

DESIGN GUIDELINES  
OF



HOME OWNERS ASSOCIATION, INC.

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# 1. Purpose and Control

Dove Ranch has incredibly beautiful property with varied terrain and vegetation. In order to foster a sense of community within Dove Ranch, preserve the natural beauty of its setting, promote harmonious residential design and enhance property values, these Design Guidelines have been adopted.

The Design Guidelines are one of the most important elements in determining the eventual cohesiveness of the homes within Dove Ranch. It is the goal of the Design Guidelines to promote variety of expression, styles and details within a well-defined boundary. As the development of Dove Ranch evolves the Design Guidelines will be amended to fit the evolution of the community. Each prospective buyer, architect and builder is required to thoroughly review these guidelines to make sure the house they envision building will meet these guidelines.

The Design Guidelines govern any construction, improvements, exterior additions, reconstruction or alterations to any Units in Dove Ranch. They address the use, shape, height, exterior materials, exterior color, landscaping and location of all structures. No structure or thing shall be placed, erected, or installed upon any Unit and no improvements or other work (including staking, clearing, excavation, grading and other site work, exterior alterations of existing improvements or planting or removal of landscaping) shall take place within Dove Ranch, except in compliance with Design Guidelines.

The Design Guidelines are a part of the Governing Documents of Dove Ranch. The provisions contained herein shall apply to all of Dove Ranch until such time as they are amended, modified, repealed, or limited pursuant to the Declaration of Covenants, Conditions and Restrictions for Dove Ranch (“Declaration”). Failure to comply with the Design Guidelines may result in the imposition of sanctions.

Each Owner, Builder, Owner/Builder, Person or other interested party is responsible for obtaining, reviewing and complying with the Design Guidelines, including any amendments or supplements thereto. Each Owner, Builder, Owner/Builder, Person or other interested party is responsible for insuring that all employees, agents, representatives, sub-contractors, assigns and successors obtain, review and comply with the Design Guidelines, including any amendments or supplements thereto. **The current Governing Documents are available at [www.doveranch.com](http://www.doveranch.com)**

The Design Review Committee (“DRC”) has been established to interpret, modify and enforce these Design Guidelines. The DRC will aid you in the review and development of your site in order to complement and blend into the natural landscape. The DRC will provide the review and approval of the site design, including sensitivity to natural terrain, vegetation, views, relationship to the surrounding building sites and adherence to architectural guidelines.

The Design Guidelines are meant to be minimum standards and each project is encouraged to exceed these at every opportunity. In addition to these guidelines, all Dove Ranch improvements are subject to approval by all Town, County, State and Federal building requirements. As additional Phases at Dove Ranch are developed, alternate requirements may be imposed for each Phase.

# 2. Architectural Character

Dove Ranch possesses many unique physical characteristics that will give opportunities for a range of styles and neighborhoods, all interconnected within the development. While Dove Ranch seeks to showcase a variety of architectural designs within the community, it is important

to be aware that certain styles will not be approved. These include but are not limited to Geodesic Domes, A-Frames, Stark Contemporary, “plain box”, etc. No modular, manufactured or factory built homes may be placed in Dove Ranch.

The architecture of your residence will become a significant part of the emerging neighborhood of Dove Ranch. There is opportunity for variety and richness of architectural style reflecting the interests and personal choice of residents. However, it is important to the visual quality of Dove Ranch that each home be designed with consideration to the overall sense of community; it will become a positive and harmonious contribution to the landscape and surrounding community.

### **3. Overall Compatibility**

Beyond any of the specific design requirements, the design of your house needs to be compatible with neighboring houses, natural land forms, drainage patterns, natural features and the streetscapes. Areas of consideration will include but not be limited to avoiding identical homes adjacent to one another, too many similar colors next to each other, height compatibility, appropriate material mix and general style. These requirements are subjective in nature and will vary some from area to area within Dove Ranch.

### **4. The Glen**

The Glen at Dove Ranch consists of the property Platted as Unit 3. Development in The Glen shall generally comply with these guidelines however this area has unique characteristics and the nature of development in a smaller lot program is intended to be different in many respects from the rest of Dove Ranch while maintaining a similar vernacular. The Glen has been designed as an integrated project that includes both the site planning and home designs. These designs are specific to the Glen and are not intended to be constructed elsewhere in Dove Ranch unless they comply with the balance of these guidelines. The designs for The Glen has been reviewed and approved by the DRC. Any revisions, modifications or additions on any parcel within the Glen shall be reviewed by the DRC on a case by case basis. Approved plans may be constructed within the Glen without further action on the part of the DRC. In the event a different or custom plan is sought on a particular parcel within the Glen, that plan must be consistent in scale, mass, design and the aesthetic characteristics of the approved plans or, in the sole opinion of the DRC to be of equal or superior design and aesthetic value of the original design or subsequent designs that may be approved from time to time.

### **5. DRC Review and Decision**

Applications received by the DRC shall be reviewed to determine that the submittal is complete. The official DRC review of an application and submittal shall not commence until the application and submittal are deemed to be complete and notice of the same is received by the Applicant. It shall be the responsibility of the Applicant to ensure all applications, submittals and fees are complete. If at any time the Applicant is uncertain as to what constitutes a complete submittal, the DRC or its staff will provide the Applicant with further guidance upon request. DRC decisions shall be made within thirty calendar (30) days after finding the submittal to be complete. The time period may be extended upon mutual agreement of the Applicant and the DRC. The findings and decisions of the DRC shall be in writing, and if the decision is not to approve the proposed improvements, the reason(s) shall also be stated in writing.

**No application shall be considered by the DRC until it is deemed complete by the DRC and all fees have been paid.**

**Any improvements, or elements thereof, shall be deemed not approved until specifically approved, in writing by the DRC. No work or mobilization, other than routine maintenance, may commence on any lot within Dove Ranch without the express written approval of the DRC. Any clearing, excavation, demolition or improvements whatsoever made without specific written approval from the DRC may be required to be removed and or remedied at the Owners expense, and in addition to such remedies be subject to a daily fine or fines and or other sanctions until remedied and the DRC fully satisfied.**

## **6. Approved Architects and Builders**

In order to promote high quality design and construction standards and protect property values and the quality of life within Dove Ranch, only approved Builders may construct improvements within Dove Ranch.

## **7. Pre-Design Meeting**

To avoid confusion or surprises, a pre-design meeting is required prior to starting your design process. At this meeting the DRC or its representative will review the design guidelines and clarify any questions you may have about the process or design goals. Please review these guidelines and gather any information you may have about the design you wish to pursue. This can include sketches or pictures of other homes that have similar features or characteristics you wish to incorporate into your home. We encourage you, your architect/designer and builder to attend this meeting for both their input and to ensure all those involved in the process understand the requirements and expectations.

