

# **The Fairways at Pole Creek**

## **Design Review Guidelines**

**as of**

**February 15, 2020**

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## 1. THE FAIRWAYS AT POLE CREEK PHILOSOPHY.

### 1.1 DESIGN PHILOSOPHY.

The design philosophy of The Fairways at Pole Creek is provided in the Declaration of Protective Covenants, Conditions and Restrictions for The Fairways at Pole Creek (the “**Declaration**”). These Design Review Guidelines are established in furtherance of that philosophy.

The Fairways at Pole Creek is located in the Fraser Valley, both of which have an abundance of snow in the winter, gorgeous summers, spectacular views, a variety of terrain, an award winning 27-hole golf course, and other recreational amenities. These features, combined with the fact that the entire property is located in an important wildlife habitat, creates an exciting, diverse and unique community for the residents and guests of The Fairways at Pole Creek. It is essential that the natural environment be preserved and enhanced so that the enjoyment of The Fairways at Pole Creek may be shared by property Owners and visitors for years to come.

The design philosophy of The Fairways at Pole Creek is to create a harmonious relationship between architecture and landscape. A composition of simple forms and quiet natural colors create a harmonious relationship on both an individual and an overall level. The structures and landscaping should be compatible with one another and be in harmony with the natural surroundings. In order to enhance the value of all building sites within the property, designs that substantially duplicate or mirror previously approved designs will not be allowed. Designs that differ from others only in exterior finishes may be considered duplications.

### 1.2 INTENT OF THE GUIDELINES.

The Fairways at Pole Creek Design Review Guidelines (the “**Guidelines**”) provide an outline of simple and basic criteria for good design. The Guidelines are meant to encourage individual expression of The Fairways at Pole Creek design philosophy and to serve the Owners and their design teams in arriving at design decisions that are aesthetically and ecologically responsive to the built and natural environment at The Fairways at Pole Creek. In addition, the Guidelines are intended to ensure the long-term protection and preservation of the design philosophy by providing guidance with respect to ongoing maintenance and modifications of completed construction and landscaping. The Guidelines are not meant to overwhelm you with information, but rather to be as specific, realistic, and helpful as possible.

The natural environment at The Fairways at Pole Creek is very special and unique. The terrain is dramatic and ever changing, the sunshine is abundant and the views are spectacular. Those familiar with the Fraser Valley are well aware that conditions in the mountain valleys are different from life on the coast, or the plains of the Midwest, or in the East. The natural environment will more than repay efforts to preserve it; therefore, to help property Owners make the most of their unique opportunities, we include in these Guidelines a number of requirements and suggested responses to the particular physical conditions that prevail at the site. Under the terms of the Declaration, the board of directors (the “**Board**”) of The Fairways at Pole Creek Homeowners Association, Inc. (“**The Fairways at Pole Creek**” or the “**Association**”) and the Design Review Committee (the “**DRC**”) does hereby exercise its rights and does hereby establish these Guidelines in order to meet its obligations under the above-mentioned Declaration.

Copies of the most recent Guidelines may be obtained from and any questions or submittals should be made to The Fairways at Pole Creek DRC at our current address, available on our website [www.thefairwaysatpolecreekhoa.com](http://www.thefairwaysatpolecreekhoa.com). These Guidelines may from time to time be revised by the DRC, to reflect new experiences and to accommodate changing conditions. It is essential that the prospective Owner applicants, the designer and builder contact the DRC for the most current copy of the Guidelines. If there are any discrepancies between the Guidelines and the Declaration, the most restrictive shall apply.

### 1.3 THE DESIGN PROCESS.

Designing a home should be an exciting and rewarding process for Owners and their design teams. The role of the DRC is to guide your process to be consistent with the design goals that have been established for the community.

It is in everyone’s interest and the intent of these Guidelines that the homes are harmonious and compatible with the physical and historical context of the development; that they incorporate native and natural materials, simple forms, sensitive settings and, in general, be unassuming in character. It is intended that the buildings not compete with each other, or assert themselves at the expense of the neighboring homes, but rather relate to each other in their unique setting to form a

harmonious community that shares and supports a common interest and appreciation of a most unique environment.

The guidelines, procedures and information that follow are intended to formulate and define the means by which homes can be built in a manner in which they will be compatible with each other within this very unique setting. The guidelines will be the criteria for decisions of the DRC and form the basis of control imposed by the DRC. Compliance with the spirit of these guidelines is crucial to the mutual enhancement and protection of the qualities of The Fairways at Pole Creek, and to the DRC's commitment to the preservation of this beautiful mountain environment.

Your design team should have a thorough understanding of your lot, the Guidelines, and your own needs. Your design team will be required to communicate your concepts and ideas to the DRC through drawings. For these reasons, the DRC strongly recommends that you retain a competent designer who is experienced in dealing with design issues peculiar to the environment at The Fairways at Pole Creek. The lot Owners and design team are strongly urged to view the lot with the DRC during the Sketch Review phase (see Section 8.2) to acquaint themselves with the lot and its unique characteristics and these Guidelines.

#### 1.4 THE DESIGN REVIEW COMMITTEE.

##### 1.4.1 Authority of the Design Review Committee.

The Declaration provides for the establishment of a Design Review Committee to adopt and establish written Design Review Guidelines. The Guidelines are to be a more specific interpretation of the Declaration provisions which can then be used by the DRC to implement The Fairways at Pole Creek design philosophy.

##### 1.4.2 The Design Review Committee.

A group of not less than three and up to seven persons shall be appointed members of the DRC, responsible for the administration and implementation of responsibilities of the DRC as identified in the Declaration and these Guidelines. All such persons will be kept informed and copied on all DRC issues, and will be prepared at all times to act as committee members. At any given meeting, up to five persons will be voting members and any additional persons will be alternates, as designated by the chair of the meeting. In addition, the DRC may determine to hire professionals with expertise in particular areas to advise the DRC and may pass on to individual Owners the costs associated with hiring such professionals, as provided Section 10.2.C of the Declaration.

##### 1.4.3 Selection of Members.

The Board shall appoint the members to serve on the DRC, pursuant to Section 10.2.A of the Declaration.

##### 1.4.4 Term of Service.

The members of the DRC will serve a one year term, pursuant to Section 10.02.A of the Declaration. Consecutive terms are permitted.

##### 1.4.5 Attendance.

The DRC shall hold regularly scheduled meetings. The schedule shall be made available to the Owners on the Association's website and through the Association's management company. The DRC may meet otherwise as needed and at the convenience of the members, and may conduct their business by mail, electronic mail, or phone as often as necessary to transact its business. It is necessary that an applicant Owner or authorized representative of the Owner be present at the time of the DRC review of their application, which will be conducted at a regularly scheduled meeting unless otherwise agreed with the applicant Owner or authorized representative.

##### 1.4.6 DRC Procedures.

It is inherent that procedures and guidelines are subject to interpretation. The DRC will use its best judgment in making its interpretations in the best interest of The Fairways at Pole Creek.

##### 1.4.7 Code Compliance.

Compliance with the codes and regulations of Grand County, Colorado is not within the jurisdiction of the DRC. Similarly, approval of a project by Grand County does not constitute compliance with the Declaration or Guidelines. Approval of the DRC must be obtained prior to seeking approval of Grand County. Approval of Grand County must be obtained by the Owner before the start of construction.

#### 1.4.8 Enforcement.

If any person shall violate or threaten to violate any of the provisions of these Guidelines, it shall be lawful for the Board or the DRC to collect fees or fines, as set forth in Appendix A, as well as to institute proceedings at law or in equity to enforce provisions of the Guidelines, to restrain the person violating, and to recover damages, actual and punitive, together with reasonable attorneys fees, for such violations.

#### 1.4.9 Limitation of Responsibilities.

The goal of the DRC is to review applications to determine if they conform to the construction, landscaping and appearance criteria set forth in these Guidelines, and to review existing homes and other improvements to ensure that they continue to conform with these same criteria. The DRC assumes no responsibility whatsoever to any applicant, lot Owner or third party for the following:

- A. The structural safety, adequacy, or capacity features of the structures proposed.
- B. Soil erosion, non-compactable or unstable soil conditions.
- C. Compliance with any or all building codes, safety requirements, governmental laws, regulations or ordinances.
- D. Performance or quality of work of any contractor.

#### 1.4.10 Exculpation.

Neither the members of the DRC, nor the officers and/or members of the Board, nor the Declarant (as defined in the Declaration), nor any person acting on behalf of any of them, shall be liable for any costs or damages incurred by any Owner of a lot, or any other party whatsoever, due to any mistakes in judgment, negligence or any action of the DRC in connection with the inspection, review, approval or disapproval of any improvements or proposed improvements. Each Owner of a lot agrees, as do their successors and assigns, by acquiring title thereto or any interest therein or by assuming possession thereof, that they shall not bring any actions or suits against the Declarant, the Directors or Officers of the Association, the members of the DRC, or their respective agents, in order to recover any damages caused by the actions of the DRC. None of the above mentioned shall be responsible for any plans or specifications, nor for any defects in construction or landscaping pursuant thereto. Each party submitting plans and specifications for approval shall be solely responsible for the sufficiency thereof and for the quality of construction performed pursuant thereto.

## 2. SITE DESIGN REVIEW GUIDELINES.

2.1 LAND USE CATEGORIES. There are three categories of land use at The Fairways at Pole Creek. They are as follows:

### 2.1.1 Building Envelopes.

Building envelopes for all Lots are as shown on the recorded Final Plat and supplemental plats recorded in the Grand County public records. The building envelope is the area designated on each lot for the exclusive use of the Owner, within which all buildings, including decks, patios, and roof overhangs may occur subject to these Guidelines. Changes to a building envelope are not within the jurisdiction of the DRC.

### 2.1.2 Undisturbed Lot Area.

This is the area of the lot that is for the exclusive use of the Owner, but in which building is prohibited, except as provided in Section

2.2 below. It is the area that is within the Owner's property limits and in which landscaping and certain other improvements generally are permitted with DRC approval, but lies outside of the specified building envelope.

### 2.1.3 Common Area.

This area is designated on the subdivision plats for the use and benefit of all Owners and their visitors at The Fairways at Pole Creek, subject to the terms of the Declaration.

## 2.2 SETBACKS.

Buildings, including decks and roof overhangs, shall not be located outside the lot's designated building envelope, and patios

facing the golf course cannot extend into the 50-foot golf course setback. An individual sewage disposal system may be located outside the building envelope if so approved by the DRC and Grand County. In no case shall any structure be located less than thirty (30) feet from any lot boundary line, unless the Plat reflects a greater or lesser setback with respect to a particular lot. Structures on lots that are adjacent to the golf course shall be set back at least fifty (50) feet from the common boundary between the lot and golf course.

### 2.3 GRADING.

Grading is often used to blend a building with the site, to create visual interest and to provide privacy. It is important, however, that grading is done in a subtle manner that minimizes the disruption to the natural conditions and that grade changes are softened to avoid abrupt changes in the natural terrain. Grading that impacts adjacent property will not be allowed.

At The Fairways at Pole Creek, there are both flat and steep lots and dry and moist soil types. Therefore, the drainage system for your site will depend on the site's unique characteristics. Natural overland drainage is recommended. Typically, the drainage system shall distribute the runoff from storms or irrigation over large areas of land. This slows the runoff velocity and increases absorption, which reduces the chance of erosion. Swales shall widen to naturally blend into the existing slope. Open lined channels or pipes concentrate runoff rather than disperse it evenly and slowly; therefore, they are not allowed.

Changes in grade that disturb large areas of native vegetation on steep slopes can create extensive erosion and earth slides with the area's occasional brief heavy rain. Extensive cut and fill work is therefore discouraged and may not be permitted. Retaining walls and terracing may be required in areas where large changes in grade occur. In all instances, revegetation of any disturbed areas will be required as a part of your landscaping plan. Of particular importance is the driveway as it accesses the public road. Typically, the lots on the uphill side of the main road will require cuts into the side-hill and lots on the down hill side will require fill areas on the down hill side. In each of these instances where the access areas to the road have been either cut or filled, the Owner is required to include in their landscape plan, the details of how the driveway access will be revegetated and regraded as nearly as possible to their original grade.

