Association and does not violate the architectural standards or Conejos County standards/regulations, then the application procedure is as follows:

- A Lot Owner must submit to the Architectural Review Committee (ARC) a detailed written statement outlining the reason and justification for the change along with relevant documentation (e.g., sketches, surveys, plans, elevations, materials, dimensions, colors) supporting the application.
- The application must provide sufficient detail to clearly explain the nature of the request and the impact on the affected Lot and structure and surrounding Lots and structures. Photographs of affected areas are encouraged

If the variance request is relative to physical and/or aesthetic alterations of building construction, building addition/alteration, lot improvement and/or landscaping, which is inconsistent with Sheep Creek Landowner Association governing documents and Conejos County standards/regulations and require the approval of Conejos County, then the application procedure is as follows:

- Before submitting an application for variance to Conejos County, a Lot Owner must submit to the Architectural Review Committee (ARC) a detailed written statement outlining the reason and justification for the change along with relevant documentation (e.g., sketches, surveys, plans, elevations, materials, dimensions, colors) supporting the application. The application must provide sufficient detail to clearly explain the nature of the request and the impact on the affected lot and structure and surrounding lots and structures. Photographs of affected areas are encouraged. Any additional documentation required by Conejos County must also be presented to the ARC before submission to Conejos County. Following a review of the application, the ARC will issue a: Letter of Denial of Application, or Letter of Acknowledgment Without Objection, or Letter of Conditional Approval.
- A written statement of "Acknowledgment Without Objection" or "Letter of Conditional Approval" from the ARC, along with the documentation described above, must accompany any application to Conejos County for a variance. The letter will supplement the request for variance and serve as an advisory notice to Conejos County of Sheep Creek Landowner Association's prior review of the application. Neither letter guarantees approval by Conejos County.
- It is the landowner's sole responsibility and burden to meet all the requirements of Conejos County in seeking the variance. Those requirements may include, but are not limited to, providing all documentation, feasibility studies, engineering studies, architectural studies/ reviews, legal reviews and/or meeting attendance and presentation. All costs of meeting these requirements, and any other costs associated with seeking a variance with Conejos County, shall be borne by the variance applicant. Unless Sheep Creek Landowners Association governing documents allow for an alternate process, the ARC shall have responsibility for review of all variance requests and may, in its sole judgment and uncontrolled discretion, approve or disapprove variance requests.