## **8. Submittal Requirements**

A minimum submittal to the DRC shall include the following:

8.1 Plans shall be, complete, legible and professionally drawn and to scale. Plans with a minimum scale of  $\frac{1}{4}'' = 1'$  for buildings and  $1'' = 10'$  for site plans are preferred. A PDF of all plans must also be submitted.

8.2 A Site Plan, as follows:

- (a) Show all proposed improvements.
- (b) Property lines with dimensions.
- (c) Setbacks with dimensions.
- (d) If applicable, Building Envelopes with dimensions.
- (e) Easements with dimensions.
- (f) Building footprint with dimensions and setbacks from property lines.
- (g) Show all overhangs, decks, patios, piers, foundations, etc.
- (h) Utility layouts from point of connection to termination. Sewer, water, gas, electric, telephone and cable TV. Review subdivision construction plans for connection locations.

- (i) Driveway and parking.
- (j) Fencing and retaining walls. Show location, height, material and a typical section and elevation of these elements. Fencing and retaining walls must be of the approved type, manufacture and color.

8.3 Landscape Plan (See Section 28 for Landscape Requirements).

- (a) Calculate all area, including driveway and sidewalks, and note the square footage of the following areas:
  - (i) Front yard starting from back of curb.
  - (ii) Each side yard.
  - (iii) Back yard.
- (b) Indicate what vegetation shall remain.
- (c) Show all existing trees with a trunk caliper over 4" and indicate whether or not it is to be removed.
- (d) Show size, type and location of all proposed trees, shrubs and ground cover.
- (e) Irrigation layout.

8.4 Grading and Drainage Plan. The number one problem reported in homes across the nation is water damage. Proper grading and drainage is essential so you do not become one of the millions of homeowners suffering from water problems. In an effort to avoid water related problems, we require a drainage plan for each parcel. Grading plans must conform to the approved master grading and drainage plans for Dove Ranch which are available from the DRC. A grading and drainage plan for each lot must be developed indicating how it will tie-in to the master drainage plan. Plans which vary from the master drainage plan must be prepared by a Colorado Professional Engineer, submitted and approved by the DRC. The DRC, at its sole discretion, may require an engineered drainage plan if it deems necessary. No deviation from or disturbance of drainage improvements may be made without the express written consent of the DRC. Anyone not complying with or altering drainage improvements will be fully liable for any claims or damages arising from such deviations. Grading and drainage plans shall contain:

- (a) Bench Mark. Indicate the bench mark location on your plans with its elevation based on the Dove Ranch Control. The Dove Ranch vertical and horizontal control is available on the Dove Ranch website or contact the association for the location of the control closest to your building site. Establish a benchmark and a corresponding elevation on or near your lot. **DO NOT USE ANY OTHER REFERENCE POINTS OR DATUM TO ESTABLISH ELEVATIONS. INFORM YOUR ARCHITECT, CONSULTANTS, DESIGNER, SURVEYOR AND BUILDER OF THIS REQUIREMENT.**
- (b) Existing and proposed contours. Existing topographical contours should be shown as 1' or 2' contours with existing contours shown as a solid line or lighter shade/color and proposed new contours shown as a dashed line and darker. Every even 10' contour shall be labeled with the elevation based on the Dove Ranch control.

- (c) Cuts and fills shall be shown along with limit of excavation, toe and catch lines and proposed contours.
- (d) Spot elevations. A spot elevation shall be shown for each of the following locations at a minimum:
- (i) A spot elevation at each property corner and a minimum of 25' intervals along the property lines between property corners. The elevations along the property lines may not be altered without the express written permission of the adjoining property owner and a properly drafted and executed construction easement provided with the application. In the event any grading is proposed along or over the property lines, existing and proposed spot elevations must be shown along with the toe and catch lines of the grading along with the consent of the adjoining property owner.
  - (ii) The flow line in the street gutter at the center of the driveway.
  - (iii) The point where the centerline of the driveway intersects the back of the public sidewalk.
  - (iv) The point where the centerline of the driveway intersects the garage slab.
  - (v) Every 10' along the driveway or where there is a warp or flow line established in the driveway surface.
  - (vi) The finished floor elevation of each floor within the structure(s). I.e. Garage floor, first floor, upper floor, lower floor, basement, etc.
  - (vii) Spot elevations of finished grade at each corner of the structure and a minimum of the mid point between each corner or more often to demonstrate positive drainage away from the foundation or other structures.
  - (viii) Spot elevations for the finished flow line of the drainage around the structure each corner of the structure and at each midpoint of the flow line along the structure or more often to demonstrate positive drainage away from the foundation or structures.
  - (ix) Spot elevations and contours of drainage swales. Minimum of a spot elevation at the beginning, end and midpoint of each swale and every 25' thereafter. Show slope of swale as a percentage which shall not be less than 2%. Slopes down to 1% may be considered if no other solution is possible.
  - (x) Spot elevations along the bottom and top of retaining walls at each end and midpoint and every 10' there after or at each change of elevation of 2' or greater.
  - (xi) A spot elevation of the existing sewer service stub at the bottom of the pipe and corresponding elevation at the point the sewer service enters the structure. Note the slope percentage of the sewer service

which must be at 2% minimum slope. Note if the sewer service is a forced service from a lift station.

- (xii) Spot elevations for all culverts at the flow line at each end of the culvert. Culvert slopes shall not be less than 1% and preferably 2% or greater.

- (e) Driveway grade percent and drainage. Indicate the average grade of the driveway and the steepest grade percent. It is good practice to average less than 10% and not have sections steeper than 12%.

- (f) Location and layouts of foundation perimeter drains and point of discharge.

- (g) Location and layout of downspout drains and surface drainage from downspouts. To the extent downspout drains are used they must use separate drain pipes or tiles. **DO NOT TIE DOWNSPOUTS TO FOUNDATION DRAIN PIPES OR TILES.**

- (h) Show a swale section detail for each type of swale with width and depth dimensions along with proposed surface such as cobble or vegetation, etc.

- (i) A prominent note that “No drainage shall flow onto another lot except to a platted or approved drainage easement”.

#### 8.5 Building Plans, as follows:

- (a) Floor plans. Show all floor plans with dimensions. Include all decks and patios.

- (b) Foundation plan. Show all footings, walls and piers. The DRC, at its sole discretion, may require an engineered foundation plan if it deems necessary. **Dove Ranch has expansive soils and geotechnical investigations (soils reports) with foundation recommendations are highly encouraged and may be required by the DRC.**

- (c) Sections. Show roof heights, pitches, and existing and proposed grade lines around the foundation.

- (d) Elevations. Show all elevations with proposed finish materials, roofing and grade around home.

- (e) Exterior Material Specifications including color samples of all materials to be used on all building elevations, roofs, walls, fences, etc. of the project.

- (i) All paint colors and where they are to be used. You may provide paint colors and indicate on the plans what elements are to receive what colors.

- (ii) Stucco color and texture.

8.6 A complete application (available online at [www.doveranch.com](http://www.doveranch.com)) with all materials and application fee.