All improvements shall require the submittal of an engineering report addressing soils and geology conditions, foundation design and drainage, prepared by a registered professional engineer.

### 2.4 SITING.

The goal in siting each home on a lot is for the home to fit naturally into the landscape. Buildings on the hillside should step down in slope and, if appropriate, the long axis of the building should parallel the land contours. These considerations, as well as avoiding protrusions above ridge lines, will help the building fit naturally into the hillside. Building siting should be responsive to site features such as trees, terrain, drainage patterns, views, sun exposure, and rock outcrops, and there should be as little disruption of existing vegetation as possible.

### 2.5 ADJACENT HOMES.

When siting your new home or making alterations to existing homes, you must consider any neighboring property and how your improvement will relate to those properties. The DRC will not permit site and home designs that it reasonably believes would adversely affect any neighboring property.

### 2.6 DRIVEWAYS AND GATES.

2.6.1 The DRC will carefully review the design of driveways for disturbance of natural grade and vegetation, access to public roads, and the durability and amount of surface materials. Driveways on sloping ground should not run perpendicular to land contours. Cut and fill should be softened in accordance with grading guidelines and then revegetated. Driveways should not interfere with natural drainage patterns entering or exiting the Lot, an adjacent lot or any other adjacent property. If a driveway would interfere with drainage patterns, adequate ditches, swales and/or culverts shall be engineered to channel drainage off the driveway and back to its natural drainage path. Culverts and ditches must be in place during construction, as well as permanently placed after construction.

Placement of the driveway intersection to a public road shall take into account safe visibility and shall be as close to 90 degrees as possible. Beyond the intersection with public roads, curved driveways are encouraged to avoid a direct line of sight from the public road to the garage doors. In some situations, at the request of both affected lot Owners, the DRC may permit



a shared driveway or joined driveways where it is appropriate to ensure proper drainage or to minimize disturbance or otherwise to ensure compliance with these Guidelines. Driveway grades shall not exceed 10%. A flatter grade may be required by Grand County.

Driveways must be paved and not wider than sixteen (16) feet. Asphalt or concrete are the preferred pavement materials. In each instance where the access areas to the road have been either cut or filled, the Owner is required to include in their landscape plan, the details of how the driveway access will be revegetated and regraded as nearly as possible to their original grade. The driveway is considered part of the Landscape Plan described in Section 4.3.

#### 2.6.2 Gates.

Driveway gates are not permitted. Courtyard gates may be permitted, provided the gate blends with the exterior design features and construction materials of the home. The maximum gate height permitted shall be five (5) feet.

#### 2.7 FENCES.

The environment of the Rocky Mountains promotes the idea of open space. In order to maintain the open character of the property and to minimize the interference with the natural movement of wildlife, fencing or any other structure or plantings that form a boundary is prohibited for any portion of the boundary of a lot. In addition, golf ball protection netting is not permitted at The Fairways at Pole Creek. Pet enclosure structures are not permitted. To control pets, the DRC encourages the use of “invisible” underground electric fences.

Temporary snow fence may be installed for the limited purpose of controlling snow drifting, and may be in place only for the period from October 15 to April 30. Snow fence must be a plastic grid fencing material that is designed for such use, and in particular must have openings in the fencing material to allow snow to pass through. Fence and posts must be removed between May 1 and October 14.

#### 2.8 WELLS, SEPTIC SYSTEMS AND IRRIGATED AREAS.

The proper spacing of wells and septic systems is an important issue in maintaining water quality. The Colorado Department of Public Health and Environment presently requires a minimum separation of 100 feet between a well and an adjacent septic system. All well and septic locations must be approved by the DRC.

Septic system locations are more critical than well locations due to the necessity of locating the septic systems in soils that are capable of properly percolating the effluent. Prior to determining the final location of a septic system and the sizing of a septic field, a qualified soils engineer must be hired to determine the requirements of a septic system based on the size and waste emission requirements of the home, and to determine the best location of the septic field and the size of the field based on these waste emission requirements. The location of the well can then be determined by setting the well 100 feet from the septic system as well as being 100 feet away from any potential location of an adjacent Owner’s septic system, all as determined by a qualified engineer.

In order to protect adjacent property Owners and to satisfy the requirements of Grand County to obtain a septic system permit, the following are required:

1. All septic systems must be engineered on a site-specific basis, the construction must be supervised by a qualified licensed professional engineer and installation must be completed in accordance with county-approved plans.
2. Septic system size and location must be submitted with the Final Plan Review.

### 3. ARCHITECTURAL DESIGN REVIEW GUIDELINES.

#### 3.1 ARCHITECTURAL COMPOSITION.

##### 3.1.1 Design Elements.

In keeping with the design philosophy at The Fairways at Pole Creek of using a combination of forms to create interest, the design of homes should coordinate and unite all of the elements that make up that design. Unrelated elements, openings, and special treatments distract from the overall design. Elevations should be well composed with details that are consistent with the selected materials and used in a logical manner. An excessive number of sizes, shapes and materials, both in massing and detailing, usually result in a weak design. Indeed, attempts to “dress up” a weak design by applying detail and ornament are not usually successful. Good design involves a site plan, floor plans, sections and elevations that are well

thought out in how they take advantage of the site, relate to the neighbors, use materials, and make the most of your budget. Designs that differ from others only in exterior finishes may be considered duplications and may not be permitted.

The DRC will, at times, recommend specific design elements for functional and/or aesthetic reasons. It is solely the responsibility of the lot Owner, their design team, and their contractor to design and construct these elements. The Fairways at Pole Creek shall accept no liability by the incorporation of these elements into the lot Owner's design.

The primary intent is to ensure that each home built contains a variety of elements that make the home look like a "mountain" home. Those elements may include steeper pitched roofs, bold fascia and trim, massive beams and columns, combinations of stained wood and rock, and roof overhangs of at least 24 inches. Owners and architects are encouraged to add any additional mountain design features as desired.

### 3.1.2 Swimming Pools, Tennis Courts, Accessory Structures, Play Equipment and Decorative Objects.

- A. Swimming pools, tennis courts and other permanent recreational structures shall not be permitted.
- B. Accessory structures, such as playhouses, basketball courts, doghouses and other pet enclosures, gazebos and whirlpool tub structures are not permitted.
- C. No decorative objects such as sculptures, birdbaths, fountains, and the like shall be placed or installed on a lot unless approved by the DRC.
- D. Temporary recreational equipment, such as trampolines or portable basketball hoops may be permitted seasonally, with prior approval of the DRC.
- E. Any of the above accessory structures or decorative objects may not be located within the setbacks on any lot.

In considering a request for approval of any of the items described in this Section 3.1.2, the DRC shall assess the impacts to

adjoining lots, and size, location and design consistent with the primary residence on the lot.

### 3.1.3 Theme Architecture.

"Theme" design transplanted from another time, place or era, such as Victorian, Hacienda, Colonial, Tudor or Southwestern Adobe will not be acceptable.

### 3.2 BUILDING HEIGHT.

At The Fairways at Pole Creek, the building height shall not exceed the current height requirements of Grand County. It is the Owner's responsibility to comply with these requirements. The building height standard is not intended to imply that all portions of a structure may be designed in relation to the maximum height allowed. Rather, the height of a building should be designed in relation to the overall proportion of the building and the natural characteristics of the site.

### 3.3 BUILDING SQUARE FOOTAGE.

Livable space, livable area or livable floor area as they appear in this document are interchangeable and defined as all enclosed finished or unfinished livable space, including all upper level space with a ceiling height of five feet-six inches (5'6") or greater, measured from the finished floor to the underside of the structural members of the floor or roof structure above and basement areas that are five feet six inches (5'6") or greater in height and include a means of secondary ingress/egress with the intent that it will be used as livable space, and all storage areas that are accessed from the interior of the building. All measurements shall be taken from the outside face of the exterior wall.

Areas not included in livable floor area are: garages, decks, porches, walkways, roof overhangs, crawl space areas, basements with no means of secondary ingress/egress, and cellar or attic area.

The minimum finished livable floor area permitted for residences shall be 2,200 square feet. In the case of a multiple story residence, the minimum main floor livable area shall be no less than 1,800 square feet. Generally, the level that includes the

front door and/or main kitchen of the home will be considered the main floor, and a walkout lower level will not be considered the main floor. The DRC may allow minor deviation from this requirement upon the finding of special circumstances of a particular lot or design.

### 3.4 GUEST HOUSES.

Guest houses are allowed in The Fairways at Pole Creek in two different ways:

#### 3.4.1 Attached Guest Houses.

Grand County allows an attached guest house/caretaker unit on all lots within the subdivision under the definition of a single family residence; provided however, there are some specific requirements imposed both by the Water Division of the Colorado office of the State Engineer and by Grand County. Each Owner is allowed to construct one "attached guest house," which shall be an additional dwelling unit within, and not legally divisible from, the principal structure. In addition, an attached guest house will be considered only if:

- A. The dwelling unit must comply with any restrictions provided in the Declaration.
- B. The dwelling unit must be in a continuous enclosure. Any dwelling spaces joined by a garage or breeze way are not considered to be a single dwelling.
- C. The entire dwelling unit must function as a unit without any permanent physical separation such as a wall or floor with no means of connection.
- D. The Owner must obtain an approved building permit with adequate proof of water and sanitation to service this dwelling unit.

Any dwelling unit, together with the principle residence, that cannot meet these criteria is not considered a single family dwelling by the Office of the State Engineer and, therefore, is not permitted to be served by an in-household use only well permit or the augmented well permits available to lot Owners in The Fairways at Pole Creek.

#### 3.4.2 Detached Guest House.

The following twelve (12) "Permitted Guest House" lots are allowed to have a detached guest house, subject to certain conditions as outlined below. It is permissible to have an attached guest house on these 12 lots (as provided in Section 3.4.1) or a detached guest house as provided in this Section 3.4.2, but not both.

The 12 lots on which a detached guest house will be allowed are:

Lot 3-24	Lot 3-57	Lot 3-61
Lot 3-25	Lot 3-58	Lot 3-62
Lot 3-26	Lot 3-59	Lot 3-63
Lot 3-29	Lot 3-60	Lot 3-64

The conditions for building a detached guest house are as follows:

- A. A guest house may not be built prior to the primary residence.
- B. The primary residence and guest house must be built within the amended building envelopes as established for these 12 lots.
- C. The total livable floor area (as defined in Section 3.3 above) of a guest house shall not exceed thirty percent (30%) of the total livable floor area (as defined in 3.3 above) of the primary residence constructed on the same Permitted Guest House Lot. The minimum livable floor area of any guest house shall be 600 square feet on the main floor level.
- D. The number of bedrooms and baths of an approved guest house shall not exceed two (2) of each. The garage shall be no larger than a one-car garage.

E. Guest houses shall be for residential use only.

F. The guest house must otherwise comply with any restrictions provided in the Declaration.

### 3.5 ROOFS.

The roofing material should be heavy-weight 3-tab composition, concrete shingles, or artificial shake shingles. Due to fire prevention requirements, Grand County does not allow wood shingle roofs. Pre-baked enamel and pre-finished corrugated metal roofs will be considered for limited areas as a design accent, based on individual site conditions and site design appropriateness. In particular, minimizing reflection should be a major consideration in any metal roof submittal.

The color of the roof material, including decorative metal or synthetic flashing, shall be muted earth tones, including muted grays, browns, green, blue and some reds and tans, that complement the home's exterior color scheme. Black generally is not considered an earth tone and will not be permitted. Copper flashing is encouraged, but patina to reduce reflective qualities must be applied prior to installation. No unpainted aluminum or galvanized metal flashing will be allowed.

Several considerations will determine the appropriate pitch for the roof. Generally, it is desirable for a sloped roof to hold snow, thus providing added insulation and preventing snow slides. The ability of a roof to hold snow will depend on the pitch and on the roof material. Aesthetically, a shallower slope can visually reduce the height of the building, which is sometimes desirable. However, a steep roof can provide drama and style, which may be appropriate. Roof slopes will be evaluated by the DRC on a case-by-case basis. See Declarations Section 11.04.B.3.

Flat roofs will not be permitted in The Fairways at Pole Creek except as a transitional minor design element and as approved by the DRC. The peak of any turret must be at or below the main roof line.

Overhangs should be designed to shade exterior walls and interior spaces from summer sun, and to allow winter sun into the home. Overhanging roofs can also conduct water away from the house.

### 3.6 FOUNDATIONS.

Every structure has its own foundation requirements that are determined by the soil type and the type of structure. In most cases, spread footings with foundation walls will be suitable for structures at The Fairways at Pole Creek. It is required that qualified soils and structural engineers be retained to determine the foundation requirements of your site. Concrete foundation walls that are exposed above the ground should be finished to match exterior wall materials. Exterior wall materials that extend from frame walls down over foundation walls should follow grade lines, not the steps in the concrete foundations. Your soils engineer can determine the foundation drainage requirements.

### 3.7 EXTERIOR WALL MATERIALS.

In keeping with the goals of The Fairways at Pole Creek to maintain and preserve the natural surroundings in harmony with nature, the design should be extended to materials, finishes and color selection. The basic wall materials will be of a natural type, such as wood, rock and colored stucco. Wood materials may include natural logs, beveled or tongue-in-groove board siding, and board-on-board. Wood materials must be treated or stained, and may have a clear finish stain, but shall not be painted. Reclaimed materials may be permitted if finished as required below.

Metal is not permitted. Rock/stone shall cover a minimum of 25% of the total exterior wall surface, except that an authentic log home consisting of log sizes of 16 inches or greater and having no manufactured logs or log facings will be exempt from the rock/stone requirement upon approval of the DRC. Brick may be used as an accent if properly used in conjunction with stucco, stone and heavy timbers. If stucco is selected, it shall be used in combination with wood, brick, and/or rock with a balance between the stucco and the other materials. No house shall be constructed using stucco in excess of 30% of the total exterior wall surface area.

Windows, doors and trim may be painted or stained. Stains and paints for all exterior materials shall be muted earth tones, including muted and flat grays, browns, greens, and some blues, reds and tans. Black is not considered an earth tone and will not be permitted, except for limited use on windows, doors and trim. Due to the broad range of these criteria, the DRC will maintain discretion in the application of materials and stone placement on the structure.

The use of at least three (3) different application patterns will be required, for example, stone, wood, and stucco; or stone, vertical wood and horizontal wood; or other combinations meeting the intent of variety in exterior materials. Metal siding is not permitted.

### 3.8 WINDOWS, SKYLIGHTS AND OPENINGS.

The detailing of windows is an integral part of your home's design. The exterior wall materials will help determine the type of opening that is appropriate. For instance, in a stucco wall, a deep opening gives the wall a feeling of thickness and weight.

Careful consideration should be given to the size, number and placement of windows to achieve an effective and sensitive counterpoint to exterior wall surfaces. If sized and placed well, windows can be used to break up large uninterrupted exterior walls, and add visual interest to a residence.

Skylights are a wonderful way to introduce natural light to the inner spaces of your home. Skylights present many opportunities, but should be integrated into the design of your home. Skylights that are obtrusive to present and future neighbors are not permitted.

#### 3.8.1 Window Requirements and Recommendations.

- A. Insulated glass windows are required by the state and local energy codes.
- B. Wood windows are recommended. Other materials, such as anodized metal, aluminum, baked enamel, vinyl or plastics of natural colors will be approved at the discretion of the DRC.
- C. Reflecting glass is not permitted.

The effect of windows and skylights on heat loss and heat gain should be of paramount importance in the design of your home. The DRC encourages the use of the latest window and glass technologies such as ultra-violet protective glazing, and windows with low emission quality. Insulated glass (double and triple glazing) should be used in all cases. Wood frames are preferred because of their thermal qualities.

The positioning of windows, however, has the greatest effect on heat flow in a home. Large window areas oriented to the south and southeast serve as auxiliary heat sources during the cool autumn, winter and spring months, admitting early morning sunlight that heats living areas rapidly. Low sill heights, in combination with radiation-absorbing floor materials, can provide heat storage and passive solar heating.

#### 3.8.2 Door Requirements.

Solid core wood or metal doors are acceptable for exterior doors, but in each case, must be consistent with the overall design of the home.

### 3.9 CHIMNEYS.

Chimneys are an integral part of any mountain home. They are usually very strong elements that are required by code to extend higher than adjacent roof lines. This makes proportions and materials important. The DRC recommends that the chimney element be of the stone, stucco or wood that is being used on the residence to give it an appearance that is consistent with the design of the building. Chimneys that appear "tacked on" will not be allowed.

The top of a prefabricated metal chimney flue or termination cap must be concealed by a non-reflective architectural metal surround mounted atop the chimney form. Masonry chimney caps must utilize a non-reflective spark arrester.

### 3.10 GARAGES AND PARKING.

All primary residences are required to have a minimum of a two-car garage. The garage must be connected to the main structure and care should be taken to ensure that the garage doors do not dominate the entire residence. The material of garage doors should be consistent with the rest of the home.

In addition to the garage, each dwelling unit is required to provide two additional paved off-street parking spaces. Storage of vehicles or equipment of any kind outside of the garage is not permitted except temporarily and/or for emergency purposes,

as more specifically provided in the Section 11.04.B.2 of the Declaration.

### 3.10.1 GARAGE DOORS.

The design of garage doors shall be in concert with the architectural design of the primary residence and constructed of wood, in a style consistent with the exterior of the house. Substitute material with the appearance of wood may be used if accepted by the DRC.

All garage doors shall be rotated at least ninety (90) degrees away from view of the roadway and the golf course. Due to various constraints on certain lots, such placement may be difficult to achieve. For example:

- Cul-de-sac lots with narrow roadway frontage or corner lots.
- The desirability of south or west facing garages on lots with steep slopes on the side of said south or west side of the home.
- The garage placement interferes with the primary view within the home, or would require the driveway to cross between the primary view and the home.

In cases where there are design-related reasons to deviate from the 90 degree rule, the DRC may allow an Owner to deviate to a lesser angle than 90 degrees by providing mitigation to screen or impair the sight of garage doors from the main roadway. However, the DRC retains the option of requiring the 90 degree if in its sole discretion, the reasons for the deviation are not well founded and a plan revision could be made to accomplish the 90 degree rule.

### 3.10.2 MITIGATION WITH RESPECT TO GARAGE DOOR PLACEMENT.

The DRC may allow a garage door to be placed at an angle less than 90 degrees to the main roadway if proper mitigation is undertaken. The mitigation required will be based on various factors, including how far off the street the home is located, whether the existing and planned landscaping is sufficient to impair visibility between the main roadway and the location of the garage doors.

A combination of the following types of mitigation may be used:

- Adding architectural detail to the doors, or using doors that match the siding or are decorative in style, or enhancing the trim around the doors.
- Build extension wings to shadow the direct view of the doors.
- Planting evergreen trees that are tall enough to screen the doors with an offsetting lay out to prevent being able to see through to the doors. Deciduous trees are not effective in screening during winter months and will not be acceptable.
- Berming up of the area between the roadway and the doors and placing rocks, evergreen type bushes or shrubs, provided the height is great enough to screen the doors, and otherwise complies with landscape requirements described in these Guidelines.

You should study your lot to determine the necessary screening needed at all points along the roadway. After the doors have been installed and prior to planting and installation of the mitigation items, you must stake the plan for review by the DRC and gain approval. If the DRC determines that additional screening is needed, the DRC retains the right to require additional mitigation at any time, including after you have installed your mitigation plan.

### 3.11 PORCHES AND DECKS.

Protected porches and decks are wonderful places for outdoor living. The DRC will pay special attention to the use and massing of materials to ensure the porch or deck is architecturally consistent with the home, and to ensure outdoor lighting is in compliance with Section 4.6.1. Deck supports that appear too “skinny” will not be permitted. A “tack-on” look will not be permitted.

### 3.12 UTILITY BOXES AND EXTERIOR GENERATORS.

Electric boxes, outlets, venting pipes, vent caps, meters, exterior generators and any other small accessories on the exterior of the home shall be painted to blend with the exterior construction material on the house adjacent to such item. Additional landscaping may be required to screen such items from an adjacent lot, the golf course and/or the roadway. Placement and screening of these items will be reviewed by the DRC during the plan review process, and may be again reviewed in connection with the inspection of the landscape installation.

### 3.13 ANTENNA, SATELLITE DISHES AND ACCESSORY EQUIPMENT.

Exterior television or radio antennas, satellite reception dishes, and transmission devices must be concealed from view from any other lot or public space, if a video or satellite reception dish or antenna must be located within Public View (as defined in the Declaration) or view of a neighbor in order to receive a signal, all reasonable efforts will be required to minimize the visibility of the dish or antenna, including but not limited to the placement and/or painting to match the mounting location of the same. Permitted satellite reception dishes will be limited to dishes not greater than 3-feet in diameter.

### 3.14 TRASH.

All rubbish and trash shall be removed from each lot, shall not be allowed to accumulate and shall not be burned thereon. If an Owner does not comply with these requirements, the DRC shall be authorized to go on the lot and remove or cause such rubbish and trash to be removed and charge the Owner the cost. All trash shall be stored in "bear proof" containers as approved by the North American Bear Society, or that are approved by the Division of Wildlife of the State of Colorado. Individual trash receptacles shall be stored inside, except on the date of trash pickup.

### 3.15 OUTBUILDINGS NOT ALLOWED.

The design of the home should provide for adequate storage within the main structure for the lifestyle of the occupant. Outbuildings, storage sheds or other separate structures (other than Permitted Guest Houses) will be not be allowed.

### 3.16 MANUFACTURED HOUSING.

The use of structures that are constructed off-site and require only transportation, such as mobile homes, stock modular buildings, or any structure that requires only partial assembly, will be prohibited. Structures that are assembled off-site and then completely disassembled for transportation, such as log homes or components that are manufactured off-site and assembled on-site, may be permitted. They will receive special consideration if, in the opinion of the DRC, they are of original design and in keeping with these Guidelines. The primary issue to consider will be the customizing of the design in a site-specific manner.

### 3.17 ALTERNATIVE ENERGY SOURCES.

The abundant sunshine at The Fairways at Pole Creek makes passive solar design highly feasible. Passive solar features can be appropriately integrated into the overall design of the home, and can enhance its appeal.

Active solar systems may not be feasible at The Fairways at Pole Creek due to the high elevation and snow load typically occurring through the winter months, and may be installed only with prior DRC approval. The DRC may require presentation of technical specifications to support feasibility, and will require such elements to be integrated into the design of the home and the site. The DRC will approve active solar panels only if their appearance is consistent with the overall architectural style and materials of the exterior of the home and with the Guidelines applicable to other improvements on a lot. Special consideration will be given to how finishes and reflective surfaces will affect neighbors and golfers.

Wind generators and windmills may be permitted in limited circumstances, subject to restrictions similar to those applicable to solar systems, as well as the effect of wind power generation on Owners and other persons using neighboring lots and common areas, as well as golf course activity.

### 3.18 FIRE MITIGATION.

Fire mitigation should be considered when siting your home and driveway and preparing your landscape plan. The State of Colorado has established a generally accepted Fire Mitigation Plan, which provides different levels of mitigation for different areas or zones of your Lot. The recommendations change from time to time. The DRC will consider the current Fire Mitigation Plan when reviewing your site plan and landscape plan. Additional fire mitigation recommendations and/or policies may be adopted by the Association from time to time, and are available on our website [www.thefairwaysatpolecreekhoa.com](http://www.thefairwaysatpolecreekhoa.com).

### 3.19 UTILITIES.

All utilities, including but not limited to electricity, natural gas, telephone and cable television or internet service, shall be installed underground. If an Owner does not properly remove any debris after construction or installation of any utility, the DRC is authorized to cause the clean-up to be done at the Owner's expense, and if not timely paid, the Board may collect the unpaid sum in the same manner as a specific assessment, as provided in Section 7.06 of the Declaration.