Application Fee: The Design Review Committee shall have the right to charge the applicant/owner a site and building plan review and inspection fee. The reviewing fee for each initial project shall be two hundred fifty dollars (\$250.00) payable to Dove Ranch. The Design Review Committee may, at its discretion, increase the fee for reviewing and inspecting more complex projects or those requiring repeated inspections at a rate of \$50.00/hour. For Supplemental Submittals, such as Fence, Landscape, Retaining Walls, Accessory Structures or Remodels, or for the re-review of information provided after initial evaluation, the review fee shall be billed at \$50.00/hour.

## **9. House Siting**

The proper siting of the home is one of the most important components in its design. The house siting must conform to all currently adopted building standards and applicable building codes and setbacks. The following principles must be adhered to:

9.1 Topography. The home footprint and layout needs to work with the existing or proposed topography. Large amounts of grading should be avoided. All improvements must fit within the building setbacks or envelope and easements.

9.2 Drainage. The natural drainage needs to be considered, maintained and unchanged as much as possible. No clearing, excavation or construction of any type can commence without an approved grading, drainage and landscape plan and written approval from the DRC. All site grading must maintain water drainage on that lot or within established designated easements and drainage ways.

9.3 Vegetation. The protection and preservation of existing trees and vegetation are of the utmost importance. The design and siting of the home needs to reflect this. The indiscriminate removal of trees to accommodate any design will not be allowed. The pre-design meeting will address this issue. Other requirements regarding tree and fire protection are contained in other areas of these documents.

9.4 Setbacks. Setbacks shall be as set forth on the final plat. Certain single-family lots may have more restrictive setbacks or building envelopes as slopes, drainage, utilities, vegetation or other conditions dictate. Corner lots shall designate the street frontage with the driveway entrance as the front yard setback and the resulting side yard shall have a minimum side yard setback as required by Town zoning or as depicted on the plat. Some corner lots shall have front yard setbacks at all street fronts.

9.5 Building Envelope. A building envelope within the setbacks may be established on certain parcels within Dove Ranch. To the extent a building envelope exists on a given parcel, all structures must be constructed within the building envelope. Driveways, walks, landscaping, drainage improvements and other non-vertical structures may be constructed outside the building envelope to the extent they are reasonable and necessary to serve the improvements within the building envelope. The building envelope may be relocated and or reconfigured geometrically to suit a particular site design but it must remain contiguous. Any relocation or reconfiguration must remain within the setbacks of the parcel. Building envelopes may only be relocated or reconfigured upon review and approval by the DRC. Applicants must submit an application and site plan depicting the existing building envelope as well as the proposed building envelope. Applicant must provide the rationale for relocating or reconfiguring the building envelope as well as consider the impact to surround homes with respect to slope, view sheds, vegetation, solar

access, proximity or other impacts that would likely result by relocating or reconfiguring the building envelope. Amendments to building envelopes are at the sole discretion of the DRC

9.6 House Footprint. Homes may not have a building footprint (including garage and fully enclosed decks or porches) greater than 50% of the lot area or less than 20% of the lot area. These ratios are subject to the restrictions set forth in the Land Use Code. Plans that are outside these ratios may be considered on a case by case basis.

9.7 Garage and Garage Orientation. All homes shall incorporate a minimum of a two-car garage. Carports are not allowed in lieu of garages but may be considered as additional covered parking or as a portico. Garages may be detached as long as the garage matches the architectural style of the house. The front facade of the house should be at least four feet wider than the overall garage width. Minimization of snow shedding over garage doors is encouraged. The street face of the garage is encouraged to be offset from the front facade of the house. Additional door(s) may be set back from the other door. Longer driveways are encouraged to be narrower. There is no predetermined limitation to the depth of a garage as long as the architectural element is proportional.

9.8 Driveways: When driveways extend more than forty feet out toward the street from garage entrance, driveways shall be tapered down to a maximum width of twelve feet (12') at the entrance to the driveway from the street unless it is a shared driveway. All single family driveways shall be concrete.

#### 9.9 Size and Elevation Requirements

- (a) Minimum Home Size. The minimum square footage for MF zone shall be 1,000sf, HDR 1,200sf, R-10 1,500sf, R-20 2,000sf of living (habitable) space excluding garages and uninhabitable space.
- (b) Planes. The method for determining planes shall be counting the number of walls or roof surfaces when viewed in the plan view for a given elevation.
- (c) Front elevations. A minimum of 7 planes are required unless there is enough interest otherwise in the determination of the DRC.
- (d) Side elevations. A minimum of 2 planes are required if the plane is more than 35' long or an extra tree planted on that side.
- (e) Front roof elevations. A minimum of 5 planes are encouraged and may be required depending on the overall appearance of the front elevation.

## 10. Exterior Mass and Form

The foremost objective of a home's exterior elevation shall be to reflect the architectural style, using approved materials and shall strive to be harmonious with other homes in the neighborhood and the natural surroundings. House designs should attempt to be lower in scale, asymmetrical and should avoid unbroken two story elevations. Introduction of different materials to ground the structure, the use of proper proportion and careful detailing are encouraged.

The following requirements must be met. The Glen may vary from these requirements as :

10.1 As much as possible, buildings shall strive to bring the massing down to the ground. This can be accomplished by following the natural terrain, use of stepped floor levels, dropping roof eaves and other similar measures.

10.2 Generally, the second story portion of a building, including the garage, if on that level, should not exceed 75% of the main floor area.

10.3 The use of “roof space” as upper level living is encouraged through the use of gables and dormers.

10.4 Unbroken two story elevations are discouraged and not allowed as an entire front elevation. Two story elements should be softened through the use of alternate materials and/or colors.

10.5 Each home must have a covered entry porch or alcove. While there are no size requirements it should be proportional to and in keeping with the general architecture. Generally decks above front porch or two story front porches are discouraged.

10.6 Porches, verandas, courtyards, patios or other features that encourage a relationship with the outdoor environment are encouraged and need to be an integral part of the overall design.

10.7 If the garage faces the street and its façade is within ten feet of the front elevation of the house then the architectural character of the garage shall be in keeping with that of the house.

## **11. Height**

The height of any building shall not be greater than thirty feet (35') from finished grade at any point around the perimeter measured perpendicular to the highest point directly above. Walk-out/Drive-under, basement structures with roof ridgelines that might exceed the height restrictions shall be reviewed for height impact on a case-by-case basis. Chimneys and similar projections are excluded. Chimneys shall be allowed to exceed height limit as required to meet code or to be architecturally appropriate, but shall not exceed the height limit by more than four feet (4'). All height considerations are subject to the Town of Bayfield height limits and restrictions.

## **12. Exterior Materials**

The harmonious use of exterior materials will help provide both a sense of unity as well as individual expression. An important component in the architectural style is the inclusion of texture such as that provided by shingles, stucco, stone, timbers, wood, etc. Exterior elevations must use a blend of materials, textures, colors or profiles to avoid a monolithic elevation.

Timbers, logs and beams: Timbers, logs and beams are described as wood members 4x6 and larger. The use of timbers, logs and beams to support porches or entry roofs, form exposed trusses, embellish dormers, trim window features or other similar uses is highly encouraged. Their use is encouraged to promote richness of design, variety of material and community style. While not prohibited, the use of log accents will be given higher scrutiny and will mostly be allowed in conjunction with timbers, and as columns.

Exterior Colors: Approved color palettes will be provided upon request for surfaces that will receive stain or paint. These will be identified for “base” and “accent” application. At the

discretion of the DRC colors can be added as the development warrants and subtracted from if the DRC determines, at its sole discretion, that particular colors are overused or inappropriate. An applicant should not assume that choosing an approved color for any application will be approved. The colors need to be used in proper combinations and proportions. Color variation is required and can help create interest and provide required variety on larger architectural elements. The approval of colors will also be influenced by color schemes of surrounding homes. Potential use of colors will be addressed in the pre-design meeting.

## **13. Roofs**

Roof forms will be one of the most dominant architectural features. For this reason the roof design will be one of the most carefully considered elements of the DRC review. Each roof will be considered on its own merits as it relates to the entire design.

13.1 Roof Materials: All roofs must be class “A” fire rated. A variety of roof materials are approved with more stringent consideration given to the harmoniousness within the community and the surrounding houses. Only architectural asphalt shingles, concrete tile, shakes or shingles, or standing seam metal roofing material will be acceptable on pitched roofs. Composition shingles are approved as long as they are “architectural” grade and from the approved colors. As new colors and styles are introduced and accepted, they will be added to the approved list. No “three tab” (flat) shingles or rolled roofing. Proposals for flat-roofed structures will be reviewed on a case-by-case basis.

13.2 Large, unbroken expanses of a single pitch are to be avoided. Ideally a roof will have several different planes and pitches to create interest. Simpler roof forms can be approved with more scrutiny to proportions and fascia details.

13.3 Generally the main roof areas shall have a pitch from 5/12 to 12/12. Porches, dormers and other small areas can be as shallow as 2/12. Lower slung “Prairie” style roof forms are encouraged to minimize view obstruction of others. Each home design should strive to integrate and blend into its surrounds rather than being the dominant feature when viewed from the street.

## **14. Exterior Finish Materials and Detailing**

Exterior details such as fascia, soffit, windows, window trim, vents etc. are important features and should be given careful consideration. Special attention should be given to the consistency of materials, proportions, execution details and the compatibility with the neighborhood.

## **15. Foundations**

Care should be taken to avoid large areas of untreated gray concrete stem walls showing. This is especially critical on sloped sites. Generally any continuously exposed stem wall that shows more than one foot of vertical reveal and especially stepped stem walls should be treated in some fashion. This includes but is not limited to the use of stone or brick veneer, colored concrete, staining or painting concrete, stucco color coat or extending stucco or siding down.

## **16. Chimneys and Outdoor Fireplaces**

Chimneys are often strong visual elements since they are required to extend above a roof. Chimneys, whether full masonry or “zero-clearance” inserts, shall be of proper proportion and finish to match or compliment other features. Exposed metal flues are not allowed except termination caps or spark arresters. All chimneys must have UL or I.C.B.O. approved spark arrestor. Chimneys must be in a chase or clad in stucco or stone.

Barbeques and outdoor fireplaces must comply with the requirements of the Town of Bayfield and/or La Plata County.

## **17. Roof and Wall Penetrations**

Care should be taken to locate all plumbing vents, exhaust vents or other roof or wall penetrations in the least visible location from the street view and as close to ridge as possible. They need to be painted a color to reasonably match the roof color or flat black.

## **18. Detached Structures**

Site conditions and good architectural practices in avoiding overly large massing will sometimes suggest detaching the garage or other element from the main structure. The thoughtful exercise of this practice is encouraged where it is accomplished by creating a feeling of being an integrated, necessary part of the whole structure. This principal extends to any connecting breezeways or covered walks.

## **19. Accessory Structures**

Patios, decks, trellises, gazebos, attached storage sheds and other approved appurtenant improvements shall be integral and consistent with colors, materials and architectural forms of the house and must be approved by the DRC prior to construction.

## **20. Antennas**

Antennas, dishes or other communication or transmission devices, if allowed by the Rules and Regulations, must be installed in the least conspicuous location.

## **21. Awnings**

Awnings may be allowed on a case by case basis to provide shade over windows. Full extension awnings that become covered porches are not allowed. Design, materials and color must be approved by DRC.

## **22. Mechanical Equipment**

All mechanical equipment shall be installed inside house whenever possible. Air conditioning equipment or other equipment that must be installed outside shall be located away from view as is reasonably possible and in all cases screened from view.

## **23. Solar Equipment**

Solar panels for electricity, heat or hot water are encouraged if carefully integrated into the architectural design and shall be reviewed on a case by case basis.

## **24. Exterior Lighting**

In order to ensure the rural character and to preserve views of the night sky, exterior lighting shall be kept to a minimum and used to provide safe entry at doors, decks, porches and walks. The primary consideration once safety and access are satisfied shall be to make sure lighting does not infringe on neighbors.

24.1 Shielded bulbs shall be used.

24.2 Landscaping lighting is limited to low shielded lights on walks, and limited areas of entry on decks.

24.3 Soffit lighting is encouraged so as to project down lighting.

24.4 Wall sconces should be shielded so as to direct light downward.

24.5 Unshielded lights such as coach lights shall not exceed 40 watts.

24.6 As it is difficult to determine to any degree of certainty the outcome of a particular lighting fixture or effect, the DRC reserves the right to require replacement or adjustments to fixtures or bulbs to mitigate objectionable light.

24.7 Further restrictions may apply if the Town of Bayfield adopts a formal “dark skies” ordinance.

## **25. Fireplaces**

Wood burning stoves and fireplaces are not allowed as the primary source of heat within Dove Ranch. As part of being an ecologically responsible community, we promote clean air practices. To further this mission, community members are encouraged to choose EPA approved wood burning stoves and fireplaces with glass fronts, gas masonry units or EPA approved gas stoves or fireplaces.

## **26. Fencing**

All fencing plan and layouts shall be submitted to design review prior to installation. All fencing and finishes shall conform to these guidelines and the approved Fencing Plans and Specifications adopted by the DRC and as follows.

26.1 Upon submission of fence plans, identify any existing fencing on a shared property line installed by others. Reimbursement for previously installed fencing shall be at the rate of \$15 per lineal foot. Fencing costs shall be evaluated on an annual basis and reimbursement rates will be adjusted accordingly. The reimbursement rate shall generally be greater than 50% of the typical cost so as to take into consideration funds and effort put forth by the party that installed the fence segment being reimbursed. To ensure fair and equitable treatment, the DRC shall have the authority to establish a reimbursement amount other than the standard amount on a case by case basis at their sole discretion. This policy shall not preclude the parties from reaching other arrangements to their mutual satisfaction however such arrangements or agreements must first be approved by the DRC to the extent they differ from the standards set forth by these guidelines, plans, specifications or policies established by the DRC.