### 3.20 INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

The installation of an individual sewage disposal system shall be required prior to the Owner providing notice of completion of construction to the DRC pursuant to Section 9.2.1. Each such system shall be in compliance with sound professional engineering criteria and specifications for the type of soils within which each such individual sewage disposal system will be installed. The design of each individual sewage disposal system shall incorporate an inspection port to facilitate the annual inspection of the same. Individual sewage disposal systems shall be subject to annual inspection by the Association or its designee in accordance with the Declaration and other governing documents of the Association. No individual sewage disposal system shall be constructed, altered or allowed to remain or to be used on any lot without the Owner first having applied for and received the necessary approvals from the appropriate local and state agencies. Only standard or engineered septic systems and leach fields shall be permitted as individual sewage disposal systems. The design engineer of each individual sewage disposal system shall provide supervision during the installation of the same and verify to Grand County that the system has been installed in accordance with its intended design.

An engineering report prepared by the Declarant when the Association was originally formed is on file at the Grand County Department of Planning and Zoning. The report includes information concerning soils profile holes, deep boring holes, representative percolation tests and percolation rates for each representative percolation test. The Association and the DRC make no representation with respect to the constructability of the individual sewage disposal system that could be constructed upon any lot.

### 3.21 WELL AND WATER USE RESTRICTIONS.

The water augmentation plan that applies to the Association allows each Owner of a lot to obtain a permit to drill a well to serve a single family residence on the Lot and to irrigate up to one thousand (1,000) square feet of outside area thereon. The Owner of a Permitted Guest House Lot upon which a guest house is allowed by the terms of the Declaration shall be entitled to drill a well capable of serving a single family residence, a guest house and one thousand (1,000) square feet of outside irrigation area. Each Owner, at its own expense, shall install an operational water meter on the Owner's residential well, as verified by the Colorado Water Commissioner, prior to the issuance of a certificate of occupancy for any dwelling, and thereafter each Owner shall maintain and monitor the same as may be deemed necessary by the relevant Colorado water authorities, to administer the terms of the residential water rights decree applicable to the Properties. No more than 15 gallons per minute may be diverted from any residential well.

### 3.22 MAINTENANCE OF IMPROVEMENTS.

Maintenance of all constructed improvements on a lot are the responsibility of the Owner. The DRC may periodically review the condition of improvements on each lot, and may request in writing that the Owner repair or replace any item that is damaged or that is not being properly maintained in accordance with these Guidelines. Repairing and replacing may include staining, painting, weed control, landscape maintenance, and any other items required to ensure the improvements remain in compliance with the Declaration and these Guidelines.

## 4. LANDSCAPE DESIGN REVIEW GUIDELINES.

### 4.1 THE LANDSCAPE DESIGN PHILOSOPHY.

The landscape philosophy is an integral part of the overall design philosophy at The Fairways at Pole Creek. Careful attention to the landscape design is vital to successfully create a harmonious relationship between the built and natural environment. The DRC will review the landscape plans as thoroughly as those presented for the home. Effort equal to that of the home design should be put into the landscape design. The grading, planting, and other landscaping elements should serve to further integrate the building into its environment; random, natural planting patterns will be encouraged and linear or circular planting patterns will not be permitted.

### 4.2 DESIGN.

#### 4.2.1 WATER USE.

Consistent with the Association's obligations regarding water use, landscape areas that require irrigation must be limited to the equivalent of water consumption for 1,000 square feet of lawn area. See Section 6.01.H of the Declarations. Installation of a drip irrigation system sufficient to water all installed plant material is required to ensure survival of trees and other plants installed as part of the landscape. Many native species are drought-resistant because of the nature of their



deep, broad root system and other adaptive mechanisms. For this reason, some are harder to propagate than introduced species, but once established with proper irrigation, are much hardier and more maintenance-free. In addition to general limitations of climate and water, there are localized variances in soil, slope and exposure from site to site that must be considered when you select plant materials. Information about appropriate plant species is available at [www.extension.colostate.edu](http://www.extension.colostate.edu), and local landscape companies.

#### 4.2.2 TREES.

Trees are an integral part of the landscaping at The Fairways at Pole Creek. The planting of new trees is required as provided in these Design Guidelines; however, no materials may be planted that interfere with the views of neighboring lots. Due to the relatively short growing season, large caliper deciduous trees and mature evergreens are strongly recommended.

#### 4.2.3 PAVED AREAS.

The Owner may wish to pave those areas around the house that will be subject to intensive use. The DRC encourages paving these areas with small paving units such as brick, flagstone, or pre-cast concrete pavers. Large slabs of poured concrete or asphalt, which tend to spall and crack, and are not recommended.

#### 4.2.4 RETAINING WALLS AND PLANTERS.

Retaining walls may be used to solve the difficult relationship between grades at the occasional steep or unusual terrain. The DRC recommends stone or pressure treated timbers. Concrete may be permitted, but the use of exposed unfinished concrete or cinder block is not permitted. Planters and retaining walls are most attractive and successful if they are integrated into the home design. This can be done with careful choices of material and colors. Walls and planters must be securely anchored into the ground to withstand overturning pressures. Mortarless stone walls, in particular, must be made thicker at bottom than at the top. To avoid destructive freeze-thaw action, all retaining walls and planters must also permit water trapped behind them to be released.

Wall Requirements: (with DRC approval)

- Walls shall be contained within the building envelope.
- No wall shall exceed a height of 42 inches unless used as a screen or support wall adjacent to structures.
- Walls include any massing of rocks or other landscape materials installed as part the landscaping.
- Step walls a minimum of 5 feet apart may be used to achieve a grade of greater than 42 inches.

Any wall that is permitted must be consistent with the architecture and architectural materials of the home. Natural plantings should be used to mask any wall from roads and surrounding properties, and to integrate it into the landscape design.

#### 4.2.5 PONDS, FOUNTAINS, OTHER ORNAMENTS AND NON-NATURAL FEATURES.

In order to retain the focus on the natural environment and to comply with water use limitations, the installation of ponds, fountains or other water features normally will not be permitted. In addition, ornaments and other non-natural features constructed of other than natural materials, such as hot tubs and fire pits, shall be approved for installation only if installed in a manner that is harmonious with the natural environment. Fire pits may also be subject to fire mitigation recommendations and/or policies adopted by the Association from time to time, available on our website [www.thefairwaysatpolecreekhoa.com](http://www.thefairwaysatpolecreekhoa.com).

### 4.3 LANDSCAPE PLAN AND COMPLIANCE.

#### 4.3.1 LANDSCAPE PLAN AND LANDSCAPE COMPLIANCE DEPOSIT.

With the materials submitted for Final Plan Review (see Section 8.7 and Appendix D), the Owner is required to submit (i) the landscape compliance deposit (see Appendix D) and (ii) either a complete landscape plan or the landscape plan deposit (see Section 4.3.4). The landscaping shall include as a minimum:

- i) 4 evergreen trees at least 10' tall,
- ii) 6 evergreen trees at least 6' tall,
- iii) 10 aspen (or similar deciduous) trees at least 10' tall with a diameter of at least 2",
- iv) 15 shrubs at least 5 gallon size;
- v) reseeded of all areas disturbed by construction;

- vi) removal of all junipers (including stumps) on the entire lot.

#### 4.3.2 INSTALLATION.

Installation of the landscape in accordance with the approved plan must be completed in the same calendar year as the Owner notifies the DRC of the completion of construction of the home, except that if construction is completed after September 1, installation of the landscape may be completed no later than August 1 of the following year. Installation of the driveway is required as part of the completion of the landscaping.

Upon completion of the landscape installation in accordance with the landscape plan, the Owner shall contact the DRC in writing to request inspection of the landscape installation. The DRC shall inspect the installation within not more than thirty (30) days and shall promptly report to the Owner any corrections or revisions required. The Owner may request in writing a modification to the approved landscape plan, which the DRC shall consider based on its assessment of whether the modification is consistent with the landscape requirements and the other improvements on the lot. After any required corrections or revisions are made, the Owner shall again request an inspection by the DRC. When the DRC approves the landscape installation, the Owner will be notified in writing.

#### 4.3.3 LANDSCAPE DEPOSIT REFUND.

The landscape compliance deposit will be refunded only upon completion of the installation of the landscape in accordance with the approved plan, DRC approval of the landscape installation, and DRC confirmation of the survival of the planted material for a full year after the DRC approval of the installation. The DRC will schedule and will carry out this final review. If the minimum required planted material does not survive, the Owner shall be responsible for replacing any dead material, consistent with the landscape installation approved by the DRC. The DRC shall be required to inspect and approve the installation of the replaced material and the one-year survival period shall begin anew for the replacement material.

If any landscape installation or replacement of materials is not completed in a timely manner as required above, the DRC will provide written notice to the Owner and, unless the Owner completes the installation (or replacement) within thirty (30) days after such notice, the DRC may retain the landscape deposit as provided in these Guidelines, or may apply the landscape deposit to complete the installation in a manner similar to or consistent with the approved landscape plan. If the DRC does retain the deposit or apply it toward completing the landscape installation, the Owner is not released from the obligation to ensure the landscaping is in accordance with the approved plan.

#### 4.3.4 LANDSCAPE PLAN DEPOSIT.

In lieu of submitting a landscape plan, the Owner may elect to submit a landscape plan deposit (see Appendix D) to the DRC with the submission of materials for Final Plan Review. The landscape plan deposit is in addition to the landscape compliance deposit.

The landscape plan deposit will be refunded upon submittal and approval of the landscape plan by the DRC. If the plan is not submitted and approved by the DRC prior to commencement of installation of the landscape, the DRC may retain all or a portion of the landscape plan deposit consistent with the generally applicable fines, as set forth in Appendix A. The DRC's retaining of the landscape plan deposit does not release the Owner from the obligation to ensure the landscaping is in accordance with an approved plan.

#### 4.3.5 MODIFICATIONS/ADDITIONS TO LANDSCAPE INSTALLATION.

An Owner may make minor modifications or additions to landscaping installation or other outdoor features without prior approval of the DRC, so long as such modifications and additions are consistent with the Owner's approved landscape plan and the requirements of these Guidelines. An Owner may submit a new landscape plan to the DRC for approval in the same manner as described above, except that no deposit shall be required. Significant modifications and additions are subject to the requirements of Section 8.6. The Owner shall be required to complete installation of any DRC-approved landscaping modifications and additions in the same season in which the installation is begun. Approval may be given for multi-year installation plans on a case-by-case basis.

#### 4.4 DURING CONSTRUCTION.

The Owner shall be responsible for replacing any trees, shrubs, or ground cover damaged during construction, other than

those that are located within the building envelope and required to be removed in order to complete construction in accordance with the approved plans. All areas disturbed during construction must conform to the Colorado Noxious Weed Act and the Grand County Noxious Weed Management Plan (available on the Grand County website), and must be revegetated to blend with the existing landscape. Proper erosion control techniques shall be observed during and after construction.

#### 4.5 MAINTENANCE.

##### 4.5.1 GENERALLY.

Maintenance of the plant material and other landscape related improvements on the site are the responsibility of the Owner. As with any mountain environment, climate, soil conditions, and the short growing season limit the varieties of trees and other landscape material that will thrive at The Fairways at Pole Creek.

The DRC may periodically review the condition of landscaped material on each lot, and may request in writing that the Owner replace any material that is dead, diseased or that is not being properly maintained. The Owner must request DRC approval of any replacement material, except that such approval is not required if the replacement material is consistent with the approved landscape plan and the landscape requirements generally. Any such replacement material shall be installed not later than July 1 of the year following the year the DRC request is made. Owners must comply with the Grand County Noxious Weed Management Plan as in effect from time to time (available on the Grand County website and on our website [www.thefairwaysatpolecreekhoa.com](http://www.thefairwaysatpolecreekhoa.com)).

##### 4.5.2 PROTECTION OF TREES.

As provided in the Declaration, the Owner shall be required to remove any fallen or dead trees from his lot. Fallen trees shall be removed not later than the first of September that occurs after they have fallen. Dead trees shall be felled and removed not later than the first of September after they have died.

The Association may from time to time adopt other rules and regulations regarding the protection of trees and/or fire mitigation within the Association. Any tree cutting other than what is permitted pursuant to the Declaration or is otherwise permitted or required under such programs will not be allowed except with the prior written approval of the DRC.

Trees cut to a length not exceeding 24 inches shall be considered firewood for purposes of Section 11.08 of the Declaration, and must be neatly stacked to be deemed to meet the requirement of removal stated in that section of the Declaration. Any decayed wood must be removed by the Owner. Stacked firewood may not exceed the amount expected to be used within a 12-month period.

#### 4.6 EXTERIOR LIGHTING.

##### 4.6.1 EXTERIOR LIGHTING REQUIREMENTS.

The DRC will review exterior lighting systems for excessive glare and visibility to neighboring properties. All exterior lighting, including lighting for doorways, patios, decks and porches, shall be directed away from adjoining lots and from public view, and shall direct light downward. The light source should not be directly visible from adjoining lots or from public view. Allowable fixtures include those that are dark-sky rated, those for which the bulb is not visible below the bulb housing, and those that diffuse the light source, with frosted, milked or opaque glass. Wall mounted accent up lighting may be acceptable if it is low wattage light and does not extend past roof lines. No flood lighting will be permitted. The DRC encourages lighting with a number of low intensity sources close to the area requiring illumination. This will, in nearly all cases, be more effective than lighting with a remote single source. When pole-mounted, the light source must be within eight feet from the ground.

Exterior lighting intended as holiday décor may be installed on the home and landscaping, and may be used during the period from Thanksgiving to the following January 15, so long as such lighting: (i) is lit only between the hours of 4pm and 11pm; and (ii) does not direct light toward any adjoining lot or common area.

##### 4.6.2 EXTERIOR LIGHTING PLAN AND DEPOSIT.

As part of the materials submitted for Final Plan Review (see Section 8.7 and Appendix D), the Owner is required to submit

(i) an exterior lighting plan, including detail of the location and fixtures for all exterior lighting, or (ii) the exterior lighting plan deposit (Appendix D). The exterior lighting plan deposit is refundable upon submission and DRC approval of a final exterior lighting plan and fixture specifications. If the plan is not submitted and approved by the DRC prior to commencement of installation of the lighting, the DRC may retain all or a portion of the lighting plan deposit consistent with the generally applicable fines, as set forth in Appendix A. The DRC retaining the deposit does not release the Owner from the obligation to submit a lighting plan and obtain DRC approval of the lighting plan.

#### 4.7 INTERIOR LIGHTING.

The dramatic views from the site will tend to encourage large expanses of glazing that could result in excessive amounts of interior lighting to spill to the exterior, causing glare when seen from neighboring properties or Common Areas. Special care and attention should be given to the aiming and brightness of display lighting and other intense accent lighting as it may be reflected to the exterior, particularly through high windows, clerestories or skylights. No light sources pointed up or out or visible through high windows, clerestories or skylights are allowed. The use of dimmers is encouraged to reduce light spill from interior spaces.

### 5. GOLF COURSE LOTS.

#### 5.1 GOLF COURSE.

The Pole Creek Golf Course is the single greatest amenity of The Fairways at Pole Creek. Its successful maintenance will benefit everyone living in and visiting The Fairways at Pole Creek. Some special requirements are, therefore, placed on the Owners of lots on the golf course.

#### 5.2 THE GOLF COURSE SETBACK.

A setback along the golf course will be maintained as a transitional area between the golf course and the individual lots that border the course. The setback will be a minimum of 50 feet. Absolutely no construction staging of any kind will be allowed in the golf course setback.

#### 5.3 LANDSCAPING OF GOLF COURSE LOTS.

The DRC will carefully review the relationship of the landscaping within these lots to that of the golf course, as well as to that of the home, and may require landscaping that exceeds the minimum otherwise provided in these Guidelines. The goal of the landscaping on golf course lots is to blend into the landscape of the adjacent fairways, green, or tee. It should also address the safety issues associated with the golf course. A golf cart path running between a home on a golf course lot and the golf course path system is considered a landscape modification requiring DRC approval (see Section 8.6) and may be permitted if appropriately positioned and screened to be consistent with golf course activity and maintaining the home's privacy.

#### 5.4 SITING HOMES ALONG THE GOLF COURSE.

There are many reasons that make the placement of your home along the golf course a very important part of the design process. The play of the course can be greatly affected by an improperly sited home, and the safety of the residents in both interior and exterior spaces can be in jeopardy if a home is sited improperly. Nets or other protective devices are not permitted.

It is essential that the area and side elevation of golf course homes be given as much visual consideration as the front.

### 6. GENERAL SIGNAGE AND MAILBOXES.

#### 6.1 PERMISSIBLE SIGNS.

Signage shall be permitted only as required by law or as approved by the DRC. The following signage will be considered:

- A. If an Owner desires an entrance sign or monument for their address and/or name, a plan for such sign/monument shall be submitted to the DRC for approval. Said signs shall be mounted upon or hung from a column with a base no larger than 3 feet by 3 feet. The height of the column shall be no higher than six feet above the private drive at the point where the drive is adjacent to the column. Said column should integrate materials harmonious with the home. Any signage lighting shall conform to the exterior lighting guidelines found in Section 4.6. Archways are not allowed. However, matching columns to be located on each side of

the drive may be considered. The intent is to allow Owners flexibility in designing the column in a tasteful manner that will blend with the natural surroundings, and that will not appear as an entrance “statement” to a home.

B. During the construction period, the Owner shall be allowed one temporary sign, which shall not exceed six square feet maximum surface area freestanding on the property. Said sign may be placed upon the site at ground breaking, at a location approved by the DRC and shall be removed immediately upon issuance of the certificate of occupancy. Any acknowledgments given to the lending institution, architects, designers, etc. shall be included within said six square feet. Any sign installed during construction must be professional made and installed to be at least semi-permanent; spray-painted unfinished signs and address markers are not permitted.

C. Only one real estate “for sale”, “for rent”, or “for lease” sign shall be permitted on any lot at any time. Any such sign shall not exceed four square feet maximum surface area freestanding on the property, and shall be posted not more than 10 feet from the street.

D. Each Owner of a lot where a house is built or under construction shall be allowed to post on their lot up to two signs provided by a commercial security company. Each such sign shall be no greater than one square foot maximum surface area, shall extend no more than 24 inches above the ground and shall not be lighted, reflective, neon or otherwise brightly colored in a manner that is inconsistent with the overall landscaping philosophy. One sign may be posted near the main entrance to the house, no more than ten feet from the house or at the driveway entrance; the other sign may be posted near any other entrance to the house, but no more than ten feet from the house.

E. No other owner or property identification signs, real estate signs, temporary road signs or other signs or devices to attract attention are permissible without the approval of the DRC or as otherwise expressly permitted by law.

F. Signs, including those permitted as provided above, are not permitted along the golf course boundary nor facing the golf course. All signage as prescribed in this Section must face the street side of the lot where it is posted.

G. Owners are encouraged to post their house number or full address, consistent with Grand County requirements and this Section 6.1.

H. Any signs not posted as prescribed above will be removed, and the Owner may be subject to fines, as set forth in Appendix A.

## 6.2 MAILBOXES.

Individual mailboxes and newspaper boxes are not permitted.

## 7. CONSTRUCTION PRACTICES AND GUIDELINES.

### 7.1 LIMIT OF CONSTRUCTION ACTIVITY.

All construction activity must take place strictly within the property lines of the lot being improved and, whenever possible, construction activity should be limited to the building envelope in order to preserve the undisturbed lot area (See Section 2.1.2 above). Staging, storage, and construction activity of any kind are not permitted in the golf course setback under any circumstances. Construction within any easement is not permitted. On certain lots, the DRC may restrict the area of construction activity to a greater extent.

### 7.2 TEMPORARY FACILITIES; SANITARY FACILITIES.

An on-site construction office or trailer and temporary sanitary facilities are the only temporary facilities allowed on a lot at any time, and they must be approved in advance by the DRC. Under no circumstances will a trailer be allowed for living purposes. Temporary sanitary facilities must be provided on the building site. Such facilities will be located entirely within the lot’s building envelope or undisturbed area and, if possible, to be screened from view of neighboring property and public

view. In no event may such facilities be less than 35 feet from the public road, nor may they remain on the lot other than while construction is in progress.

### 7.3 DEBRIS AND TRASH REMOVAL.

The Owner is solely responsible for properly maintaining a clean and orderly construction site throughout the construction period. Any agreements between the Owner and the Owner's contractor or other parties will not relieve the Owner of this responsibility.

Construction debris and trash must be collected and secured in a dumpster or other suitable receptacle intended for such purposes at the end of each work day. Debris and trash to be collected includes wind-driven materials on other lots, roadways and common areas. Debris and trash receptacles shall be emptied in a timely manner and not allowed to overflow. Failure to empty debris and trash receptacles in a timely manner may result in the DRC serving notice to the Owner and their contractor to immediately empty the receptacles, or the DRC may have the receptacles removed at Owner's expense. On-site burning of construction debris and trash is strictly prohibited.

### 7.4 SITE DISTURBANCE.

Damage to the grading, vegetation and natural features of the site shall be minimized. Trees outside of the construction zone must be protected from damage with appropriate protective fencing. Limits of site disturbance should be visibly marked and maintained throughout construction. Excavation activities, except for utility trenching, is permitted only on the Owner's lot. Excess excavation material shall be removed from The Fairways at Pole Creek at the same time as the foundation is backfilled. The material shall not be placed on roads, common areas, or other lots.

Prior to construction vehicles entering the site from the public road, the entire length of the construction access and all parking areas on the lot shall be covered with Class 6 road base to a minimum depth of 6 inches. In addition, a minimum 2-inch depth of 1 ½ inch crushed angular rock shall be placed atop the road base for the first 100 feet of access adjacent to the public road.

Any tracking of dirt, mud or debris from the construction site onto public roads shall be removed on the same day the tracking occurs, in such a manner that evidence of such tracking is completely eliminated. Failure to remove tracked materials may cause the Owner to be subject to fines as set forth in Appendix A.

### 7.5 EROSION CONTROL.

Prior to the groundbreaking (as described in Section 7.8) start of excavation or grading, erosion control structures shall be installed to meet the requirements of Grand County. At a minimum, silt control structures shall be installed wherever runoff of disturbed areas may leave the site. Low profile "waddles" or similar facilities are preferred over silt fences.

It is required that all areas disturbed by construction be permanently stabilized by seed and mulch, sod, and/or other plant material. Such material shall be properly watered and/or reseeded as needed until the area is stabilized. Straw is recommended as mulch over seed-sown areas to improve and hasten the germination. Any areas that have a 2:1 slope or steeper should be controlled by an erosion control blanket or hydro mulching.

### 7.6 SITE ACTIVITIES.

It is the Owner's responsibility to make every effort to respect the neighbors and golfers by keeping disturbances from the construction site to a minimum.

Dust drifting to neighboring lots, common areas and/or the golf course shall be minimized by appropriate methods.

Loud music or other noise (other than from normal construction-related activities) at the job site is prohibited.

All vehicles will be parked so as not to inhibit traffic, and so as not to damage the natural landscape, or impact adjacent properties.

Pets are strongly discouraged from being at or on the job site. If pets are brought to the job site, the DRC may determine that a pet poses a potential threat or problem to workers or visitors at/on the job site or otherwise in The Fairways at Pole Creek. The DRC may require the pet owner to remove the pet from the site permanently or be leashed at all times. In no

event will pets be permitted to roam outside the lot where the construction is occurring.

#### 7.7 OWNER AND CONTRACTOR RESPONSIBILITY.

No significant changes in plans or materials previously approved may be undertaken without approval of the DRC. No work shall be undertaken (other than routine maintenance and repair) that will result in changes to the exterior appearance without prior written approval of the DRC. If any construction or improvement is deemed by the DRC to be inconsistent with approved plans or specifications, the Owner will be responsible for revising the construction to meet approved documents. Should an Owner or contractor fail to bring such construction into compliance, the Owner may be deemed to be in violation of the governing documents of the Association, as provided in the Declaration, and shall be subject to the relevant penalty and enforcement provisions of the Association. The Owner will be responsible for the cost of repairing any damage caused by the project's construction activities.