- 26.2 Front yards may have low fences or arbors but are subject to review on a case by case basis.
- 26.3 Side yard privacy fencing shall start at or behind the projected plan of the structure immediately adjacent to the fence or at the point of connection to the structure.
- 26.4 All rails and posts must face inward towards the property first installing the fence so the unobstructed face, faces neighbor or property boundary, with the following exceptions:
- (a) Fences located on the North, South and East subdivision boundary. Posts and rails shall face out along these subdivision boundaries and the pickets shall be facing inward toward the Dove Ranch property.
  - (b) Fences facing the West subdivision boundary facing County Road 501 shall have the posts and rail facing inward with the pickets facing west towards the road.
- 26.5 Wood Fence
- (a) Wood Fence Construction
    - (i) Pickets and rails must be screwed in place with a non-bleeding gold deck screws or equal. No stapled or nailed rails or pickets.
    - (ii) Metal post shall be set in concrete per details. Posts and hardware shall be galvanized.
    - (iii) Fencing constructed on slopes shall maintain pickets on the vertical axis.
    - (iv) Fence panels may be stepped in the event of retaining walls or steep slope.
    - (v) Owners may box metal posts in cedar and add additional rails to inside faces of fences so as to make them consistent at owner's discretion.
    - (vi) Embellishments, accents and/or cut outs to the standard fence shall be considered by the DRC on a case by case basis.
    - (vii) Gates shall be constructed per gate details or as approved by the DRC and shall be constructed so as to be solidly constructed to ensure no sag or deflection over time.
    - (viii) Wood fences and gates shall be finished with Superdeck number 1901 Exterior Stain and Sealer or equal as may be approved by the DRC.
  - (b) Fence Maintenance
    - (i) All fencing must be stained once a year on or before June 15 with approved stain and color.
    - (ii) If stain is not applied by June 15th, the HOA shall have the right to engage a fence staining contractor and stain the fence at any time after July 1st of that year.

- (iii) The HOA shall notify the homeowner of the anticipated cost and levy an assessment for any and all actual costs for applying the stain and all other administrative costs associated therewith. An invoice will be issued for such amounts and shall be due within 15 days of receipt. Such invoices may be issued by the HOA, its contractor or both.

26.6 Vinyl Fencing.

- (a) Freedom brand and the Model is Brighton and the Color is Desert Sand. It can be ordered through USA Vinyl online and or Lowes in Farmington is now a distributor for it and they can order as well. The panels are 6x6 Estate Privacy panels with 4 3/4"x105" desert sand post w/ gothic post caps. Construction and installation shall be per manufactures instructions.

26.7 Other fencing may be approved by the DRC on a case by case basis. The Board of Directors or the Design Review Committee if so delegated may review and consider additional fencing types to be added to the approved fencing types to be allowed in Dove Ranch. The procedure for the consideration of a new fencing type shall be as follows:

- (a) Any property owner or an architect, builder or others working on the Owner's behalf may submit a fencing standard to be considered as a standard fence in Dove Ranch.
- (b) The minimum submittal shall consist of:
  - (i) A scale drawing showing the elevations of the fence with dimensions and the actual components to be used. If the appearance of the fence is the same on both sides, a "good neighbor" fence, only one elevation need be shown. If the face is different on either side, both elevations must be shown.
  - (ii) A typical section of the fence must be shown and include but not be limited to: Fencing, Rails and Posts, including bury depth and details such as concrete.
  - (iii) Details such as: Rail fastening, Fencing fastening, Post installation details, Gate details
  - (iv) The materials to be used shall be specified on the drawings along with manufacturer, model number, color, etc.
  - (v) Maintenance requirements if a manufactured product. For wood fencing, note that all exposed wood components of the fencing shall be stained no less than annually and subject to the Dove Ranch wood fence maintenance rules.
- (c) Upon receipt of a complete submittal, consideration of the fencing standard shall be scheduled at the next regularly scheduled Board of Directors or DRC meeting.
- (d) The submittal shall be emailed only to the general membership for comment only. Any comments received back prior to the meeting shall be

provided to the Board as comments. Standards are not approved or disapproved by the general membership.

- (e) The Board may approve the standard for community wide use, restrict the standard to certain areas of the community, limit it to a specific property, not approve the fence or continue the item or seek further information or clarification from the applicant.

Consideration of fencing is at the sole discretion of the Board.

26.8 The following dog run was approved by the Board during their April 2010 meeting. Agritek Fencing either a 10x10 or a 20x20 and either the powder coated or vinyl coated. The color can be brown or green or black. The Dog Run must be in the backyard only, no sideyards. Exception in the Glen where they may be placed between the homes.

The DRC shall review these guidelines, plans, specifications and other fence policies from time to time and evaluate the maintenance regime as well as construction methods and materials as may be warranted or identified by the DRC, home owners or contractors.

## **27. Retaining Walls**

The following provisions shall apply to structural retaining walls within Dove Ranch. The DRC shall only be responsible for considering the aesthetics of any given retaining wall system and nothing in these guidelines shall place any liability whatsoever on the DRC with respect the suitability or performance of any retaining wall or retaining system. It shall be the responsibility of the Owner and their Builder, Engineer or other professional consultants or Contractors to ensure the structural integrity and performance of any retaining wall or retaining system.

- 27.1 Retaining walls shall be constructed of natural looking materials such as interlocking concrete blocks, boulders or other suitable materials and colors approved by the DRC.
- 27.2 Structural wood retaining walls are not allowed.
- 27.3 Poured concrete walls may be required in some cases, and will be reviewed on a case by case basis. It is required that concrete retaining walls be finished with color, form panel liners to simulate a texture such as brick or a similar material or be veneered with stone, brick, or stucco.
- 27.4 It shall be the responsibility of the “downhill” property owner to construct and maintain retaining walls where they fall on a common property line or abut a public space or right-of-way. The rationale for the “downhill” property owner being responsible is due to the fact that the downhill property is the one who must look at the wall and would be most impacted with respect to maintenance or in the event of a failure. This ensures that the responsibility for both the aesthetic and structural quality of the wall is fixed upon the property owner most effected by the wall.
- 27.5 Where retaining walls occur on a common property line, an easement is hereby created for the wall and any encroachment of the footing into the adjacent property. A 10’ easement is also created for the construction and maintenance of the wall. To the greatest extent possible, retaining walls should be kept to the

downhill side of the property line so as to allow sufficient room to accommodate a common fence on the uphill side of the wall and on the property line.

- 27.6 To the extent retaining walls occur on a common property line and to the extent drainage is to be carried at the top, bottom or both top and bottom of the wall, it must be designed and constructed such as to allow such drainage to be carried at the prescribed locations.
- 27.7 Retaining walls may also be required on side property lines where a slope would encroach in the drainage envelope around a structure where by there would be inadequate drainage away from the structure in the absence of a retaining wall.
- 27.8 Retaining walls shall be required when grade of cut slopes exceed a 3:1 slope where for every 1 foot of rise there must be 3' of run. I.e. if there is a cut bank that is 3' from toe of cut to top of cut the slope face must be 9 feet long. To the extent a given site plan has cut slopes, retaining walls must be constructed where conditions will create slopes steeper than 3:1. Using the previous example, if a 3' cut exists and a 9' run would put the top or toe of slope over a property line or otherwise be unattainable due to other constraints a retaining wall would need to be constructed. I.e. if there was only 3' available for a slope to exist and the total height of the cut is 3 feet, a 2' retaining wall would need to be constructed thus allowing the remaining 1' of cut to be sloped at 3:1 or laid back for 3' (see fig. 4). Such upper slope may be allowed so long as drainage is not to be carried on the upper portion of the slope perpendicular to the slope (see fig. -). In the event drainage is to be carried on the top of a slope, the retaining wall must be of sufficient height to allow for the drainage improvement and proper conveyance of the drainage.
- 27.9 Retaining walls greater than 4', as measured from the bottom of footing, shall require a building permit as set forth in the International Residential Code or any amendments thereto. Such walls should be submitted with the original house plans as part of the site plan and the walls would be included in the house building permit or as otherwise directed by the Town of Bayfield building official.
- 27.10 Retaining walls over 6', as measured from the bottom of footing, must be designed and sealed (stamped) by a licensed Colorado Professional Engineer.
- 27.11 Wall systems in excess of 6' should be terraced in multiple walls with a planting area in between walls. Such wall systems must be landscaped so as to soften and buffer the amount of exposed wall. Taller trees and shrubs are encouraged along with creeping vines planted above or below wall segments such that over time the majority of wall surface is concealed.

## **28. Landscaping**

Landscaping is a requirement of the construction and may not be passed on to new owners without the express consent of the DRC, the assignment of the responsibility to the new Owner and the replacement of the builders surety with surety provided by the new responsible party. Landscaping must be completed at the time of the request for Certificate of Compliance or Certificate of Completion. If the home is being completed in the winter months, Oct. 1 through March 15, then a grace period is allowed up to but no later than May 31 of the following spring

unless an extension has been provided by the DRC in writing. Homes may not be occupied until these landscape requirements are fully met without the express written permission of the DRC. Owners and or builders that do not fully comply with these requirements shall be subject to sanctions which may include but not limited to, fines, eviction, work restrictions, back charges, or other measures deemed appropriate by the DRC.

No open space, trails, wetlands or greenbelts may be disturbed or improved in any way or existing plant materials removed from any of these areas without the express and prior consent of the DRC.

You are encouraged to save, protect, and/or re-use or transplant any existing landscape material found on the lot.

All properties shall be landscaped as described below.

28.1 Greenway (Tree Lawn, Park Strip, Devils Strip). The Greenway is that area located between the sidewalk and the back of curb. The Greenway is technically within the public right-of-way and is owned by the Town. Ownership notwithstanding, the Greenway is considered part of the adjacent property owner's front yard and shall be landscaped, irrigated and maintained by the Owner of the adjacent parcel. Greenway's shall have an approved street tree planted every 40' on center or as needed to accommodate driveways in an aesthetically pleasing way. Trees and plantings within the Greenway shall comply with the approved plans and specifications for Greenways established by the DRC. Tree Lawn areas outside of the tree well area shall be planted with Southwest Seed Company "Soccer Mix" brand grass seed or sod (of an approved variety) would also be allowable. Irrigation shall be tied into the irrigation system of the abutting property consistent with the approved plans and specifications.

28.2 Corner lots. A side yard shall meet the front yard requirements if it fronts on to a street, alley or other public space or right-of-way.

28.3 Front Yard Requirements:

(a) Front yards shall be measured from the back of curb to a line extending from the farthest most front corner of the home to the side property line. When a fence is erected from the front of the house to the side property line, the front yard requirements shall apply to that yard area in front of the fence. In the event such side yard is set more than 10' behind the front corner of the home, the first 10' of side yard shall be subject to the front yard planting requirements and the side yard beyond 10' may be planted as required for side yard. This shall constitute the surface area for calculating planting density. Walks, sidewalks and driveway area shall not be included in the front yard area calculation for planting density.

(b) Plantable area shall be that area which is not covered by the primary driveway or sidewalks. Sidewalks, driveways or parking areas may not be expanded beyond that area reasonably necessarily to serve the home in the opinion of the DRC. Additional walks, paths, parking areas, etc are permitted so long as they do not unduly diminish the plantable area. These hardscape areas are not deducted from the total area for the calculation of planting density. Designs with considerable hardscape may be mitigated by additional, larger or more mature plantings. Such aesthetic considerations are at the sole discretion of the DRC. Dove Ranch encourages creative and attractive landscapes and deviations from the standards below are permissible so long as the deviations provide a

superior result in the sole opinion of the DRC. Applicants, Architects, Designers, Builders and Owners are encouraged to request guidance from the DRC prior to submitting plans that deviate from the norms set forth below.

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- (c) 1 tree per every 1,000sf of yard area with a minimum caliper size of 1-1/2 inch measured 6" from finished grade excluding tree well berms.
- (d) A minimum of 100 gallons of plant material per 1,000sf of total front yard area. Recommended ratios shall be 40, 5-gallon and 60, 1 gallon sizes or appropriate combination of larger or smaller sizes.
- (e) Turf grass shall not exceed 50% of the front yard landscape. Clumping grasses used more as shrubs shall not be counted in the 50% calculation.
- (f) Rockscapes, gravel, pavers, etc (Solidscapes) shall not exceed 30% of the plantable area, excluding walks and driveways.
- (g) The combination of Turf Grass and Solidscapes may not exceed 50% of the front yard plantable area. Solidscapes may only comprise up to 20% of the plantable area. I.e. one could have 20% Solidscape and 30% Turf Grass or 10% Solidscape and 40% Turf Grass or 20% Solidscape and no turf grass, etc. The end result is no more than 50% Turf Grass which is reduced by up to 20% for any Solidscape. The intent of this provision is to ensure diverse landscapes that are not dominated by large expanses of Turf Grass or Solidscapes with at least half the landscape being trees, shrubs and ground.
- (h) All planted areas shall receive a minimum of 2" of wood or similar mulch. Weed barrier placed around plantings and under mulch is highly encouraged.
- (i) The judicious use of rock or gravel mulch may be considered so long as it is substantially covered by plant material at the time of initial installation. If significant portions of rock or gravel mulch are visible, it shall be subject to the 30% limitation above.
- (j) Planted groundcovers are required to eventually reduce the amount of exposed rock or wood mulch and thus reduce the need to replenish mulch as it is washed away or decomposes.
- (k) All walks or paths must be paved in concrete or concrete stone, brick, or rock pavers. Gravel or similar paths shall have suitable borders to maintain aesthetics.