Any failure of the DRC to notice any violations or non-compliant items at anytime during the review process, the construction process, or during final inspection does not relieve the Owner from complying with these Design Guidelines, the Declaration, and all applicable codes, ordinances and laws. Each Owner as well as every architect, designer and contractor working within The Fairways at Pole Creek is responsible for knowing and complying with all requirements of the relevant documents and law and is required to affirm that he has read and understands the requirements of the Design Review Guidelines and will adhere to these requirements. The DRC is entitled to rely on such affirmation at all times. The DRC may require at any time that any failure to identify or notice non-compliance be rectified.

#### 7.8 CONTINUITY OF CONSTRUCTION.

The entire exterior of any building, including decking, shall be completed within eighteen (18) months from groundbreaking, unless an extension has been granted in writing by the DRC, or unless the DRC has approved a conditional notice of construction completion pursuant to Section 9.3 below. Groundbreaking is defined as the beginning of earth work. This eighteen-month period (plus any DRC-granted extensions) shall be the "initial construction period." All site work, including final grading and attached retaining wall construction conforming to the approved site plan, must be completed within the initial construction period.

Completion of interior construction shall be permitted beyond the initial construction period under the following conditions:

- (i) All trash and debris must be stored in an enclosed area, must be out of site from the exterior of the building, and must be removed on a regular basis;
- (ii) All tools and equipment must be stored out of sight and within the building;
- (iii) Temporary interior utility lighting may be used only during normal daytime working hours and shall not be used as security lighting at night;
- (iii) No temporary construction office or trailer shall be permitted; outdoor sanitary facilities will be permitted only to the extent required by Grand County;
- (iv) Temporary utilities (such as LP tanks and electricity generators) are not permitted;
- (v) Interior construction must be completed in accordance with the applicable requirements of Grand County.

#### 7.9 VARIANCES TO DESIGN GUIDELINES.

The DRC may authorize variances from compliance with any of the provisions of these Guidelines; however, the authorization of a variance shall be the exception rather than the rule. Applicants should be prepared to carefully document the logic and reasons behind any requested variance. Variance requests may be made for restrictions upon height, size, floor area, or placement of structures or similar restrictions, when circumstances such as topography, natural obstructions, aesthetic or environmental consideration may require such variance. Such variances must be evidenced in writing and shall become effective only when approved in writing by the DRC.

If any such variance is granted, no violation of the provisions of these Guidelines shall be deemed to have occurred with respect to the matter for which the variance was granted; provided, however, that (i) no variance shall be permitted that is contrary to the Declaration, (ii) the granting of a variance shall not operate to waive any of the provisions of these Design Review Guidelines for any purpose except as to the particular property and particular provisions hereof covered by the variance, and (iii) the granting of a variance shall not affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting the property concerned, including, but not limited to, zoning ordinances and setback lines or requirements imposed by any governmental authority having jurisdiction.

## 8. PLAN REVIEW PROCESS.

The DRC's plan review process is intended to provide guidance to the property Owners of The Fairways at Pole Creek. The DRC does not seek to impose undue restrictions on taste or individual preferences. In general, the aim is to avoid harsh contrasts in the landscape, to preserve and protect the functioning of important ecological systems, to encourage design adapted to the climate, and foster harmony between each home and its site, and among all homes and sites. All homes must be designed by and built in accordance with the plans and specifications of a licensed architect or licensed building designer, as provided in Section 10.1.D of the Declaration. All submitted plans must be of professional quality and easy to read and understand. The DRC retains the right to reject any proposal that, in its opinion is unreadable or incomplete.

### 8.1 SUBMITTAL OF PLANS.

For any new building, addition, renovation, refinishing, or significant landscape changes, additions or modifications, the procedures outlined in these Guidelines, and amendments thereto, must be followed.

The DRC's submittal review process involves three steps:

- A. Sketch Review (recommended but not required at early stage of design)
- B. Preliminary Plan Review
- C. Final Plan Review

All plans must be submitted at least 10 calendar days prior to the date of the meeting at which the plan is to be reviewed. The DRC generally meets once a month during the months of March through November, usually during the first week of the month. The DRC will meet during the months of December through February normally only in the event of a pending submittal for which timing is critical. In such event, a meeting will be held within 30 days of such submittal. A plan will be reviewed only if it is complete and is submitted at least 10 days prior to the DRC meeting, with payment of all applicable fees (as set forth on Appendix D).

The Owner applicant is required to attend, in person or by phone, either the meeting at which preliminary plans are reviewed or the meeting at which finals are reviewed, and is encouraged to attend both. The Owner applicant or a representative who has been delegated the authority to speak on behalf of the applicant must be in attendance at the meeting at which each of the preliminary plan and the final plan submittal is reviewed. The representative must be identified on the application materials or otherwise in writing from the Owner to the DRC. In the event neither the Owner nor any authorized representative is in attendance at the meeting, no action will be taken on the submittal. This requirement of attendance, even though encouraged, may be waived for the Sketch Review.

If the Owner or its representative attends the meeting as required, and the DRC fails to approve or to disapprove any application within sixty (60) days after submission of all required information and materials and any additional information and materials reasonably requested by the DRC, and payment of all applicable fees, the application shall be deemed approved. If neither the Owner or its representative does not attend the meeting, the application shall be considered suspended (and the 60-day period shall not begin) until such time as the Owner or its representative does attend a meeting where the completed submittal is again considered. However, no approval, whether expressly granted or deemed granted pursuant to the foregoing, shall be deemed given for any item that is inconsistent with the Guidelines, unless a variance has been granted in writing by the DRC pursuant to Section 7.9.

**AN APPLICANT MUST RECEIVE FINAL PLAN REVIEW APPROVAL PRIOR TO APPLYING FOR A BUILDING PERMIT FROM GRAND COUNTY. NO TREE REMOVAL, GROUNDBREAKING OR IMPROVEMENTS MAY BEGIN PRIOR TO DRC APPROVAL, AS PROVIDED IN SECTION 10.01.B OF THE DECLARATION.**

### 8.2 SKETCH REVIEW.

Owners are encouraged to submit a preliminary sketch of their design to the DRC during the early design stages. The materials submitted need to include only elevations and a floor plan, and no deposits or fees are due for this review. This step in the process gives the Owner an opportunity to see if the direction of the project is in keeping with the Guidelines and the community of The Fairways at Pole Creek. The DRC will review the sketch, may visit the lot to consider the sketch on-site, and will provide written comments to assist the Owner with finalizing the design.



### 8.3 PRELIMINARY PLAN REVIEW.

The submittal for Preliminary Plan Review must include:

- A. The completed application and checklist (provided in Appendix B).
- B. Six (6) sets of following items:
  - (i) Site Plan of the entire lot at a scale of 1" = 20' showing proposed and existing topography, all proposed improvements, including proposed building and access locations, easements and setbacks, north arrow, neighboring lot numbers and the proposed location of the well and location and size of the septic system.
  - (ii) Floor plans, at a minimum scale of 1/8" = 1' including overall dimensions, door and window openings, floor area calculations, porches, decks, balconies, and terraces.
  - (iii) Elevations that are rendered to show all proposed exterior materials, and the relationship of elevations of the site in relation to elevations and building heights to top of ridge line or top of parapet. One set of the main entrance elevation shall be provided in color to reflect the proposed color scheme and proposed finishes for the home.
- C. The Design Review Fee (see Appendix D).

The DRC reserves the right to require additional information, a model, or drawings necessary to confirm compliance with the Declaration and Guidelines prior to Final Plan Review. The Preliminary Plan Review approval shall not be an approval for construction of any kind and will be valid for a period of twelve (12) months, after which it will expire.

### 8.4 FINAL PLAN REVIEW.

In order to proceed to Final Plan Review, you must:

- (i) Modify your Preliminary Plan to conform to the Guidelines, as required by the DRC in your Preliminary Plan Review;
- (ii) Complete your final construction documents;
- (iii) Submit all required materials for Final Plan Review;
- (iv) Ensure that your account with the HOA is current.

The submittal for Final Plan Review must include:

- A. The completed application and checklist (provided in Appendix C).
- B. Six (6) sets of the following items:
  - (i) Final site plan of the entire lot, at a scale of 1" = 20' depicting and proposed lot contours at 2 foot intervals, all easements, all required setbacks, building envelope, the location of all improvements, location and size of septic system, north arrow, neighboring lot numbers, existing trees within the building envelope and any disturbed area (including the driveway and septic system), rock outcroppings, and other site features and existing utilities.
  - (ii) Floor plans at 1/4" = 1' showing all final dimensions.
  - (iii) Elevations at 1/8" = 1' minimum. All final elevations showing both existing and final grades, and all exterior materials, and showing details of specific exterior design requirements, window details, door details, trim details as required to successfully demonstrate intended finish. One set of the main entrance elevation shall be colored depicting actual final color selections.
  - (iv) Foundation plan.

- C. Engineered design of the individual septic disposal system and soils report.
- D. Physical samples and colors of all exterior materials, including siding material and colors, roof materials and colors, door and window material and colors, exterior trim colors, fireplace chimney materials and color. Brand names and specific color names shall be included.
- E. Either:
  - (i) Landscape plan deposit (as provided in Section 4.3.4), OR
  - (ii) Landscape plan indicating all intended landscape improvements, including types and quantities of vegetation, location of existing trees in the immediate area of the improvements, locations of rock out-croppings, boulders, decks and patios, driveways, description and location of the drip irrigation to be installed and location and size of proposed septic system. The landscape plan may be, but is not required to be, prepared by a design professional.
- F. Either:
  - (i) Exterior lighting plan deposit (as provided in Section 4.6.2) OR
  - (ii) Detail of the location and fixtures for all exterior lighting.
- G. At least three days prior to the DRC meeting at which the plan will be reviewed, final site staking showing the final location of all improvements, including all trees to be removed.
- H. Construction compliance fee and deposit, landscape compliance fee and deposit and any other relevant deposits or fees (as set forth on Appendix D).

Construction plans will not be released to Grand County for a building permit submittal until the relevant fees and deposits have been paid and the DRC has approved the final plans.

DRC approval of final plans will be valid for two (2) years. If construction does not commence within two years after DRC approval, the applicant will be required to resubmit for approval to ensure that their submittal is still in compliance with the Guidelines in effect at the time you resubmit. A re-submittal fee of \$100.00 will be required.

The DRC will not consider, and assumes no responsibility for, the structural capacity, life safety, or building code compliance of the proposed improvements. Approval of final plans by the DRC does not reflect any requirements or approvals by the Grand County Building Department.

If the DRC does not approve either a preliminary or final application, the resubmission of plans will follow the same procedure as outlined in Section 8.3 or 8.4, depending on which approval is being requested. The Owner (or its design team) may reply in writing to any concerns expressed by the DRC during the review process. Any exterior additions or changes to the site or improvements that are not a part of the original approval shall be submitted to the DRC for review as provided in Section 8.6.

#### 8.5 ADDING A GUESTHOUSE.

A detached guesthouse is permitted on certain lots identified in Section 3.4.2. The construction of a detached guesthouse on any of these lots after the completion of the primary residence is permitted, and is subject to the same DRC review and approval requirements as the primary residence, except that: the fees and deposits may differ, as provided in Section 8.7 and Appendix D, and the entire exterior of the guesthouse, including decking, shall be completed within twelve (12) months from groundbreaking,

#### 8.6 REVIEW OF REMODELS, TEMPORARY STRUCTURES, LANDSCAPE REVISIONS AND FURTHER IMPROVEMENTS.

Alterations of completed projects, alterations of a project under construction, including landscape revisions, and significant landscape modifications or additions must be reviewed and approved by the DRC. Any change made without DRC

approval will be in violation of the Declaration and subject to enforcement action. Alterations include any visible change or addition to the exterior of a structure, and any landscape or other exterior modifications or improvements.