28.4 Side Yards. Side yards shall be treated as back yards unless fronting a street, greenway or other public space in which case it shall be treated as a front yard.

28.5 Back Yards. Backyards must be fully irrigated and planted within one year from the earliest issuance of a Certificate of Compliance, Certificate of Completion or Certificate of Occupancy issued by the Town. In the event the certificate is issued between April 1<sup>st</sup> and September 31<sup>st</sup>, the backyard landscaping must be completed on or before the first anniversary of the issuance of such certificate. If the certificate is issued between October 1<sup>st</sup> and March 15<sup>th</sup> such improvements must be completed no later than May 31<sup>st</sup> of the subsequent year.

- (a) Back yards shall be measured as everything not otherwise counted as the front yard or covered by the house footprint as defined by the principal foundation

and or covered area. Decks, slabs, patios or other solid surfaces shall be considered as backyard for the area calculation. The DRC shall determine what constitutes the backyard in the event of an unusual design that has a significant footprint or covered area. Architects, Designers, Builders and Owners are encouraged to consult with the DRC if they are contemplating substantial areas they intend to exclude from the backyard calculation.

- (b) 1 tree for every 2,000sf of area. There is no minimum caliper size required at the time of planting however the tree being planted must be capable of attaining a caliper size of 2" within 3 years of being planted.
- (c) Hedges at the property lines are highly encouraged but planted in such a way as to allow for a future fence on the property line.
- (d) Back and side yards (if side yard is not treated as a front yard) may be turf grass. Grass may either be seed or sod. Varieties that are durable to foot traffic and lower water use are encouraged.
- (e) All areas not otherwise planted in turf, vegetable gardens or under hardscape shall receive a minimum of 2" of suitable mulch and planted with ground covers that will substantially cover the area within 3 years.

#### 28.6 Irrigation.

- (a) All landscaped areas front, side and back, shall have automatic sprinklers. Some areas within Dove Ranch shall retain its native landscape. These areas shall be identified in the landscape plan and need not be sprinkled. Provisions must be made however to water these areas if necessary.
- (b) Sprinklers should generally be underground or if drip irrigation piping shall be covered by mulch or other methods so as not to be visible on the surface except as needed.
- (c) Sprinkler layout, design and installation shall be such so as to deliver water efficiently and not overspray onto drives or sidewalks. I.e. deliver only the amount of water needed to where it is needed.
- (d) Controllers. All irrigation shall have an automatic controller (clock) appropriate for the entire system. Controllers that have rain sensors are highly encourage so as not to over water.
- (e) All irrigation systems connected to the public water supply shall have a backflow preventer and comply with the current version of the plumbing code adopted by the Town.

28.7 Hardscape. Hardscape is that area with hard or semi permeable surfaces such as drives, walks or patios as well as the earth form under the plantings. Creating interest in the hardscape is very desirable. When developing the overall plan the introduction of berms, boulders, pavers, dry stream beds, arbors, pergolas, etc. are highly encouraged.

- (a) Railroad ties are not allowed for landscaping. Treated "landscape timbers" are allowed for landscaping on a case by case basis.

## 29. Construction Guidelines

These guidelines have been written and will be enforced in order to assure that the improvements at Dove Ranch will be constructed in a safe and orderly manner with minimal disruption to neighbors and with maximum protection to the natural landscape. The Builder must provide a signed acknowledgement of his or her receipt of these regulations and acceptance of its terms. If any Owner, Builder or Contractor fails to correct any violation of these guidelines within five (5) days of receipt of a written notice the DRC may impose fines on the Owner of up to \$100 per violation per incident per day.

29.1 Construction activity that emits noise reasonably heard from adjacent properties shall occur between 7am to 7pm on week days and 9am to 5pm on weekends and holidays. This includes radios, compressors, generators or other equipment.

29.2 Owners, Builders, and Contractors are encouraged to refrain from constructions activities that emit noise on Sundays and holidays.

29.3 The Owner, Builder, Contractors or any other person are prohibited from having temporary living quarters on the jobsite.

29.4 Prior to bringing a construction trailer or similar temporary office facility into Dove Ranch the Owner or Builder must obtain written approval from the DRC. The DRC will work with the applicant to site the trailer in the best possible location to minimize impacts to the site and the adjacent lot owners. All such facilities must be removed from the lot within twelve months of placements and prior to issuance of a Certificate of Compliance.

29.5 Sanitary facilities must be provided for construction personnel on-site. The facility must be maintained regularly to eliminate any possibility of odors and must be placed so that it is screened from view from adjacent residences and roads as much as possible. Portable toilets must be firmly staked down to ensure they cannot tip over.

29.6 All jobsite debris must be either contained in a dumpster or in a covered pile. The exterior must be picked up on a daily basis to ensure that jobsite is neat and tidy and to prevent it from blowing or becoming an eyesore. All trash must be removed on a regular basis. Any dirt hauling, whether import or export, must be accomplished using covered carrier to avoid fugitive dust.

29.7 All dust generated by on-site grading shall be mitigated by appropriate use of water to avoid fugitive dust.

29.8 No burying or burning of trash, debris or other materials is allowed.

29.9 Pets belonging to construction personnel are not allowed.

29.10 Builder shall keep noise to a minimum. Radio sound will be kept to a low level to minimize disturbance to neighbors and wildlife.

29.11 Builder is responsible for the proper control of erosion during construction. A storm water management plan and permit is required and issued by the State.

29.12 Builder shall avoid causing damage to property within Dove Ranch, including open space, adjacent lots, roads and driveways. If any damage occurs, it must be repaired and/or restored promptly at the expense of the Builder, Contractor and or the Owner of the Unit.

29.13 The Builder is required to exercise the utmost care in the protection of trees during construction. Before any work commences, all trees within close proximity to the construction area shall have protective fencing installed at or beyond the drip line of the tree. Additionally, any soil disturbance or compaction around the area adjacent to the tree shall be kept to a minimum. The Builder and Owner are encouraged to consult an arborist for possible spraying, deep root feeding or other measures to maximize probability of survival.

29.14 The carrying of or discharging of firearms on the property is strictly prohibited.

29.15 A construction deposit and/or bond or surety will be will be required before the commencement of any improvements on a lot. These deposits shall be made payable to the DRC and shall be returned when the project is reviewed, completed and accepted by the DRC. The amount of those fees will be determined on a case-by-case basis by the DRC. The standard construction surety shall be in the form of a personal or company check in the amount of \$5,000.00. This check will remain uncashed unless DRC at its sole discretion determines it is in its best interest to cash the check. Stop payments may not be issued against these checks. Checks issued against nonsufficient funds or upon which stop payments have been issued or if payment is refused for any reason whatsoever shall be subject to a penalty of three times the face value of the check. The DRC may draw from this deposit for completion of work, payment of fines, cleaning of site, repair of public or private property, etc. Additional surety in a form acceptable to the DRC may be required as deemed necessary by the DRC at its sole discretion.

29.16 Fines may be levied against the, Builder, Contractor and or Owner for violations of these guidelines. The amount of the fine shall be determined by the DRC of up to \$100 per person, per day, per violation.

### **30. Builder Approval. Quality Requirements**

These standards are intended to protect the community's reputation, property values and ensure that the level of quality within Dove Ranch is consistent.

Builders must be approved by the DRC prior to approval of any plans for a specific home. Builders shall be approved by submitting a Builder application to the DRC and complying with the following requirements. Builders not meeting the minimum requirements may not be approved. Builders approval may be revoked if in the opinion of the DRC such Builder is not in compliance with these requirements or other Governing Documents, does not diligently prosecute the work, disregards the health safety and welfare of their workers or others in the community, does not demonstrate the professional skills needed to undertake the work, does not maintain a reasonable quality standard, is not financially capable, undertakes or fails to undertake actions that, in the sole opinion of the DRC, may jeopardize the character or quality of the neighborhood or its reputation.

All Builders or Owner/Builders shall meet the following requirements:

#### **30.1 Builder:**

- (a) Bayfield Business License
- (b) Proof of workers compensation insurance with minimum limits set by the State of Colorado and general liability insurance in minimum amount of \$1,000,000 per occurrence and \$1,000,000 aggregate.

- (c) Five references with contact information for the three most recently completed homes.
- (d) Proof of at least five full years of experience in residential home construction with the last three years having been served in the capacity of a general contractor or job superintendent with full responsibility for overseeing all aspects of the home construction.

30.2 Owner/Builder:

- (a) An Owner/Builder shall meet the same requirements as the Builder except that the liability insurance can be site specific. If an Owner/Builder cannot meet these requirements and they still want to act as Owner/Builder then they must submit for approval a copy of a Construction Management Contract with an individual or company that is approved as a Builder. This contract must provide, at the minimum, that the Construction Manager will Supervise, advise, and manage the job on an ongoing basis in a capacity that the DRC determines will provide enough guidance and direction to complete the job according to the plans, quality and timeframes of the approvals.

30.3 Quality Guidelines: It is important that the homes built in Dove Ranch meet certain quality standards. This is important to both the immediate and long-term values within the development. All construction shall comply with all adopted local codes and standards as well as meet the requirements set forth in the most current version of the Residential Construction Performance Guidelines as published by the National Association of Home Builders.

## **31. No Waiver of Future Approvals**

Each Owner acknowledges that the persons reviewing applications under the Design Guidelines will change from time to time and that opinions on aesthetic matters, as well as interpretation and application of the Design Guidelines may vary accordingly. In addition, each Owner acknowledges that it may not always be possible to identify objectionable features until work is completed, in which case it may be unreasonable to require changes to the improvements involved, but the DRC may refuse to approve similar proposals in the future. Approval of applications or plans, or in connection with any other matter requiring approval, shall not be deemed to constitute a waiver of the right to withhold approval as to any similar applications, plans or other matters subsequently or additionally submitted for approval.

## **32. Variances**

The DRC may authorize variances from compliance with any of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. No variance shall (a) be effective unless in writing; (b) be contrary to this Declaration; or (c) preclude the DRC from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

### **33. Limitation of Liability**

The standards and procedures established herein are intended as a mechanism for maintaining and enhancing the overall aesthetics of the Dove Ranch; they do not create any duty to any Person. Review and approval of any application pursuant to the Design Guidelines may be made on the basis of aesthetic considerations only, and the DRC shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements, nor for ensuring that all dwellings are of comparable quality, value or size, of similar design, or aesthetically pleasing or otherwise acceptable to neighboring property owners.

Declarant, the DRC, the Association, the Board, any committee, or member of any of the foregoing shall not be held liable for soil conditions, drainage or other general site work; any defects in plans revised or approved hereunder; any loss or damage arising out of the action, inaction, integrity, financial condition, or quality of work of any Builder, contractor or its subcontractors, employees, or agents, whether or not Declarant has approved or featured such contractor as a builder; or any injury, damages, or loss arising out of the manner or quality or other circumstances of approved construction on or modifications to any Unit. In all matters, the Association shall indemnify and hold harmless the members of the Board, DRC or any Committee.

### **34. Certificate of Compliance and Certificate of Completion**

A conditional Certificate of Compliance may be issued in the event some aspects of the approved plans can not be completed at the time a Certificate of Occupancy is sought from the Town of Bayfield. i.e. landscaping not complete due to winter conditions. A Certificate of Compliance shall indicate what items remain incomplete and specify a time table for completion. The DRC in its sole discretion may add additional items or requirements to the Certificate of Compliance if deemed necessary. The issuance of a Certificate of Compliance shall not relieve the Owner or the Builder from diligently pursuing the completion of all improvements and seeking a Certificate of Completion in a timely manner. The DRC in its sole discretion may levy fines, fees or other sanctions including the revocation of the Certificate of Compliance and subsequent eviction from the Unit for not diligently pursuing the final completion of the approved plans and gaining a Certificate of Completion.

A Certificate of Completion will be issued by the DRC upon the completion of all elements set forth in the approved plans as well as any subsequent requirements established by the DRC or as set forth in the Certificate of Compliance. The Owner and Builder shall remain liable and subject to sanctions for any failure to diligently and faithfully prosecute and complete the construction phase of the project to the full satisfaction of the DRC resulting in the issuance of a Certificate of Completion.

Prior to application for a Certificate of Occupancy from the Town of Bayfield, the Builder and or Owner must complete the process for issuance of the DRC's Certificate of Completion or Certificate of Compliance. The DRC shall either grant or deny such submittal within thirty (30) days after the receipt thereof and may charge a reasonable administrative fee for issuing such certificates. If the Builder or Owner does not apply for and obtain a Certificate of Compliance and or a Certificate of Completion from the DRC, the Owner will be in violation and after notice and hearing will be subject to sanctions. No person may occupy any structure that has not received a Certificate of Compliance or Certificate of Completion.

### **35. No Approval Required**

No approval shall be required to repaint or stain the exterior of a structure the same color so long as such color was approved under a variance or the color was subsequently disapproved for future use. No approval is required to rebuild in accordance with originally approved plans and specifications unless changes are required to meet current codes or other health and safety requirements. Any Owner may remodel, paint, or redecorate the interior of his or her Unit without approval. However, modifications to the interior of screened porches, patios and similar portions of a Unit visible from outside the structure shall be subject to review and approval.

### **36. Requirements for Additional Phases**

As additional Phases at Dove Ranch are developed, alternate requirements may be imposed for each Phase.