Prior to making any such alteration, a submittal must be made to the DRC including a description of the intended alteration, a photo or drawing of the existing construction, a drawing of the intended alteration, and a sample of all materials to be used in the alteration, all consistent with the requirements of this Section 8, and including the payment of the required remodel/alteration fee. The submittal must be made not less than ten (10) days prior to any scheduled DRC meeting, and must be of the same nature and quality required for submittal of new construction. To schedule a review of temporary facilities (as required under Section 7.2), the Owner should submit a photograph or drawing of the proposed structure, along with a site plan indicating the intended location. The submittal is due ten (10) days before any scheduled DRC meeting, consistent with the requirements of this Section 8.

#### 8.7 FEES AND DEPOSITS.

The fees and deposits required to be paid in connection with review and approval of improvements by an Owner, as well as the amounts and requirements for refunds of deposits are set forth on Appendix D.

#### 8.8 NO IMPLIED WAIVER OR ESTOPPEL.

The approval of the DRC of any improvement to or upon any lot shall not be deemed a waiver of any right or estoppel to withhold approval or consent for any similar improvement to any other lot or any similar proposals, plans, specifications, or other materials submitted with respect to any other improvement to any other lot.

### 9. ENFORCEMENT.

The provisions in this section supplement the various enforcement provisions in the Declaration and the Bylaws, and as provided in Appendix A. The DRC is entitled to apply any and all such provisions.

#### 9.1 GENERALLY.

##### 9.1.1 Inspections.

The DRC or its authorized representatives may but need not inspect all work in progress, all completed construction and/or landscaping from time to time. Absence of such inspection and notification does not constitute approval of any item, and does not imply compliance with these Guidelines. With prior notice to the Owner, the DRC or its authorized representatives may enter on to any lot for the purpose of inspection without being guilty of trespass; provided, however, at such time as any building has reached the stage of enclosure whereby the building can be locked and secured, the inspector would be guilty of trespass upon entering a locked and secured building without permission.

##### 9.1.2 Violations.

If as a result of an inspection or otherwise, the DRC determines an Owner is not in compliance with these Guidelines, the DRC shall provide a written notice of such noncompliance to the Owner. Such determinations shall be made at a normally scheduled meeting of the DRC, unless determined by the DRC to be more urgent to the Association or dangerous to any Owner. The notice to the Owner shall be provided within fourteen (14) days of such meeting, and shall specify the particulars of the noncompliance and require the Owner to take such action as may be necessary to remedy the noncompliance. A failure to comply with the notice of noncompliance will be resolved as set forth in Section 9.3.

#### 9.2 COMPLETED WORK; NOTICES AND INSPECTIONS.

##### 9.2.1 Notice of Completion by Owner.

In the case of any construction, landscaping or other items being completed pursuant to DRC-approved plans, this Section 9.2 shall apply in lieu of Section 9.1.

9.2.1.1 Upon completion of construction, landscaping installation or any other items in accordance with DRC-approved plans, the Owner shall give written notice to the DRC. Until the date of receipt of such notice, the DRC shall not be deemed to have notice or knowledge of completion of such construction.

9.2.1.2 The DRC or its duly authorized representative may inspect any construction prior to or after receipt of notice from the

Owner, provided that the right of inspection, if not exercised, will terminate (8) months after the DRC receives such notice.

#### 9.2.2 Notice of Satisfactory Construction Completion by DRC.

After inspection of the improvements to the property, the DRC will notify the Owner in writing of satisfactory construction completion if the improvements were completed in conformity with the plans, specifications and materials furnished to and approved by the DRC and any other conditions as may have been imposed by the DRC during the approval process. With respect to completion of construction of a home, such notice shall be given within fourteen (14) days after the DRC inspects the improvements. With respect to completion of any other item, such notice shall be given not later than fourteen (14) days after the next normally scheduled meeting of the DRC.

#### 9.2.3 Notice of Noncompliance.

If after receipt of notice of construction completion from an Owner, the DRC finds that any improvement to the property has been done without obtaining the approval of the DRC or was not done in complete conformity with the plans, specifications and materials furnished to and any conditions imposed by the DRC, the DRC shall notify the Owner in writing of noncompliance. With respect to completion of construction of a home, such notice shall be given within fourteen (14) days after the DRC inspects the improvements. With respect to completion of any other item, such notice shall be given not later than fourteen (14) days after the next normally scheduled meeting of the DRC. The notice shall specify the particulars of the noncompliance and shall require the Owner to take such action as may be necessary to remedy same. A failure to timely comply with the notice of noncompliance will be dealt with as set forth below.

### 9.3 NONCOMPLIANCE; REMEDIES AND PROCEDURES.

#### 9.3.1 Effect of DRC Failure to Notify; Presumption of Compliance.

For matters that are subject to Section 9.1, if for any reason other than one caused by the Owner, the DRC fails to notify an Owner of a determination of noncompliance within the time stated in Section 9.1.2, the improvements shall be deemed in compliance, except to the extent such deemed compliance involves any matter that the DRC determines is costly or dangerous to the Association or any other Owner.

For matters that are subject to Section 9.2, if for any reason other than one caused by the Owner, the DRC fails to notify the applicant of noncompliance within the time stated in Section 9.2.3, the improvements shall be deemed in compliance if the improvements were, in fact, completed in accordance with the approved plans as of the date the Owner notified the DRC of completion. Such deemed compliance shall be effective only to the extent necessary for requesting a certificate of occupancy from Grand County, and the DRC shall not be prevented from taking action in the future if it should determine that the improvements did not fully comply with the approved plans and specifications.

#### 9.3.2 Notice of Noncompliance by DRC; Appeal by Owner.

If the DRC gives any notice of noncompliance, the Owner may appeal to the Board by giving written notice of such appeal to the Board and the DRC within fourteen (14) days after the date the notice of noncompliance is given. If no appeal or challenge is timely filed, the Owner shall be obligated to comply with the notice of noncompliance.

#### 9.3.3 Processing Appeal.

If an Owner files a timely appeal, the Board will proceed as provided in the Declaration and other governing documents of the Association.

### 9.4 NOTICES.

Notices to Owners will be given to the registered address as provided by the Owner in accordance with the Declaration and other governing documents. Notices may also be given to any address specified in writing by the Owner in the application to the DRC. Notices to the DRC or the Board may be given by the same methods to the address of the DRC contained in any notice or to any current address that has been specified by the Board in notice to the Owners. Notices will be sent by U.S. Mail or commercial carrier (such as FedEx or UPS) and will be deemed given on the day of mailing or delivery to the carrier. Notices that may be served by delivery to the lot will be deemed given when physically delivered to the Owner at the lot. Notices to an Owner may also be given to an e-mail address provided by an Owner and will be deemed given when sent or transmitted; notices to the DRC may be given to an e-mail address of the Association's management company, clearly identified as "Notice to the DRC of The Fairways at Pole Creek."

#### 9.5 EXPIRATION OF DRC APPROVAL.

DRC approval of construction plans, landscape plans, revisions described in Section 8.6, or any other DRC approval given pursuant to these Guidelines shall expire automatically two years after the approval was given if the work approved has not begun and progressed to completion on a normal schedule according to these Guidelines (subject to any extensions granted in writing by the DRC) by that date. The Owner will be required to re-submit materials for approval in order to begin work after the expiration of the approval.

\* \* \*

**APPENDIX A**  
**SCHEDULE OF FINES**

Subject to the appeal rights of Owners provided in the Bylaws and other governing documents of the Association, the following sanctions may be proposed in any Notice given by the Board to an Owner regarding failure to comply with these Guidelines:

- 1) Commencing construction prior to DRC approval of plans:
  - a) \$2,000.00 for beginning any form of site work, including tree removal.
  - b) \$500.00 per day for each day of continuing work.
  - c) \$1,000.00 per day for continuing work after a notice to cease and desist has been issued by the DRC.
- 2) Failure to comply with notice of improper site clean-up, including dirt or debris on public roads, mitigate dust or noise from a construction site, or control pets at a construction site: \$100.00 per day for any days beyond the deadline stated in such notice.
- 3) Construction that is not completed in compliance with Section 7.8: \$300.00 per month or any portion thereof (see Appendix D regarding refund of Construction Compliance Fee).
- 4) Additional policies and procedures of the Association, as in effect from time to time, and available on the Association website at [www.thefairwaysatpolecreekhoa.com](http://www.thefairwaysatpolecreekhoa.com).
- 5) The Board reserves the right to establish additional proposed sanctions as deemed necessary for violations under the Declaration, By-laws, and the Design Review Guidelines, which will take effect immediately upon being adopted.
- 6) None of the proposed fees or sanctions will restrict or limit the rights of the Board established by the Declaration and Bylaws.

**APPENDIX B  
PRELIMINARY PLAN REVIEW APPLICATION  
The Fairways at Pole Creek**

Owner's Name: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Lot number: \_\_\_\_\_

Owner's Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Architect / Designer:  
\_\_\_\_\_

Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

General Contractor / Builder:  
\_\_\_\_\_

Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**ATTACHMENTS:**

Attach the completed Preliminary Plan Review Checklist and all items listed on the Preliminary Plan Review Checklist. Submittal application and all checklist items must be complete, accurate and included in order for the review process to commence. If packet is incomplete, the Owner will be notified, and an additional \$100.00 design submittal fee will be required at the time of re-submittal for review.

**OPTIONAL - AUTHORIZED REPRESENTATIVE:**

Section 8.1 of the Design Review Guidelines permit the Owner to authorize a person (or persons) to attend DRC meetings where the Owner's plans are under review, and to speak on behalf of the Owner. You may name a person or withdraw such authority at any time by written notice to the DRC. Do you want to authorize any such persons? \_\_\_\_ YES \_\_\_\_ NO  
If yes, print the names of the authorized person(s) here:

\_\_\_\_\_

I hereby acknowledge and agree that I have read and understand the requirements of the Design Review Guidelines and will adhere to these requirements.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

APPENDIX B (continued)  
PRELIMINARY PLAN REVIEW CHECKLIST

The following checklist is supplied to help the Owner and the design team prepare the submittal. Any additional information that would help to clarify or explain the submittal should also be included. Please include this checklist with your submittal. These requirements also are described in Section 8.3.

NON-DRAWING ITEMS:

- \_\_\_\_\_ Completed Application form (appendix B)
- \_\_\_\_\_ Design Review Fee (\$300.00) payable to Fairways at Pole Creek DRC

SITE PLAN (6 hard copies):

- \_\_\_\_\_ Site plan at a scale of 1" = 20' depicting existing and proposed contours at 2-foot intervals
- \_\_\_\_\_ All proposed improvements, including proposed building and access locations,
- \_\_\_\_\_ All easements and setbacks, north arrow, neighboring lot numbers
- \_\_\_\_\_ Proposed location of the well and location and size of septic system.

FLOOR PLANS (6 hard copies):

- \_\_\_\_\_ Scale: 1/8" = 1' (minimum scale)
- \_\_\_\_\_ North arrow
- \_\_\_\_\_ Title block
- \_\_\_\_\_ All exterior dimensions
- \_\_\_\_\_ Door and window openings and locations
- \_\_\_\_\_ Walls, porches, decks, balconies, and terraces with materials noted
- \_\_\_\_\_ Livable floor area calculations (see section 3.3)

ELEVATIONS (6 hard copies):

- \_\_\_\_\_ Scale 1/8" = 1' (minimum scale)
- \_\_\_\_\_ Title block
- \_\_\_\_\_ Elevation of each exterior view with notation of color scheme and finishes
- \_\_\_\_\_ Door and window locations, material and color



**APPENDIX C  
FINAL PLAN REVIEW APPLICATION  
The Fairways at Pole Creek**

Owner's Name: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Lot number: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Architect / Designer: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

General Contractor / Builder: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**ATTACHMENTS:**

Submittal application and all checklist items must be complete, accurate and included in order for the review process to commence. If packet is incomplete, the Owner will be notified and an additional \$100.00 design submittal fee will be required at the time of re-submittal for review.

Has the Final Plan Review Checklist been completed, and submitted, with all of the materials listed on the checklist? \_\_\_\_\_

Have lot corners and building footprint been staked? \_\_\_\_\_

Have all trees to be removed been identified on the site plan and physically tagged on site? \_\_\_\_\_

Construction Compliance Fee and Deposit: \$4,000.00 paid check # \_\_\_\_\_

Landscape Compliance Fee and Deposit: \$5,000.00 paid check # \_\_\_\_\_

You may pay a deposit in lieu of submitting a plan for the following items (see Sections 4.3.4 and 4.6.2 and Appendix D):

Landscape Plan Deposit \$3,000.00 paid check # \_\_\_\_\_ Exterior Lighting Plan Deposit \$500.00 paid check # \_\_\_\_\_

Please make all checks payable to The Fairways at Pole Creek DRC, PO Box 3608, Winter Park, CO 80482.

Separate checks are not required. For details to submit fees by wire, contact Alderwood Colorado

Management at (970) 726-3070.

APPENDIX C  
Final Plan Review Application (continued)

OPTIONAL - AUTHORIZED REPRESENTATIVE:

Section 8.1 of the Design Review Guidelines permit the Owner to authorize a person (or persons) to attend DRC meetings where the Owner's plans are under review, and to speak on behalf of the Owner. You may name a person or withdraw such authority at any time by written notice to the DRC. Do you want to authorize any such persons?   \_\_\_ YES                   \_\_\_  
NO

If yes, print the names of the authorized person(s) here:

\_\_\_\_\_

I hereby acknowledge and agree that I have read and understand the requirements of the Design Review Guidelines and will adhere to these requirements.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Architect/Designer

\_\_\_\_\_  
Date

\_\_\_\_\_  
General Contractor/Builder

\_\_\_\_\_  
Date

APPENDIX C (continued)  
FINAL PLAN REVIEW CHECKLIST

Please include this checklist with your submittal. These requirements also are described in Section 8.4.

SITE PLAN (6 hard copies):

- \_\_\_\_\_ Scale 1" = 20'
- \_\_\_\_\_ North arrow, neighboring lots numbered
- \_\_\_\_\_ Title block including lot/phase, name of Owner and date
- \_\_\_\_\_ Building location
- \_\_\_\_\_ Line of roof overhangs
- \_\_\_\_\_ Property lines
- \_\_\_\_\_ Setbacks and easements
- \_\_\_\_\_ Lot Size
- \_\_\_\_\_ Existing lot contours at 2-foot contours
- \_\_\_\_\_ Proposed finished contours, grading and surface drainage plan at 2-foot contours
- \_\_\_\_\_ Location, slope and grading of finished driveway
- \_\_\_\_\_ Existing natural site features, including all trees or tree lines
- \_\_\_\_\_ All trees to be removed must be identified on the site plan and physically tagged on site for DRC approval.
- \_\_\_\_\_ Outdoor mechanical equipment locations
- \_\_\_\_\_ Location of antennas and/or satellite dishes
- \_\_\_\_\_ Walks, decks, patios, retaining walls and parking areas
- \_\_\_\_\_ Utility locations and meter locations
- \_\_\_\_\_ Final location of center of building envelope
- \_\_\_\_\_ Final location and size of individual septic disposal system and well
- \_\_\_\_\_ Final location and design of entrance sign (if applicable)
- \_\_\_\_\_ All finished floor elevations noted
- \_\_\_\_\_ Rock installation stated in Section 7.4 must be stated on the site plan and shown in cross-section on the site plan

FLOOR PLANS (6 hard copies):

- \_\_\_\_\_ Scale: 1/4" = 1'
- \_\_\_\_\_ North arrow
- \_\_\_\_\_ Title block
- \_\_\_\_\_ All exterior dimensions
- \_\_\_\_\_ Door and window openings, locations and sizes
- \_\_\_\_\_ Walls, porches, decks, balconies, and terraces with materials noted
- \_\_\_\_\_ Exterior lighting plan with pictures and/or graphics illustrating design type of fixtures
- \_\_\_\_\_ Livable floor area calculations
- \_\_\_\_\_ Location of heating/cooling units or generators and method of concealment

ELEVATIONS (6 hard copies):

- \_\_\_\_\_ Scale 1/8" = 1' minimum size
- \_\_\_\_\_ Title block
- \_\_\_\_\_ Elevation of each exterior view (primary view to be rendered in color of exterior finishes)
- \_\_\_\_\_ Door and window locations, material and color
- \_\_\_\_\_ Roof material and slope
- \_\_\_\_\_ Siding material, type and color
- \_\_\_\_\_ Chimney material and height
- \_\_\_\_\_ Chimney cap design, material and height
- \_\_\_\_\_ Railings and stairs, material, type, color and dimensions
- \_\_\_\_\_ Fascia and trim material, type and color
- \_\_\_\_\_ Deck materials, type and color
- \_\_\_\_\_ Location of all exterior lighting
- \_\_\_\_\_ Skylight type and color

APPENDIX C (continued)  
FINAL PLAN REVIEW CHECKLIST

- \_\_\_\_\_ Highest point of ridge line or parapet or top of chimney cap
- \_\_\_\_\_ Finished floor elevation
- \_\_\_\_\_ Finished floor square footage, total finished and unfinished square footage
- \_\_\_\_\_ Proposed and existing grade
- \_\_\_\_\_ Garage door material and color
- \_\_\_\_\_ All other materials, finishes, and colors
- \_\_\_\_\_ Amount of stone used expressed in percentage of all exterior surfaces
- \_\_\_\_\_ If applicable, amount of stucco used expressed in percentage of all exterior surfaces
- \_\_\_\_\_ Specific window and door trim detail at 2 inch scale with materials noted

LANDSCAPE PLAN (6 hard copies):

- \_\_\_\_\_ Scale: 1" = 20'
- \_\_\_\_\_ North arrow
- \_\_\_\_\_ Title block
- \_\_\_\_\_ Building location
- \_\_\_\_\_ Proposed roof overhangs
- \_\_\_\_\_ Proposed finished grading plan depicting existing and proposed finished contours at 2-foot maximum
- \_\_\_\_\_ Driveways, walks, terraces, patios, retaining walls and decks with materials listed
- \_\_\_\_\_ Location, quantity and size of all plants, trees, sod, seeded areas, etc. including a planting legend showing size and number of trees and plants
- \_\_\_\_\_ Location of irrigated areas; note that drop irrigation will be installed
- \_\_\_\_\_ Location and design of meters, electric box, electric generators if any
- \_\_\_\_\_ Description of re-vegetation and erosion control techniques
- \_\_\_\_\_ Note that all junipers will be removed
- \_\_\_\_\_ Exterior lighting plan of outside area lighting with pictures and/or graphics illustrating design and wattage
- \_\_\_\_\_ Location and design of sign columns and/or gates (if applicable)
- \_\_\_\_\_ Detailed design of driveway entrance landscaping, re-vegetation and erosion control techniques

FOOTING AND FOUNDATION PLAN (6 hard copies):

- \_\_\_\_\_ Footing and foundation plan

NON-DRAWING ITEMS:

- \_\_\_\_\_ Completed Application Form (appendix C)
- \_\_\_\_\_ Engineered individual septic disposal system, and soils report (2 copies required)
- \_\_\_\_\_ Color Board with physical samples of exterior materials and colors (board to be no larger than 11"x17")
- \_\_\_\_\_ Construction Schedule
- \_\_\_\_\_ Construction Compliance Fee and Deposit (\$4,000.00, refundable as provided in Appendix D)
- \_\_\_\_\_ Landscape Compliance Fee and Deposit (\$5000.00 refundable as provided in Appendix D)
- \_\_\_\_\_ Exterior Lighting Plan Deposit (\$500.00 in lieu of lighting plan and specification of fixture types, refundable as provided in Appendix D)
- \_\_\_\_\_ Landscape Plan Deposit (\$3,000.00 in lieu of landscape design, refundable as provided in Appendix D)

**APPENDIX D: FEES AND DEPOSITS**

<u>Fee/Deposit</u>	<u>Amount / when payable</u>	<u>Amount non-refundable</u>	<u>Amount refundable / when refundable</u>
<b>Design Review Fee:</b>	\$300.00  Payable when materials are submitted for Preliminary Plan Review.	\$300.00	n/a. Payable for new construction only, not required for Remodel/Revisions/Improvements (see below).
<b>Construction Compliance Fee and Deposit:</b>	\$4,000.00  Payable when materials are submitted for Final Plan Review.	\$1,000.00	Up to \$3,000.00 is refundable as follows:  If satisfactory completion is within the eighteen (18) month construction period, \$3,000 will be refunded to the Owner; and If satisfactory completion is after the eighteen (18) month construction period, the refund will decrease by \$300 for each month or partial month until satisfactory completion. (For example, a home completed within 15 months will pay only the nonrefundable fee of \$1,000 and \$3,000 will be refunded. A home completed in 21 months will be charged an additional \$900, and \$2,100 will be refunded.) For this purpose, “satisfactory completion” means the date the DRC receives notification of completion from the Owner, if in fact, after inspection, the DRC approves the construction as complete.
<b>Guesthouse Construction Compliance Fee and Deposit:</b>	\$2,000.00  Payable when materials are submitted for Final Plan Review	\$1,500.00	Up to \$500.00 may be refundable as follows:  If satisfactory completion is within the twelve (12) month construction period, \$1,500 will be refunded to the Owner; and  If satisfactory completion is after the twelve (12) month construction period, the refund will decrease by \$150 for each month or partial month until satisfactory completion. (For example, a Guesthouse completed within 9 months will pay only the nonrefundable fee of \$500 and \$1,500 will be refunded. A Guesthouse completed within 18 months will be charged an additional \$1,200, and \$300 will be refunded.) For this purpose, “satisfactory completion” means the date the DRC receives notification of completion from the Owner, if in fact, after inspection, the DRC

			approves the construction as complete.
<b>Landscape Compliance Fee and Deposit:</b>	\$5000.00  Payable when the landscape plan is submitted for Final Plan Review.	\$500.00	<p>Up to \$4,500.00 is refundable, as follows:</p> <p>If installation of the landscaping is completed within the time period provided in Section 4.3.2, and the planted material survives for a full calendar year, the full \$4,500 deposit will be refunded;</p> <p>If installation is not completed within the time period provided in Section 4.3.2, the refund will decrease by \$100 for each month or partial month until installation is complete (not counting the months of November through April when planting is not practical);</p> <p>After the one-year survival period, the DRC will notify the Owner in writing if any plant material needs to be replaced. If installation of the replacement material is not completed within 30 days of such notification, the refund will decrease by \$100 for each month or partial month until replacement is complete (not counting the months of November through April when planting is not practical). The one-year survival period will begin anew for the replacement material. The DRC may determine to retain all or only a portion of the remaining deposit during this new one-year survival period.</p> <p>For example, if a home is completed July 1, landscaping installation is completed November 1 and the material survives until November 1 of the following year, the entire \$4,500 deposit will be refunded at that time. If a home is completed July 1 and landscaping installation is completed September 15 of the following year, the refund will decrease to \$4,000. If the material survives to September 1 of the following year, the \$4,000 refund will be paid at that time. If the material does not survive, but the Owner completes replacement of the material within 60 days, the \$4,000 refund will be paid when that material survives a full year. For this purpose, completion of landscape installation (or replacement) means the date the DRC receives notification of completion from the Owner, if in fact, after inspection, the DRC approves the installation (or</p>

			<p>replacement) as complete.</p> <p>After return of the landscape compliance deposit, the Owner shall remain responsible for the care and maintenance of all planted material to ensure the survival of the same. Replacement of plants that do not survive will be required.</p>
<b>Landscape Plan Deposit:</b>	<p>\$3,000.00</p> <p>Payable when materials are submitted for Final Plan Review, if the landscape plan is not submitted with the Final Plan.</p>	n/a	<p>\$3,000.00</p> <p>Refundable when final landscape plan is approved by the DRC.</p>
<b>Exterior Lighting Plan Deposit:</b>	<p>\$500.00</p> <p>Payable when materials are submitted for Final Plan Review, if the exterior lighting plan is not submitted with the Final Plan.</p>	n/a	<p>\$500.00</p> <p>Refundable when final exterior lighting plan is approved by the DRC.</p>
<b>Remodel/Revisions/Improvements Fee:</b>	<p>\$500.00</p> <p>Payable when materials are submitted for review for any item described in Section 8.6.</p>	n/a	<p>\$500.00</p> <p>Refundable when the DRC has approved the completed project.</p>